

Hair Samples as Ancestors and Futures of Community-Led Collection Care

by Lauren Booker

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under the supervision of Distinguished Professor Larissa
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CERTIFICATE OF ORIGINAL AUTHORSHIP

I, Lauren Booker, declare that this thesis is submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the School of Communication, Faculty of Arts and Social Sciences, at the University of Technology Sydney.

This thesis is wholly my own work unless otherwise referenced or acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

This document has not been submitted for qualifications at any other academic institution.

This thesis includes Indigenous Cultural and Intellectual Property (ICIP) belonging to the Indigenous research participants. To use, adapt or reference the ICIP contained in this work, you will need to consult with the relevant individuals.

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Acknowledgment of Country

This research took place on the lands and waters of the Gadigal, Dharug, Ngunnawal and Ngambri and Kaurna peoples. I pay my respects to their Elders past and present, and acknowledge that their sovereignty has never been ceded.

I pay my respects to the Ancestors, some of whom have still not made it home, and their communities and Country discussed in this dissertation.

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Note on print and photographic works

If archives were a colour they'd be a royal blue, 2023

Lauren Booker

Cyanotype print on watercolour paper, casuarina

Categorical wrong, 2022

Lauren Booker

Black and white 120mm photograph, casuarina, mourning cypress, palm

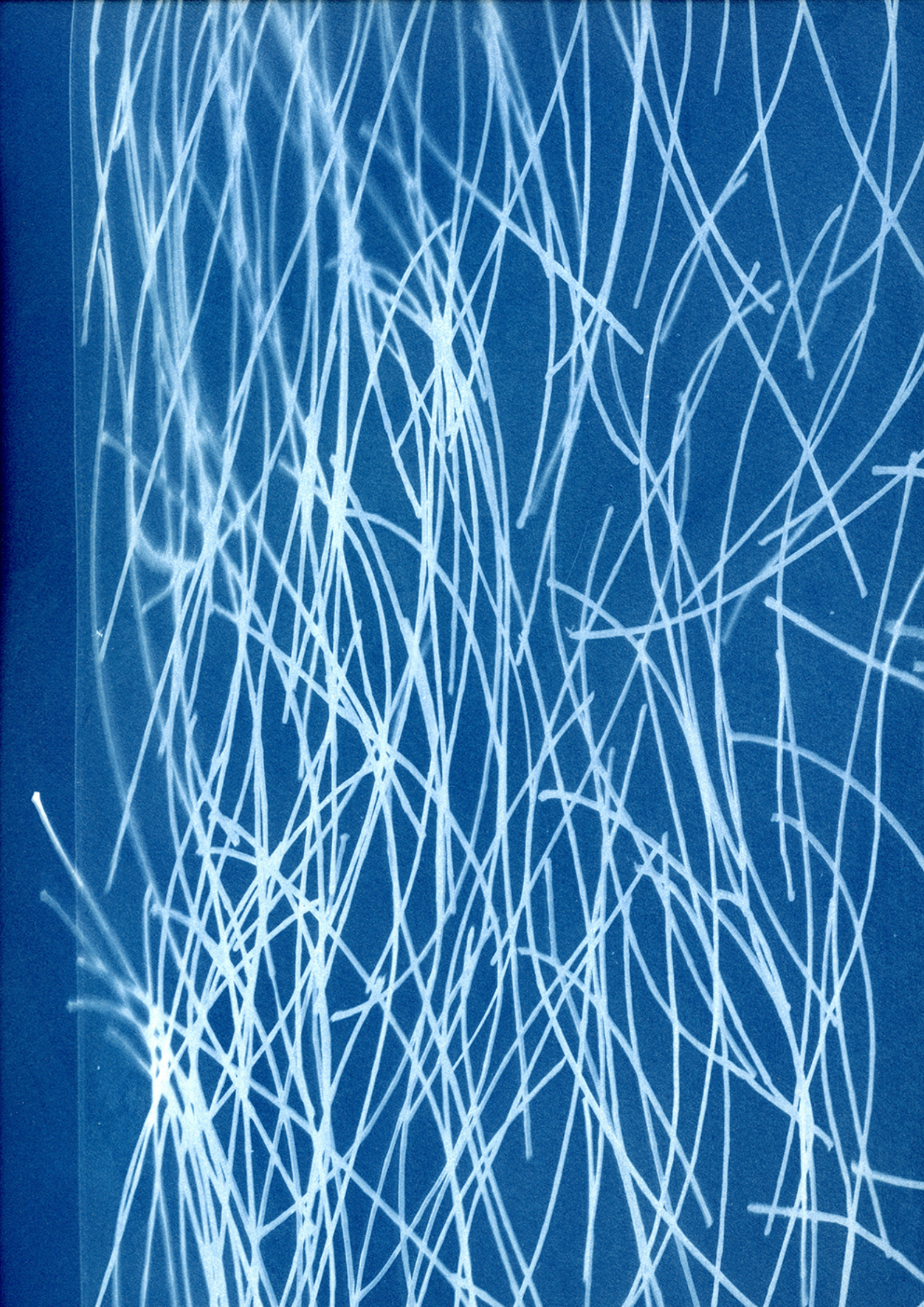
There are two print and photographic works used throughout this dissertation: *If archives were a colour they'd be a royal blue* and *Categorical wrong*. These works are a visual accompaniment created for this dissertation. The works are a response to the intentional choice to not include images of Ancestors' hair in this dissertation, and are aligned to the research methodologies discussed in Chapter Two (see pages 83-90 for further discussion).

Abstract

During the nineteenth to mid-twentieth centuries, samples of hair were taken from Aboriginal and Torres Strait Islander peoples by researchers, both amateur and academic. These ‘hair samples’ were traded across Australia and internationally for the purpose of marking and measuring race across a range of research disciplines. Many of these ‘samples’ are still held in research and collecting institutions globally. Simultaneously, there is a lack of visibility in relation to their histories and their significance to Aboriginal and Torres Strait Islander peoples, as well as to the legislative and ethical ‘grey area’ of hair that enables continued institutional retention and potential use in research.

In the settler-colonial project of Australia, the sampling of hair materialised racial fictions of hair hierarchy, driven by global imperial and colonial agendas. ‘Hair samples’ became a research commodity, acquired under a settler-colonial-induced state of duress and entered into a colonial knowledge economy. Institutionally held Ancestors’ hair, in the form of ‘hair samples’, are intrinsically intertwined with traumatic histories of invasive and racist research conducted upon Indigenous peoples. The production of knowledge through hair sampling is argued by this research to be neither neutral nor without consequence for Aboriginal and Torres Strait Islander peoples.

This research asserts Aboriginal and Torres Strait Islander people’s Right to Know about both the histories and the current locations of Ancestors’ hair, as well as their right to self-determination regarding the use of, access to and care for institutionally held Ancestors’ hair. Driving this study is the imperative for First Nations voices to lead the decision-making on the future of collection care. Through conversations with a participant group led predominantly by First Nations experts who work in or with the Galleries, Libraries, Archives and Museums (GLAM) sector, this dissertation identifies the priorities of Indigenous self-determination, care and truth-telling which need to be implemented in regards to the histories of hair sampling and Ancestors’ hair held in institutional collections.



Introduction

How do you get that back to the idea - that's your family's hair?

(Dr Kirsten Thorpe, yarnning session, 1 July 2020)

...home is always the best place for the Old People.

(Marika Duczynski, yarnning session, 1 June 2022)

Research overview

During the eighteenth, nineteenth and twentieth centuries, concurrent with the trajectory of scientific racism, human hair was imposed as a marker and measure of biological race. Hierarchies of race, constructed in the service of western imperialism and colonialism, turned the human body into a site of research and experimentation, with traumatic, violent and genocidal consequences. The agenda of settler-colonialism, and the occupation of unceded Indigenous lands and waters, prompted the collection for research purposes of thousands of 'hair samples' from Aboriginal and Torres Strait Islander peoples during the nineteenth and twentieth centuries. Samples of hair – referred to in this dissertation as Ancestors' hair¹ – were collected, exchanged and donated to public and private collections across international networks of institutions and individual researchers (both academic and amateur). This research explores how these networks engaged in the exploitative, unethical and illegal treatment of the Indigenous body as 'property', within both the Galleries, Libraries, Archives and Museums (GLAM) sector and the academic knowledge economy.

¹In alignment with the research methodologies, this dissertation uses the plural possessive term 'Ancestors' hair' to respectfully refer to hair samples taken from Aboriginal and Torres Strait Islander peoples. In the case study known to be referring to a singular Ancestor, the singular possessive 'Ancestor's hair' is used.

While many of the case studies in this dissertation discuss people who have passed, there are instances of institutionally held 'hair samples' that have been taken from Elders and community members who are still living. The use of the term Ancestors' hair as an umbrella term means no disrespect or offence to these people who are still living, nor to obscure them from this dissertation. The term is used with the aim to achieve consistency across the dissertation and seeks to express respect for all people who have had their hair removed and reverence for the Ancestral nature of the body.

Prior to Aboriginal and Torres Strait Islander Ancestors' hair being collected and archived, eighteenth-century European racial taxonomies categorised human difference by conceptualising hair as a visual marker. One example is German naturalist Johann Friedrich Blumenbach's 1795 theories on the 'consensus of the hair and skin' (Blumenbach quoted in Kitson, 1999, p. 159), which placed hair as second to skin colour in conceptualising human difference. Influential eighteenth-century European typologies of race would lay the Eurocentric foundations of later nineteenth and twentieth century theories and studies of race and human difference (Kitson, 1999), which in turn further cemented hair and skin colour as 'key human diacritics' (Douglas, 2006, p. 8).

Let us not begin at the beginning, nor even at the archive. (Derrida, 1996, p. 1)

Before James Cook and the *Endeavour* trespassed into sovereign waters, and before warning signal fires were lit along the southeast coastline, racial fictions about Aboriginal and Torres Strait Islander peoples were already being written. In 1688, William Dampier was anchored in Bardi Jawi Country, in so-called King Sound, Western Australia. Dampier recorded and later published his racist opinions on the physical and moral characteristics of the Bardi people, whom he viewed through a lens of European supremacy, using seventeenth-century comparisons and slurs specifically relating to negative categorisations of Blackness and Indigeneity (Douglas, 2006). One hundred years later, in 1770, during the *Endeavour's* voyage into sovereign waters along the east coast of so-called Australia, Joseph Banks recorded his disagreement with Dampier's racial observations, specifically recording his different opinion of Aboriginal and Torres Strait Islander peoples' hair (Douglas, 2006). As a tool of the violent Western expansionism, transatlantic chattel slavery and settler-colonial regimes sweeping Indigenous lands and waters globally, the drive to categorise and collection Indigenous peoples' hair was fully established by 1788. For centuries to come, colonisers and researchers around the world would obsessively attempt to define and redefine the bodies, identities and humanity of Aboriginal and Torres Strait Islander peoples.

Throughout the eighteenth, nineteenth and into the twentieth century, hair was theorised as indicating biological race type through visible physical attributes. The racialised language of hair established within European Enlightenment era human taxonomies included descriptive terms which ascribed certain hair colours and textures to theories of human difference

(Douglas & Ballard, 2008). As taxonomies of human difference became increasingly formalised into ‘race’, these physical and measurable features were ‘assigned values indicating higher or lower’ on a spectrum of not only aesthetics but also humanity (Anderson, 2008, p. 242). The connection of human physical characteristics to moral characteristics in the Western scientific worldview, bolstered throughout the European imperialism and colonialism of the eighteenth and nineteenth centuries, laid the foundations on which twentieth century scientific racism was formalised (Douglas & Ballard, 2008). The production and proliferation of racial ‘knowledge’ through scientific racism was in turn used to justify settler-colonial government policies and state violence against First Nations people globally, including Aboriginal and Torres Strait Islander peoples in Australia (Burden, 2018; Turnbull, 2017). This research examines how knowledge production through scientific racism was exemplified by the facilitation by government agents and academic networks of the international trade in Aboriginal and Torres Strait Islander peoples’ hair and Ancestral Remains.

Collecting Institutions and Ancestors’ Hair

From 1788 onwards, Aboriginal and Torres Strait Islander peoples’ hair was repeatedly categorised, collected, traded and archived. Hair, as a research material, became highly sought after by both amateur and academic researchers, specifically in the fields of anthropology, physical anthropology, genetics and eugenics. Pulled or cut from a person’s scalp, face or body, hair was considered representative of an individual person’s connection to (or difference from) a broader ‘race type’. In some instances, samples of hair were taken alongside personal information, including details such as names, Country, family genealogies and measurements equating to additional bodily surveillance. In other instances, Ancestors’ hair was taken with only minimal recorded information.

Over time, as Ancestors’ hair was traded across networks of researchers and institutions, in a manner both organised and opportunistic, or eventually deposited into public institutions within collections of personal papers, Ancestors’ hair often became separated from related records. The splitting of Ancestors and records, either pre- or post-accession, has created a multitude of issues regarding provenance, discoverability and accessibility, a problem which is encountered broadly across the GLAM sector (Jones, 2022). Currently, Ancestors’ hair is located in GLAM collections across the sector, in public, private and university contexts, throughout Australia and overseas (Faithfull, 2021). While not all the institutions which hold

Ancestors' hair are technically 'archives', this research aligns itself with Fourmile's use of the term archive to refer to all forms of collections of Ancestors' hair, related records and information that are 'maintained in non-Aboriginal hands' (1989, p. 1) in research and collecting institutions.² Furthermore, this research positions the use of 'archival material' and 'records' as per Dr Sue McKemmish's (2001) description of records as unfixed, aligned with the records continuum model (Upward, 2000):

In continuum terms, while a record's content and structure can be seen as fixed, in terms of its contextualisation, a record is 'always in a process of becoming' (p. 335)

Recent public discussion and scholarly literature reflect an increased awareness of the significance of hair (both Indigenous and non-Indigenous peoples' hair) held in collections (Kirakosian & Swedlund, 2019; Peabody Museum, 2022; Peck, 2018; Peers, 2003), and of related issues. In late 2022, the Peabody Museum at Harvard University announced that it had been holding for 80 years, and was now making a 'commitment to return', the Woodbury Collection, comprising 'approximately 1,500 [hair] samples from Asia, Central America, North America, Oceania, and South America', taken for the purpose of race science between 1930-1933 (Peabody Museum, 2022). The responses of Indigenous communities, particularly in North America where the Peabody Museum is consulting about repatriating Ancestors' hair under the terms of the NAGPRA (Native American Graves Protection and Repatriation Act), were immediate and filled with trauma, anger and grief, with many people unaware that this collection existed (Pember, 2022).

During the research for this dissertation, several instances arose of Ancestors' hair 'being found' in collections where there was no knowledge from the institutional perspective of Ancestors' hair being there. That collections of hair can be 'found' within a collecting institution suggests that both the physical collection itself, and the knowledge of the collection's existence, have been obscured or forgotten over time. Although Ancestors' hair

² Terminology of 'GLAM' and 'research and collecting institutions' – in this dissertation the terms 'GLAM' and 'research and collecting institutions' are used to refer to the institutions that are involved in the history of racist hair sampling and retention, either at the time of collection or through preservation of collections of Ancestors' hair. While known collections of Ancestors' hair are located in libraries, archives and museums, both public and private, the term GLAM is used to maintain a connection to the GLAM sector, and the term 'research and collecting institutions' is intended to encompass all institutions where Ancestors' hair is currently retained.

is held within collection storage facilities, documented in institutional records and included in some online catalogue listings, these collections have become, until recently, disconnected from community-led conversations on collection care and priorities.

From the perspective of a research and collecting institution, understanding the significance of Ancestors' hair for First Nations peoples, and the need for self-determination and community-led care, has become even more critical due to accelerations in the fields of genomics and human tissue research. These fields of enquiry have increased research interest in, and the research value of, historical biological collections, both non-human and human, held in research and collecting institutions. Historical hair sample collections have become valued and accessed by researchers for their genomic potential, as witnessed in the use of samples of hair for the 'first complete genome sequence of an Aboriginal Australian' (Callaway, 2011, p. 522), published in 2011 (Rasmussen et al., 2011), and in the foundation of the Aboriginal Heritage Project which used 'a unique combination of DNA and genealogical information that can trace Aboriginal ancestry prior to European colonisation' (Australian Centre for Ancient DNA, 2019a).

Although Ancestors' hair has attracted new or renewed significance or value due to institutional 'rediscovery' and research (Kirakosian & Swedlund, 2019; Peck, 2018; Rasmussen et al., 2011), there always will be continuity in significance for Aboriginal and Torres Strait Islander peoples, for whom 'hair samples' are Ancestors. This research questions whether collections of Ancestral Remains and Indigenous Cultural and Intellectual Property [ICIP] can ever be considered 'lost' or 'forgotten' in the colonial archive, which functions to hold Indigenous peoples as 'captives of the archive', as stated by Henrietta Fourmile (1989).

This research discusses the status of many collections of Ancestors' hair still held within archival collections, and considers this state of affairs as a function of the colonial archive. Archives are a paradox, carrying a simultaneous potential for grief and healing; they are where the past and potential futures collide. The colonial archive is both concrete and nebulous: institutionally located as 'colonial archives', and also a monolithic power structure – 'the colonial archive'. As described by Stoler (2002):

If it is obvious that colonial archives are products of state machines, it is less obvious that they are, in their own right, technologies that bolstered the production of those states themselves (p. 98)

Both ‘colonial archives’ and ‘*the colonial archive*’ are terms used in this research to describe the physical locations of collections of Aboriginal and Torres Strait Islander peoples’ hair, and the ongoing settler-colonial power dynamics at play in research and collecting institutions. The ‘colonial archive’ is positioned in this dissertation as a multi-institutional, cross-sector and intergenerational mechanism of collection, categorisation and retention of Aboriginal and Torres Strait Islander Ancestors’ hair – a core tool of colonialism and settler-colonialism. Many of these collections of Ancestors’ hair, particularly those held in institutions outside Australia, are still retained without Indigenous governance, and are therefore held in the colonial archive. They are, as described by Marika Duczynski Gamilaraay and Mandandanji, Curator of Indigenous Heritage at the Chau Chak Wing Museum, University of Sydney, ‘yearning for home’ (Marika Duczynski, yarning session, 1 June 2022).

As argued by Thorpe (2021), there needs to be a recognition of ‘the archives being a place of Sorry Business in the context of truth-telling and justice-seeking to assist people with healing’ (Thorpe, 2021, p. 216). Aligned to Thorpe’s naming of archives as sites of Sorry Business (2021), archives are vital to the process of truth-telling and reparative actions (e.g. the Right to Know, the Right of Reply) in relation to Ancestors’ hair in collections, and the communities and individuals affected by histories of hair sampling in Australia. A Right of Reply in archives is contingent on the Right to Know, the proactive disclosure by institutions of the existence of collections and records, and the reasons for their existence within institutional collections. An unknown quantity of Ancestors’ hair is held in collecting institutions globally, and until Ancestors’ hair and related records are reconnected to communities, they will remain vulnerable to inappropriate collection care and disconnected from Country. There is so much left to uncover in the truth-telling of the consequences and legacies of hair sampling. This dissertation is just one small part of a much larger conversation.

Research questions and methodologies: Exposing the settler-colonial context and transforming the archive

The research questions for this dissertation that flow from the above are:

Question 1: What do these collections of Ancestors' hair, their histories and their current legal and ethical status reveal about the state of the colony?

Question 2: What are the futures of community-led collection care for Ancestors' hair?

The first aim of these research questions is to interrupt the ongoing presence of racial fictions embedded in institutionally held 'hair samples' and the settler-colonial power dynamics in the institutional ownership of Ancestors' hair. The second aim, through the combination of truth-telling and Indigenous-led discussions, is to frame caring for Ancestors' hair as a priority, through an Indigenous lens as well as in a social justice context, in the archives and the collecting institution sector.

My positionality simultaneously forms and takes form within this research and these research questions. I enter this research with my positionality of being of Garigal, Koori and Japanese heritage, based in a critical archives research context, and an advocate for Indigenous self-determination. Family lines of coloniser and colonised coalesce on this continent and in my body. Nebulous categorisations of 'Aboriginal' 'Asian', 'mixed-race' and 'white', all encountered in the colonial archive, have been embedded visible and invisible in my body, identity and family histories. However, while I am connected to the lines of inquiry in this dissertation in some ways, my family and Ancestors – present in the colonial archive in other forms – are not documented as having had their hair taken as samples. As outlined in my standpoint, presented in Chapter Three, there are certain stories that are not mine to tell. In considering my positionality, and with this research being located in the archives and collecting institution sector, it was vital that this dissertation engage with and be guided by a participant group of First Nations and non-Indigenous experts in the research and collecting institution sectors.

The research questions for this dissertation are additionally structured in response to the lack of critical dialogue on the history and ongoing legacy of hair sampling in nineteenth and twentieth-century race science. In uncovering the obscured history of hair categorisation and sampling of Aboriginal and Torres Strait Islander peoples' hair, this research questions the

role that the categorisation and sampling of hair play in the settler-colonial occupation and dispossession of Aboriginal and Torres Strait Islander lands and peoples. By critically engaging with the ethical and legal tensions relating to institutionally held ‘hair samples’, the dissertation argues that ‘white possessive logics’ (Moreton-Robinson, 2015) still dominate decision-making regarding Ancestors’ hair. White possessive logics, as theorised by Goenpul woman and Distinguished Professor Aileen Moreton-Robinson (2015), are:

operationalised within discourses to circulate sets of meanings about ownership of the nation, as part of commonsense knowledge, decision making, and socially produced conventions. (p. xii)

White possessive logics were at the foundation of the measurement, categorisation and commodification of First Nations peoples’ bodies, and are still maintained in the control and use of Ancestral Remains. The fictionalisation of hair as a racial marker and research material normalised Ancestors’ hair as knowledge capital to be possessed and used by non-Indigenous people. The production of racial categories in the colonial project of Australia was as much about the formulation of whiteness as status quo as it was about the measurement, theorisation and control of Indigeneity (Anderson, 2005). This is exemplified by the legislative analysis conducted in 1986 by historian John McCorquodale, who reviewed 700 pieces of legislation relating to Aboriginal peoples and concluded that ‘no less than 67 identifiable classifications, descriptions, or definitions have been used from the time of European settlement to the present’ (McCorquodale, 1986, p. 9). It is this settler-colonial context in which hair was taken from Aboriginal and Torres Strait Islander peoples that raises questions regarding the validity of consent provided under a state of duress, and thus regarding the ethics of these collections in the present day.

This dissertation focuses on the GLAM sector as a key site for Indigenous self-determination, refusal and transformation regarding how Ancestors’ hair is cared and advocated for. As GLAM institutions are closely linked to the formation of history, education and civic identity, the GLAM sector has a responsibility to engage in truth-telling about how and why Ancestors’ hair came to be held as collection and research material. This research builds on previous work identifying collecting and research institutions as the current locations of collections of Ancestral Remains and ICIP, and thus the mediators of collection narratives, care and access (Baker et al., 2020; Faithfull, 2021).

Case studies: Ancestors' hair held in research and collecting institutions

This dissertation presents a series of case studies to illustrate and examine instances of Ancestors' hair being sampled for race science research in the nineteenth and twentieth centuries and then subsequently retained in research and collecting institutions. Ancestors' hair continues to be held in (and in relatively few cases has been repatriated from) both public and academic museums, archives and libraries. This dissertation recognises that these institutions are independent of each other, with nuanced differences in their mandates and policies, but they are also interconnected as a network of research and collecting institutions where Ancestors' hair is currently held.

While cultural and ceremonial materials that are partially or entirely made from hair are outside the scope of this dissertation, the issues raised regarding legislation, policy and ethics could potentially be considered relevant to all forms of Ancestors' hair held in collections. Additionally, the scope of this work extends only to historical collections originating in the nineteenth and twentieth centuries, with the earliest case study discussed set in the 1830s and the latest in the 1950s. However, any legislative, policy and ethical reforms to enact Indigenous self-determination would be applicable to all collections containing Ancestors' hair, regardless of their acquisition date. The decision was made to narrow the scope of this PhD research to 'hair samples' only (and to not include cultural materials made with Ancestors' hair) in order to focus on the history of hair sampling from Aboriginal and Torres Strait Islander peoples and the creation of the racialised hair sample. As this an under-researched topic, this PhD dissertation aims to add to the minimal literature on the history and ongoing politics of hair sampling and categorisation for the purpose of measuring and marking race. Expanding the conversation regarding colonial collecting and surveillance of Indigenous peoples' bodies and knowledges to include the collection of cultural materials made with hair is an important future area of research, as is the inclusion of discussions regarding care for Ancestors' hair.

The case studies were selected to represent a range of variables that exist across 'hair sample' collections, including varied levels of stated provenance and naming of people who had their hair taken. For example, detailed connections to Country and individual people were documented for the hair collected by Joseph Birdsell and Norman Tindale (Department of

Local Government, Sport and Cultural Industries, 2020). This contrasts with other examples of Ancestors' hair, such as those held at the Duckworth Laboratory, which houses collections of both provenanced and unprovenanced Ancestors' hair (Faithfull, 2021), or those associated with unnamed Ancestors in the documentation from the United States Exploring Expedition. Future archival provenance research may assist in the identification of unprovenanced Ancestors' hair, as provenance is yet to be ascertained for some collections. This research has focused primarily on already published and publicly available documentation of hair categorisation and sampling, in order to focus the discussion on care for collections held in research and collecting institutions. An audit of the current locations of Ancestors' hair and related provenance research are considered to be outside the scope of a PhD, and to be the role of complicit institutions and networks.

The case studies represent only a small percentage of Ancestors' hair held in collecting institutions, and therefore stand for a much larger network of collectors, collections and communities, all involved in the sampling of hair in the nineteenth and twentieth centuries. The legacies of racialised categorisation and sampling of hair – tools of settler-colonialism and racism – are to be found not only in the past, but actively in the present. By investigating the case studies through archival research and yarning sessions with research participants, this dissertation demonstrates that the production of knowledge through hair sampling was neither neutral nor without consequence for Aboriginal and Torres Strait Islander peoples.

Summary of case studies

Four case studies have been chosen to explore the research questions, with each one highlighting unique circumstances and issues related to historical hair sampling for race science, and the ongoing institutional retention of Ancestors' hair, as discussed in later chapters. The following summaries of the four case studies will briefly outline their historical collection in the nineteenth or twentieth century, with reference to the chapters in which they are discussed.

Ancestors' hair, 1839-40, currently held at Drexel University

Ancestors' hair is held at the Academy of Natural Sciences at Drexel University in Philadelphia, pressed and presented in 'a book of pile' amassed by Peter A. Browne (1782-1860). Browne was an amateur naturalist, and author of one of the earliest publications

discussing the variations in human hair and connecting those variations to a hierarchy of race (Fullilove, 2017). Browne engaged his networks of friends, peers and admirers to collect samples of hair for his classificatory work on hair; they included Lieutenant Charles Wilkes, who led the United States Exploring Expedition of 1838–42, also known as the ‘Wilkes Expedition’, the first US expedition to the South Pacific region (Peck, 2018). Browne requested that Wilkes procure him samples of hair from First Nations peoples whom he and his crew encountered during the expedition (Peck, 2018). While minimal information is accessible on the collection of Ancestors’ hair held at Drexel University, it is known that samples of Ancestors’ hair were taken by members of the Wilkes Expedition while they were in southeast Australia, in approximately 1839-40.

Discussed in Chapter Three, the case study identifies the international networks which engaged in the categorisation and collection of Ancestors’ hair, and illustrates an early nineteenth-century instance of hair sampling that has become disconnected from the historical narrative of a known and well-researched historical event: the US Exploring Expedition. The issues of discoverability of archival collections and the Right to Know are raised by this case study, and highlighted as ongoing issues of the colonial archive for Aboriginal and Torres Strait Islander peoples.



Ancestors' hair, date range early to mid-twentieth century, currently held at multiple institutions

Ancestors' hair held in the Duckworth Laboratory at the University of Cambridge, the Phoebe A. Hearst Museum of Anthropology at the University of California, Berkeley, the National Library of Australia and the South Australian Museum is all attributed to the collector, amateur anthropologist and journalist Daisy Bates (1863-1951). Bates documented and published on Aboriginal communities throughout Western Australia and South Australia, leaving a complex legacy of significant archival documentation (such as that used in language revitalisation initiatives, e.g., Thieberger, 2018, or in research on Wanji-Wanji, e.g., Turpin, Yeoh & Bracknell, 2020, and Noongar songs, e.g., Bracknell, 2014), but she also published fabricated stories and racist literature (Conor, 2016). A lesser-known part of Bates' research was her collecting and trading of Ancestors' hair through her networks in Australia and internationally, which has resulted in collections being held in multiple institutions, with little or no connection to other collections nor to the publicly known narrative of Bates.

The case study illustrates the positioning of Aboriginal and Torres Strait Islander peoples' hair as research material and institutional property, as highlighted in Chapter Four's investigation of the legal and ethical notions of the 'body as property' and the collections of Ancestors retained as a legacy of this settler-colonial proprietary perspective. Additionally, the case study is referred to in Chapter Three as a further example of the disconnection of hair sampling from the historical narrative of Bates, but also of the simultaneous issue of the disproportionate focus on collectors and colonial figures.



Ancestor's hair, 1923, held at the Duckworth Laboratory, University of Cambridge

In 1923, a sample of hair was taken from a young Aboriginal man by British anthropologist Alfred Cort Haddon (1855-1940), at a train station in Golden Ridge in Western Australia, east of Kalgoorlie. It is presumed that this occurred while Haddon was travelling in Australia during his attendance at the Pan-Pacific Science Congress, held during August 1923 in Melbourne and Sydney (MacLeod & Rehbock, 2000). Haddon was a key figure in the formation of the department of anthropology at the University of Cambridge. Alongside anthropologist William H. R. Rivers, Haddon tutored students in a method and style of anthropology that emulated what they had developed during the Cambridge Anthropological Expedition to the Torres Strait and New Guinea in 1898-99 (Wardle, 1999; Langham, 1981). The Ancestor's hair taken by Haddon has been held in the collection of the Duckworth Laboratory at the University of Cambridge, UK, and was used in a genome sequencing research project conducted mostly at the University of Copenhagen, published in 2011 (Rasmussen et al., 2011). It is unknown whether the entirety of the sample of Ancestor's hair was used for destructive testing during the genome sequencing or if a partial amount of hair remains at the Duckworth Laboratory or at the University of Copenhagen.

The case study identifies the unresolved issues regarding consent under settler-colonialism in both present-day and historical circumstances. Discussed in Chapter Five, alongside the case study of Ancestors' hair collected by Birdsell and the Board for Anthropological Research (BAR) expeditions, it raises questions of consent, along with the issue of the variability of legislation and policy in relation to the retention and research use of institutionally held collections of Ancestors' hair.



Ancestors' and Elders' hair, 1938-39 & 1952-54, held at the South Australian Museum

Thousands of samples of Ancestors' and Elders' hair are held at the South Australian Museum (SAM), having been collected during expeditions by the Board for Anthropological Research, including the Harvard and Adelaide Universities Anthropological Expedition in 1938-39 and the University of California at Los Angeles and University of Adelaide Anthropological Expedition in 1952-54 (SAM Archive, n.d). Joseph Birdsell (1908-44), a Harvard University doctoral student supervised by physical anthropologist Earnest A. Hooton (1887-1954), conducted his doctoral dissertation field research as a member of the Harvard and Adelaide Universities Anthropological Expedition 1938-39, led by Norman B. Tindale (1900-93). Birdsell represented Harvard University's interests – both academic and economic – in relation to the expedition's findings. He was a major proponent of hair categorisation and sampling during the expedition, due to his and his supervisor Hooton's research focus on hair as a marker of race. The BAR expeditions amassed thousands of samples of Ancestors' hair and personal information, which would decades later form the basis of the large-scale genome and genealogical mapping project, the Aboriginal Heritage Project, established in 2014 (Australian Centre for Ancient DNA, 2019a).

Referred to in Chapter Three, alongside the case study of Ancestors' hair held at Drexel University, this case study illustrates the international networks involved in the categorisation and sampling of Aboriginal and Torres Strait Islander peoples' hair. Furthermore, in Chapter Five this case study is discussed alongside that of the Ancestor's hair collected by Haddon, in the discussion about notions of consent and about the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the international benchmark for Indigenous self-determination.



Dissertation structure

This dissertation is structured in six chapters, with an additional concluding chapter and recommendations. Chapter One's literature review outlines scholarly and non-scholarly literature relevant to this dissertation, arguing for the timeliness and necessity of this research. The relevant literature was identified through wide reading across a range of sectors, which provided the background and existing research related to Ancestors' hair and the issues of categorisation, collection, retention and use. A main focus of the review was to ensure it included a substantial amount of literature from Indigenous, First Nations and Aboriginal and Torres Strait Islander scholars and authors.

Following this, Chapter Two discusses the methodological framework of this research. In order to centre First Nations peoples' right of self-determination, this research engages with Yarning methodology (Bessarab & Ng'andu, 2010), by conducting individual Yarning sessions with a participant group that brings the expertise and voices of Indigenous and non-Indigenous peoples working in and with the colonial archive and the GLAM sector. Yarning methodology is combined with three other research methodologies: Indigenous Women's Standpoint (Moreton-Robinson, 2013), the seven principles of Indigenous Storywork (Archibald, 2008) and Refusal as methodology (Simpson, 2014; Simpson, 2016; Simpson, 2017). As a research methodological framework for this research, all four methodologies work holistically to inform, be responsive to and make space for each other. Finally, this chapter outlines the limitations of this research, which include the need for a comprehensive investigation into the practice of hair sampling from Aboriginal and Torres Strait Islander peoples during the nineteenth and twentieth centuries and an international audit.

Chapter Three examines how hair categorisation and sampling act as a tool of imperial expansionism and settler-colonialism. The chapter establishes and investigates the 'racial fictions' of hair hierarchy, from the eighteenth-century categorisation of hair as a marker of race to the international research efforts in the nineteenth and twentieth centuries to collect and use samples of Aboriginal and Torres Strait Islander peoples' hair for race science. To illustrate this, two case studies of the removal of hair from Aboriginal and Torres Strait Islander peoples for the purpose of sampling, and of the actors driving those removals, are discussed: Peter A. Browne and the United States Exploring Expedition ('Wilkes Expedition') 1838-42 and Joseph Birdsell and the University of Adelaide/Board for Anthropological Research expeditions 1938-39 and 1952-54. Consideration is given to how

each case study has contributed to the racial fictions of hair as a race marker and research object, while at the same time these examples are located within a much larger network of exploitative settler-colonial research. This chapter argues for the importance of the Right to Know: the proactive disclosure of collections of Ancestors' hair and related records by the institutions that hold them.

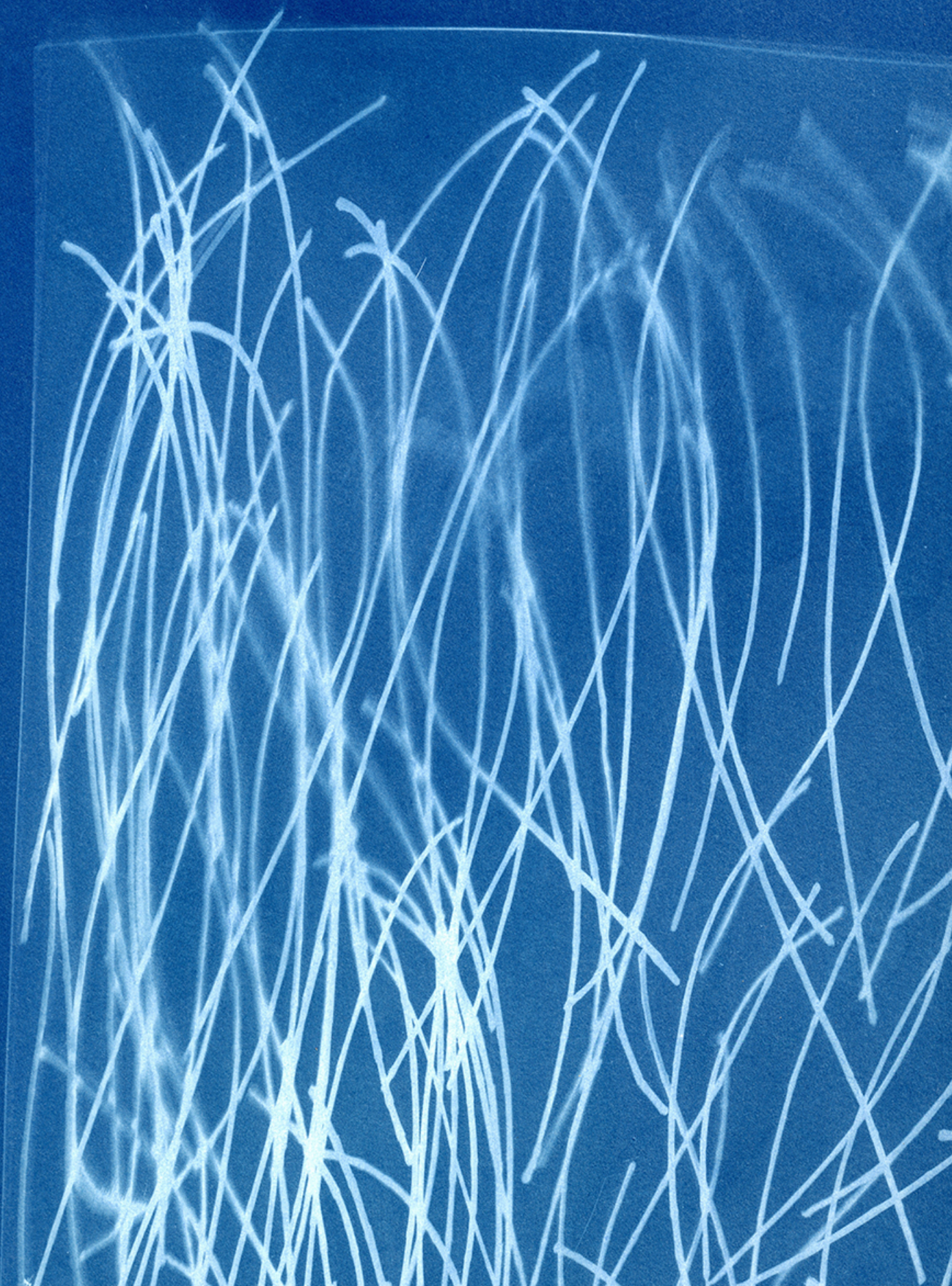
Chapter Four discusses the notion of property as it relates to hair through the legal and ethical discourse about the 'body as property'. The chapter outlines the general legal rule that the human body cannot be property, with the exception of bodies and body parts transformed by the application of 'work and skill'. It is in the context of this English colonial law and ethics about the body and property that the chapter reflects on the ongoing retention of Aboriginal and Torres Strait Islander Ancestors as institutional property, particularly in institutions outside Australia. Additionally, this chapter contextualises the movement towards new models of relationship and care for Ancestral Remains and ICIP in GLAM collections. It raises the tensions apparent in transforming GLAM institutions within a settler-colonial state that defines property rights as *conditional* for Aboriginal and Torres Strait Islander peoples, as evidenced in the *negotiated* rights to Country under Native Title legislation and to ICIP under Aboriginal Heritage legislation.

Chapter Five reviews Western legal regulatory frameworks surrounding Ancestors' hair to provide insight into the protections and parameters relating to use of and control over institutionally held collections. It compares the different regulatory frameworks in Australia and the UK, two jurisdictions where collections of Ancestors' hair are held. The chapter outlines the varying definitions of Ancestors' hair in legislation and policy, and the discretionary manner in which free, prior and informed consent (FPIC) is applied to First Nations peoples. The case studies highlight the 'grey area' of Western legislation and ethics into which Ancestors' hair falls. Furthermore, this chapter questions the possibility of Indigenous self-determination as benchmarked by UNDRIP being implemented in a context where 'the final say' and the veto power within Aboriginal and Torres Strait Islander cultural heritage legislation remain with the State.

Finally, Chapter Six outlines the futures of community-led care for Ancestors' hair held in collecting and research institutions, as well as the key challenges of aligning care for Ancestors' hair with an Indigenous self-determination and rights framework. This chapter is

built entirely on the Yarning sessions undertaken for this dissertation with an expert group of First Nations and non-Indigenous GLAM workers, scholars and artists. In presenting the multiple perspectives that arise when discussing both the historical context and ongoing challenges in caring for Ancestors' hair, this chapter investigates the multiplicity of ways to formulate care, while emphasising the requirement that all care must be grounded in an Indigenous self-determination framework.

Through a deep investigation of crucial questions related to Aboriginal and Torres Strait Islander Ancestors' hair held in research and collecting institutions internationally, this research has concluded that community-led collection care must be paramount in any future action. This dissertation problematises the knowledge that has been produced about Aboriginal and Torres Strait Islander peoples through the practice of hair sampling, by investigating the 'hair sample' as a racial fiction and a tool of settler-colonialism. This research contributes to the scholarly literature on how the racial fiction of hair hierarchy and the objectification of Ancestors' hair has fuelled the normalisation of Ancestors' hair and related records being held as institutional property and used as research material. In aiming to re-position 'hair samples' as Ancestors rather than as research objects or problems to be solved, the discussions raised throughout the six chapters that follow are ultimately directed at actively pursuing relationships of care for Ancestors' hair, alongside truth-telling and self-determination.



Chapter One: Literature review

Parameters and aims of literature review

There is a lack of Indigenous-led discussion and investigation of the nineteenth and twentieth-century removal of ‘hair samples’ from Aboriginal and Torres Strait Islander peoples, and the ongoing institutional retention of Ancestors’ hair and related records. The aim of this literature review is to detail the existing research pertaining to Ancestors’ hair and the futures of community-led care, while locating the new insights that this dissertation contributes. Overall, there is minimal scholarly or non-scholarly literature focused on the history of hair sampling, or the collections of Ancestors’ hair left behind in research and collecting institutions as a result of this practice. There has been a lack of discussion about hair sampling and Ancestors’ hair in relation to the settler-colonial project of Australia. The existing literature predominantly represents hair sampling as a minor practice, referred to but not discussed in detail, within the research disciplines of anthropology and physical anthropology, or in literature on the umbrella terms of race science, scientific racism and colonial collecting. In addition, discussion of Ancestors’ hair is found in literature on the repatriation of First Nations Ancestral Remains from research and collecting institutions in Australia and overseas (Fforde, 2002; Fforde et al., 2019; Turnbull, 2017), and on legislation and ethics relating to use of Aboriginal and Torres Strait Islander peoples’ biological samples in genomic studies (Callaway, 2011; Kowal, 2013; Prictor et al., 2020). However, the literature is clearly missing a focused study on hair sampling, ‘hair samples’, and care for Ancestors’ hair in the settler-colonial context of Australia.

To locate the past, present and possible futures of institutionally held Ancestors’ hair, this literature review contextualises this research topic as being located within ongoing settler-colonialism (Wolfe, 2006) and ‘white possessive logics’ (Moreton-Robinson, 2015). This literature review establishes its key sector of focus as the GLAM sector, while also ranging more widely, particularly into areas where conversations regarding Indigenous self-determination and research ethics take place. There is a large amount of nineteenth and twentieth-century anthropological literature by non-Indigenous people that discusses the socio-cultural and ceremonial significance of hair to Aboriginal and Torres Strait Islander

peoples. However, to ensure no further exposure of knowledges without proper protocols being in place, and in keeping with this dissertation's research methodologies outlined in Chapter Two, there will be minimal reference to those texts within this literature review.

It should be noted that, given the political nature of this PhD topic and the speed with which the collecting institution industry and research sector are being transformed, a portion of the relevant scholarly debate is occurring via online and open-access platforms such as social media, independent blogs and journalism sites. This literature review includes these voices, giving them equal importance and validity to the conversations in identified scholarly spaces, and no distinction between them is noted in the text. This chapter establishes key areas of relevant literature including: settler-colonialism and white possession, hair studies and the intersections of hair and 'race', Ancestors' hair as ICIP and research material, Indigenous self-determination and the GLAM sector, and archives and archival practice.

The research context – settler-colonialism and white possession

Australia is an ongoing settler-colonial state: 'the colonisers come to stay—invasion is a structure not an event' (Wolfe, 2006). In reflecting on Wolfe's articulation of the structural nature of settler colonialism, J. Kēhaulani Kauanui raises the dual element of settler-colonialism: where it endures, so does Indigenous sovereignty – 'that Indigenous peoples exist, resist, and persist; and second, that settler colonialism is a structure that endures Indigeneity, as it holds out against it' (Kauanui, 2016). Wolfe observed in relation to the focus on land and resources that sits at the core of settler-colonialism that 'territoriality is settler colonialism's specific, irreducible element', operationalised through a 'logic of elimination' (Wolfe, 2006). This territoriality and 'logic of elimination' (Wolfe, 2006) can be witnessed in the 'Frontier Wars' waged (Spearim, 2020-present), and the strategic violence and policy implementing 'near-total control' (Commonwealth of Australia, 1997, p. 23) by the state over 400 sovereign Aboriginal and Torres Strait Islander nations inhabiting the lands and surrounding waters of so-called Australia. Fundamental to settler-colonialism is the notion of erasure, and these tenets of settler-colonialism – endurance, control, erasure – are the impetus for the collection of 'hair samples' from Aboriginal and Torres Strait Islander peoples during the nineteenth and twentieth centuries.

Key to the justification of invasion and colonisation of the lands and waters of First Nations across so-called Australia were the ‘Doctrine of Discovery’ and the legal concept of ‘terra nullius’ – which positioned Aboriginal and Torres Strait Islander peoples as being under British law and unable to lay claim to land and sovereignty (Banner, 2005; Miller et al., 2010). The fabrication of Aboriginal and Torres Strait Islander peoples’ ‘inadequacy’ propagated in these ‘colonial legal imaginaries’, as termed by Unger (2021), have persisted into the present day (Moreton-Robinson, 2015). Although terra nullius was overturned by the High Court of Australia in 1992, a ‘psychological terra nullius’ remains deeply embedded and active within the settler-colonial nation state (Behrendt, 2010, p. 195). A terra nullius mentality continues to be a fundamental element in the power relations between Aboriginal and Torres Strait Islander peoples and the nation state (Behrendt, 2010; Moreton-Robinson, 2015). The legal fiction and doctrine of terra nullius was ‘supported by research enabled for the dispossession of knowledges of Indigenous peoples’, which connected academia and research disciplines as direct beneficiaries of terra nullius (Hart & Whatman, 1998, p. 9). Martin uses the phrase ‘terra nullius research’ to describe research that positions Indigenous peoples as the research object or subject, without agency and voice (2003, p. 203).

There is ongoing colonial amnesia (Sherwood, 2009) about the ways in which fictions of superiority, and the reality of violent dispossession of and discrimination against Indigenous peoples and Country, have built the modern Australian nation state. Sherwood (2009) outlines how colonial amnesia works in the Australian healthcare system by shifting the blame onto Aboriginal clients ‘for their health problems rather than reflect on the real causes’ (p. 24):

This is because most non-Indigenous Australians’ educational experiences have promoted amnesic discourses of settlement fuelled by colonial assumptions of white superiority. This dominant way of knowing, being and doing has infiltrated all spectrums of mainstream society and it is this positioning that continues to promote problematic constructs of Indigenous Australians. (p. 24)

Moreton-Robinson presses for consideration of ‘how we as Indigenous people have been socio-historically constructed through first world Western knowledge systems that are ontologically and epistemologically grounded in differentiation’ (Moreton-Robinson, 2015, p. xvii). To date, hair sampling has not been specifically linked with or investigated as a tool

of the ‘possessive logic of patriarchal white sovereignty’, as termed by Moreton-Robinson (2015) – an ongoing possessive logic aimed at maintaining power and governing the representations and realities of First Nations peoples in Australia.

Colonial tools – positioning research and collecting institutions

Research and collecting institutions have been important tools of the settler-colonial state, acting as storehouses of Ancestors, ICIP and personal information taken under oppressive colonial and assimilation policies (Faulkhead & Berg, 2010; Murphy, 2011; Nakata, 2012; Redman, 2016; Thorpe & Galassi, 2014; Turnbull, 2017). The use of government and private archives and record-keeping ‘as a weapon of colonialism’ against Aboriginal and Torres Strait Islander peoples is an ongoing issue in Australia (Golding et al., 2021, p. 1632).

Collecting institutions have played nuanced yet interconnected roles in maintaining colonial archives: church, government and state archives have amassed large collections and records relating to the forced removal of Indigenous children from their families and the operation of missions and ‘homes’ (Commonwealth of Australia, 1997; Golding et al., 2021; Murphy, 2011); state and national museums hold the collections of researchers who engaged in fanatical ‘salvage’ collecting and research in support of government agendas, and bolster the trade in Ancestral Remains for study and display (Burden, 2018; Fforde et al., 2020b; Turnbull, 2017); state libraries gathered the collections of linguists who documented languages through missionaries and anthropologists (Nicholls et al., 2016; Thorpe & Galassi, 2014), in an era when Indigenous peoples were often punished for speaking language.

Collecting institutions are both tools of and windows into colonial power. They have attempted to position Indigenous peoples as associated with a diminishing past, forcing the living dynamism and presence of Indigenous peoples into settler-colonial time constraints of pre-modernity (Russell, 2001). The ‘white possessive logics’ (Moreton-Robinson, 2015) underpinning the positioning of Indigenous peoples as research opportunities are deeply embedded in the settler-colonial project of Australia. This was exemplified by anthropologist, anatomist and Board for Anthropological Research member Professor Andrew Abbie, who said during the 1961 Conference on Aboriginal Studies at the Australian National University:

...for the moment no types of data should be excluded, even though they may not be relevant to the recorder’s immediate purposes: namely that they are the only record of

these things which other people will have to work from in the future, and we do not yet know enough to decide what to leave out. (Abbie quoted in Thomas, 2001, p. 218)

Collecting has played an important role in imperial expansionism and settler-colonialism, and continues to be viewed as a core feature identifying a settler-colonial state through inclusion and exclusion (Barrowcliffe, 2021a). The vast majority of Aboriginal and Torres Strait Islander collections held in research and collecting institutions globally have been acquired and accessioned by non-Indigenous peoples. Russell sees this dynamic of record creation *about* rather than *by* Indigenous peoples as therefore requiring a process of reclamation, to return knowledges to being ‘Indigenous knowledges’. Russell writes, ‘While I do not believe that the material housed in archives and libraries in general is Indigenous knowledge per se, such material can become Indigenous through reclamation processes which can be facilitated by libraries and archives’ (Russell, 2005, p. 162).

In 1989, Fourmile published the foundational text ‘Who Owns the Past? – Aborigines as Captives of the Archives’ in which she wrote:

To Aboriginal people, the key to our historical and cultural resources and therefore to our cultural and historical identities is firmly clasped in a white hand. Therefore to be an Aborigine is having non-Aborigines control the documents from which other non-Aborigines write their version of our history. (p. 7)

Examining Fourmile’s article, Thorpe (2021) found that ‘despite the article being Over thirty years old, its themes still resonate today as Fourmile questions the level of agency that Aboriginal and Torres Strait Islander people have to control and own their archives’ (p. 64). The validity of ‘archival neutrality’, upheld by research and collecting institutions and professions, is increasingly being called into question (Fraser et al., 2020; Gilliland, 2011; Sentance, 2018), while growing recognition of the colonial bias and legacies of institutions, collections and collecting policies and practices across the GLAM sector (ATSILIRN, 2012; ICA, 2019; ICOM International Committee for University Museums and Collections, 2021) highlights the need for proactive implementation and support of Indigenous self-determination over collections, ICIP and related research (Barrowcliffe et al., 2021; Janke 2022).

While this dissertation considers the existence of Ancestors' hair within the boundaries of research and collecting institutions, there is a large quantity of existing literature about hair – whether attached to or separated from the body – and its significance, histories and usages outside the GLAM sector. The next section provides an overview of this surrounding discussion, and identifies the literature gap within which the histories and legacies of hair sampling are located.

Hair studies – significance and use

While the field of hair studies is considered relatively 'under-developed' (Tarlo, 2016, p. 367) and has a 'narrow focus' on certain topics and historical periods (Konishi, 2008), there has been a sustained interest in the historical and contemporary significance and uses of human hair. Hair has been referred to as 'the ultimate communicator' (Stenn, 2016, p. 49), as its 'distinctive materiality arrogates to it powerful symbolic meanings' (Berry, 2008, p. 74). Powell and Roach describe hair as a 'performance' which is located 'at the boundary of self-expression and social identity, of creativity and conformity, and of production and consumption' (2004, p. 83). There has been particular research interest in the significance of hair in the history of the Western world, as is evident in the six-volume anthology 'A Cultural History of Hair', organised by historical periods stretching from 600BCE to the present day (Biddle-Perry, 2022). Furthermore, there are studies on: the socio-cultural and political aspects of hair styling (Biddle-Perry & Cheang, 2008; Sherrow, 2006), hair both seen and unseen as a spiritual and religious practice, offering or ritual (Li, 2012; Sijpesteijn, 2018; Tarlo, 2016); hair detached from a person as a personal relic and mourning device, particularly in the Victorian era in the UK and Europe (Gitter, 1984; Holm, 2004; Miller, 2008); and hair in relation to the visibilities and invisibilities of gender and sexuality in socio-cultural and political contexts (Barak-Brandes & Kama, 2018; Barber, 2008; Cole, 2008; Lesnik-Oberstein, 2007; Weitz, 2004). A substantial area of important literature focuses on Black hair (including hairdressing and hair care) as a complex and dynamic cultural signifier, identity and community-forming practice, and powerful political statement for Black communities globally, particularly for Black women (Alubafi, Ramphalile & Rankoana, 2018; Byrd & Tharp, 2001; Dabiri, 2020; Jacobs-Huey, 2006, Joseph-Salisbury & Connelly, 2018; Thompson, 2009; Wilson, Mbilishaka & Lewis, 2018).

In the key text on the intersections of significance of hair for both First Nations and European people in eighteenth-century cross-cultural encounters in Australia, Yawuru scholar Shino Konishi outlines the range of importance and meaning ascribed to hair through the reading of explorers' writings (2008). Konishi draws attention to the inclusion of Aboriginal and Torres Strait Islander peoples' hair in European eighteenth-century race theory, but also to the colonial 'coercive and punitive' engagement with hair as a mechanism for the wielding and removing of power and agency (2008). The perceptions of Indigenous hair through white lenses of hygiene and civility were deployed by colonisers to distinguish themselves from those whom they exploited and degraded.

The explorers' accounts reveal that the intimacies connected to the maintenance of hair, through various cleaning, grooming, and styling practices, formed a basis for the Europeans' interactions with the Aboriginal men. These close connections could be coercive and border on punitive, as in the cases of the Aboriginal men captured and forcefully bathed, clipped and shaved, or they could invoke amity, as the novelty of being temporarily transformed (for hair has the luxury of always growing back) could elicit amusement and awe. (Konishi, 2008, p. 16)

In 'Skin Deep: Settler Impressions of Aboriginal Women', Liz Conor discusses the scrutiny of Aboriginal women under the white supremacy of the ethnological and anthropological gaze, which included the measurement and denigration of women's bodies, including hair, which were put to a 'racial test of beauty' (2016):

Through increasingly probing measurements of native bodily intervals, a clearer picture of the racially ordained worth of Europeans was reflected back to them (p. 331)

Based on his research during the US Exploring Expedition 1838-42 (in southeast Australia, in approximately 1839-40), American naturalist Charles Pickering wrote 'The Races of Man: and their Geographical Distribution' [volume IX of the Wilkes Expedition reports], in which he claimed to have 'seen in all eleven races of men' (1848, p. 10). In 'Chapter V – The Australian Race', Pickering writes that 'about thirty Australians came under my own observation', highlighting his perceived comparisons of Blackness and Indigeneity (1848, p. 137). During Pickering's (1848) time in Sydney, he wrote:

An hour after landing [in Sydney], I happened to meet an Aboriginal in the street, wearing the European costume, but who was instantly recognised; his single example, seemed to dispel all danger of subsequently confounding the Australian with any other race of men. (p. 138)

Pickering prefaces his discussion of Aboriginal peoples in ‘Chapter V – The Australian Race’ by claiming hair as a defining racial marker, that ‘the genuine hair will at all times distinguish the Australian’ (1848, p. 137). Furthermore, Pickering remarks that ‘at Sydney, everyone’ (‘everyone’ meaning white settler-colonists) knew the differences between ‘the races of man’ and can clearly distinguish Aboriginal peoples (1848, p. 137). Regardless of how unfounded or overexaggerated this claim may be, First Nations peoples’ hair was clearly inscribed as the key distinguishing racial marker by Pickering in his widely published text.

Hair has been investigated for the ways in which it is ‘loaded with meanings that are both part of and contribute to our understanding of the social body, and the culture in which it is formed’ (Miller, 2008, p. 184). While hair is a powerful tool of individual and community agency, it can also be ‘manipulated against one’s will, an equally powerful symbol of external social control’ (Peers, 2007, p. 76). This includes both hair attached to the body and ‘off the body’ or ‘disembodied’ (Miller, 2008). Berry describes hair circulating within the global trade in hair for wigs, weaves and extensions as a ‘zombie commodity’, with its ‘living-dead’ nature enabling the production of capital and an ‘unequal relationship between First World consumers and Third World producers’ (2008, p. 64).

The making of hair into a legible marker for racial categorisation in the eighteenth, nineteenth and twentieth centuries, fuelled by imperialism and colonialism, was a global initiative. As described in Gold McBride’s (2017) dissertation, across nineteenth-century America, hair took on a role as a classificatory resource for theories of difference across socio-cultural and racial definitions. Gold McBride details how ‘hair science’ or ‘trichology’ determined the narratives of hair as a racial classificatory tool outside the American university, and scientists legitimised their narratives through the optics of science and scholarship (2017). This is also evident in the early twentieth century, during the Herero and Nama Genocide in Namibia perpetuated by the German military, in the creation and use of a ‘Haarfarbentafel’, a hair colour scale by German scientist Dr Eugen Fischer. Fischer created and used the

Haarfarbentafel, made from swatches of fake hair arranged by colour gradient, during the Herero and Nama Genocide to measure the ‘relative whiteness’ in the hair colour of ‘mixed race people’ (Das, 2015; Tarlo, 2016). Fischer would go on to play a role in the formulation of the Nuremberg Race Laws (the Reich Citizenship Law and the Law for the Protection of German Blood and German Honour), the discriminatory legislation enacted in 1935 by the Nazi Party. Munn (2020) refers to the ‘Nuremberg logic’ of the Nuremberg Race Laws as aiming to formalise ‘machine-readable race’, whereby a racial definition ‘possessed a kind of procedural quality, calculable by anyone’ (p. 148):

The Nuremberg Laws also demonstrate how information itself makes new racial definitions possible. (Munn, 2020, p. 148)

Racialised hair categorisation, comparison and analysis were also used in nineteenth-century judicial courts. For example, Gold McBride recounts the case of *Morrison v. White*, which was tried three times in Louisiana, US, between 1858 and 1861, and in which the freedom of enslaved 15-year-old Alexina Morrison was to be decided by the court defining her race as either Black or white (2017). Morrison’s lawyers relied ‘almost entirely on testimonies about her physical appearance’, with no part of her appearance ‘cited more frequently than her hair’ (Gold McBride, 2017, p. 109). Evidence about Morrison’s whiteness drew on the work of Peter A. Browne, with an expert witness referring to Browne’s method of comparing racial hair types through cross-sectional analysis of hair strands.

The intersection of ‘race’ and hair is evident in visible and invisible ways in the use of hair in forensics and the justice sector. Hair is used in both microscopic hair analysis and DNA testing at crime scenes, as an ‘obvious source of trace evidence in many crime scenes as it is frequently shed and easily transferred to clothes, sheets or carpets, or from one person to another’ (Norton, Anderson & Devine, 2016, p. 27). In the last decade, there have been official investigations in the US into the reliability of microscopic hair analysis (Federal Bureau of Investigation, 2015), and the criminal justice system has seen greater scrutiny of forensic hair microscopy as a ‘house of cards built on unvalidated hypotheses and unsubstantiated or non-existent data’, with serious consequences for wrongly convicted individuals (Fabricant & Carrington, 2015). A 2015 joint report by the US Department of Justice, the FBI, the Innocence Project and the National Association of Criminal Defense Lawyers stated that ‘at least 90 percent of trial transcripts the Bureau analysed as part of its

Microscopic Hair Comparison Analysis Review contained erroneous statements’ (FBI, 2015). However, the review concluded that, since 1996, the use of both microscopic analysis and DNA analysis of hair had been effective, and ‘provides a more meaningful association than either technique used alone’ (FBI, n.d). Nonetheless, Norton, Anderson and Devine state that microscopic hair analysis ‘is a flawed forensic technique, its deficiencies exacerbated when coupled with dubious statistical conclusions proffered into testimony’, and therefore has ‘has no place in a courtroom’ (2016, p. 29). As discussed by Wilkinson and Gwinnett, while there has been a decrease recently in the practice of examining hair to determine racial characteristics, the practice’s current international status remains unclear (2020).

Although the intersections of hair and race are discussed widely across a range of disciplines and topics, there is a lesser focus on the intersection of hair and race science as articulated in the historical practice of hair sampling and the collections amassed as a result. The existing literature on the subject discusses ‘hair samples’ held in collecting institutions as a product of historical race taxonomies, race science and scientific racism (Cheang in Biddle-Perry & Cheang, 2008; Faithfull, 2021; Peers, 2007; Tarlo, 2016). Tarlo (2016) and Faithfull (2021) focus specifically on instances of collection of Aboriginal and Torres Strait Islander peoples’ hair, and reflect on the distress and challenges that these collections cause for communities. In the work of Cheang (2008), referencing Peers, the current status of Ancestors’ hair is categorised as problematic in a ‘post-colonial’ world:

Today, the problematic postcolonial status of these hair collections (Peers, 2007) reflects the reintroduction of the voices and concerns of people who can claim a genetic, cultural, historical and emotional connection to the hair samples that are, after all, human remains. (p. 39)

This dissertation disagrees with the assertion of a post-colonial framing of Ancestors’ hair, as the ongoing retention of Ancestors’ hair in research and collecting institutions points to continuing settler-colonialism. As stated by Naama Blatman-Thomas and Libby Porter (2019) – ‘the settler colonial order can never become ‘post’ because it is endlessly recomposed’ (p. 31). Additionally, much of the literature discussing the practice of racialised hair sampling, and the intersections of hair and race, overlooks the commodification of Indigenous bodies through the trade in and research into Ancestors’ hair. As yet, there has been no investigation into the implications of networks of researchers, research and collecting

institutions and governments forming a system of colonial-racial capitalism through the trade in Ancestors' hair as a research commodity. Discussions on Indigenous bioethics and Indigenous Cultural and Intellectual Property [ICIP] make clear the ongoing nature of settler-colonialism, evident in the exploitative use of ICIP in research and industry. The next section will further explore the existing literature on hair as ICIP and a research material, with a particular focus on literature with an Indigenous rights and bioethics framing.

Ancestors' hair as ICIP and a research material

For centuries, Indigenous people have been researched in harmful and exploitative ways, resulting in widespread mistrust and fatigue from being researched without community governance or benefit (Garrison, 2013; Garrison et al., 2019; Tallbear, 2013a; Smith, 2021). The 'hair samples' at the centre of this research exist due to this long-standing practice of collecting and categorising Indigenous, First Nations and Aboriginal and Torres Strait Islander peoples. There is an unknown quantity of Aboriginal and Torres Strait Islander peoples' hair in the form of 'hair samples' held in research and collecting institutions globally (Faithfull, 2021). The last published international audit on the whereabouts and details of Aboriginal and Torres Strait Islander collections was undertaken by Cooper in 1989. The audit (Cooper, 1989) indicates whether Ancestral Remains are included in collections but does not specify whether these include Ancestors' hair. Updated information on the location of collections is potentially available due to the work of the AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies) Return of Cultural Heritage initiative (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2020a).

In the age of the 'genome generation' (Finkel, 2012), and following the ratification of UNDRIP in 2007, bioethics and Indigenous rights have come sharply into focus, following decades of concern voiced about biocolonialism and calls for self-determination by First Nations peoples internationally (Indigenous Peoples Council on Biocolonialism, n.d). In 2007, at the UN Permanent Forum on Indigenous Issues, the Indigenous Peoples Council on Biocolonialism issued the 'Declaration on Indigenous Peoples' Rights to Genetic Resources and Indigenous Knowledge', calling on the Permanent Forum on Indigenous Issues to take urgent action to ensure Indigenous self-determination and sovereignty over genetic resources (Indigenous Peoples Council on Biocolonialism, 2007). Harry highlights the particular importance and vulnerability of Indigenous peoples' genetic resources and Indigenous

knowledges, due to the exponential increase in biotechnologies and biocolonial interests (Harry, 2011).

In a global context of many First Nations communities stating that ‘we are the most researched people in the world’ (Smith, 2021, p. 3), international bioethics discussions led by Indigenous geneticists, ethicists and researchers reflect a reality that this research exploitation, discrimination and fatigue are the status quo (Bond, Singh & Tyson, 2021; Claw et al., 2018; Tallbear, 2013a; Tsosie et al., 2021b). This is articulated by Tsosie et al. (2021b), when they state:

We Have “Gifted” Enough. (p. 72)

Tsosie et al. describe a ‘cycle of victim-blaming and coercion that Indigenous peoples experience in research’, where Indigenous peoples ‘disengage from genomic research due to research harms’, only then to be told they are missing out on ‘precision health benefits if they do not engage, without changes to power imbalances creating research harms’ (2021b, p. 73). In a sovereign Blackfulla framing, Bond, Singh and Tyson discuss how, in their review of the literature on ‘bioethics, race, and Indigeneity, locally and globally’, they found that ‘lofty claims of advancement and moral refinement can but ring hollow in the light of experience, where Black bodies continue to be cast as lack in the calculus of progress’ (2021, p. 83).

It is from the testimonies of Blackfullas that we are reminded of the uselessness of a bioethics that fails to recognize that Aboriginal and Torres Strait Islander peoples belong to someone and to somewhere. Neither Black bodies nor Black land are free for the taking— never have and never will be. (Bond, Singh & Tyson, 2021, p. 92)

With rapidly advancing biotechnologies expanding the methods of analysis and testing for biological materials, Ancestral Remains and biological materials (human and non-human), that were previously thought too degraded for DNA extraction are now being considered for study (Der Sarkissian et al., 2015). Historical collections of biological samples, both human and non-human, have been identified as resources for genomic research, resulting in the field of museum genomics (Card et al., 2021; Grewe et al., 2021; Parejo et al., 2020; Rowe et al., 2011). As hair is resistant to degradation due to consisting of 95% keratin, it has become a

key resource for ‘Ancient DNA’ (aDNA) research, and is analysed in a variety of ways including genetic and protein analysis (Der Sarkissian et al., 2015).

Although comparative and classificatory race theories for which hair was sampled have been criticised and debunked, many of these theories form the basis of collections and categorisations still used in academic scholarship today (Lasisi, 2021; Saini, 2019). Many of these collections are still to be found in public and private institutions, and hair has begun to once again constitute a scientific resource, for genome research, as a carrier of DNA (Callaway, 2019). Kowal, Radin and Reardon (2013) argue that Indigenous peoples continue to be a testing-ground and ‘object’ of study through a research focus on ‘Indigenous biospecimens’:

Within biomedicine, Indigenous biospecimens are increasingly the crucibles in which ethical practice is determined. (p. 477)

Concerns about the safeguarding and control of Ancestral Remains and ‘Indigenous biospecimens’ have been voiced for decades, since the Human Genome Diversity Project (HGDP) in the 1990s, often referred to by Indigenous peoples as the ‘vampire project’ (Dodson & Williamson, 1999; Claw et al., 2018; Kowal, 2012; Tallbear, 2013a). As was investigated comprehensively by Reardon in ‘Race to the Finish: Identity and Governance in an Age of Genomics’, the HGDP encouraged ‘the scientific community to act swiftly’ to ensure genomes were secured before ‘the mixing of populations’ (2004, p. 12). Reardon notes how this sense of research timeliness and urgency, and these concerns about genetic ‘mixing’, are directly coded in reference to Indigenous populations (2004). This connects to the ‘salvage’ mentality of colonial research and biocolonialism:

It crossed nobody’s mind that the project might one day be accused of inventing a new form of colonialism. (Reardon, 2004, p. 12)

In response to the HGDP, Dodson and Robert (1999) stated that fundamental ethical processes of Indigenous self-determination and informed consent were not considered:

HGDP did not start with the correct approaches to nor respect for indigenous peoples in many cases. It is the scientific community that has the ethical obligation to start

again, and to offer proper explanations in a context of respectful negotiation and a commitment to equality. (p. 208)

Since the HGDP and the rise of genomic biotechnologies and research in the 1990s, an increasing concern has been the popularity of commercial ‘DNA testing for ethnicity’ kits, offered through companies such as Ancestry and 23&me, which provide affordable mail-order DNA testing (Tallbear, 2013a). Commercial DNA testing has been criticised for the inaccuracy of its results, its racialised narratives, and the way it reduces Indigeneity to DNA, overlooking and trivialising and the core elements of kinship and Country (Tallbear, 2013b, Watt & Kowal, 2019). This commodification of genomic information through commercial DNA testing is a concern for Indigenous peoples, and is connected to wider concerns about the negative impacts and harms of research, such as ‘stigmatization, violation of individuals’ rights, lack of benefit, and cultural incongruence’ (Claw et al., 2018, p. 2).

The intertwining of advancements in biotechnologies and the instigation of ethical issues was exemplified in the concerns raised by First Nations peoples globally regarding the Human Genome Diversity Project in the late 1990s (Dodson & Williamson, 1999; Claw et al., 2018; Reardon, 2004), and was followed by privacy and misuse concerns regarding commercial DNA testing services (Tallbear, 2013b, Watt & Kowal, 2019), and recently, highlighted again in the broadly shared concerns around genome editing. In light of the advancements in genome editing tools such as CRISPR-Cas9, the World Health Organisation Expert Advisory Committee on Developing Global Standards for Governance and Oversight of Human Genome Editing released two documents: Human Genome Editing: Recommendations (2021) and Human Genome Editing: A Framework for Governance (2021).

While United Nations Universal Declaration on the Human Genome and Human Rights (1997) outlines the requirement of free, prior and informed consent for the research use of the human genome, other related genomics focused protocols (e.g. the 1992 UN Convention on Biological Diversity and its 2010 supplementary agreement the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity) do not extend their coverage to include human genomic materials, ‘even though they might satisfy the textual definition’ (Lawson, Humphries & Rourke, 2019, p. 106).

Across the international regulatory and ethical frameworks for genomics, there have been few examples of holistic protections that extend beyond the outlining of ethical *use* of genomic materials, to include the outlining of ethics of ownership, or custodianship of genomic materials. In response to this lack of appropriate guidelines and protocols for the care and stewardship of First Nations peoples' genomic materials and genomic information, Indigenous-led initiatives to address these gaps across the research and collecting institutions sectors are increasing . These initiatives include, but are not limited to, the movement for Indigenous Data Sovereignty (Taylor & Kukutai, 2016; Walter et al., 2021), CARE Principles for Indigenous Data Governance (Carroll et al., 2020; Carroll et al., 2021), Traditional Knowledge (TK) and Biocultural (BC) Labels (Anderson & Christen, 2013; Anderson & Hudson, 2020; Local Contexts, 2023), ICIP rights (Janke, 1998; Janke, 2020) and the National Centre for Indigenous Genomics (NCIG, n.d; Huebner, Hermes & Easteal, 2020).

The global movement for Indigenous Data Sovereignty argues for the imperative of Indigenous data governance – ‘the power and authority to make rules and decisions about the design, interpretation, validation, ownership, access to and use of data’ - in policy and practice (Smith, 2016, p. 119). Indigenous Data Sovereignty includes genomic information under its purview and identifies the tensions between the settler-colonial norms regarding the ownership, sharing, use and benefits of data and the priorities and rights of Indigenous peoples (Taylor & Kukutai, 2016; Walter et al., 2021). Walter and Carroll argue that the repeated patterns of Indigenous policy failures across settler-colonial nations are intertwined with the production and reproduction of data about Indigenous peoples, data which plays ‘a much deeper role than being counts of Indigenous populations or neutral reflectors of Indigenous lives’ (2021, p. 5).

For Indigenous Peoples, the slice of our social and cultural realities represented in data collected about us is limited to those aspects of interest to the nation state. Transformed and recorded into state-defined terms and categories, the outcomes are the data which are the primary tool by which the nation state makes sense of its Indigenous population/s. (Walter & Carroll, 2021, p. 5)

Walter and Carroll (2021) outline the ways in which data about Indigenous peoples is and has been used by settler-colonial states to build an image and narrative of Indigenous peoples, knowledges and experiences. Settler-colonialism perpetuates knowledge economies that

consume and benefit from ‘all kinds of information packaged and repurposed as data’ about First Nations peoples (Duarte et al., 2020, p. 164). There is a broad application of the colonial paradigm and power dynamic of terra nullius - ‘the scope of the colonial paradigm of ‘nullius’ has been more broadly applied beyond the legal fiction of terra nullius. It has also purported equivalent fictions about Indigenous governance and knowledge systems’ (Smith, 2016, p. 120). Globally, First Nations peoples are leading the anti-colonial movement to unsettle settler-colonial control of research and ICIP. Particularly relevant to this dissertation’s research focus are the initiatives across the research and GLAM sectors, including the CARE Principles, TK and BC Labels and ICIP rights.

In 2020, the CARE Principles for Indigenous Data Governance were published by Carroll et al. Building on the established work of ‘the Te Mana Raraunga Māori Data Sovereignty Network, US Indigenous Data Sovereignty Network, Maïam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective, and numerous Indigenous Peoples, nations, and communities’, the CARE Principles respond to the need for the realisation of Indigenous self-determination over research and data that pertain to Indigenous peoples and knowledges (Carroll et al., 2020, p. 2). The Global Indigenous Data Alliance state the lack of consideration of Indigenous peoples’ rights, interests and agendas in mainstream discourse on ethical research data management and use:

The current movement toward open data and open science does not fully engage with Indigenous Peoples rights and interests. Existing principles within the open data movement (e.g. FAIR: findable, accessible, interoperable, reusable) primarily focus on characteristics of data that will facilitate increased data sharing among entities while ignoring power differentials and historical contexts. (n.d, para. 1)

The CARE Principles are intended to be applied alongside the FAIR Principles for scientific data management (Carroll et al., 2021), which outline the use of research data in a manner which is ‘Findable, Accessible, Interoperable, Reusable’ (Wilkinson et al., 2016, p. 1). The recognition and application of the CARE Principles across the GLAM sector is an ongoing conversation in Australia and has been affirmed as a mandate by the Indigenous Archives Collective’s Position Statement on the Right of Reply to Indigenous Knowledges and Information held in Archives (2021). This is a particularly important mandate for those institutions that hold and support genomic materials, research and research data.

Biobanks (institutions that are dedicated to the holding of genomic material and data) have a multitude of international guidelines (Forsberg, Hansson & Evers, 2013), yet these guidelines are rarely linked clearly to the GLAM sector institutions that also hold Ancestors and genomic materials in their collections, nor do they holistically deliver on the requirements and priorities of First Nations peoples. A key Indigenous-led initiative to provide and advocate for appropriate care, stewardship and beneficial genomics research for Ancestors and genomic materials is the work of the US-based Native BioData Consortium, a non-profit Indigenous-led research institute and biorepository which ‘ensure that advances in genetics and health research benefit all Indigenous people’ (Native BioData Consortium, 2021).

Another initiative aligned with the movement for Indigenous data sovereignty and Indigenous self-determination over ICIP in collections and research, are the Traditional Knowledge Labels and Biocultural Labels, by the US-based Local Contexts founded in 2010 by Dr Jane Anderson and Dr Kimberly Christen. TK and BC Labels are digital tags that can be included in the metadata of collections and collection items that contain ICIP, facilitating Indigenous communities in asserting rights, protocols and notices across a range of digital contexts. The Labels are customisable and ‘allow communities to express local and specific conditions for sharing and engaging in future research and relationships in ways that are consistent with already existing community rules, governance and protocols for using, sharing and circulating knowledge and data’ (Local Contexts, 2023). Montenegro positions TK Labels as an ‘anticolonial metadata tool’ that interrupts the ‘assumptions of universality and its benefits that metadata standards promote’ (2019, p. 733)

In an Australian context, the movement for Indigenous Cultural and Intellectual Property (ICIP) rights, led by Dr Terri Janke, Wuthathi/Meriam woman and lawyer, has responded to the global issues for First Nations peoples regarding self-determination and ownership over genomic materials. In 1998 Janke, an international authority on ICIP, published the report ‘Our Culture, Our Future: Proposals for Recognition and Protection of Indigenous Cultural and Intellectual Property’, in which they provided a detailed list of Indigenous Cultural and Intellectual Property inclusions under the broader term ‘heritage’ and specified: ‘Indigenous Ancestral Remains’ and ‘Indigenous human genetic material (including DNA and tissues)’ (Janke, 1998).

In a 2018 reflection on the twenty years that had passed since the publication of ‘Our Culture, Our Future’, Janke observes that no new law had been implemented to adequately support and protect ICIP rights, rather ‘Indigenous Australians work within existing laws, pushing the boundaries, and using contracts and protocols for rights recognition’ (Janke, 2018). ICIP rights outline ‘the rights to control who can use and adapt this ICIP; the right of attribution; the right of integrity; and the right to benefit sharing’, and in doing so, respond to the gap in legislation regarding a holistic culmination of Indigenous peoples’ knowledges, cultural heritage and intellectual property (Janke, 2021, p. 9). Importantly, ICIP rights state:

Indigenous cultures are like Indigenous lands – they are not free to be taken. (Janke, 2021, p. 8)

UNDRIP, passed in 2006 and amended in 2007, is the international benchmark for Indigenous self-determination (UNDRIP, 2007). Although Australia was one of four countries that delayed ratification of UNDRIP until 2009, since then many Australian GLAM institutions have utilised it as the basis for revising their institutional policies, protocols and guidelines. UNDRIP includes Indigenous peoples’ right to ‘the repatriation of their human remains’ in Article 12, and ‘the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions... including human and genetic resources...’ in Article 31 (2007). However, despite the benchmark of UNDRIP, there are presently no mechanisms for implementing and supporting Indigenous self-determination over Ancestors’ hair held in collections internationally. The definition of Ancestral Remains, and whether or not they include hair, varies across the policy frameworks of Australia and overseas jurisdictions (Department of Communication and the Arts, 2018; Pictor et al., 2020).

At an institutional level within Australia, in organisations such as the National Museum of Australia, the Museum of Applied Arts and Sciences and the South Australian Museum, ‘hair samples’ are specifically defined as Ancestral Remains and are included under their respective Ancestral Remains related policies (Museum of Applied Arts and Sciences, 2016; National Museum of Australia, 2022; South Australian Museum, 2018). A key structural issue in the Western legal and policy framework for the protection and repatriation of Ancestral Remains, and of ICIP more broadly, is the lack of mechanisms to ensure accountability, particularly in jurisdictions outside of Australia.

The intersecting laws and institutional policies relating to ‘hair samples’, both in Australia and internationally, create a complex web of legal and policy frameworks that have to be navigated by Indigenous communities seeking to gain access to and control over Ancestors’ hair (Prictor et al., 2020). For example, under the UK Human Tissues Act 2004, ‘existing holdings, imported remains and human remains that are older than 100 years fall within exemptions to the requirement for consent’ (Department for Culture, Media and Sport, (DCMS) 2005, p. 11). This leaves many collections of Ancestors’ hair requiring no consent for research use:

In practical terms, this means that the activities of museums and other institutions with collections of older human remains will fall largely outside the consent regime of the Act because of the age or origin of the majority of the remains in their collections.
(Department for Culture, Media and Sport, 2005, p. 11)

This raises questions about such arbitrary notions as ‘existing holdings’, ‘100 years’ and ‘imported remains’ (Department for Culture, Media and Sport, 2005, p. 11), and how these reasons for exemption from legislation connect to other previous legal fictions of the British Government – such as the Doctrine of Discovery and terra nullius.

The last decade has seen the Australian Government’s attitude towards repatriation shift towards providing active support for the repatriation of Ancestors, and in more recent years extending the focus to include the repatriation of Aboriginal and Torres Strait Islander cultural heritage. This is demonstrated by the establishment of an ‘Australian Government Policy on Indigenous Repatriation’ in 2011, the funding of the AIATSIS ‘Return of Cultural Heritage’ initiative until 2024, and the commitment to a ‘National Resting Place’ for Ancestors returning from overseas (Norman & Payne, 2022). The Government’s framing of the repatriation of Ancestors and sacred objects from Australian and international institutions and collections includes ‘to help promote healing and reconciliation’ (Department of Infrastructure, Transport, Regional Development, Communications and the Arts, n.d). However, as stated in UNDRIP, the repatriation of Ancestral Remains to Country and community is a right (2007), and therefore, if it is to be ‘voluntary and unconditional’ (Department of Communication and the Arts, 2016), any preconceived outcome that involves reconciliation with the settler or coloniser state must be relinquished. The next section of this

literature review further explores the intersections of Indigenous self-determination and the GLAM sector, in particular reflecting on the conversation regarding 'decolonisation' in GLAM. Then follows a review of the critical discussions taking place within archives and archival studies, to position this dissertation within the discourse of critical archival studies.

Indigenous self-determination, the GLAM sector and decolonisation

As benchmarked by UNDRIP, the fundamental principle underpinning all Indigenous rights is the right to self-determination (2007). This is outlined in Articles 3 and 4, which state that Indigenous peoples have the right to 'freely determine their political status and freely pursue their economic, social and cultural development' and 'have the right to autonomy or self-government in matters relating to their internal and local affairs' (UNDRIP, 2007). Cambou consider self-determination as articulated in UNDRIP as 'based on two main pillars: the right of Indigenous peoples to autonomy and the right to participate in the decision-making process of the state' (2021, p. 38). A key critique of UNDRIP (Anaya, 2009; Engle, 2011; Gover, 2015) is the 'compromise language' of Article 46, which states:

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. (UNDRIP, 2007)

The notion of Indigenous self-determination and sovereignty as embedded and located *within* a settler-colonial state has been questioned and challenged as inherently problematic. As was seen in the conversations leading up to the 2023 Australian referendum for constitutional recognition of Aboriginal and Torres Strait Islander people and an Indigenous 'Voice to Parliament', and the affect these actions may have on Indigenous sovereignty (Cromb, 2022; Pearson, 2023). The concerns about implementing Indigenous self-determination and sovereignty in an ongoing settler-colonial state are shared globally with other Indigenous nations and communities, as noted here by Taiaiake Alfred (1999):

Why are Indigenous efforts to achieve these facts framed as "claims"? The mythology of State is hegemonic, and the struggle for justice would be better served by

undermining the myth of the State sovereignty than by carving out a small and dependent space for Indigenous peoples within it. (p. 58)

The objections of countries to UNDRIP are said by Davis to be ‘based mostly on issues of state sovereignty and territorial integrity’ (2008, p. 458). Importantly, as outlined by Maguire (2014), there is not ‘a single self-determination solution for Indigenous peoples in Australia’, and therefore it is imperative that UNDRIP be approached through a human rights framework, to ensure accountability of Australia’s commitment:

The successful Implementation of a human rights approach to Indigenous self-determination could transform Australian understandings of our commitment under the UNDRIP – from an aspiration which may be ignored, to an obligation which the Australian state and its people are capable of meeting. (p. 132)

Indigenous self-determination is described in the AIATSIS ‘Code of Ethics for Aboriginal and Torres Strait Islander Research’ as one of the four principles (1. Indigenous self-determination 2. Indigenous leadership 3. Impact and value 4. Sustainability and accountability) that ‘underpin ethical and responsible Aboriginal and Torres Strait Islander research’ (2020b, p. 3).

The recognition of, and respect for, Aboriginal and Torres Strait Islander peoples’ right to self-determination is fundamental to all research conducted in Australia. (AIATSIS, 2020b, p. 12)

Beyond affirming its fundamental position regarding UNDRIP in its document ‘Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders’, the National Health and Medical Research Council does not expand on Indigenous self-determination. The Guidelines assert that Aboriginal and Torres Strait Islander peoples have ‘free, prior and informed consent in all aspects of the research process’ (National Health and Medical Research Council, 2018a, p. 15).

The concerns of Indigenous peoples regarding self-determination, free, prior and informed consent and accountability extend into to the GLAM sector (Janke, 2020). As civic

institutions and mechanisms of settler-colonialism, GLAM institutions reflect the external political environment, a point articulated by Wintle, who calls museums ‘microcosms of political encounter’ (2016, p. 1492). The GLAM sector and the disciplines that sustain it have deeply embedded colonial paradigms that have been the subject of an increasing policy and research focus on anti-racist, anti-colonial and decolonising initiatives. Distinguished Professor Linda Tuhiwai Smith's ‘Decolonising Methodologies’, first published in 1999, was fundamental in its emphasis on the necessity of resisting colonial power and asserting Indigenous sovereignty, extending anti-colonial resistance beyond *what* we are doing to *how* we are doing it. Decolonising Methodologies championed Indigenous ways of knowing, being and doing (Martin, 2003), and urged all researchers to be critical and all Indigenous researchers to be unapologetic. In their introduction to the third edition of Decolonising Methodologies, Martínez-Cruz and Wilson Vásquez (2021) write:

We have used this book to criticize institutional power, to reframe the ‘social problem’ and to reflect on our practice, addressing historical issues and collective memory as part of the invitations we took from Linda’s writing: to problematize our ways of seeing, feeling, thinking and writing. (p. xv)

Decolonisation is increasingly identified as a goal for the colonial collecting institution sector, and it is a key topic in Australian GLAM sector symposiums, presentations, papers, seminars and courses. In response to this, there is much critical work questioning whether decolonisation of the GLAM sector, or of research more broadly, is even possible (Barrowcliffe et al., 2021; Kassim, 2019; Tuck & Yang, 2012). In the context of ongoing settler-colonialism, decolonisation as an agenda for the GLAM sector is arguably less about an end-point, and more aligned with what Duff et al. conceptualise as social justice in the archives sector, as being ‘always a process and [one that] can never fully be achieved’ (2013 pp. 324-325). The movement to decolonise research, including the work discussed in Archibald, Lee-Morgan and De Santolo, aspires to ‘re-cover, re-cognize, re-create, re-present, and “re-search back” using our own ontological and epistemological constructs’ (2019, p. 6). Thus the use of an umbrella term, whether that term be anti-racist, anti-colonial or decolonial, is less important than the transformative, self-determined and dynamic ways in which Indigenous research is conducted.

Decolonizing research is not merely ethical research in terms of the requirements of the academy or institutions; more importantly it meets the criteria set by our own communities, who will often sanction the integrity and credibility of the story using their own measures. (Archibald, Lee-Morgan and De Santolo, 2019, p. 7)

Lonetree (2012) argues that to engage a museum in the decolonisation process is to recognise the museum as ‘a means for repairing colonization’s harm’ (p. 165). Lonetree (2012) sees the potential for the transformation of museums into ‘sites of conscience’ (p. 27) through recognition of the specific harm and ongoing grief perpetrated by museums’ colonial paradigm, and through engagement in decolonising methodologies to support Indigenous communities’ healing agendas. Andrews proposes that museum theory is missing key discussions on the inter-cultural and cross-cultural ‘middle ground’, which is a growing presence in museum practice as cultural institution workers, communities and those who straddle the two groups negotiate in real time. Andrews’ concern relates to museum critical praxis, which she sees as needing to be nourished in both theory and action:

For some reason the gulf between practice and theory is almost far enough to produce an echo. Critical praxis is unfortunately today as stagnant and tragic as our Darling River, devoid of flow, neither generative nor life giving. This is a concern for our sector and our cultural communities. (Andrews in ANU Experience, 2019)

A key focus of decolonisation discussions in the GLAM sector is on resistance to and disruption of the notion of neutrality, and the intersecting legacies of violence perpetuated by collecting institutions against Indigenous peoples. Sumaya Kassim (2019) implores us to hold onto the goal of decolonisation, no matter how impossible it seems:

The call to decolonise is hugely contested. The real challenge is it to hold on to our differences whilst challenging dehumanising structures and people. Whatever your perspective, it is undeniable that what has emerged is a richly textured and varied worldwide discussion on what decolonising can mean, what it looks like in practice and, crucially, whether it is possible. For me, this means holding onto the impossibility of decolonising, not in the name of ideological purity, but because we are trying to love each other and live with one another in the aftermath of violences that remain unacknowledged in the minds of so many. (2019, para. 18)

Kassim maintains that, since the impact of colonisation continues but not everyone acknowledges this ‘aftermath’, the aspirations of decolonisation are an important tool for building resilience. Being both a site and tool of colonialism, collecting institutions will never be able to engage fully in decolonisation efforts without radically reconsidering their governance, form and function. The implementation of Indigenous self-determination across the GLAM sector is not necessarily interchangeable with calls for decolonisation, although some literature and GLAM sector initiatives conflates the two. Tuck and Yang’s ‘Decolonisation is not a metaphor’ (2012) is key to the decolonisation discussion in the collecting institution sector, where what constitutes a ‘divesting of colonial power’ – and what does not – must be made clear (Smith, 2021, p. 33), with a redirection towards Indigenous sovereignty.

Archives and archiving: the colonial archive, presence and absence, archival repatriation, and Indigenous archiving

In Australia, ongoing calls for the implementation of Indigenous self-determination over institutionally held Ancestors, ICIP and records must be seen in the context of the ‘Bringing Them Home’ report (Commonwealth of Australia, 1997). The report, resulting from the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1997), highlighted the role played by archives across the nation in both the past and future experiences of the Stolen Generations, their descendants and families. Archival institutions, including Commonwealth, state, public and private institutions and organisations, hold (or have held) highly significant and traumatic records for survivors of the Stolen Generations and their families (Commonwealth of Australia, 1997). The report’s 54 recommendations highlight the importance of access to records, the need for support and counselling for people accessing their records, and the importance of Indigenous archive repositories (Commonwealth of Australia, 1997).

Archives are complex and contested spaces for Aboriginal and Torres Strait Islander peoples (Thorpe, 2021). Archives have the potential to enact transformative ‘liberatory memory work’ (Caswell, 2021, p. 13) and be a tool for social justice (Duff et al., 2013). However, they also have the potential to traumatise and re-traumatise peoples through not only the content of collections, but also through ‘the ways organizations or individuals provide access to these

records; the ways the records have been arranged and described; and the information withheld from the records through redaction or other processes related to third-party privacy' (Wright & Laurent, 2021, p. 40). McKemmish, Chandler & Faulkhead (2019) state:

Recordkeeping and archival frameworks, systems, classification schemes and catalogues in mainstream organizations and archival institutions continue to embody the worldview, values, power structures, and ways of knowing of the socio-cultural and political mainstream shaped by the "colonial power matrix." Collecting, curating and cataloguing have been and continue to be powerful tools of the colonization of knowledge.' (p. 286)

Recognition of archives as both mechanisms and repositories of trauma for communities that experience social injustices also implicates the archivist or archival researcher, as witness, facilitator and advocate (Cifor, 2016). The archivist takes on a duty of care in their work to provide access and care for not only records and archival materials but also for communities and individuals who are connected to them. Caswell and Cifor invoke the work of scholar Carol Gilligan in her 1982 conceptualisation of 'feminist care ethics' (2016), and call for 'archivists to shift their thinking about archival ethics from an individual, rights-based model to a feminist ethics model' (Caswell & Cifor 2019, p. 159). This positions archivists and archival workers as working within a relational and care-based model, recognising their responsibilities to uphold archival ethics based in care for both communities and collections. Additionally, Cifor (2016) identifies the accountability that archival practitioners have to individuals and communities who are represented in traumatic archival collections, and how this expands the archival discipline into a space of advocacy and social justice:

The pain of others that can be found in archives does not simply belong to others; rather, as inevitable witnesses to such pain, archivists are deeply implicated in webs of affective relations. In order to be accountable to the individuals and communities that are affected, and to live up to the obligations of facilitating larger societal reckoning processes, the archival field needs to expand its ethical orientation to address considerations of emotional justice. (p. 9)

Increased access to specialist training and relevant resources for archivists and archive staff is required to better respond to these imperatives, for example for the provision of increased

access to records for Aboriginal and Torres Strait Islander peoples (Healing Foundation, 2021) in a trauma informed environment (Laurent & Wright, 2020). Laurent and Wright (2020) outline that ‘trauma informed archival practice is a whole-of-organisation approach that does not change the core work of what is done in archives, but instead how that work and services are provided’ (p. 83). Archive-based, trauma-informed practice, and the increase in Indigenous archives and record-keeping training and guidance (Healing Foundation, 2021; Laurent & Wright, 2020), reaffirm the roles and responsibilities of archivists and archival researchers as accountable facilitators and witnesses. As stated by Nichols et al., ‘archival practice needs to accommodate and consider the emotional and spiritual connections that community members may have with these records’ (2016, p. 119). Jones suggests that archives must become ‘listening places’, where archivists and staff can be trained to best meet the needs of peoples affected by archival materials and/or the archive itself (Jones, 2014). Jones borrows the term ‘listening places’ from Adele Chynoweth, who wrote that museums need to consider holistic, trauma-informed practice, in order to transform the whole institution into an empathetic and welcoming site where all members of the public are listened to (Chynoweth, 2014). In an Australian context, the imperatives for transformation of the archive sector must be viewed in the context of the role that archival collecting practices have played ‘in suppressing the voices of Aboriginal and Torres Strait Islander people and supporting the colonial project of Australia’ (Thorpe, 2021, p. 18).

Archival presence and absence are referred to in the literature in terms of, variously, archival silence (Thomas, 2017), ghosts in the archive (Sela, 2022), the appearance of a spectre in the archive through discursive disappearance (Ghaddar, 2016), and archival terra nullius (McKemmish et al., 2019). Nurrunga poet and scholar Natalie Harkin describes the dual experience of records and the archival process as both traumatic and potentially generative: ‘such records trigger questions about surveillance, representation and agency; they are deeply confronting and at the same time, ripe for critique, explication and response’ (2019a, p. 268). Harkin’s work ‘Archival-Poetics’ (2019b) acts as a Right of Reply to records which contain both an absence and silencing of Aboriginal women’s voices and those of her family and community (Sentance, 2019); in doing so, she ‘bears witness, in part, to the state’s archivisation processes and the revelation of what is both absent and present on the record’ (Harkin, 2019a, p. 268). Dever discusses how notions of presence and absence extend beyond the archival text and content, and therefore require an interpretive reading which is sensitive to the materiality of paper and its archival preservation beyond the textual (2019). For Harkin

(2020), engaging with the materiality and reality of the colonial archive through shredding letters and weaving them is a deeply embodied research practice:

The colonial archive is not an easy place to navigate. As a research method, archival-poetics developed as a slow, situated unfolding that emerged from the immersion and telling that comes with data collection from multiple sources. As an embodied reckoning with the state's colonial archive and those traumatic, contested and buried episodes of history that inevitably return to haunt, it was one way to do something with it all. (p. 155)

For Aboriginal and Torres Strait Islander peoples, the fact of the preservation of records – not only what they contain – can be distressing, due to the knowledge of what was withheld from communities, and to grief for the time that has passed without them knowing about the existence of these records within institutions (Nichols et al., 2016). Indigenous peoples' Right to Know about the institutional retention of Ancestors, ICIP and records is of paramount importance to the archive and record-keeping sector globally (Indigenous Archives Collective, 2021; Krebs, 2012; O'Neal, 2015).

An increasing reflexivity and responsiveness can be seen in the archive and GLAM sector, in recognition of Indigenous rights in relation to records and priorities, as well as of the imperative of self-determination, as asserted by UNDRIP. This takes the form of participatory and collaborative archives and record-keeping initiatives, such as the implementation of community-specific protocols and access conditions (Anderson & Christen, 2012; Thorpe et al., 2021), the 'reclaiming' or 'returning' of archives to communities via digital and physical copies of ICIP (Barwick, Green & Vaarzon-Morel, 2020; Christen & Pugh, 2011; Ormond-Parker & Sloggett, 2012), and increased access to archives, records and collections (Thorpe & Galassi, 2014). Content management systems with access protocols designed to support Indigenous communities priorities relating to ICIP, cultural protocols and privacy (e.g. Mukurtu CMS), are being utilised both by communities and collecting institutions across Australia to build community archives, implement protocols and the Right of Reply within institutional collections and engage in digital returns of ICIP (Christen, 2005; Thorpe, 2019). Calls are still being made for comprehensive implementation of the Right to Know and the Right of Reply (IAC, 2021), the application of Indigenous Data Sovereignty in the archive and record-keeping sector (Barrowcliffe et al., 2021; IAC, 2021),

the expansion of Ancestral Remains repatriation scope to include records and archival materials (Thorpe, Faulkhead & Booker, 2020), and the need for greater support of Indigenous community and post-custodial archives (Evans et al., 2020; McKemmish, Chandler & Faulkhead, 2019).

A key issue for the archive and record-keeping sector is the still persisting notion of archival neutrality, which claims impartiality in the processes and practices of archiving, meaning that the acts and actors of archiving are without bias, and the archive itself is a place of neutrality, truth and proof (Gilliland, 2011). Although there has been a shift away from this idea of neutrality towards ‘archives as political sites of contested memory and knowledge’ (McKemmish, 2005, p. 19), archival neutrality has wide-reaching and powerful affect. In the paper ‘Social justice impact of archives: a preliminary investigation’, Duff et al. (2013) locate the intersections of social justice movements with archives and archival practice:

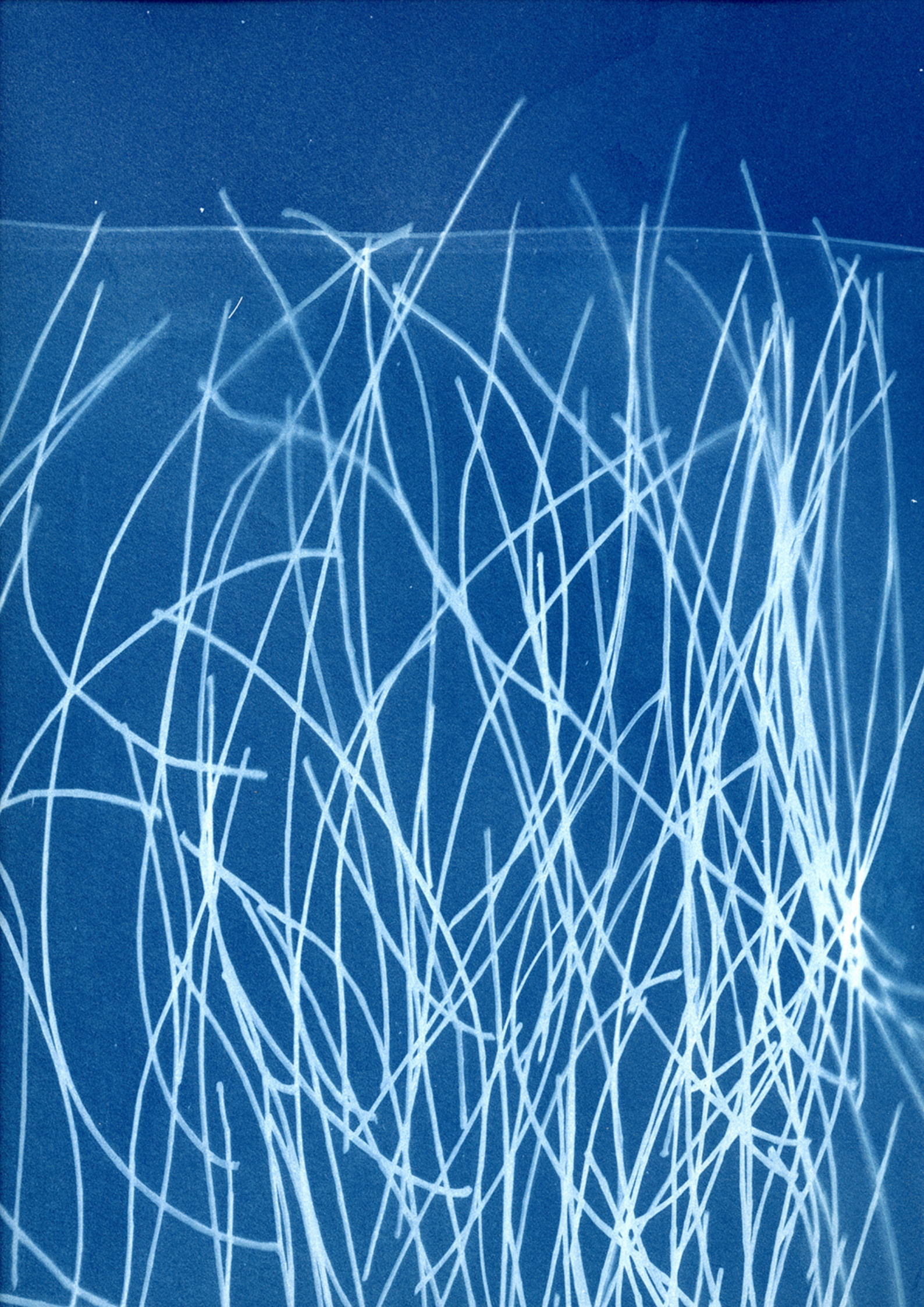
First and foremost we place power and its distribution front and center as the most significant consideration for understanding social justice and injustice. We argue that archives can both produce and reproduce justice and injustice in the decisions they make on how they shape the past and engage the present. (p. 319)

Duff et al. recognise the archive as a site of power, and therefore a site with the ability to misuse that power. This misuse of power is evident in the testimonies of First Nations peoples about their experiences of working in and engaging with archives, which include emotional, spiritual and physical sickness or unease in response to working with collections and within particular institutional spaces (Thorpe, 2021). The notion of Indigenous-led reparative archiving is holistic in its focus on aligning archives and archiving to the healing agendas of First Nations peoples, in whatever form healing is manifested and required by communities (Christen et al., 2022). In the context of Australia as a settler-colonial state, Indigenous-led imperatives for transformation of the archive and archival practices on stolen land are constant and dynamic.

Conclusion

This chapter has explored key areas of literature that pertain to this dissertation’s focus on ‘hair samples’ as Ancestors, and on Indigenous community-led care for Ancestors’ hair. To

frame the existing research and discussion surrounding this topic, the chapter highlighted literature relating to settler-colonialism and white possession, hair studies and the intersections of hair and 'race', Ancestors' hair as ICIP and research material, Indigenous self-determination and the GLAM sector, and archives and archival practice. In providing this overview, the chapter located this dissertation within a research context that is lacking a consideration of Aboriginal and Torres Strait Islander Ancestors' hair within an ongoing settler-colonial context, and that therefore requires Indigenous-led conversations on priorities for appropriate care and truth-telling. In providing background to the research questions, this literature review discussed the settler-colonial environment and regulatory framework within which the holding of Ancestors' hair in research and collecting institutions is located, both historically and contemporarily. Furthermore, in detailing the Indigenous-led and aligned critical research taking place within the research and GLAM sectors, this chapter identified the space of literature within which this research resides. The following chapter will discuss the methodological framework applied by this research in the context of literature relevant to these research methodologies and associated debates.



Chapter Two: Research Methodologies – Standpoint, Yarning, Storywork and Refusal

The methodological approaches to this research were determined by several factors including the researcher's standpoint, the Indigenous-led participant group, and sensitivities regarding the discussion of Ancestral Remains. The settler-colonial context within which Aboriginal and Torres Strait Islander peoples' hair has been collected and categorised into racially defined 'hair samples' requires a methodological approach that critically engages with the process of research while centring 'Indigenous understandings of knowing, being and doing' (Martin, 2003). The research questions in this dissertation firstly question the histories, legacies and repercussions of hair categorisation and sampling, asking what these reveal about the state of the colony. Secondly, they ask what the futures of community-led care should and could be for Ancestors' hair held in research and collecting institutions. Both the research context and questions necessitated a methodological approach that would be responsive to the priorities of First Nations research participants, allowing for critical reflection on the conducting of academic research on stolen land where sovereignty was never ceded.

In further reflecting upon the experiential aspect of Indigenous approaches to learning and knowing, I recognize that our doing is intricately related with our knowing.
(Kovach, 2010, p. 40)

To *do* research is never without consequence. This is widely evident in the well-documented histories of the violence enacted on Indigenous peoples and lands internationally, particularly by the scientific and anthropological disciplines and the collecting institution sector (Colwell, 2017; Fforde et al., 2020a; Turnbull, 2017; Tallbear, 2013a; Smith, 2012). The international trade in Aboriginal and Torres Strait Islander Ancestors and associated personal information

has long been capitalised upon by researchers and institutions collecting, categorising and curating for the knowledge economy.

Centuries of trade and research have resulted in decades-long campaigns and negotiations led by Aboriginal and Torres Strait Islander peoples to have Ancestors and records (as well as cultural materials and other forms of ICIP) returned to Country, and to have the violent, traumatic and consequential acts of removal and research acknowledged and addressed (Faulkhead & Berg, 2010; Fforde et al., 2020a). Given this research context, it is evident that the methodologies used must be able to reflect the need for refusal of research processes that further embed notions of neutrality in research. For this reason, methodologies that are theorised and articulated by First Nations women were imperative when formulating approaches to this research.

Indigenous research methodologies centre ‘Indigenous understandings of knowing, being and doing’ (Martin, 2003), without there being a need to constantly reconcile with or be validated by the Western academic status quo. Rather, Indigenous methodologies enable an engagement with process and practice that more closely aligns with Indigenous ways of knowing, being and doing, which are dynamic, nuanced and often interrelated across boundaries drawn by Western research paradigms (Kovach, 2010). Research that attempts to retrofit inappropriate and irrelevant non-Indigenous research paradigms and methodologies onto Indigenous ways of knowing, being and doing has long resulted in appropriation and misrepresentation (Wilson, 2001), as well as deep distrust of research institutions and researchers (Tallbear, 2013a). Given the settler-colonial context and exploitative histories that are the impetus of this dissertation’s research focus, it is crucial that this research is guided by Indigenous research methodologies.

The methodological framework for this dissertation is structured by four research methodologies theorised and articulated by First Nations women: Indigenous Women’s Standpoint (Moreton-Robinson, 2013), Yarning (Bessarab & Ng’andu, 2010; Atkinson, Baird & Adams, 2021), Indigenous Storywork (Archibald, 2008) and the assertion of Refusal as methodology (Simpson, 2014; Simpson, 2016; Simpson 2017). These methodologies link through the centring of Indigenous self-determination, relational accountability, respect and anti-colonial priorities in research. This chapter describes each of these methodologies individually while also considering them collectively as a framework for the research. Each

of the four will be presented by reviewing relevant literature and outlining how this research has engaged with the methodology. This chapter will demonstrate why Indigenous Women's Standpoint, Yarning, the principles of Indigenous Storywork and Refusal are an appropriate methodological framework for this dissertation. To begin with, it is important to explain the standpoint of the researcher, to introduce myself and provide the reasoning behind my decision to undertake this particular topic of research.

Indigenous Standpoint Theory

Standpoint theory provides a valid starting point for research and analysis whereby the subject can recognise and claim the partiality involved in the process of their knowledge production. Standpoint theory's recognition of partiality and subjectivity brings together the body and knowledge production, which is in contrast to the disembodied epistemological privileging of 'validity' and 'objectivity' within western patriarchal knowledge production. (Moreton-Robinson, 2013, p. 333)

As Moreton-Robinson asserts, Standpoint Theory provides a starting-point for research that delivers transparency and context upfront (2013). The process of situating the knowledge that is constructed, curated and shared through the research process, as well as the research process itself, works to dispel the Western knowledge production trope that research is neutral. Torres Strait Islander scholar Professor Martin Nakata theorised Indigenous Standpoint Theory as a tool to 'reveal the workings of knowledge and how understanding of Indigenous people is caught up and implicated in its work' (Nakata, 2007, p. 350). Importantly, Nakata asserts that a person's lived experience is a 'point of entry for investigation, not the case under investigation' (2007, p. 349). This focus on standpoint as the context of knowledge, rather than the knowledge itself, enables First Nations peoples to refuse the anthropological lens, while navigating the extractive nature of Western research.

As researchers we make choices about the area and method of inquiry, framing questions for investigation and developing a conceptual approach based on our identification of the problematic. (Moreton-Robinson, 2013, p. 334)

Moreton-Robinson offers a critique of Nakata's conceptualisation of Indigenous Standpoint Theory, raising the influence of gender in the nuances of knowing, being and doing at the

intersections of power (Moreton-Robinson, 2013). Moreton-Robinson (2013) argues the need for Indigenous Standpoint Theory to recognise gender's importance in the construction of standpoint, as well bringing intersectionality (Crenshaw, 2017) to the forefront of research:

Intersecting oppressions marked by race, class, colonisation, culture, abledness and sexuality shape the production of knowledge and ways in which we are known and come to know and experience the world. (2013, p. 339)

This research draws on the theorisation of both Nakata's Indigenous Standpoint Theory and Moreton-Robinson's Indigenous Women's Standpoint Theory. As Moreton-Robinson's theory of patriarchal white possessive logics is positioned as the overarching context within which this research takes place, it is appropriate for Indigenous Women's Standpoint Theory to provide a key component of the research methodology framework.

Indigenous and non-Indigenous research participants in this dissertation situated themselves and their knowledges in a variety of ways that were appropriate to their identities, cultural knowledges and work experiences. They often remarked on the parameters of their knowing as being informed by the parameters of their experiences, identities and responsibilities. In these moments, participants further shared elements of their multi-faceted standpoints by expressing not only what they knew, but what they did not, as well as indicating what could be shared and what could not. This process equates to recognising the boundaries of one's ability to speak only for oneself and not for others. Some participants clearly stated that there would be no transgression of knowledge restriction protocols during the yarning sessions, in particular referring to gendered protocols relating to knowledge of hair or related topics.

Standpoint Theory, as engaged with as an Indigenous research methodology, is a tool for enacting self-determination, transparency and accountability. The positioning of oneself through sharing connections to family and Country is an established protocol and practice across First Nations communities. Indigenous Standpoint Theory articulates this practice as a tool for locating oneself relationally in order to make transparent the relational accountability of research: one's responsibility and relevance to the research being undertaken (Wilson, 2001). Indigenous Storywork principles (Archibald, 2008) and Yarning (Bessarab & Ng'Andu, 2010), other Indigenous research methodologies discussed in this chapter, engage

with the standpoint process as an extension of the diversity of ways through which Indigenous peoples state and share relationality outside research disciplines.

Standpoint is a necessity for me in conducting this research, to introduce who I am as the researcher, and to explain how my personal and professional identities and experiences inform the research. The following section presents my personal standpoint through my families' connections to Country, migration and belonging. This standpoint takes a sensory approach to situating myself by concluding that, at the end of the day, I am a thousand memories. Memories of food, places and events that I wasn't present for, like my mum's great-grandmother painting herself with talcum powder to make her skin whiter, or the paper lanterns floating on the water in Yokohama during Obon festival.

It's important for me to state in this standpoint section that, to my knowledge, my families have not experienced their hair being sampled and collected. Moreover, I do not hold specific ceremonial knowledge pertaining to hair. It is of utmost importance that this research does not contain an anthropological study of the ceremonial significance of First Nations peoples' hair. This refusal to use an anthropological lens will be discussed in the last section of this chapter, on Refusal as methodology, however this choice is also connected to my standpoint. Throughout this research, I found myself walking around the edges of these collecting practices, seeing a categorical reflection of myself in the colonial archive yet remaining distanced. While accessing the archival collections of R. Ruggles Gates, I skimmed a journal filled with pages of notes documenting the collection of hair from Japanese people. While reading the published materials from the US Exploring Expedition and transcripts of Charles Pickering's journals from his time in Sydney, I found drawings and descriptions that made me see my Ancestors in and on the periphery of the newly established colony. This material both affirmed this research topic's presence in my life but also my placement outside it. I intentionally write this dissertation from my standpoint as this is just one perspective.

Researcher Standpoint: notes on feeding Country

I lived and worked from home during this PhD in three places: in Gadigal, Wangal and Bidjigal Country, all of them connected by the waters of the 'Cooks River', where the meeting of saltwater and freshwater has long provided sustenance, and since invasion has been a site of resistance. I think of the shared water that runs from Kamay to river estuary and

on, and of the long, reverberating colonial and capitalist violence against the river and the people of this place, but also of the beauty of resistance, revitalisation and the mangroves rising. I think of how these movements of resilience and water intertwine with my family's Ancestral Countries north and north-west of this river water to DyarubbinHawkesbury river, and I importantly acknowledge that I am a visitor on this Country from across watery and sandstone divides, covered in turpentines.

I am less what I produce, and more what has produced me. Before me and after me are generations sustaining each other through stories, traditions and food, cooked weekly, forgotten and remembered generationally. The kabocha no nimono that my nana made perfectly and always the rice cooker on. Red sugar peanuts that tasted dusty from 'I don't know how many years these have been sitting here'. But in the same mouthful I eat kangaroo tail that I learnt to cook by watching Elders on their Country, burning my fingers. I've been told burdock grows as deep as the soil allows, like a eucalypt tap root running down, looking for water. The eucalypt makes me think of getting to know a cousin better, swapping tips on smoking seeds. Outside are dozens of pots holding turpentines and red gums that are struggling to grow without somewhere to reach down to. I am of river and sea water, of migrant movement and of settler-colonial violence. My favourite food is the last dinner my mum ate before giving birth to me. I feel so grateful to have had all this sustenance in my life.

On my mother's side, her father's family (Lewis/Bartle) are Garigal clan from Broken Bay who moved to Marramarra Creek. Her mother's family (Martin/Pateman) lived on Dharug Country, her pop Stan encouraging my mum from when she was young to be proud of her Aboriginality, as he was. His mother Lydia, sometimes Maria or Mary-Ann, never talked about where her Country was. My father's family are from outside Sasebo, Nagasaki Prefecture, in Japan, a port city that was half destroyed by fire bombing on 29 July 1945. Shortly afterwards, on 9 August, a nuclear bomb dubbed 'Fat Man' levelled Nagasaki city, 80 miles to the south.

I was born on Nyoongar Country in Perth, and my childhood memories are low silvery shrubs, heatwaves and hot bike rides. The last decade has been spent living and working on Gadigal Country. Constantly learning to listen to the silence of missed opportunities for time with family taken by cancer and dementia. Acceptance has been a lesson that feels both sharp

and soft. We learn from those who have passed by carrying their stories with us. It is within this reverence and respect for Ancestral lines and stories that I position my standpoint.

This standpoint section also situates this dissertation in the years in which the conversations and the writing process took place: January 2019 to early 2023. The first years of this PhD were also the start (2019-20) of public events marking the 250th ‘anniversary’ of James Cook’s and the *Endeavour*’s arrival into sovereign waters, including into Kamay, unceded Dharawal lands and waters (Gujaga Foundation, 2020). It was also during 2019 and 2020 that catastrophic wildfires tore through over 42 million acres of Indigenous lands.

Simultaneously, the Black Lives Matter movement rose up internationally and the COVID-19 pandemic began. All of these events with global consequences, were embedded in the social media news cycle, where timing and distraction are everything. As the news cycle moves on, COVID-19 is still present, Country still burns and floods more than ever before, the deaths in custody of Aboriginal and Torres Strait Islander peoples keep happening and Indigenous peoples worldwide continue to fight for liberation. Forgetfulness and the obscuring nature of settler-colonialism and the colonial archive, where presence and absence are interconnected for Aboriginal and Torres Strait Islander peoples, are a driving force and consideration behind the research focus and research methodologies. As articulated by Harkin (2019a):

Such records trigger questions about surveillance, representation and agency; they are deeply confronting and at the same time, ripe for critique, explication and response. This work bears witness, in part, to the state’s archiving processes and the revelation of what is both absent and present on the record. (p. 268)

Across the research and GLAM sectors, the relatively undiscussed practice of sampling hair from Aboriginal and Torres Strait Islander peoples during the nineteenth and twentieth centuries is connected with a lack of Indigenous voices leading the conversations. The focus of this dissertation originates in a visit to the Duckworth Laboratory at the University of Cambridge before I began this research. In the archives, consisting of paper records and photographs related to Duckworth’s research collection of Ancestral Remains, was a large wooden box containing collections of hair, stored in a variety of ways. Straight away I noticed a label on which was printed ‘D Bates’, which confused me as I had previously worked on Bates language documentation but had no idea that she had also collected peoples’ hair as well as their words. There were so many unknowns in that moment, both plausible and

predictable, given the violent surveillance conducted within the settler-colonial project of Australia.

This initial encounter with collections of ‘hair samples’, this sudden awareness of Ancestors’ hair held in a collection, or the experience of finding Ancestors’ hair in a box of records, was a common and shared experience, as I discovered during this research and through experiences shared in the yarning sessions (Dr Kirsten Thorpe, yarning session, 1 July 2020; Dr Anne Faithfull, yarning session, 7 August 2020). As identified in my standpoint in this research, I entered this dissertation via my identification of a problematic scenario: Ancestors’ hair being held without an Indigenous-led discussion on the immediate and long-term futures of care. This research establishes an imperative that Ancestral Remains, specifically hair, should not continue to be held in institutional collections without a clear directive from First Nations peoples. This directive must come in the form of self-determined governance structures that focus on enacting free, prior and informed consent for the continued retention of Ancestors’ hair, rather than the common consent model of seeking support for research use when required. This dissertation investigates what I, as the researcher, view as a continuation of a colonial power imbalance that still informs research and policy, while also directly impeding Indigenous self-determination and caring for Ancestors.

Yarning

One of the main points that I stress is the importance of relationships and the realization that everything needs to be seen in the context of the relationships that it represents.
(Wilson, 2003, p. 161)

Yarning as methodology is centred around relationality, accountability, and ensuring voices that are historically and systemically excluded are centred. As a methodology, Yarning is a reflexive and relational meaning-making process where the cultural appropriateness of research methodologies and methods is fundamental to conducting respectful and ethical research. Yarning may be used as both a conversational method for acquiring qualitative data and also as a research methodology. As a method, Bessarab & N’gandu (2010) determine that Yarning is different from other conversational qualitative methods, as it ‘enables the unfolding of information through the process of storytelling [narrative] in a relaxed and

informal manner that is culturally safe for Indigenous people' (p. 47). A multitude of types of Yarning can take place during the research process (Bessarab & N'gandu, 2010), including Social, Family, Cross-cultural, Research Topic, Therapeutic and Collaborative (Atkinson, Baird & Adams, 2021). Some research may use a layered approach incorporating multiple types of Yarning, while others may focus on one or two.

Yarning as an Indigenous research methodology is appropriate for this PhD research as it centres the oral transmission of knowledge through storytelling and conversational methods, while establishing the understanding of relationality between story, storytellers and listeners as necessary rather than biased (Kovach, 2010). The interchangeability of speaking and listening, both equally important, forms what Opaskwayak Cree scholar Shawn Wilson describes as a 'strong relationship' (Wilson, 2001, p. 178). Nêhiyaw and Saulteaux scholar Margaret Kovach notes that while conversational methods are also used in Western qualitative research, characteristics such as relationality, protocol and the situating of knowledge are unique to Indigenous research methodologies (Kovach, 2010). The malleability of Yarning as a methodology lends itself to the exploration of story and knowledge in collaborative ways, while supporting the self-determination of the research participants. This latter point includes drawing attention to the structural oppressions inherent in research by rejecting the notion of neutrality, and supporting the refusal of being positioned as a research subject.

This dissertation is driven by an imperative to centre First Nations perspectives and priorities, as well as by an ethical framework that is motivated by the relational accountability in Yarning methodology and the principles of Indigenous Storywork (Archibald, 2008). Indigenous research methodologies are engaged with for the full lifecycle of the research project, rather than being compartmentalised. The goal is to create collaborative and Indigenous-led anti-colonial narratives on the significance and futures of hair sample collections, countering the narrative that has long been weighted in scientific, academic and institutional accounts.

One major difference between the dominant paradigms and an Indigenous paradigm is that the dominant paradigms build on the fundamental belief that knowledge is an individual entity: the researcher is an individual in search of knowledge, knowledge is something that is gained, and therefore knowledge may be owned by an individual.

An Indigenous paradigm comes from the fundamental belief that knowledge is relational. (Wilson, 2001, p. 166)

Yarning as methodology is based on the relationality between research participants and the knowledge that is collaboratively constructed (Atkinson, Baird & Adams, 2021). It is relationality that is the starting-point for everything arrived at during the research process. Relationships are the driving force behind research accountability, through which accountability becomes more than an agreement defined by a contract, consent form or ethics application. Relationality provides multiple anchor points outside a research environment, ensuring that accountability is not just a bureaucratic measure, but is deeply connected to who we are outside the research.

Ultimately, Yarning methodology directs more than just the conversational elements of research. As a methodology, it expands its role to define structural elements of research, such as timeframes and the research scope. It also extends to the ways in which research is presented and shared. When research is grounded in Yarning, the relationality between research participants, the researcher and the research topic is expected, and becomes the strength of the research ethics. Within frameworks of relational accountability, free, prior and informed consent (FPIC) is not seen as a one-time interaction. For example, some yarning sessions engaged in for this dissertation were instigated and conducted within a few weeks of the participation process beginning, while others took over a year to organise and a few never happened. With a methodology that preferences a relationship over a research outcome, timelines and participant changes are not a failure or setback; they are a part of ensuring that conversations and exchanges of knowledge are appropriate and driven by FPIC.

Research participants, Yarning sessions and analysis

Yarning methodology was applied throughout the research process, including from the early stages of research planning. Potential participants who had prior knowledge of the PhD research topic were approached through existing professional relationship networks to discuss their interest in participating in an audio-recorded yarning session. As aligned with the relational aspects of Yarning methodology, prior relationships are *not* viewed as problematic or as interfering with an ethical or ‘neutral’ research process. Rather, prior relationships are understood as strengthening researcher accountability through the importance of ongoing relationships after the yarning sessions have ended. Therefore, the term ‘participant’, used

throughout this dissertation, falls short of describing the diversity of relationships on which this research was started and sustained. As mentioned, potential participants were approached due to their prior knowledge of the scope of colonial collecting and surveillance of Indigenous bodies that reflected the specificity of the research topic. This was deemed necessary as the sensitivities of the research topic meant that it was ethically questionable to introduce knowledge of the existence of ‘hair samples’ during a research yarn.

Additionally, since this dissertation largely focuses on truth-telling and care for institutionally-held Ancestors’ hair, the GLAM sector became a key sector and site of attention. This aligned with the network of relationships of researcher and participants, based within or adjacent to the GLAM sector in Australia. Engaging with Yarning as a methodology is not only a culturally appropriate choice for this PhD research (as the majority of those involved identify as Aboriginal, Torres Strait Islander, Indigenous or First Nations), but also the most suitable methodology for enabling us to transparently and truthfully relate to one another while negotiating colonial research structures.

While the research participants were never brought together as one group, many of them have worked together or know each other personally. The yarning sessions were conducted and conceived of as independent of each other, but often became interrelated during the conversations. It was common for research participants to refer to the work of others, or to a shared experience, during a yarning session. It was also common for them to recommend and discuss the work of other First Nations peoples in the GLAM and/or research sector more broadly, and to suggest other people to approach for a yarning session or informal conversation. The interrelatedness of the GLAM sector, and of related research sectors, is evident from the recommendations, references and shared experiences that arose during yarning sessions with both Indigenous and non-Indigenous research participants. This interrelatedness is a key reason for adopting the relational methodology of Yarning, as well as the principles of Indigenous Storywork.

Sixteen participants – fourteen Indigenous participants and two non-Indigenous participants (see Appendix A for list of research participants) – engaged in nineteen individual yarning sessions conducted during the second and third years of the research. These yarning sessions predominantly occurred via Zoom due to COVID, but also included three in-person sessions, one before COVID restrictions were put in place and two after the restrictions were removed.

Three participants requested follow-up sessions to discuss areas which they felt had not been covered sufficiently, and the sessions yielded in total approximately twenty hours of recorded conversation. Some of the yarning sessions were semi-structured, with all participants provided with an overview of the research focus and all bar one participant (due to a time constraint) were additionally emailed individualised talking-points and potential questions prior to the conversation. This semi-structured engagement with Yarning is identified by Bessarab & N’gandu (2010) as ‘Research Topic Yarning’:

Yarn that takes place in a un or semi structured research interview. The sole purpose is to gather information through participants” stories that are related to the research topic. While the yarn is relaxed and interactive it is also purposeful with a defined beginning and end. Research topic yarning is a conversation with a purpose. The purpose is to obtain information relating to the research question. (p. 40)

There was a mixed response to the option of following the pre-prepared talking-points and questions, with some sessions using them and others not referring to them at all. However, all sixteen participants were asked the same one question regarding community-led care for collections of Ancestors’ hair, which was along the lines of, ‘What do you think community-led care is, or should be, for Ancestors’ hair held in institutional collections?’

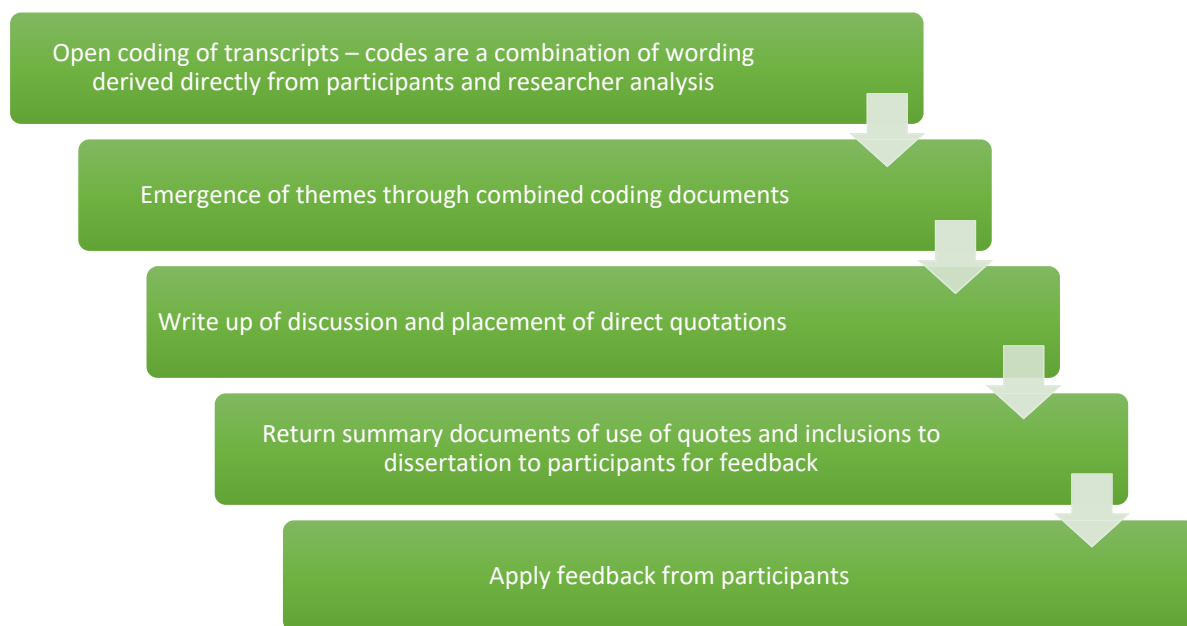


Figure 1: Data analysis process

The data analysis of the yarning sessions combined Yarning methodology and a conventional Western method of qualitative data analysis through thematic coding of transcripts. Open coding was completed using the transcripts, alongside several notetaking sessions re-listening to the original audio recordings, undertaking what is articulated by multiple First Nations scholars as ‘deep listening’ (Atkinson, 2002; Ungunmerr-Bauman, 2017; Bobongie-Harris, Hromek, & O’Brien, 2021). Bobongie-Harris, Hromek and O’Brien (2021) discuss deep listening as key to the engagement with Yarning as methodology:

Listening actively to both verbal and non-verbal communications is important, as it is often in the interstitial spaces of the conversation that the real messages are sent and, hopefully, received. (p. 18)

Using both coded data and notes from the yarning session, emerging themes were identified and mind-mapped, which became the basis for the structure and content of Chapter Six. Analysis of the conversation types was conducted in relation to Yarning methodology as tabled by Atkinson, Baird and Adams (2021), referencing key literature on Yarning methodology. The types of Yarning listed by Atkinson, Baird and Adams are Social (Bessarab & Ng’andu, 2010), and Family (Walker et al., 2014), Cross Cultural Yarning (Walker et al., 2014), Research Topic (Bessarab & Ng’andu, 2010), Therapeutic (Bessarab & Ng’andu, 2010), and Collaborative Yarning (Bessarab & Ng’andu, 2010; Shay, 2021). Different combinations of Yarning types arose organically during the yarning sessions. As per Atkinson, Baird and Adams’ categorisation of yarning, the most common types of yarning engaged in were a combination of Social Yarns, together with Cross Cultural and Research Topic Yarns, correlating with the presence of layered personal and professional relationships.

To ensure that participants were comfortable about how their knowledge and perspectives were to be represented, a copy of the full transcript was returned to provide the option for participants to make amendments. Additionally, there was a final stage of feedback where participants were sent a document containing all quotes and inclusions from their yarning session in the dissertation for confirmation and any final edits. Research participants had the option of amending or removing their input from the dissertation at any time prior to final submission, as outlined in the participant information sheet and consent form, the objective being that consent be seen as a relational and ongoing process.

Indigenous Storywork principles

Our whole lives are made up of stories. Some stories define us in ways we can never move on from. Of all the powers in the world, storytelling is one of the greatest. Stories are highly political. Those with the power can control whose story is told and how it is told. Scholars discuss the “grand or master narrative” as a form of story told by the colonial machine in the service of the imperial project [Walker, 1999].

(Seed-Pihama, 2019, p. 113)

In ‘Indigenous Storywork: Educating the Heart, Mind, Body, and Spirit’, Sto:lo scholar Dr Jo-ann Archibald Q’um Q’um Xiiem presents seven principles of Indigenous Storywork: respect, responsibility, reciprocity, reverence, holism, interrelatedness and synergy (Archibald, 2008). These seven principles are guidelines for research that is informed by Indigenous ways of knowing, being and doing. Indigenous Storywork principles were developed in recognition of the need for a responsive methodological framework that would best support the nuances of Indigenous peoples’ knowledges and stories across the full life cycle of the research process: before, during and after. There is a holistic focus on relationality and respect in Indigenous Storywork, particularly in the recalibration of research as a reciprocal learning process based on relationships that are beneficial for Indigenous peoples – rather than an extractive event.

Researchers need to learn and to appreciate the form and process of teacher-learner protocol, the form of communication, and the social principles and practices embedded in the First Nations cultural context. None of these steps is easy, quick, or simple.

(Archibald, 2008, p. 38)

The redirection of the academic research process by Archibald unsettles multiple Western academic paradigms, including (but not limited to) the researcher as expert, entitlement to knowledge, project timelines and one-time consent forms. The Indigenous Storywork principles provide key guidelines for Indigenous and non-Indigenous researchers on how to conduct anti-colonial research in a way that centres Indigenous peoples’ research priorities.

The first four Indigenous Storywork principles – respect, responsibility, reciprocity and reverence – are attributed by Archibald to the work of Verna J. Kirkness and Ray Barnhardt in ‘First Nations and higher education: The four Rs – respect, relevance, reciprocity, responsibility’ (2001). Archibald places the seven Indigenous Storywork principles in two groups: the first four Rs are ‘traditional values and teachings demonstrated toward the story, toward and by the storyteller and listener, and practiced in the Storywork context’, while holism, interrelatedness and synergy ‘shape the quality of the learning process’ (Archibald, 2008, p3). Sara Florence Davidson (2019) discusses how research interacts with all seven Indigenous Storywork principles by addressing each principle individually. Influenced by Davidson’s mapping of each principle across the research process, my engagement with Archibald’s Indigenous Storywork principles as a guiding methodology will be mapped across all seven principles while at the same time it will recognise the distinction between the first four Rs and remaining three principles (Archibald, 2008).

Respectful research practice begins long before the research officially starts. Before commencing research into the topic of Aboriginal and Torres Strait Islander peoples’ ‘hair samples’ held in collecting institutions, I had informal discussions with Elders, mentors and colleagues about whether it was the right time to focus on this research topic, and whether it was a discussion that I should be involved in. Several of the people with whom I had these early conversations with, would later be involved in research yarning sessions. Their responses, questions and support were integral to the entire research process, and clarified the sensitivities and complexities surrounding hair and the need for a respectful and reverent discussion. To show respect ‘toward the story, toward and by the storyteller and listener’ (Archibald, 2008), it was necessary that the dissertation moved at its own pace, carefully considering not only what to include in the research but what to leave out. Furthermore, respect was key to formulating the ways in which this research would refer to ‘hair samples’ and Ancestors’ hair, ensuring a movement towards the recognition of the Ancestral nature of hair held in collecting institutions in the terminology used throughout the dissertation.

Alongside respectful practice, the **responsibility** of engaging with stories, knowledge and perspectives on a research topic that is deeply personal, political and emotional required a collaborative approach. It was always necessary to have multiple First Nations voices leading this discussion and speaking from their experiences and priorities. This included ensuring participants had full agency to remove their consent, during sessions and after conversations

were recorded. Consent was ongoing and not a one-time event; responsibilities in relation to ensuring that the parameters of consent were clear and checked were of utmost importance when working collaboratively.

Respect, responsibility and relationality guide the research in how to act in a reciprocal manner. As raised by McGregor and Marker (2013), Western notions of compensation and ‘fair exchange’ are often connected to reciprocity in research, which they explain only further embeds transactional behaviour. The **reciprocity** of this research arose in those moments of collaborative conversation, but also in preparation for them. The process of preparing for each conversation starts long before the audio recorder is turned on. Before some yarning sessions, we had long conversations: checking in, catching up, or getting to know each other better before putting anything on the record. This research process could not have happened without prior relationships and the interrelatedness of the work of First Nations peoples across the GLAM sector. In structuring the yarning sessions for this research, the optional talking points were personalised to each participant, based on their published work and projects, so that their own knowledge would be centred. This method facilitated a more reciprocal approach, enabling the conversation to be driven by the research participant. Davidson draws on Archibald’s description of an aspect of reciprocity in research as ‘sharing this learning with others’ (Archibald, 2008, p. 48) to identify ways in which reciprocity guides their research.

Similarly, in the process of conversations both recorded and unrecorded for this PhD research, my own positionality as the researcher at times also shifted, and I was re-positioned as a co-participant. I shared stories and perspectives, and answered questions. The roles of speaker and listener were constantly shifting and never fixed. It is through the dynamism of roles in collaborative research that this research also shows **reverence** towards the Elders, knowledge-holders, scholars, mentors and peers from whom I learn. Reverence is also shown by taking the time to carefully consider how this research topic should be discussed and shared, particularly as it weaves between trauma, cultural knowledge and the sensitivities of stories aligned to the body and Ancestors. Aboriginal and Torres Strait Islander peoples have a diverse range of experiences and knowledge relating to hair, and the removal of hair for ‘hair samples’. However, it is wrong to assume that every person has experiences and knowledge relating to colonial hair sampling. Moreover, when a person does have personal and family stories relating to hair collections and collecting institutions, or has particular

knowledge relating to hair, this can be shared only when it is the appropriate time and with the appropriate people; this is not a researcher's decision to make. The knowledges and stories which this research engages with are complex and deeply emotional. This research is reverential of the knowledges, stories and perspectives exchanged during the research process, including both what ends up on the page and what remains silent.

Silence creates a respectful place for reverence. (Archibald, 2008, p. 126)

The remaining three Indigenous Storywork principles of holism, interrelatedness and synergy are to be considered guiding principles which 'shape the quality of the learning process' (Archibald, 2008, p. 3). Considering these three nuanced and interconnected principles has been a learning experience in and of itself, and has included reflection on how they not only converge but differ. In being guided by **holism**, this research aims to be cross-generational and transdisciplinary, seeing the effects of colonialism and the possibilities of Indigenous self-determination as being in the foundations of every-thing and every-future.

The **interrelatedness** of not only the stories which this research tells, but also of all the people involved, has been integral to the accountability and decision-making processes regarding how stories, knowledges and perspectives are to be conducted and shared. Relationality informs a level of respect, relevance, reciprocity and responsibility that has inherent accountability. As we relate to ourselves, to each other, and to the stories and knowledge we share, we are held accountable in ways from which we cannot walk away.

Synergy is created through building this dissertation with the expertise and perspectives of multiple voices. It is in collaboration that the work we do, whatever it may be, is at its strongest. 'Our sovereignty is strongest when we are strongest in ourselves. We are strongest in ourselves when we are with each other' (Behrendt, 2019, p. 175). Storytelling, supported by Standpoint, is a tool for self-determination (Behrendt, 2019), providing a methodological framework within which First Nations peoples can represent *themselves*, determining what is and is not shared in research.

Indigenous Standpoint, Yarning and Indigenous Storywork methodologies create the potential for Refusal in academia, whereby the choice to share or withhold information and knowledge is foundational to the research process and outcomes. Indigenous research

methodologies demand that Indigenous ways of being, doing and knowing are integral to the production of research that is of actual value to First Nations peoples. These include being able to refuse to deliver on certain research expectations, as will be discussed in the next section of this chapter.

Refusal

'Refusal' rather than recognition is an option for producing and maintaining alternative structures of thought, politics and traditions away from and in critical relationship to states. (Simpson, 2017, p. 19)

Refusal is strategic and generative (Mcgranahan, 2016, p. 322), political and a rejection of an easy answer (Simpson, 2016). Kahnawake Mohawk scholar Audra Simpson theorises Refusal as an alternative to recognition, a political stance, and action by which First Nations peoples can assert sovereignty and self-determination within settler-colonial regimes. Refusal has a flow-on affect, just as water blocked from running in one direction will run in another or build up in one place. A refusal may be filled with potential energy left behind from the resounding sound of a 'no'. However, as academia – a mechanism of the colonial project – will continue to find ways to fulfil its exploitative potential, researchers must be careful when engaging with methodological Refusal.

Refusal might be thought of as a stoppage, an end to something, the breaking of relations. And it might be just this. However, the ending of one thing is often the generation of something new. (Mcgranahan, 2016, p. 322)

A refusal must be allowed to have no generative potential, to refuse theorisation, and just be an ending, a stop and an exit. This is the interesting and powerful element of a refusal: when fulfilling its potential to be an ending, there must be no presence of it in research. To theorise a refusal in its absence is to make it present, and therefore to transgress the refusal. However, as discussed by Mcgranahan et al. (2016), there is also generative potential for something else to happen within absence. This dissertation engages with Refusal as methodology, particularly aligned with Audra Simpson's positioning of Refusal as deeply connected to consent and therefore intrinsically tied to First Nations peoples' experiences of the ongoing colonial project. As described by Tanganekald, Meintangk Boandik scholar Professor Irene

Watson, the colonial project is forever fixed on maintaining and justifying occupation of land and resources, and the ‘paramount importance that the colonised remain contained as objects of the colonial state’ (Watson, 2016, p. 30). Simpson outlines how in her work with the Mohawk community she witnessed refusal as a political stance and action, which in turn was a clear directive to her own refusal in the research process:

‘How, then, do those who are targeted for elimination, those who have had their land stolen from them, their bodies and their cultures worked on to be made into something else articulate their politics? ...

They refuse to consent to the apparatuses of the state. And in time with that, I refused then, and still do now, to tell the internal story of their struggle. But I consent to telling the story of their constraint.’ (Simpson, 2016, p. 328)

This dissertation engages with Refusal as methodology in two ways: the refusal to conduct anthropological research discussing the ‘ceremonial’ significances and uses of hair to Aboriginal and Torres Strait Islander peoples, and the refusal of unnecessary and excessive reproduction of anthropological, traumatic and discriminatory references wherever possible. Through a refusal to engage with an anthropological lens, there is resistance to the academic expectation to provide specific evidence and examples of the ceremonial or ‘cultural’ significance of hair for Aboriginal and Torres Strait Islander peoples, in order to prove a ‘claim’ of stakeholdership. Rather, this dissertation presents the violent and unethical theories and practices that created ‘hair samples’, and the priorities of care for Ancestors’ hair, within the context of settler-colonial theft and ‘white possessive logics’ (Moreton-Robinson, 2015). The white supremacist and settler-colonial value of Aboriginal and Torres Strait Islander peoples’ hair should be considered *the issue* – not First Nations peoples’ demand for respect and self-determination over Ancestors.

The refusal of the anthropological lens extends to the use of references and citations. Wherever possible, this dissertation avoids quoting or referencing historical anthropological studies on the significance of hair for Aboriginal and Torres Strait Islander peoples by non-Indigenous scholars. It was deemed necessary to the research topic to discuss at length the discriminatory and racist theories and practices espoused by multiple eighteenth, nineteenth and twentieth-century voices; however, as every citation is political, excessive use of these

sources was avoided. In engaging with refusal of the written word, particularly when discussing and describing a topic that is visceral, emotional, textural and visual, consideration of Refusal as methodology was extended to the creation of the photographic component to accompany this dissertation.

Print and photographic works

In this dissertation two print and photographic works are used: *If archives were a colour they'd be a royal blue* and *Categorical wrong*. These works were created for this research during 2022 and 2023, in response to my unease at the idea of using images of Ancestors' hair in research, as well as my visceral experience of encountering Ancestors' hair in the colonial archive. These works draw attention to the intentional choice to not include images of Ancestors' hair, or archival records containing personal information. Furthermore, the process of creating these prints and photographs enabled me to slow down momentarily, as these mediums require, and engage with my personal response to undertaking this research. The inclusion of these works in the dissertation is aligned with a methodology of Refusal, reflects the refusal to further expose Ancestors' hair visually, and is also an expression of my standpoint as both outside yet within this research.

Photography and science are deeply intertwined in a 'symbiotic relationship', through the 'timely coincidence of the invention of photography with the consolidation of a certain culture of scientific observation' (Wilder, 2009, pp. 163-164). The practice of photography is both a creation of and a tool for scientific research (Wilder, 2009). The camera, as 'colonial paraphernalia' (Vera, 2000, p. 232) and a tool of colonial scrutiny (Hight & Sampson, 2002), was used widely in nineteenth-century race science and physical anthropology for the creation and proliferation of race-type photographs.

When we speak of "shooting" with a camera, we are acknowledging the kinship of photography and violence. The anthropological photographs made in the 19th century under the aegis of colonial powers are related to the images created by contemporary photojournalists, including those who embed with military forces. (Cole, 2019, para. 10)

Said describes how 'the act of representing others almost always involves violence to the subject of representation' (Said, 1985), and this is evident in the way the camera documents acts of settler-colonial violence but also perpetrates them. As Teju Cole writes, photography can take away agency: 'photography writes with light, but not everything wants to be seen. Among the human rights is the right to remain obscure, unseen and dark' (Cole, 2019, para. 18). The photographing of samples of hair for museum catalogues and research use is an example of the dualism of photography; here, the end justifies the means. The provision of

evidence and proof that ‘hair samples’ exist in collecting institutions through a documentary image justifies the use of that image. However, the reproduction of an image of the traumatic and discriminatory, has the potential to reproduce harm. This research does not aim to censor or withhold the truth of colonial violence, or to decide what is or is not harmful; rather, through Refusal as methodology, it aims to draw attention to the truths of settler-colonial violence while also limiting the use of photographs that I have not received permission to include.

[photographers] have put the subjects on the historical map, often falsifying forever a person’s place in the world...

Photography is about memories, both personal and collective, about “capturing,” and dislocating, a particular moment in time. Early photographs purported to be creating an historical record, though many were often falsely staged. (Croft, 2002, p. 21)

If archives were a colour they’d be a royal blue, 2023

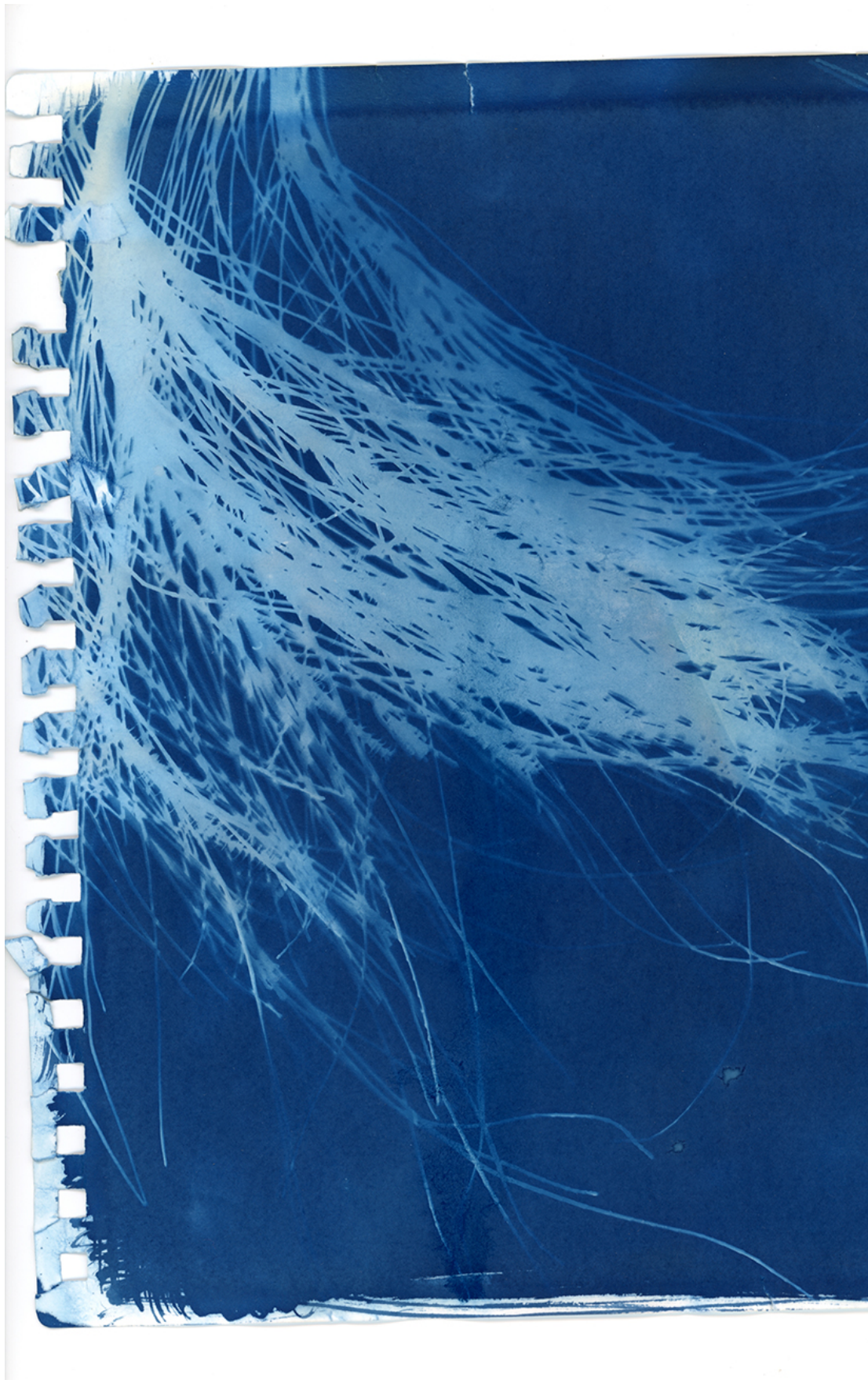
Lauren Booker

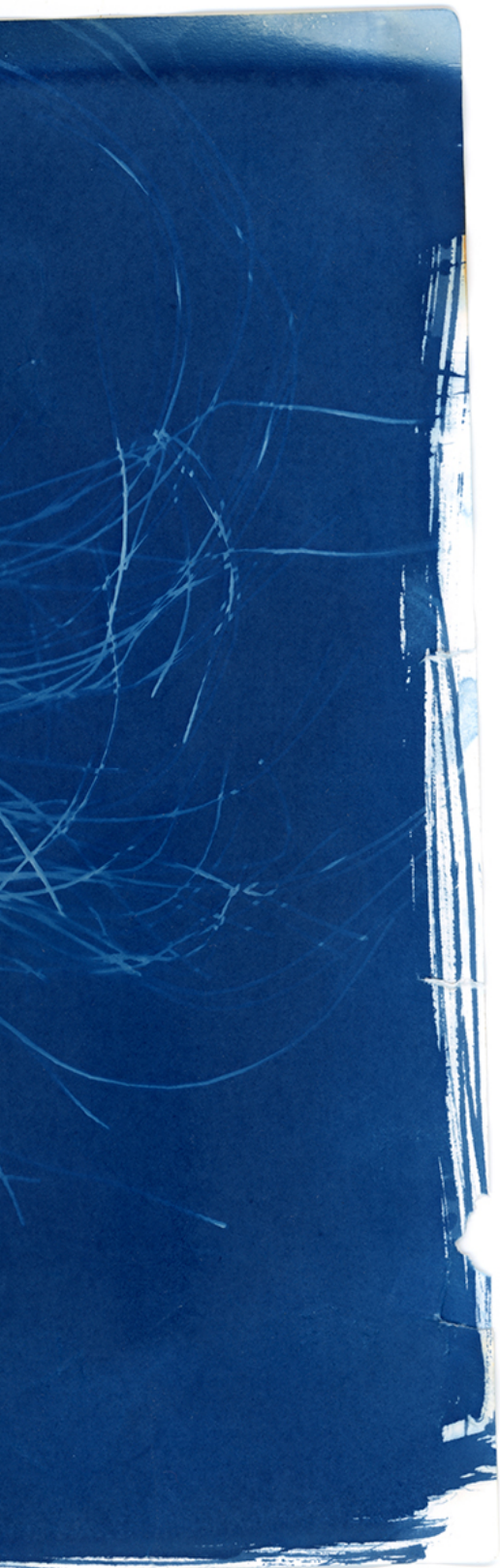
Cyanotype print on watercolour paper, casuarina

The title of this work is a quotation from Dr Rose Barrowcliffe’s (Butchulla) presentation ‘Amplifying Indigenous voice in the archive: An Indigenous user’s perspective’, delivered at the 2021 Australian Society of Archivists conference (2021b). Barrowcliffe stated that ‘if archives were a colour, they’d be a royal blue’, in reference to archives as awash with colonialism.

The use of cyanotype printing is a reference to Barrowcliffe’s statement, and also references the original use of cyanotype printing as a nineteenth-century printing technique for scientific botanical specimens. Furthermore, through the use of watercolour and printing papers, these prints are reminiscent of the experience of handling paper materials within an archive.

If archives were a colour they’d be a royal blue uses fallen casuarina collected on Gadigal, Wangal and Dharug countries as a reference to Ancestors’ hair. However, rather than the process mimicking the forced pulling of hair, the casuarina was collected only from that which the tree had ‘naturally shed’.





Categorical wrong, 2022

Lauren Booker

Black and white 120mm photograph, casuarina, mourning cypress, palm

The black and white photographic work *Categorical wrong* is a response to the creation of racial fictions of hair hierarchy, which bolstered the removal of ‘hair samples’ from First Nations and Black people and people of colour around the world. The work references the aesthetics of museum object photography, and black and white archival images from the nineteenth and twentieth centuries. The inclusion of plant material with textural evocations of hair – casuarina, mourning cypress, palm – aims to create a distant yet familiar response to the visual story of hair sampling. Additionally, the use of plants is representational of European human and non-human taxonomic categories, but simultaneously illustrates the connection to Country imbued in all Ancestors’ hair held in collecting institutions.



A key inspiration for *If archives were a colour they'd be a royal blue* is the work of Waanyi artist Judy Watson, specifically her work *our hair in your collections*, 1997. Additionally, the placement of *If archives were a colour they'd be a royal blue* at the boundaries of the dissertation – the beginning, the end and between chapters – is intended to slow down the reader, and myself as the researcher, while going through this document. Additionally, the placement evokes the placement of Mutti Mutti, Yorta Yorta, Boon Wurrung/Wemba Wemba artist Maree Clarke's work *The Women in Mourning*, from her *Kopi Mourning Caps* artistic project, as 'the cover and chapter guardians' (Faulkhead & Berg, 2010, p. 122) in Dr Shannon Faulkhead's and Uncle Jim Berg's book 'Power and the Passion: Our Ancestors Return Home'. Clarke's work, and the text by Faulkhead and Berg, have greatly influenced both my creative and academic work, and it is with great respect that I reference them in the print and photographic works accompanying this dissertation. Clarke's *The Women in Mourning* holds the stories, knowledges, grief and joy that are present in the book, together expressing the grief of the Koori community and their 'respect and love for the deceased' (Faulkhead & Berg, 2010, p. 122). Dr Shannon Faulkhead, Koorie woman from Mildura, Head of First Peoples Department at Museums Victoria, and Adjunct Senior Research Fellow, Faculty of Information Technology, Monash University, described Clarke's work in 'Power and the Passion: Our Ancestors Return Home' in a yarning session:

It was also giving people permission to mourn for everything that has happened. So things like Ancestors being stolen, but also not being able to mourn loss of family because you would have been separated through Stolen Generations, or people not understanding the importance of mourning.

(Dr Shannon Faulkhead, yarning session, 15 September 2020)

In the foundational text *Decolonising Methodologies*, Smith identifies research as both born of, and sustaining, the Western empirical knowledge systems that have long subjected Indigenous peoples to oppressive and dispossessive theories, and praxis as 'a site of struggle', adding that 'research has a significance for Indigenous peoples that is embedded in our history under the gaze of Western imperialism and Western science' (Smith, 2021, p. 44). The foundations of academic work are so deeply interconnected with imperial, colonial and capitalistic power dynamics that academia must take responsibility for the integral role it plays in supporting these regimes. This dissertation aims to engage in a process of Indigenous-led truth-telling and imagining, while recognising the dynamics of conducting

academic research on stolen land. In creating this print and photographic work, I was able to step outside the conventional research process for a moment and reflect on what I was doing and how I was doing it.

Limitations of this research and future of areas of research

There were difficulties in conducting yarning sessions as initially planned, due to the COVID-19 pandemic beginning at the end of the first year of the research, around the same time that ethics clearance was given. This also affected institutional access to archive collections and conducting archival research, which was intended to be a key element of this research alongside in-person yarning sessions. The restrictions resulting from COVID-19 highlighted the importance of yarning in person, particularly about complex and difficult content, such as hair sampling, race science, colonial archives, hair and Ancestors. Furthermore, the inability to access physical archives clarified the issues of discoverability and accessibility of important contextualising information, stories and evidence of hair sampling in Australia. Many records in overseas institutions were partially or entirely inaccessible due to digitisation restrictions or a lack of finding aids and metadata. These logistical restrictions, as well as the general disruption of the pandemic, inevitably changed the intended trajectory of this research.

The greatest limitation to this research is a result of the decision that seeking testimony about an Ancestor's or an Elder's experience of hair sampling in the nineteenth and twentieth centuries was outside the scope of the research. The decision not to seek out testimonies and experiences of hair sampling is an intentional gap in this dissertation. At the start of this research I felt that I did not have the research expertise to document and represent these experiences in the way they deserved to be documented and represented: a decision that was further affirmed by COVID-19 restrictions. As a result, the case studies chosen for inclusion focus on mostly known historical cases of Ancestors' hair held in collecting institutions that are discussed in public and scholarly sources. The choice of these case studies highlights the lack of critical engagement and truth-telling regarding the histories, networks and legacies of hair sampling, while prompting a recommendation of necessary support for an Indigenous-led initiative to record testimony of these histories and set the record straight.

Further work must be undertaken to understand the influence of hair categorisation and sampling on Australian assimilation policies and attitudes across the nineteenth and twentieth centuries. Collections of Ancestors' hair and related records containing personal information are inextricably linked to the larger structure of settler-colonial discrimination and dispossession. This is a future area of research which can facilitate a truth-telling and Right of Reply process by discussing the implementation of hair as a marker and measure of 'race' by researchers, governments and linked institutions which were constantly surveilling and managing the borders of Blak and white Australia.

Additionally, this dissertation has only scratched the surface of the networks of governments, institutions and individuals involved in the international trade in Ancestors' hair as a research object. A further area of research would be to trace and establish a more comprehensive understanding of where and to whom these networks extended. In particular, this future research could provide a greater understanding of the intersections of hair sampling from Aboriginal and Torres Strait Islander peoples with colonial-racial capitalism, thereby adding further evidence to this emerging and important area of study. This research would require the cooperation of archives in the UK, the US and Europe, and should be combined with the process of provenance research for the implementation of the Right to Know and potential repatriation. In relation to this, further investigation is required into the specific application of digital technologies in support of Indigenous self-determination and community-controlled care for Ancestors' hair and associated information held in collecting institutions. As is raised by the Indigenous Archives Collective's *Position Statement on the Right of Reply to Indigenous Knowledges and Information held in Archives*: 'emerging trends in data and technology use raise urgent questions about data sovereignty, copyright, Indigenous Cultural and Intellectual Property and repurposing of records and metadata which could potentially reiterate bias and incorrect information' (2021, p. 247). Initiatives such as the global Mukurtu Content Management System (CMS) project are responding to the specific information needs of Indigenous peoples and provide avenues for both Indigenous communities and collecting institutions to redefine the management of collections (Thorpe et al, 2021). Without community-led and Indigenous-led interventions, the issues of the discoverability, access, care and self-determination for Ancestors and ICIP are only compounded in the digital environment. Further research must be done to understand the requirements of communities regarding Ancestors' hair and related records in digital environments.



Chapter Three: Tracing the creation of the ‘hair sample’ in Australia: investigating the archival issues and racial fictions of hair hierarchy

Despite the presence of Ancestors’ hair held in collecting and research institutions globally, and the inclusion of racialised hair categorisation and sampling in the histories of multiple research disciplines, Ancestors’ hair and hair sampling are obscured within the dominant historical record. The ‘systematic fragmentation’ and ‘disciplinary carve up of the Indigenous world’ (Smith, 2021, p. 28) by imperial and colonial research and researchers produced not only hair categorisations and collections, but also the subsequent issues of agency and access related to the removal and dispersal to collecting institutions around the world of Ancestral Remains, personal information and cultural material. The act of sampling hair from Aboriginal and Torres Strait Islander peoples was underpinned by imperial and colonial ideologies and agendas, and has resulted in collections of Ancestors’ hair in institutions worldwide. Racial hair studies in the nineteenth and twentieth centuries positioned samples of hair as representative of the body, but also representative of the colonial fantasy that everything is discoverable, possessable and subservient to the trajectory of colonialism.

The study and sampling of hair from Aboriginal and Torres Strait Islander peoples as a ‘racial marker’ was practised in Australia across disciplines such as genetics, physical anthropology and anthropology, from the late nineteenth to early twentieth century. Hair sampling in Australia was connected to a wider international network of researchers and institutions which collected and published on hair as a racial marker, propagating and profiteering from racial fictions and exoticism. Spurred by the promises of Enlightenment ideologies and capitalist futures built on stolen lands, waters and bodies, the transformation of a person’s hair, while positioned as having the potential to categorise the entire ‘human race’, was

specifically aimed at classifying proximity to whiteness. Hair categorisation and sampling embedded a research significance into hair that was based on racial fictions and hair hierarchy. If one engages with the colonial archive to view the history of hair sampling through the lens of ongoing and structural settler-colonialism (Wolfe, 2006) and ‘white possessive logics’ (Moreton-Robinson, 2015), it becomes clear that hair categorisation and sampling were processes of constructing racial fictions that served the agenda of settler-colonialism.

During the course of this research, it became apparent that there is colonial amnesia regarding the histories of hair sampling and their ongoing repercussions. However, as stated by Duczynski, for First Nations peoples who are aware of the invasive measurement and collecting of bodies and Ancestors, these collections are deeply intertwined with their traumatic histories:

I don't know if it will ever be possible to look at a hair sample and divorce it from the history and the context in which it was produced.

(Marika Duczynski, yarning session, 1 June 2022)

The networks of researchers and institutions who engaged in and spread the practice of hair sampling stretch far beyond the major actors known to have been involved in related fields of research and collecting for physical anthropology and race science. There is, therefore, a substantial amount of work required to locate all collections of Ancestors’ hair and related records, in order to enable community self-determination and fully understand the impact of hair categorisation and sampling on targeted communities. With so much still unknown about the histories of the practice of hair sampling (Faithfull, 2021), the case studies and examples discussed represent only a small part of a much larger network of researchers and institutions who profited from the creation and trade of the ‘hair sample’. Therefore, this chapter aims to provide additional insights into this history by investigating the settler-colonial fictions and racial capitalist desires of hair sampling. Research into the specifics of hair sampling practice in Australia is so minimal that there is a gap in the historical understanding of the networks and practices of hair sampling and of the legacies that continue to this day.

In the literature can be found focused studies and critiques of legacies, such as the inaccuracies of microscopic hair comparison analysis in the US judicial system (Federal

Bureau of Investigation, 2015), the use of racial hair categories in the commercial global market of human hair (Tarlo, 2019), and the persistence of racialised biological variation in the processes of classification and valuation in anthropological and biomedical research (Lasisi, 2021). However, the institutional holdings of Aboriginal and Torres Strait Islander Ancestors' hair, and their use in research, are yet to be comprehensively linked with these wider global legacies, and the visibility for communities of Ancestors' hair in collections is still dealt with on a case-by-case basis (e.g., for the Tasmanian Aboriginal Centre's request for repatriation of Ancestors' hair from the Wellcome Collection, see Faithfull, 2021; Sculthorpe, 2021).

This chapter introduces the argument that the creation of the 'hair sample' furthered imperial and settler-colonial agendas, as well as the careers of those engaging in the research. Additionally, this chapter highlights the lack of visibility that these imperial and settler-colonial histories of hair sampling from Aboriginal and Torres Strait Islander peoples have in the present day, and discusses the role of collecting institutions in the truth-telling needed in relation to Ancestors' hair. Through reflecting on the simultaneous archival presence and absence of Ancestors' hair, this chapter raises the responsibilities of and imperatives for the GLAM sector to enact the Right to Know for Ancestors' hair and related records. This chapter includes the expert voices of Aboriginal and Torres Strait Islander and non-Indigenous scholars and GLAM professionals, reflecting on the histories and legacies of hair sampling.

Firstly, two main case studies will be introduced: Ancestors' hair, 1839-40, held at Drexel University, and Ancestors' and Elders' hair, 1938-39 & 1952-54, held at the South Australian Museum. These case studies discuss two instances of hair sampling from Aboriginal and Torres Strait Islander peoples, one in the nineteenth and the other in the twentieth century, both taking place during research expeditions to and within Australia. The case studies are connected to collections of Ancestors' hair held in institutional collections in the United States and Australia, as well as to archival traces of published and unpublished information and records. Through the case studies, and through additional examples of related research networks, the chapter will then reflect on the creation of the 'hair sample' as a racial fiction and a tool of imperial and settler-colonial knowledge capital. This highlights the need for truth-telling about the connections between eighteenth-century race taxonomy, nineteenth-century race science and twentieth-century eugenics and assimilation policies in Australia.

Following this, the ongoing archival issues that obstruct communities from knowing about and caring for Ancestors' hair held in institutional collections – issues of visibility and the Right to Know – will be explored, connecting the histories and ongoing repercussions of racial classification and sampling of Aboriginal and Torres Strait Islander peoples' hair with the wider conversation on the continuing presence of race science (Saini, 2019; Tarlo, 2016) and colonial power dynamics in collecting institutions (Hemming & Rigney, 2010).

The following discussion on the case studies will detail the categorisation and collection of Ancestors' hair during research expeditions conducted in the nineteenth and twentieth centuries. It describes the collection of Ancestors' hair firstly during the US Exploring Expedition (1839-40), and secondly during the Board for Anthropological Research expeditions (1938-54). While each of these two instances of hair sampling from Aboriginal and Torres Strait Islander peoples presents differently in the colonial archive, both prompt reflections on the importance of the historical records and archival materials in truth-telling and provenance research. These case studies exemplify the widespread interest in hair as a racial marker during the nineteenth and twentieth centuries, while raising the question of the extent to which it has been obscured in dominant historical narratives up until the present day.

Represented in this chapter is only a small section of an international network of research focused on hair which spanned two centuries and multiple countries, political ideologies and research disciplines. Together, these case studies aim to illustrate the research networks that made possible the categorisation and collection of Ancestors' hair. Hair categorisation and sampling were used to create 'knowledge' and 'data' about Aboriginal and Torres Strait Islander peoples through racial fictions and settler-colonial agendas, regardless of the benevolence or genuine scientific goals of the researchers. As stated by Smith (2021):

Imperialism and colonialism are the specific formations through which the West came to 'see', to 'name' and to 'know' Indigenous communities. (p. 69)

Case study: Ancestors' hair, 1839-40, currently held at Drexel University (US)

Peter Arvell Browne was a key figure in the creation and proliferation of the racial 'hair sample'. He published major texts (*Trichologia Mammalium*) and established key terminology ('trichology') and processes of measurement (the 'trichometer') for the study of hair. While drawing on eighteenth-century racial classification and nineteenth-century race theorists for the foundations of his research, Browne elevated his process above that of his peers by introducing a scientific method which used equipment he had designed for his research on sheep's wool. Browne, a Philadelphia-based lawyer and amateur naturalist, began his research career by testing wool samples from sheep breeds around the world to identify the best wool for making products (Gold McBride, 2017). Browne used three scientific instruments to conduct his research: a microscope, a discotome (for cutting a cross-section of a hair follicle) and a trichometer, to measure the 'ductility, elasticity and tenacity of pile' (Browne, 1853). Browne's comparative quality testing of sheep's wool led to his classification of two types of sheep – *woolly* and *hairy* (Peck, 2018). The trichometer was marketed as an essential item for sheep breeders choosing which sheep were suitable to breed.

Nothing for them is too large, nothing too small for examination, which God has placed within their reach... Then let no one marvel that we have devoted so much time to ascertain the organisation, properties and uses of hair and wool. To the unreflecting, this department of knowledge may at first view, appear to be trifling; but, with each successive advance, it will acquire more importance. (Browne, 1853, p. iii)

Gold McBride details the career of Browne between 1848 and 1853, when he 'collected hundreds of hair samples; conducted extensive experiments on human and animal hairs; and wrote seven articles, speeches, and books on the science of hair' (2017, p. 115). Browne's shift from the study of animal wool to human hair led to him coining the term 'trichology' (the study of hair) and becoming 'the nineteenth century's most famous hair scientist' (Gold McBride, 2017, p. 2). Mildred Trotter, twentieth-century anthropologist and hair researcher, wrote that Browne 'first suggested a correlation between race and the shape of the cross section of hair...' (1943, p. 69). Browne's written work and research practice expanded the practice of studying and categorising human hair, particularly through his use of scientific implements. His trichology research into animal and human 'pile' resulted in twelve bound volumes titled 'P.A Browne's Collection of Pile', which, as per his will, were donated on his

death in 1860 to the Philadelphia Academy of Natural Sciences of Drexel University, where they are still held (Fullilove, 2017). These bound volumes contain the hair of both animals and people, with a focus on hair collected from US presidents, notable nineteenth-century public figures and a collection of hair indicating ‘race types’. Browne engaged his network of friends, peers and admirers to collect samples for his racial classification of hair; these included Joseph Henry, first secretary of the Smithsonian Institution, physical anthropologist Samuel George Morton, and Lieutenant Charles Wilkes, who led the first US expedition to the South Pacific region (Peck, 2018).

The ‘United States Exploring Expedition of 1838-42’, or the ‘Wilkes Expedition’, was the ‘most extensive and far-reaching American scientific endeavour of the nineteenth century’ (Joyce, 2001, p. 1). Its mission was to explore, categorise and collate knowledge of the lands, seas and people across the Pacific Ocean, and in doing so it ‘ordered their world through their perception of what others are like’ (Joyce, 2001, p. 2). The crew included a range of researchers and scientists, whose amassed collections would fill the museum in the Washington Patent Office building, later inherited by the Smithsonian (Fullilove, 2017). The Expedition’s commander, Charles Wilkes, received a personal request from Browne to acquire samples of hair from the Indigenous peoples he encountered for Browne to examine and add to his own collection (Peck, 2018).

The expedition arrived in the sovereign Gadigal waters of Sydney harbour on the night of the 29 November 1839. Documentation shows that the Wilkes Expedition’s incursion into Australia was planned for the purposes of refuelling and restocking the ship and crew before continuing on to Antarctica (Wilkes, 1845). Additionally, it has been suggested that, due to the scientists on the expedition being ill-equipped for Antarctic research, ‘Wilkes may have been trying to circumvent his dissatisfied scientific corps by giving them ample time to botanize in Australia’ (Hibler, 1989, p. 218). Some of Wilkes’ crew remained in Sydney ‘to pursue their interests on shore’, including philologist Horatio Hale, naturalist Charles Pickering and illustrator/artist Alfred T. Agate (Sprague, 1988, p. 23). During the expedition’s time in Australia, arriving on 29 November 1839 and leaving in late February 1840, samples of Ancestors’ hair, which would eventually be held inside ‘P.A Browne’s Collection of Pile’, were taken by members of the crew.

Case study: Ancestors' and Elders' hair, 1938-39 & 1952-54, currently held at the South Australian Museum

During 1938-39, Joseph Birdsell, a Harvard University doctoral student supervised by physical anthropologist Earnest A. Hooton, conducted field research for his doctoral dissertation as a member of the 'Harvard and Adelaide Universities Anthropological Expedition', led by Norman B. Tindale. The 1938-39 expedition, and another two-year expedition in 1952, would historically be regarded as research collaborations between Tindale and Birdsell. Although a young student, Birdsell was representative of Harvard University's interest – both academic and economic – in the expedition's findings. While visiting Harvard in 1936 to lecture, Hooton had been influenced by Tindale's work, and had 'determined that Australia would be a favourable site for the study of race mixture', obtaining a large grant to support an expedition from the Carnegie Corporation of New York (Birdsell, 1987, p. 8). Hooton suggested that his student be involved in the expedition, as Birdsell was looking for a dissertation topic at the time. Birdsell would go on to collect a substantial amount of descriptive information from Aboriginal and Torres Strait Islander peoples during two trips to Australia. This collecting and documentation culminated in thousands of samples of Ancestors' and living people's hair and personal information being held at the South Australian Museum, as well as a now defunct – yet still cited – human origin theory (Prentis, 1995; Sentance, 2022).

The Harvard and Adelaide Universities Anthropological expedition, described as 'one of the most determined attempts yet made to examine Australia's half-caste problem' (Half-Caste Problem to be Attacked, 1938), was part of a multi-decade focus on physical anthropology research at the University of Adelaide, aimed at informing 'policies of half-caste administration [developed] under the control of six different States and the Commonwealth Government' (Tindale, 1941, p. 66). Established in 1926, the Board for Anthropological Research (BAR) was a permanent committee of the Council of the University of Adelaide; it conducted eight BAR expeditions across the Central Australia region from 1929 to 1936³, in addition to the Birdsell/Tindale associated Expeditions in 1938-39, and the 'University of California at Los Angeles and University of Adelaide Anthropological Expedition' in 1952-54 (SAM, n.d). The South Australian Government supported and collaborated with the Board

³ Hermannsburg (1929), MacDonald Downs (1930), Cockatoo Creek (1931), Mt Liebig (1932), Mann Range and Ernabella (1933), Diamantina (1934), Warburton Range (1935) and The Granites (1936)

for Anthropological Research and its associated institutions, the South Australian Museum and the University of Adelaide, drawing ‘scientific experts into its governance structures’ (Harkin, 2019a, p. 274).

The creation of the ‘hair sample’: a racial fiction and tool of imperial and settler-colonial knowledge capital

Hair as a racial marker was considered to have an immutable quality, to be a fixed record of a person’s ‘race type’ or ancestry that was readable through a variety of methods, using both the bare eye and microscope. From the eighteenth-century to the present day, the trajectory of the creation, proliferation, eventual decline and then re-emergence of the racial ‘hair sample’ has always travelled alongside the trajectory of the concept of ‘race’. The ‘hair sample’, and the repercussions of these collections of Ancestors’ hair for communities, are interconnected with the history of racial thinking, of race science and of the application of scientific racism in political ideologies and policies. At the foundations of present-day studies of hair in disciplines such as genomics, anthropology, biology and forensic science lie the history and conceptualisations of hair as a racial fiction.

This following section discusses the white supremacy, racial discrimination and exploitation embedded in collections of ‘hair samples’, and their links with the global history of race and race science. It illustrates the interconnecting concepts and articulations of hair difference and the hierarchy of eighteenth-century human taxonomy, nineteenth-century race science and twentieth-century eugenics and assimilation policies. ‘Hair samples’ are positioned as a racial fiction and a tool of imperialism, settler-colonialism and white supremacy.

Racial fictions: eighteenth-century classification of hair as a marker of race

Prior to the proliferation of hair sampling as a research practice for race science, physical anthropology and anthropology, hair was classified as a marker of human difference by eighteenth-century European naturalists and taxonomists, including Carl Linnaeus, Georges Louis Leclerc, Comte de Buffon, and Johann Friedrich Blumenbach. Racial thinking and discrimination were present and influential in European nations and empires before and during these taxonomical orderings of the ‘natural and human worlds’, as is evident from the transatlantic slave trade and conceptualisations of Blackness by white people in seventeenth-century writing (Hughes, 2007).

However, this dissertation is focused on investigating the continuity of racial thinking regarding hair as a phenomenon that solidified in the eighteenth-century. This places the categorisation of hair as a researchable racial marker and measure in the century before the global collecting of ‘hair samples’ began, before Charles Darwin published in 1859, and at the beginning of modern concepts of race and the academicisation of scientific racism. One of the earliest references to the international trade in Ancestors’ hair is by Blumenbach, originally published in 1795, commenting on ‘the New Hollanders, whose hair, as I see from the specimens I have in hand ...’ (Blumenbach, 1969, p. 225).

Conceptualisations of race, and scientific racism, are commonly linked back to eighteenth-century Swedish taxonomist Carl Linnaeus’ classification system ‘*Systema naturae*’, published in 1735, which conceptualised ‘three kingdoms of nature: mineral, vegetable and animal’ (Charmantier, 2020; Müller-Wille, 2014). Linnaeus was not the only European scientist theorising human difference in ways which would have global and ongoing consequences. This early ‘race’ classification aligned with the work of his peers, and reflected the popularity of European categorisations and fictionalisations of non-European peoples and cultures during a period of rapid imperial and colonial expansion and the transatlantic slave trade. *Systema naturae* used a humoral paradigm, by which outward physiology was also internalised as corresponding to internal attributes – ‘humours’. The categorisation of ‘elemental fluids or humours – blood (sanguine), phlegm, cholera (yellow bile), and melancholy (black bile)’ contained in each person as a ‘celestial influence’ (Dawson, 2019, p. 2) appears in Linnaeus’ race categorisation, but is of an older, Greco-Roman lineage, connecting to Galen’s classifications during the Roman Empire.

As described by Dawson, the humoral behaviour combined the internal and the external – ‘... from the inside all the way out to the hair on their head and to the tips of their toes... skin-deep contracts could therefore endorse profound, persistent differences in both body and behaviour’ (2019, p. 2). This notion of innate human difference, externally visible yet rooted in the morality of person, persisted through the eighteenth century and was embedded in the scientific racism of the centuries that followed. Although Linnaeus is commonly referred to as a founder of racial classification, the use of ‘race’ as scientific terminology can be additionally traced to Georges Louis Leclerc, Comte de Buffon, a French philosopher and scientist, who used the term in 1749, and to earlier accounts of the word being used by

Maupertuis in 1745 and Bernier in 1684 (Douglas, 2004). The term ‘race’ was developed further in the 1775 publication ‘On the natural varieties of mankind: De generis humani varietate nativa’ by Johan Friedrich Blumenbach (‘Johann Friedrich Blumenbach (1753-1840)’, 1940).

In this period of ‘Enlightenment’ thinking about human difference, ‘the lines of causation between environment and virtue were by no means clear’ (Buchan & Andersson Burnett, 2019, p. 124). Physiological and geographic variations were considered indicative of emotional and mental variation, and, not surprisingly, since the theorists represented the ruling political class, whiteness was always desirable and never degenerate. As far as hair was concerned, a person’s hair type was reflective of internal moral and mental virtues assigned to a race type. It was in the taxonomies and publications of early modern European scientists such as Linnaeus, Leclerc and Blumenbach that the varieties of and differences in human hair began to be coded as ‘race’, and stabilised as measurable. Physical attributes of hair, such as colour and texture, were placed adjacent to skin colour in defining race types: terms such as *woolly*, *straight*, *curly*, *chestnut*, *yellow*, *black* were ascribed to hair.

Hair as embedded in race classifications has been argued and amended over centuries of theorists and evolving agendas of chattel slavery, white supremacy, imperialism and settler-colonialism. However, despite the malleability of the concept of race – described by Douglas as a ‘slippery word’ (2006, p. 2) – the semantics of racialised hair have had a continuity over time. The persistence of racial fictions can be traced across centuries and, as noted by geneticist Dr Adam Rutherford, a key issue is the continuity of incorrect categorisations of biological race (Sakar, 2023). For example, as Rutherford notes, ‘we say “Black” people, right, because Linnaeus said “Black” people... but actually it's a completely incoherent biological category because of the amount of genetic diversity that exists...’ (Sakar, 2023). However, the social construction of race has not prevented the reality of its application, as the next section will discuss; ‘race as biology is fiction, racism as a social problem is real’ (Smedley & Smedley, 2005, p. 16).

Through the eye-glass: prescribing racial fictions onto sovereign bodies

As Smith recounts, the process by which racial fictions of hair hierarchy became reality was determined by ‘relations of power’ (2021, p. 48). Imperial and colonial justifications of domination – whether considered divinely ordained or as ‘natural selection’ following Darwinian ideology – are embedded in the racial fictions of hair as a research material for racial classification. Moreton-Robinson reminds us that, ‘by the time Cook “discovered” Australia, the black/white binary had become part of the English language and the inferiority of black people was entrenched in discourse’ (Moreton-Robinson, 2015, p. 110). Racial fictions were already formalised by the time they were brought into Indigenous lands and waters; Birdsell, a collector of Ancestors’ hair, would go on to reflect that Australia was ‘an ideal laboratory for the investigation of microevolutionary processes’ (Birdsell, 1987, p. 10).

In 1688, William Dampier coded Aboriginal peoples with European notions of racial hierarchy, using descriptions of Blackness and Indigeneity that included references to hair texture, recognisable in later, eighteenth-century race taxonomies (Conor, 2018; Douglas, 2006). Dampier, anchored in Bardi Jawi Country, attempted to enforce labour on a Bardi people in their own sovereign lands, for them to become ‘new servants’ for Dampier’s crew (Conor, 2018, para. 13). This ‘very first incursion by the English on Aboriginal land’ was resisted and refused by the Bardi, which Dampier angrily categorised with racialised stereotypes that persist today (Conor, 2018, para. 2). Dampier’s writings about this interaction were particularly influential for the observations and writings of James Cook, Joseph Banks and Mathew Flinders (Douglas, 2006). Banks specifically disagreed with Dampier’s observation of Aboriginal peoples’ woolly hair, arguing that Dampier wrongly categorised their hair.

The influence of Enlightenment-era taxonomy and early racial thinking is seen in Dampier’s writing in 1688, and in that of Banks in the *Endeavour*’s journal one hundred years later. These are the earliest references to a topic that would stir a centuries-long debate by non-Indigenous people over the categorisation of Aboriginal and Torres Strait Islander peoples’ hair. As other imperial and colonial nations continued to send research expeditions to Australia in the nineteenth-century, Ancestral Remains, including hair, viewed as representative of Aboriginal and Torres Strait Islander peoples, were relentlessly documented and held in collections around the world.

As is evident throughout the colonial archive, the treatment of Aboriginal and Torres Strait Islander peoples' hair as a research material – and the terminology used, from Dampier to Banks and (to be discussed in the next section) Birdsell – are consistent. At no point in the history of racialised hair research and sampling from the eighteenth to the twentieth century, whether microscopic or macroscopic (Peabody Museum, 2022), was an Indigenous person's voice, agency or interests centred or considered beyond the realm of paternalism and deeply racist benevolence. Professor Clint Bracknell, Noongar, Professor of Indigenous Languages in the School of Languages and Cultures, University of Queensland, outlines the lack of consideration of Noongar communities' priorities in historical anthropological or linguistic research conducted *on* Noongar communities, language and cultural practices:

Whenever song or language or any sort of cultural practice was championed by one of these recorders, usually it was to do so to further that person's agendas, their personal agendas, rather than the agendas of the community that they're engaging with.

(Prof Clint Bracknell, yarning session, 7 October 2021)

This is one of the legacies of the colonial archive: it is designed to preserve the status quo by ensuring the repetition of its silences, misrepresentations and blatant fictions. Burton specifically calls on historians to consider gender in the imperial and colonial archive through a critical lens: 'Strategic antagonism toward sources is, or should be, the hallmark of all historians interested in a critical engagement with the past, rather than in its reproduction' (Burton, 2004, p. 291). This call for strategic antagonism in the telling and counter-storytelling of histories is also applicable to an intersectional focus, particularly when conducting research within the colonial archive on stolen land. When considering Ancestors' hair in the present day, there must be consideration of the settler-colonial agendas and the racial fictions created to justify the removal and preservation of, and the publication of research on, Ancestors' hair.

Racial tools: nineteenth-century and twentieth-century use of hair as a marker and measure of race

Nineteenth and early twentieth century analysis of collected human remains therefore appeared to provide "hard" evidence that the colonized races required European

government because they were biologically unable to attain a higher level of civilisation – and thus to govern themselves (Fforde et al., 2002, p. 30)

The importance of hair for racial classifications gathered pace through the nineteenth century, propelled by theorists such as: the French biologist Jean-Baptiste Bory de Saint-Vincent, who in 1825 created a subgenera classification split into smooth hair and crinkled hair; Earnest Haeckel, who in 1868 classified two branches of human – woolly-haired men and straight haired-men; and Paul Topinard, who before the 1880s split humans into three groups – straight-haired, wavy-/frizzy-haired and woolly-haired. Topinard was influenced by the prominent work of Thomas Henry Huxley in 1870, which focused on the defining factor of hair type (see Spencer, 1997, pp. 951-953). For Huxley:

...all human economies and societies could be plotted on a continuum from hunter-gatherers, to pastoralists, to agriculturalists, to commercialists. This continuum was the major mode for the comprehensibility of a savage-civilized axis throughout the nineteenth century, and T. H. Huxley could never let this economic/cultural version of the human past go. (Bashford, 2021, p. 89)

Indigenous peoples globally, including Aboriginal and Torres Strait Islander peoples specifically, were positioned in Huxley's work as research material for this continuum, and every part of the body could be measured and used for research, particularly hair, for 'as all the world knows, the hair and skin of human beings may present the most extraordinary diversities in colour and in texture' (Huxley, 1863, p. 166). Hair characteristics were interwoven with geographical locations and notions of desirability and hierarchy – with Europeans, the English, Caucasians or whiteness increasingly associated with 'perfect hair' in the hair hierarchy (Browne, 1853, p. 51). Huxley's name remains linked with the study of hair into the present day: the inner root sheath of the hair follicle contains three layers, 'Henle's layer, Huxley's layer and the cuticle', that middle layer being named after Huxley, who first published on it in 1845 (Joshi, 2011, p. 1).

CHAPTER III.

OF A PERFECT HAIR.—Eble is of opinion that the most perfect *hair* is the *whisker* of some of the lower animals, such as the seal, the lion, the rabbit, &c.; but we (considering these whiskers as organs of touch) place the hair of the scalp of the white man, as regards perfection, at the head of the list of piles.

Figure 2: 'Of a Perfect Hair', excerpt from Trichologia Mammalium, Or, A Treatise On The Organization, Properties And Uses Of Hair And Wool (Source: Browne, 1853, p. 51)

Physical differences in hair (colour, texture, shape) were researched and asserted to be a significant marker of human biological difference by leading researchers in the history of race science, physical anthropology and anthropology in the nineteenth and twentieth centuries. Prominent researchers at the intersection of hair, race and scientific racism included Peter A. Browne, Thomas Henry Huxley, Alfred Cort Haddon, Earnest A. Hooton, Reginald Ruggles Gates, Mildred Trotter and Joseph Birdsell (see Spencer, 1997). Regardless of the 'race type' assigned to Ancestors' hair, or of the kinds of methods used, or of which classification schema was referenced, researchers were obsessively producing research on the topic, classifying 'the Other' to build an image of themselves.

There isn't a single example of categorisations of humans between the seventeenth and twentieth-century which isn't hierarchical and doesn't put white Europeans as superior.
(Rutherford in Sakar, 2023)

In the twentieth century, the categorisation and collection of Aboriginal and Torres Strait Islander peoples' hair were foundational to the production of deeply discriminatory and racist research conducted either side of the Second World War. Ancestors' hair was studied by the prolific twentieth-century eugenicists Charles Davenport and Mildred Trotter, based at the Eugenics Record Office at the Cold Spring Harbor Laboratory, within the Carnegie Institution in Washington DC, and Reginald Ruggles Gates, based at King's College London. Both Davenport and Gates undertook research in Australia, in 1914 and 1958 respectively. Trotter based her research on Ancestors' hair, which she requested that Gates (and potentially others) procure during his research trip in 1914 (to be discussed further in Chapter Five). However, it is not confirmed where the Ancestors' hair which Gates gave Trotter is now located, although a 'Hair sample collection, 1954-1955' is listed with Trotter's papers at the

Bernard Becker Medical Library, Washington University School of Medicine in St. Louis (Bernard Becker Medical Library, n.d.).

Gates published 'The Genetics of the Australian Aborigines' in 1960; his notebooks containing personal information and bodily measurements are held in the King's College London archive, while the Ancestors' hair which he studied is held by the Duckworth Laboratory at the University of Cambridge. Whether Davenport himself collected Ancestors' hair is not known, but the extensive personal information he collected from the Brewarrina community in New South Wales was published in 'Notes on Physical Anthropology of Australian Aborigines and Black-White Hybrids' in 1925. Davenport was director of the Eugenics Records Office, which was set up for the 'express purpose of providing the scientific data to support the eugenics movement' (Farber, 2008, p. 244). Davenport (1925) described the support he received from the NSW Government and the white managers of the Brewarrina Mission:

In September 1914, after the meetings of the British Association in Australia, I was given transportation by the Government of New South Wales, enabling me to go to the government reservation for aborigines at Brewarrina on the Burke division of the State railroad. This reservation is on the Barwon fork of the Darling River, about 60 miles south of the Queensland boundary. The purpose of the visit was to observe near by a number of individuals of the fast disappearing race.

While at Brewarrina, during about six days, I enjoyed the hospitality of Mr. and Mrs. Arnold in charge of the Station; and it was through Mr. Arnold's tact and good judgment that I was enabled to see as many of the inhabitants of the Station as time permitted and to make some simple measurements upon them. (p. 73)

The use of hair to determine classification and valuation of fictional race types had a specific focus in Australia: to measure and monitor the line between Black and white Australia. This is clear from the NSW Government's support of Davenport's eugenics research in 1914. As Warwick Anderson writes, in the twentieth-century the study of biology and the nation state were intertwined for researchers – 'to understand the nation, one had to know the race' (Anderson, 2003, p. 254). This can be aligned to the creation of racial fictions through the 'hair sample', as hair categorisation and sampling continued to be practised and race science

proliferated globally, settler-colonialism shifted Australia from being a colony of the British Empire to a nation state. As researchers obsessively measured, compared, collected and theorised every inch of Aboriginal and Torres Strait Islander peoples, they were equally obsessively chasing an understanding of whiteness and of so-called Australia – for, ‘although these projects might seek different targets, they all shared the goal of stabilizing a white national body’ (Anderson, 2003, p. 257). Since 1770, Aboriginal and Torres Strait Islander peoples’ sovereignty had been considered a threat to the stabilisation of the white national body on stolen land. As Duczynski stated in a yarning session, research was used to dehumanise Aboriginal and Torres Strait Islander peoples, and was a key tool of the violent settler-colonial state:

The entire colony is founded on the dehumanisation of Aboriginal and Torres Strait Islander people. The only way the colony can justify its ongoing brutality and treatment of the First Peoples of this place is to deny our humanity. It is more obvious when you look at some of the traditions of anthropological research or eugenics research, for example, but I think the entire nation is predicated on the same idea: that Aboriginal and Torres Strait Islander peoples’ lives are somehow less, that we are somehow less deserving of dignified and humane treatment. It’s what has been used to justify the violence against us, and the dispossession of these lands.

(Marika Duczynski, yarning session, 1 June 2022)

Hair sampling as part of ‘the intensive observation’ of Aboriginal and Torres Strait Islander peoples

This two-way segue of ‘expertise’ between the State Government and significant scientific institutions created a culture of biopolitics driven governance in state Aboriginal affairs which directly influenced the nature of interventionist policies and programs governing Aboriginal people. (Harkin, 2019a, p. 274)

Harkin refers to the linked relationship in South Australia of the state government and collecting and research institutions as one of shared ‘expertise’ (2019a). The influence of research, such as the work carried out by the BAR, on Australian government policies that directly impacted the lives of Aboriginal and Torres Strait Islander peoples cannot be overstated. Birdsell’s work on the 1938-39 and 1952-54 expeditions categorised and collected

hair for his research on ‘racial hybridisation’ (Birdsell, 1987, p. 3), defunct ‘tri-hybrid theory’ (Prentis, 1995) and the ‘pygmy myth’ (Sentance, 2022). His research relied heavily on observations of skin colour, eye colour and hair colour and texture – all of which illustrate a consistency between the respective focuses of twentieth-century research and eighteenth-century racial classification. The ideology propagated by the Board for Anthropological Research expeditions relied on fictionalised and racist binaries separating ‘authentic’ whiteness from ‘authentic’ Indigeneity (Harkin, 2019a, p. 274). Even when aspects of colonisation were raised as having consequences for Aboriginal and Torres Strait Islander peoples, the solution was to try to fix what was portrayed by colonisers as Indigenous deficit:

A study based on the intensive observation of half-caste peoples and their problems may, however, offer suggestions of service in finding a practical solution of their difficulties. (Tindale, 1941, p. 88)

The BAR agenda of placing Aboriginal and Torres Strait Islander peoples under ‘intensive observation’ was operationalised under a settler-colonial state of duress. The state of duress under which samples of hair and personal information were taken by researchers raises the question of the adequacy of consent, which will be further discussed in Chapter Five. This duress is illustrated in Birdsell’s 1987 reflection on his BAR research undertaken in 1938-39:

Tindale was present the entire time, taught me how to work effectively with Aborigines and part-Aborigines, and took the genealogies of each individual. He guided our work to maximize the number of hybrid individuals we could study up and down the entire east coast of the continent and across the southern coast to the southwest corner. We were further helped by the fact that economic conditions in Australia had driven most of the hybrid peoples back to government support stations of one kind or another, concentrating them where they could be examined. (Birdsell, 1987, p. 9)

In this reflection by Birdsell, people are portrayed as quotas to be maximised. Furthermore, it highlights the state of duress under which Aboriginal and Torres Strait Islander peoples lived in their own Country, assisted researchers to conduct their work and publish their findings, and served governmental agendas. The records and ‘hair samples’ collected by the BAR expeditions exist in a nebulous space in terms of what is and is not consent, both by the standards of the era when they were collected and of the present day. In a yarning session, Dr

Ray Tobler, Research Fellow, Evolution of Cultural Diversity Initiative, Australian National University, and Adjunct Fellow, Australian Centre for Ancient DNA, University of Adelaide, reflected on the consent process needed for the physical removal of hair at that time, but also the uncertainty regarding the ways this consent was historically actioned:

So the records consist of hair samples, which were primarily clipped from the head and so there was a consent process as well. It's not clear exactly what that consent process actually looked like back then, but you can imagine it's not what we would consider an informed consent today.

(Dr Ray Tobler, yarning session, 19 October 2020)

This notion of consent during the BAR expeditions was also discussed during a yarning session with Dr Lyndon Ormond-Parker, Alyawarr descent from the Barkley Tablelands, Associate Professor, Centre for Heritage and Museum Studies, Australian National University, in his description of the collection of hair from missions and camps and of how those settings affected people's ability to give free, prior and informed consent:

And so because Aboriginal people have often objected strongly in the first instance to the removal of Ancestral remains, but also often blood and hair samples were taken from Aboriginal people without their free, prior and informed consent. So often, sites of collection; they were often things like missions or camps where Aboriginal people didn't really have a say over what was going on and would have been forced to participate in anthropological studies. As was the case with the hair sample collection in the South Australian Museum.

(Dr Lyndon Ormond-Parker, yarning session, 7 August 2020)

Due to the focus of Birdsell's research and that of his Harvard supervisor E.A Hooton, it may be suggested that Birdsell played a key role in the hair categorisation and collecting which resulted in the large collection of Ancestors' hair held at the South Australian Museum (SAM). That is not to say that, without Birdsell, the practice of categorising and sampling hair from Aboriginal communities would not have taken place. Tindale and other researchers involved with BAR also used racialised hair categories, practised anthropometric measuring and hair sampling, and ultimately benefited professionally from these racial fictions. Tindale

described the differences between his and Birdsell's research in a letter to R. Ruggles Gates, who had requested information from Tindale⁴:

My own side of the work has been largely that of a genealogist while Birdsell who is at the University of California, at Los Angeles is concerned himself with the genetic angle.
(Tindale, 1958)

Birdsell brought from Harvard a specific, genetics-focused agenda in relation to the research on Aboriginal and Torres Strait Islander peoples' hair, which included categorising people as 'mixed race' based on their hair. This is apparent in the Harvard and Adelaide Universities Anthropological Expedition journals of both Birdsell and Tindale, held in the SAM Archives. A keyword search of the typed transcripts of the journals reveals that Birdsell's journal contains between 250 and 350 mentions of 'hair' or hair-derived words such as 'hairy' or 'haired' (Birdsell, n.d.), while Tindale's contains only nine mentions of hair (Tindale, n.d.). However, the two researchers use similar terminology to describe hair, demonstrating a preoccupation with 'light coloured hair' and related descriptions of 'ginger', 'blonde' or 'mousey'. They also used similar terminology to describe hair texture, particularly 'crisp' and 'frizzy' – identical terms to those used for centuries in racial classifications.

Harvard University's participation in the BAR expeditions is particularly relevant given a statement issued last year by Harvard's Peabody Museum about its collection of 'hair samples' from Indigenous peoples. The statement acknowledged and apologised for Peabody Museum's stewardship of the Woodbury Collection of 'hair samples' since it was donated in 1935, and for the deep pain and trauma caused by hair sampling:

It is impossible to talk about hair taken from Indigenous people and its possession by the Peabody Museum without acknowledging the ties between early anthropological practices and colonialism, imperialism, and scientific racism—the very same systems of dispossession and assimilation that led to the establishment of Indian boarding schools. (Peabody Museum, 2022)

⁴ See Appendix B for full letter.

The Woodbury Collection contains ‘hair samples’ from First Nations people around the world, amassed by anthropologist George Edward Woodbury during the 1930s. In Woodbury’s co-authored publication ‘Differences Between Certain of the North American Indian Tribes: As Shown by a Microscopical Study of Their Head Hair’ (1932), the authors thanked Hooton, Birdsell’s supervisor, for ‘reading this manuscript and for helpful suggestions and criticisms’ (1932, p. 6). Since the Peabody Museum made its statement in 2022, no further research or collecting institutions have released public statements regarding their collections of Ancestors’ hair and their future plans for them.

Significance and value: ‘junk’, ‘scientific resource’ and sacredness

Following the nineteenth-century popularity of Browne’s ‘trichology’ research and collection of hair, perceptions about the study of hair as a racial marker changed. By the late 1970s, Browne’s bound volumes were left in a museum hallway to be thrown away, described as ‘one of the Academy’s least known holdings’ (Peck, 2018, p. 9). Ultimately not thrown away, the volumes were eventually re-acquisitioned into the Academy’s library archives. Peck (2018) recalls a senior curator, who was disposing of the volumes of hair, including Ancestors’ hair, describing the collection as ‘disgusting’ and having no value for the institution, and saying:

We don’t study hair at the Academy...I can’t imagine why we ever took in such a junk in the first place. It’s not a scientific collection; it’s just a bunch of scrap books with clippings of hair. (p. 12)

However, since the 1990s, there has been a renewed academic and institutional interest in these collections, due to their genomic potential. In a yarning session, Ormond-Parker discussed the ‘resurgence’ of interest over the last few decades in Ancestors’ hair held in collections:

So there’s been a resurgence in the late ‘90s and the early 2000s of people trying to, first of all, with the development of genetics and DNA, look at samples and being able to extract DNA from either Ancestral remains, or hair samples. So what’s happened is, with the repatriation movement, science has also looked at these Ancestors in collections as a scientific resource for further study. So not only the anthropological

study, but now moving into the biological sciences; moving away from physical anthropology to the biological sciences.

(Dr Lyndon Ormond-Parker, yarning session, 7 August 2020)

The continuity of Ancestors' hair being viewed and used as a 'scientific resource for further study' has been facilitated by archives preserving these collections, and while this presents opportunities for communities to engage in genomic research, it simultaneously brings potential trauma. Community responses to the Peabody Museum's statement on the Woodbury collection holdings have expressed deep trauma, grief and anger, as well as concern for the well-being of survivors of residential and boarding schools, from whom many of the samples of hair were taken during forced haircuts:

For boarding school survivors, however, the haircuts came to symbolize the harsh introduction to the process of assimilation, a gesture disregarding their culture and families wishes. (Pember, 2022, para. 3)

It is clear that the removal and retention of First Nations peoples' hair is deeply emotionally affecting and potentially re-traumatising for First Nations peoples and communities globally. Ormond-Parker refers to the significance of Ancestors' hair and why objections are raised to continued research and institutional stewardship:

...in Aboriginal belief systems, hair is often very sacred ... you don't mess with it. And that the hair is an extension of the being of an individual. And your essence is contained within your hair. So often Aboriginal people wouldn't like to have their hair cut, and they were often scared of giving it up. In other parts of the country, hair was often used as a fibrous material to make belts and other objects. So the objection by some Aboriginal people to the use of hair samples is from a strongly held cultural and spiritual belief system.

(Dr Lyndon Ormond-Parker, yarning session, 7 August 2020)

Clearly, the Right to Know about the existence of Ancestors' hair and any personal information and ICIP held in institutional collections – whether relating to an individual, their family, community or land – remains an unresolved archival and record-keeping issue. The Right to Know was articulated by Standing Rock Sioux scholar Vine Deloria Jr in 1978 in a

North American context (Krebs, 2012; O’Neal, 2015), and there have been similar calls by the Aboriginal and Torres Strait Islander-led movement for repatriation and control of collections for decades (Faulkhead & Berg, 2010; Fourmile, 1989; Indigenous Archives Collective, 2021). Lack of implementation of First Nations communities' Right to Know about Ancestors’ hair held in collecting institutions is apparent in the community responses to the Peabody Museum’s statement (Pember, 2022), and was also addressed in the yarning sessions for this dissertation. The next section will reflect on the legacies of the histories of hair categorisation and collecting raised in this chapter, by expanding on the intersection of Ancestors’ hair, issues of visibility and the Right to Know as an ongoing archival issue.

The lack of visibility of Ancestors’ hair and hair sampling practice is an archival issue

I think truth-telling is still an important job that hasn't been done consistently in this country.

(Dr Rose Barrowcliffe, yarning session, 27 August 2021)

Discoverability of and access to archives and records is paramount for truth-telling. This chapter has shown how the colonial archive is used to find further evidence of the practice of hair categorisation and the existence of collections. In the yarning sessions for this research, the vast majority of participants, both First Nations and non-Indigenous participants, had prior knowledge about the removal of ‘hair samples’ from Aboriginal and Torres Strait Islander peoples. However, this knowledge was often limited to a broader understanding of histories of invasive measurements, research and collecting, acquired through participants’ work in the GLAM sector and their lived experiences within their families and communities. An emerging theme from the yarning sessions was that, even without direct engagement with institutionally held Ancestors’ hair, participants had an indirect knowledge of hair sampling and ‘hair samples’. Matt Poll, South Sea Islander and Torres Strait Islander, former Repatriation Project officer and Assistant Curator Indigenous collections at the Macleay Museum, University of Sydney, reflected on his indirect knowledge of Ancestors’ hair held in collections as resulting from encounters with discussions of hair categorisation and sampling in ethnographic literature and with Indigenous artists’ responses to these collections⁵:

⁵Artist’s work referred to: Judy Watson, *our hair in your collections*, 1997. Etching and chine collé. Art Gallery of NSW. <https://www.artgallery.nsw.gov.au/collection/works/243.1998/>

But [I] know the existence of these samples more through ethnographic literature. I think primarily through... with South Pacific hair studies and some of the artists who were exploring that over the years, it's been those ethnographic hair studies. So I think there's a few contemporary artists who've done quite interesting works, especially from the Pacific. So yeah, Judy Watson as well ... that's sort of where my knowledge comes from.

(Matt Poll, yarning session, 5 June 2020)

For Aboriginal and Torres Strait Islander peoples who work in research and collecting institutions across the GLAM sector in Australia, the foundations of white supremacy and scientific racism are always visible, even if they may not be for others. Within these institutional histories are the legacies of relentless settler-colonial collecting and research, and their ideological influence on policies that dictated the lives of Indigenous peoples for centuries. Dr Mariko Smith, Yuin and Japanese, Museum Professional, observes how, as an Aboriginal person working in the museum sector, the sector's roots in scientific racism are always palpable:

So when I'm talking about scientific racism, and it seems like as an Aboriginal person working in a museum, you always feel like we're kind of up against that scientific racism and we have to recognise that museums – their roots are in scientific racism.

(Dr Mariko Smith, yarning session, 29 May 2020)

There is a paradox of absence and presence in the histories and repercussions of the categorisation and collection of Ancestors' hair. While Aboriginal and Torres Strait Islander peoples' hair is present in research and collecting institutions internationally, there is minimal discussion on how 'hair samples' came to be acquired and maintained as collections. Furthermore, as this chapter has shown, the archival presence of the histories of hair categorisation and sampling of Ancestors' hair is visible in collection catalogues, records, manuscripts and publications (scholarly and non-scholarly) – yet the stories, experiences and repercussions of hair sampling continue to be obscured. These archival materials and collections of Ancestors' hair are yet to be linked and discussed as a cohesive narrative. Amongst all this archival presence, it is not certain that all nations, communities, families and descendants have adequate knowledge that these collections exist. This lack of visibility of the existence of Ancestors' hair and associated records in collections is unacceptable and

ultimately an archival issue. The privilege of having certain levels of access regarding collections is not readily available to all Aboriginal and Torres Strait Islander peoples; it is a privilege that I have had as a researcher to view many of these archival materials. Truth-telling about the histories and legacies of hair sampling cannot take place without the voices of those who have lived experience of the removal of ‘hair samples’, either directly or within their families, communities and Ancestors.

This research struggled to negotiate the bind of the colonial archive, whereby the researcher falls into collector-centric storytelling and an absence/presence binary, repeating the structures that are under critique. There is a need for comprehensive and Indigenous-led counter-storytelling to build an understanding of Indigenous agency and a refusal in the history of hair sampling. As noted by Bracknell, the focus on collectors and researchers works to obscure the presence and agency of Aboriginal and Torres Strait Islander peoples in the archive, but also in the present:

I think it's sad that there's so much talk about Daisy Bates and not about Joobaitch and Monop and all the different old people that she spoke to. To me, they're the heroes of the story. Quite often, they very rarely get more than a couple of sentences recorded by Bates. And then, even then, we don't know how much their words are being distorted. With someone like Monop, you can read his material with Bates and get the sense that he's almost making fun of her and the process. And there's this idea of Bates using all these people. But at the same time, the people engaging with her are also using her to achieve their own ends in some circumstances.

So, I'd like to see a reduced focus on Bates, personally.

(Prof Clint Bracknell, yarning session, 7 October 2021)

The Right to Know

In 2021, the Indigenous Archives Collective released the ‘Position Statement on the Right of Reply to Indigenous Knowledges and Information held in Archives’, which called on the ‘Australian sector to take a stand as Indigenous and non-Indigenous peoples to prioritise the Right of Reply and support Indigenous self-determination in GLAM’ (IAC, 2021, p. 247).

The Right of Reply, discussed further in Chapter Six, is the collective and individual right of Indigenous peoples to challenge, respond to and control the narratives within institutionally

held records and collections containing personal information, knowledges and ICIP (IAC, 2021). Of particular importance to the Right of Reply is the Right to Know, which is the first principle of the statement, since without implementation of the Right to Know, no further action can be taken. As stated by the Indigenous Archives collective (2021):

THE RIGHT TO KNOW – Without an authoritative source to identify where relevant material is to be found, further rights, such as the right of reply, cannot be activated. Materials relating to different Indigenous communities are fragmented across a range of organisations around the world. While individual organisations may have good knowledge of this material in their custody, there is no mechanism to connect these holdings and bridge this knowledge across organisational boundaries. Indigenous archival records in collections should be identified and prioritised for action as a component of truth telling. Inter-organisational collaboration in the compilation of indexes and in facilitating access to dispersed records is a starting point to facilitate the Right to Know of Indigenous peoples and communities. (pp. 247-248)

In relation to Ancestors' hair, the Right to Know has yet to be consistently and comprehensively applied, either in Australia or internationally. The large collection of Ancestors' hair amassed by BAR and held at SAM, has been the subject of extensive consultation for the purpose of consent, with the Right to Know enacted as part of the consultation process. As there were many communities involved in the Aboriginal Heritage Project consent and consultation process, and reporting on consent processes are appropriately private, it is not known how much knowledge communities broadly possessed about this collection before, however there are Elders who have discussed through the project their personal experiences of these events of hair sampling taking place (Australian Centre for Ancient DNA, 2019b). By contrast, there is no published information about the implementation of any form of notice, consultation, consent or Right to Know for the Ancestors' hair held in the Browne collection at Drexel University's Philadelphia Academy of Natural Sciences. Only minimal information on Browne's volumes is discoverable and accessible online, with traces of information found in manuscripts and reports from the US Exploring Expedition's crew, or in secondary research undertaken into the Expedition or Browne.

The Right to Know is detailed in in Dr Kirsten Thorpe’s doctoral dissertation ‘Unclasping the White Hand: Reclaiming and Refiguring the Archives to Support Indigenous Wellbeing and Sovereignty’ (2021). Thorpe (2021) describes her experience as a newly hired Aboriginal cadet archivist at the Archives Authority (State Records NSW) and witnessing ‘the State Archives administration's follow-up response to the discovery of the hair in the reading room’ (p. 114):

They had a box made up, most likely by conservation staff in the Archives labs, and housed the hair in the safe. No item listing, no trace of the hair were documented. Nor were the usual procedures of creating a shelf-item list undertaken by numbering the box with the number ‘SZ’, indicating that it was in the archive's safe. The lack of transparency and the lack of accountability was, to me, disturbing. (p. 114)

In a yarning session, Dr Kirsten Thorpe, Worimi, Port Stephens, Chancellor's Postdoctoral Indigenous Research Fellow, Senior Researcher and Hub Leader of the Indigenous Archives and Data Stewardship Hub, Jumbunna Institute for Indigenous Education & Research, UTS, reflected on this experience and noted that the considerations applied to Ancestors’ hair were not extended to related records and information:

There was something quite tangible for them to address; the hair samples were there, it was boxed up. But what happens about the information relating to the hair, if you're thinking in this research about GLAM, what happens if you have descriptions of hair, what happens if you have diagrams or representations of materials?... You might have to take different approaches depending on the community or authority around that. What if it is drawings of sites? Just because it isn't a tangible object? What do you have to take notice of? I think the archives didn't have the experience to manage the hair, they were accustomed to privileging text. So when these materials come along, they reacted, 'I don't know how to deal with it, so let's put it away.' However, in doing this, they fail to put an ethical frame across the many different representations of cultural materials.

(Dr Kirsten Thorpe, yarning session, 1 July 2020)

Thorpe points out that the tangibility of hair, as bodily remains in the archive, created a separation whereby Ancestors’ hair was immediately removed from the related records.

However, she argues that representations of Ancestors, such as drawings or descriptions, need to be considered holistically within the colonial archive. In Thorpe, Faulkhead and Booker (2020), there is emphasis on the importance of expanding the scope of what is considered Ancestral Remains, in the context of repatriations, to include personal information, images and related documentation, to ensure relevant information and knowledge are not left ‘unidentified in the archive’ (p. 822). Indigenous communities’ concerns regarding the lack of transparency by institutions and the potential for collections and records to be withheld are founded in experience, as exemplified by instances such as Thorpe’s experience, where ‘the deliberate neglect to prioritise the care of Indigenous archives demonstrate the distrust that Aboriginal people have in the archives’ (Thorpe, 2021, p. 65). The histories of invasive collecting, particularly where information and knowledges were taken under a settler-colonial state of duress, require research and collecting institutions to earn trust – not expect it. Historical records and archival materials related to Ancestors’ hair are not only important for provenance research; they are essential to implementation of the Right to Know.

The role and responsibilities of institutions in truth-telling agendas

As far as institutions are concerned with truth-telling, they have a huge role to play, especially archives who hold the records ...

When you've got the state government archive saying, ‘Yes, it did happen and we've got thousands of records saying that it happened,’ it becomes much harder for people to ignore it, and then it also becomes harder for people in some ways to say, ‘Get over it’, or ‘You're making it up’, or ‘You're exaggerating’.

(Dr Rose Barrowcliffe, yarning session, 27 August 2021)

In accessing the papers of Browne, Wilkes, Pickering and Hale for the archival research in this dissertation, multiple obstacles arose relating to discoverability and accessibility. All the archival material related to Ancestors’ hair taken during the US Exploring Expedition is held in overseas institutions, with most of it undigitised and minimal metadata identifying Aboriginal and Torres Strait Islander content. This underlines a key finding of this research; namely, the inaccessibility and inadequate discoverability of collections, particularly in regards to internationally held collections of ICIP. A lack of detailed finding aids and

comprehensive metadata in online catalogues further compounds the challenges of discoverability and access.

To improve understanding of the practice of hair sampling, and its intersection with race and racism in Australia, there needs to be a comprehensive and systematic audit and review of collections of Ancestors' hair, as well as related historical records and archival materials. At present, an ad hoc system for negotiating access to and for truth-telling for Ancestors' hair in collections is in place. In Faithfull's dissertation investigating several collections of hair in national and international collecting institutions, she notes that '...very little is known about the large majority of hair samples from First Peoples that I have encountered' (2021, p. 186) and that 'each of these samples adds significant details to the broader story of hair samples from First Peoples in museum collections' (2021, p192). For a comprehensive audit, institutions holding collections of Ancestors' hair must not withhold information or assistance relating to the needs of Aboriginal and Torres Strait Islander peoples. As stated by Thorpe (2021):

There should be no more hiding of collections that were formed through racist policies under the guise of 'cultural sensitivity'. The sector needs to be accountable and transparent. (p. 116)

To implement the Right to Know and a truth-telling process for Ancestors' hair, institutions must open archival collections to Aboriginal and Torres Strait Islander peoples, providing full transparency about the processes of acquisition and use of Ancestors' hair. As this section demonstrates, access to records is vital to moving forward in a process of truth-telling. Without institutional transparency, and without full and unconditional access to records for communities, the research and GLAM sectors serve only to maintain the unethical power dynamics that built these collections.

Conclusion

Despite the significant practice of hair sampling during the nineteenth and twentieth centuries across multiple research disciplines, the categorisation and collection of Aboriginal and Torres Strait Islander peoples' hair are obscured within the dominant historical record, and relatively absent from discussions on colonial collecting and scientific racism in Australia.

The formulation of a fictional racial hierarchy that used hair as a marker and measure of ‘race’, with foundations in eighteenth-century European racial taxonomies, was circulated by international imperial and colonial regimes. Occurring at the same time as the global expansion of Western Europe, race taxonomies identified the human body as researchable and definable. A ‘hair sample’ was considered a researchable item for extracting information and providing evidence in support of European imperial expansion and fictions of white supremacy. The white supremacist narratives of deficit and otherness were fully formed prior to the invasion of so-called Australia in 1788, and they encouraged colonial research to apply these narratives to Aboriginal and Torres Strait Islander peoples.

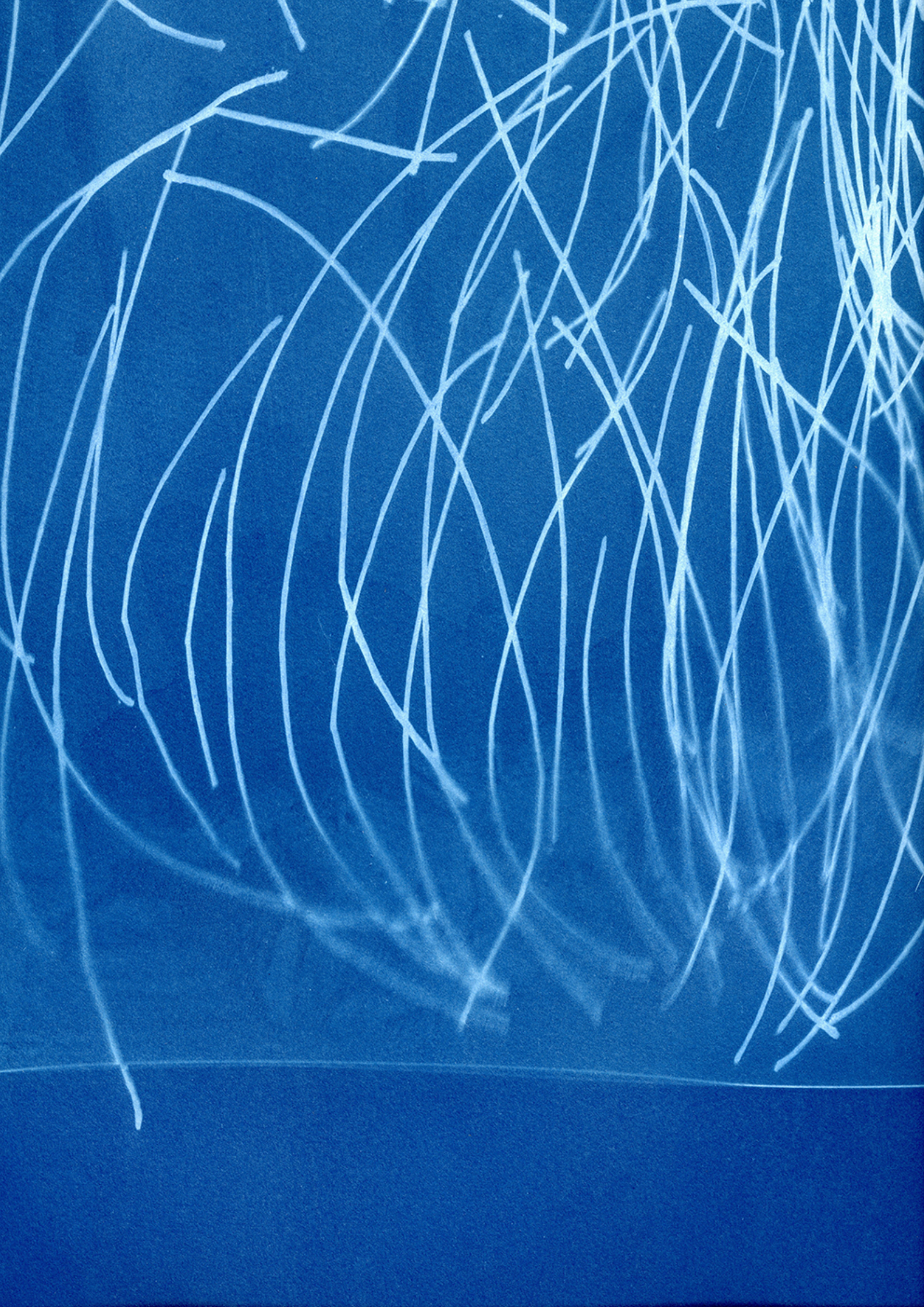
Hair categorisation and collection played a significant role in nineteenth and twentieth-century race science. As the political class drove these research agendas, white male researchers (with the addition of white women researchers in the twentieth century, such as Daisy Bates and Mildred Trotter), defined the status quo and facilitated the implementation of their research into policy. This research has shown that the damaging impacts of racial taxonomy, as used by academic disciplines and state policy, came not through the actions of individuals alone, but rather of networks of theorists and practitioners deeply embedded in international imperial and settler-colonial regimes.

This investigation into the collection of samples of hair taken during the US Exploring Expedition and the BAR expeditions has illustrated the institutional and governmental networks behind the creation of the ‘hair sample’. These networks engaged in a system of international trade in Ancestral Remains, personal information and ICIP, resulting in difficulties for community and descendants in not only accessing Ancestors’ hair, but also simply knowing where Ancestors’ hair is now located. There are unresolved issues regarding the Right to Know, including issues of discoverability and access, which are yet to be implemented in a systematic and holistic way for Ancestors’ hair and associated records and information. This chapter has demonstrated the importance of including archival materials and related records in the implementation of the Right to Know about Ancestors’ hair held in research and collecting institutions.

There is an incommensurability between the significance of hair sampling practice in the settler-colonial project of Australia and its ambiguous and peripheral presence in public memory and scholarly discourse. This colonial amnesia regarding hair sampling and

Ancestors' hair is argued by this chapter to be both an archival issue and an academic issue. Truth-telling and rights-based advocacy for Ancestors' hair in the present day are a responsibility of research and collecting institutions and researchers who engage with archived collections, regardless of their discipline, ethics approval or legal jurisdiction, as will be discussed in the following chapters.

Overall, this chapter highlights the need for Indigenous-led truth-telling in Australia, particularly in the academic and GLAM sectors, regarding the traumatic, racist settler-colonial histories and the repercussions of hair sampling and collections of Ancestors' hair. It is not only collections of Ancestors' hair that require immediate action and community-led collection care, but also related archival materials and records that contain personal information, cultural knowledges and provenance information.



Chapter Four: The commodification of Ancestors' hair: identifying and resisting 'the body as property'

...which human being on this planet would want to share one of their family members? This is not some kind of object or property. (David quoted in Shariatmadari, 2019)

For First Nations peoples, the body and Country are inextricably connected. Connections to land, water and sky, along with relations to community and Ancestors, underpin Aboriginal and Torres Strait Islander peoples' identities, knowledges and sovereignty. This interconnectivity of the body, Country and Ancestors forms a sovereignty that is relational, rooted and embodied across time. The removal of Ancestors through colonial research and exploitation of the body mirrors the destruction of Country for the exploitation of the resources within it. As Professor Daryle Rigney, Ngarrindjeri Nation citizen, Director of the Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Education & Research, UTS, states;

when we speak about the removal of Country, it's the removal of body. If you remove body, it's the removal of Country. They are connected: land, body, spirit.

(Prof Daryle Rigney, yarning session, 15 January 2021)

The ongoing institutional retention of Ancestors, biological materials, genetic information and related records, and the lack of Indigenous self-determination over collections, are international issues that remain unresolved for Indigenous peoples. This chapter will detail the unresolved nature of the commodification and ownership of Ancestors' hair held in collecting institutions. It argues that histories of hair sampling are interlinked with the violence enacted by the settler-colonial project of Australia and the creation of colonial property on Indigenous lands where sovereignty was never ceded.

The settler-colonial notion of sovereignty, forcefully transplanted to ‘Australian’ lands and waters, is fundamentally predicated on the interlocking claims of white supremacy and possession as ordained religiously and pseudo-scientifically (Moreton-Robinson, 2015). The Doctrine of Discovery, the international law of colonialism from the fifteenth and sixteenth centuries, was based on ‘religious and ethnocentric ideas of European superiority’ and was key to justifications of colonialism (Miller, 2010, p. 2). The Doctrine of Discovery was operationalised in Australia through the British declaring terra nullius (land belonging to no-one). The doctrine of terra nullius was extended across lands and bodies, positioning Aboriginal and Torres Strait Islander peoples as possessing no rights to their own lands and bodies under colonial law, and ensuring that ‘Aboriginal people had no legal standing to contest it’ (Behrendt, 2010, p. 179).

Poet M. Nourbese Philip refers to the ‘hydra-headed beast of colonialism,’ which aims to reorganise sovereign lands into stolen lands, splitting bodies into those of the colonised and the coloniser (Philip, 2017). This follows Frantz Fanon’s conceptualisation of colonialism as spatial (re)organisation (Kipfer, 2007), which extends from reorganising land and resources to the human body itself, and thus relationships between bodies. Fanon asserts that colonialism not only creates the colonised subject, but simultaneously forms the coloniser subject (Fanon, 1963). Colonisation forcefully instates new proprietary relationships through violent theft, removing Indigenous self-determination and establishing whiteness as the status quo. The coloniser ‘...[wills] away the sovereignty of Indigenous peoples by placing them in and of nature as propertyless subjects to claim the land as terra nullius’ (Moreton-Robinson, 2015 p. xii). Colonialism creates private property from stolen land, using notions of property as a means for colonial dispossession and Indigenous erasure (Wolf, 2006; Nichols, 2019).

As stated by Brenna Bhandar, the first act of colonialism is possession, and therefore, ‘if the possession of land was (and remains) the ultimate objective of colonial power, then property law is the primary means of realizing this desire’ (Bhandar, 2018, p. 3). This imposed form of ownership extended across Aboriginal and Torres Strait Islander lands, waters, resources and bodies, erasing prior interests and agency, and creating ‘a new system of registration of title’ which actively excluded Aboriginal and Torres Strait Islander peoples from engaging (Bhandar, 2015, p. 274). Aligned with Aboriginal and Torres Strait Islander peoples’ *conditional* rights to land under settler-colonialism is a *conditional* application of the centuries-old common law understanding that the human body cannot be property (‘no

property’). Because, in fact, Indigenous Ancestral bodies *have* been treated as property through the collection, trade, preservation and use of Ancestral Remains and biological materials as research material. Through the nineteenth and twentieth centuries, samples of hair were taken from Aboriginal and Torres Strait Islander peoples as research objects and circulated internationally without free, prior and informed consent. But the legal status and ethics of ownership of the body, body parts and biological materials have long been a source of debate, and continue to be a legal and ethical ‘grey area’ for Ancestors’ hair held in collecting institutions, as discussed in Chapter Five.

For decades, Indigenous-led repatriation movements have been demanding the immediate and unconditional release of institutionally held Ancestors (McKeown, 2020). However, Ancestral Remains continue to be held in GLAM institutions internationally. Communities are therefore still calling for an end to the colonial violence of Ancestors held as publicly or privately owned property (Shariatmadari, 2019; Faulkhead and Berg, 2020). Ancestors are family members; they are kin, and inextricably connected to the lands where they should be resting. This connection to Country, and this assertion of Indigenous sovereignty, remain central to the understanding of how to consider and care for Ancestors’ hair.

This chapter investigates the research question ‘What do these collections of Ancestors’ hair, their histories and their current legal and ethical status reveal about the state of the colony?’ by arguing that the historical and ongoing operationalisation of Ancestors’ hair as commodity and private property reflects biocolonialism and colonial-racial capitalism. By engaging with truth-telling on the commodification and exploitation of Aboriginal and Torres Strait Islander peoples through the sampling of hair, this chapter contends that the continuing retention and use of Ancestors’ hair by GLAM institutions and the academy *without* Indigenous self-determination, FPIC and governance contravene Indigenous rights. Furthermore, they contravene current policies and mandates across the GLAM sector to prioritise Indigenous self-determination and rights in records and collections, as outlined by UNDRIP.

This chapter firstly provides historical context for the treatment of Ancestors’ hair as property through the international trade in Ancestral Remains as a commodity during the nineteenth and twentieth centuries. This will be achieved through establishing the context of colonial fantasies of superiority and possession, the objectification of Aboriginal and Torres Strait Islander peoples, and the establishment of private property on Indigenous lands where

sovereignty was never ceded. Regarding the potential for Ancestors' hair, and the body more broadly, to be treated as property, the common law rule of 'no property' in relation to the human body and its exception of 'work and skill' will be discussed. The ongoing debate regarding the legal and ethical considerations of the body as property will be located within the settler-colonial context of Australia, where property rights are applied to stolen land. This will be followed by a case study discussion of the role of amateur anthropologist Daisy Bates in the international trade in Ancestors' hair, a part of Bates' legacy that is yet to be discussed in scholarly and non-scholarly literature about her life and work. The aim of including this case study is to raise questions about the legitimacy of Ancestors' hair as publicly or privately owned property, while arguing for increased critical engagement with notions of GLAM institutions' ownership and custodianship of Ancestors.

The second half of this chapter considers the legacies of the international trade in Ancestors as property, through the perspectives and experiences shared by research participants in the yarning sessions. This will include the settler-colonial objectification and commodification of the body, naming the removal and retention of Ancestors' hair *without* free, prior and informed consent as biocolonialism and colonial-racial capitalism. Overall, this chapter asserts that the responsibility for undertaking transformative action (and advocating for legislative and policy reform) rests with the collecting institutions and research disciplines which currently hold and control access to and use of Ancestors' hair. This transformative action and advocacy must prioritise truth-telling, community-led collection care and the consideration of 'hair samples' as Ancestral Remains.

The settler-colonial context: colonial fantasies of superiority and possession

During the rise of race science in the nineteenth century, colonial violence was ever-present for Aboriginal and Torres Strait Islander peoples in the 'Australian colonies'. Violence took the form of warfare and massacres, the forced relocation of communities into reserves and missions, and the removal of children from families, as well as chattel slavery and indentured labour, all of which were state-sanctioned. The rise of race science saw these actions intellectualised, with the individual and collective Indigenous body seen as inherently deserving of certain treatments that were not systemically experienced by the white population. This notion of inevitable possession continues to be deeply embedded in the colonial fantasies of Australia (Moreton-Robinson, 2015). The Doctrine of Discovery, as the

international law of colonialism, remains at the foundation of modern-day settler-colonial governments and legal systems:

...English explorers, colonial officials, colonists, and our modern day governments all utilised the Doctrine and its religiously, culturally and racially based ideas of superiority and preeminence to stake legal claims to the lands and property and governmental rights of Indigenous people. (Miller, 2010, p. 2)

The implementation of race typologies and hierarchies of race was key to the establishment of Australia as property of the British crown, positioning both land *and* people as under colonial law through acts of theft and violence, with Aboriginal and Torres Strait Islander peoples legally excluded from their lands, identities and self-determination. The ability to possess or claim possession of the human body is deeply connected with imperial legacies of chattel slavery and racism, particularly the transatlantic trade in enslaved peoples (Jenkins & Leroy, 2021). The notion of the ‘body as property’ in Australia can be linked to decades of ‘blackbirding’ in Queensland from the 1860s (Davis, 2021; Sparrow, 2022), chattel slavery in the Northern Territory pastoral industry (Anthony & Gray, 2020), Indigenous unpaid labour and the ‘unfinished business’ of stolen wages (Standing Committee on Legal and Constitutional Affairs, 2006), the legislated role of the ‘Chief Protector of Aborigines’ and the intergenerational experience of the Stolen Generations (Commonwealth of Australia, 1997).

Case study: Ancestors’ hair, date range early to mid-twentieth century, currently held in multiple institutions around the world, gifted and traded by Daisy Bates.

The following case study aims to illustrate the historical treatment of Ancestors’ hair as a research commodity and property, and thereby problematise present-day institutional ownership of Ancestors’ hair as a legacy of this past. This case study (beginning with a personal reflection) will introduce the argument that hair sampling is an act of colonial-racial capitalism. Ancestors’ hair has been operationalised as a research commodity, taken without benefit to Aboriginal and Torres Strait Islander peoples, providing research capital in the form of academic networks and gains for the collector. Ancestors’ hair was taken for research underpinned by scientific racism, and ultimately under a settler- colonial induced state of duress for Aboriginal and Torres Strait Islander peoples. While the potential for individual

agency and refusal during the time of acquisition should not be denied, the established context in which hair was removed during the nineteenth and twentieth centuries raises questions about the legitimacy of Ancestors' hair continuing to be retained and used without that 'consent' being revisited.

The case study discussion begins with a personal reflection on an encounter with a typed extract from a letter sent by Daisy Bates to Professor John Burton Cleland, co-founder and chair of the Board for Anthropological Research. The letter 'Extract from letter from Mrs. Daisy Bates, Ooldea, 31/2/30' accompanied a lock of hair from a young child (Bates, 1930). Bates (1930) wrote:

Here is a light-haired specimen from the latest arrivals (1929-1930).

In the letter, Bates refers to mothers and their children from whom she has taken hair samples, mentioning another child she took 'specimens' of hair from 'about ten years' earlier, and noting that he was 'now at the German mission and it would be interesting to know if his hair lightened or darkened in civilisation' (Bates, 1930).

Researcher reflection on the letter from Bates

Sitting in this museum archive, there's something that I'm looking for and I know it's here somewhere. This museum holds the largest collection of Aboriginal and Torres Strait Islander peoples' hair in Australia, but I'm not here to access hair; that's not my place. I'm at the SAM archives to access correspondence, journals, inventory and draft manuscripts, to find archived discussions about hair as a research material, to build more insight into what this pseudoscience was and where it went; there's been such minimal discussion of this history published and nothing happens in a vacuum. To read from the researchers' perspectives – letters to people they want to impress or notes just for themselves – clipping or pulling hair from mothers, grandfathers, children. Holding the hair up to the light and scrutinising the colour and rubbing their fingers over the texture, creating their colonial and assimilation fantasies?

...

At some point, I get to a folder related to self-taught anthropologist Daisy Bates. The folder has a typed-out extract of a letter from Bates. On autopilot I note the item number and turn the letter over to place it on the reversed pile of papers, maintaining

the original order of the folder. There's a small paper envelope clipped onto the back of the letter; I hold it up to the light and immediately a curl of hair shines through. A child's hair, still connected to the letter, which describes the removal of a young boy from his family, a boy whose hair Bates cut and sent to the museum ten years earlier: 'light haired specimen'.

This is the history and legacy of hair sampling. Blondenness, light-haired, dark-haired, curls, woolly, specimen, objectification, racism, assimilation policies, eugenics, colonialism, research capital, colonial-racial capitalism. This history is the property of the colonial archive, of Daisy Bates, of Cambridge, and the Board for Anthropological Research. Ancestors cannot be property, but this history of hair sampling, race science and dispossession must be owned.

Table 5.1 - Known locations of Ancestors' hair attributed to Daisy Bates

Location	Date/s	Notes
Duckworth Laboratory, University of Cambridge	Not available	Published in Faithfull, 2021, pp. 251-253
National Library of Australia	1906	Bates exchanging Ancestors' hair with Reverend John Mathew
South Australian Museum	1930	Sent from Bates to Professor JB Cleland Identical metadata to Ancestor held at Hearst Museum
Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley	1930	Donor: J R Slevin (herpetologist) Collector: Bates Identical metadata to Ancestor held at South Australian Museum

During the course of this research, it became clear that Daisy Bates was repeatedly collecting Ancestors' hair and donating it to, or exchanging it with, her networks across Australia and overseas. Bates became a household name in the early twentieth century through her sensationalist writing on Aboriginal peoples for newspaper columns; she was a prolific purveyor of dangerous misinformation, particularly focused on Aboriginal mothers and their children (Conor, 2016). The romanticisation of her own white saviourism made her an international best-selling author with her 1938 book 'The Passing of the Aborigines', co-written with journalist Ernestine Hill (Hogan, 2021). However, as this research makes clear, the hair sampling element of Bates' research has gone largely undiscussed and obscured. Evidence of Bates' hair sampling has remained in the colonial archive, in multiple institutions and countries.

I didn't know she was collecting hair. And given the little I know of the cultural significance of hair in the southwest of Western Australia, it doesn't seem like hair is something that people would've freely given because of its association with particular cultural practices.

(Prof Clint Bracknell, yarning session, 7 October 2021)

During the process of this research, four separate encounters with Ancestors' hair, attributed to Bates, took place (see Table 5.1). However, Bates collecting and sending Ancestors' hair could well have occurred far more frequently than is listed in Table 5.1. For example, in the minutes of the Board for Anthropological Research meeting chaired by Cleland on 26 June 1946, there is discussion of multiple instances of Ancestors' hair collected by Bates 'over a period of many years' (Board for Anthropological Research, 1946).

HAIR
SAMPLES:

Prof. Cleland reported that he had received from Mrs. Daisy Bates, hair samples of aborigines collected over a period of many years in different parts of Western Australia and South Australia. Further, that he had handed these to the South Australian Museum for safe keeping and use.

Figure 3: Excerpt from the minutes of a Board for Anthropological Research meeting, 26th June 1946

Bates was not only sending (or donating/gifting) Ancestors' hair to researchers connected to collecting institutions; she was also *exchanging* 'hair samples' with other researchers. In 1941, the National Library of Australia acquired Bates' papers, and within them is correspondence with Reverend John Mathew, Presbyterian minister and anthropologist. Attached to their correspondence were 'hair samples' which Mathew and Bates were exchanging, while comparing and discussing the differences in Aboriginal peoples' hair. Mathew (1906) remarked:

The hair you sent a sample of, for which I also wish to thank you, is certainly very fine and fair. I send herewith a sample of a Queensland [Ancestor's] hair. It is coarser than your sample considerably, but still finer than, depending on my memory, I thought it was. It is very dull black. (pp. 1-2)

Ancestors' hair is thus operationalised as a commodity, with 'hair samples' acquired as research material to conduct specific forms of research that were funded, published and cited across the colonial academic knowledge economy. Ancestors' hair was removed and used without benefit to Aboriginal and Torres Strait Islander peoples; on the contrary, it was used to reinforce racist stereotypes and inform research which fed back into the racialised policies of the early twentieth century that directly affected Aboriginal and Torres Strait Islander peoples. The 'hair samples' as a commodity, and the related research outputs that were published, provided research capital in the form of academic networks, publications and gains for the collectors and researchers. Hair sampling is therefore an act of colonial-racial capitalism. In a yarning session, Associate Professor Steve Hemming, Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Education & Research, UTS, argued for the extractive nature of hair sampling and research, and its ongoing interconnection with the extractive nature of settler-colonialism:

So, it's just continuation of extraction, and resource... Taking resources from people, and from their remains as well.

(A/Prof Steve Hemming, yarning session, 26 November 2020)

Academic reputations, departments, institutions and entire disciplines have been built on the trade in bodies marked by colonial pathologies (Anderson, 2005). This pathologising aids the

removal of personhood and enables the transition of the body, or body part, into a researchable object. The positioning of the ‘hair sample’ as a tool of dispossession and objectification through the creation of private property from the human body is aligned with Blatman-Thomas and Porter’s (2019) description of property as a settler-colonial tool of dispossession and occupation:

Not only is property being wielded as a tool of dispossession in this formulation, but it also comes into being as an object. Property thus becomes the object in relation to settler subjects, emerging as the stable, severable thing that activates the familiar categories of ownership, exchange, control and belonging. In settler colonial cities, property as object appears as one mechanism through which settler colonialism produces the effects it names, remaking the world according to itself. This includes both public and private property where space is ordered through specific relations of occupation. (p. 36)

While some collections of Ancestors’ hair are attributed to physical anthropologists and race science, several others originate with anthropologists and ethnologists who were publishing on the ceremonial and socio-cultural importance of hair, such as ‘Spencer, Bates, Haddon, Ronald Berndt, and Thomson’ (Faithfull, 2021, p. 55). Faithfull points to the prominence of ‘salvage’ paradigms in research – salvage ethnography and salvage anthropology – during the late nineteenth and early twentieth centuries, when Indigenous peoples were depicted as a ‘dying race’ and ‘everything that could be collected, was’ (Faithfull, 2021, p. 55). This form of collecting as a colonial and capitalist impulse is predicated on a white supremacist ‘logic of possession’ (Moreton-Robinson, 2015, p. xiv). This is exemplified in the letter from Bates to Cleland accompanying the Ancestor’s hair: ‘Here is a light-haired specimen from the latest arrivals’ (1930). The logic of possession is also seen in the demand and supply described in a newspaper article in the *Chronicle*, discussing Cleland’s hair sampling in 1950 at the request of Birdsell (see Image 5.2).

QUORN.—In response to a request from Prof. Birdsell, of Boston (USA), transmitted by pedal wireless to a scientific party in the Musgrave Ranges, samples of hair from Musgrave Ranges natives was obtained to send to America.

Prof. J. B. Cleland, who passed through Quorn last week with other members of the party on the southward journey, said that this hair was most unusual 'being very fair, almost without pigment.

Figure 4: Excerpt from Chronicle article (Source: Chronicle, Thursday 4 May 1950, p. 8)

In 1958, Reginald Ruggles Gates, geneticist and eugenicist, travelled to Australia to conduct research on Aboriginal peoples in pursuit of his focus on genetics and 'race-crossing' (Roberts, 1964). Mildred Trotter, anatomist, physical anthropologist and professor of anatomy at the Washington University School of Medicine, requested 'hair samples' in a letter to Gates (24 March 1958)⁶:

Dear Dr. Gates :

...

Please keep me in mind for hair samples. I'm interested even though it takes me longer and longer to get them worked up. (Trotter, 1958a)

At the end of 1958, Trotter sent a letter to Gates thanking him for fulfilling her request (8 December 1958)⁷:

Dear Dr. Gates:

Congratulations on another wonderful trip!

I am indeed fortunate to have a share in the harvest.

⁶ See Appendix B for full letter.

⁷ See Appendix B for full letter.

The hair samples arrived safely and are in safe keeping. When I can begin to study them I don't know, since I am committed for another 3 years to a research program on bones. So, if there is some one else whom you would like to have undertake the study I shall forward them when you say the word. (Trotter, 1958b)

The notion of sharing in a 'harvest', as termed by Trotter, further reveals the commodification and exploitation of Indigenous people's hair and bodies as research material and capital. Furthermore, Trotter's assurance that the Ancestors' hair samples arrived 'safely and are in safe keeping' is similar to the minutes from the Board for Anthropological Research meeting which note that the 'hair samples' received from Daisy Bates have been handed to the South Australian Museum 'for safe keeping and use' (Board for Anthropological Research, 1946). The repeated notion of 'safe keeping' in the archival documents reflects the research and institutional significance of Ancestors' hair as research objects assimilated into the knowledge economy of the twentieth century. The transmutation of Aboriginal and Torres Strait Islander peoples' hair into the racialised research object of the 'hair sample' was both opportunistic and strategic under settler-colonialism. During a yarning session with Bracknell, he defined Bates and her work as intrinsically settler-colonialist:

The key to Bates' work is distancing what she refers to as the 'half-caste' from any sort of cultural inheritance or any of the otherworldly magic she associates with, as she terms it, 'full-bloods' that she engages with. And that goes through to her critique of the human rights movement that was led by Aboriginal people in the 1930s in Western Australia. She sees herself as the person that should be leading that process, not the Aboriginal people that are leading it. Her reasoning behind that is she knows more than those Aboriginal people because those Aboriginal people aren't Aboriginal people at all ... [they are], as she terms it, half-castes.

She is settler-colonialism. That's according to the Patrick Wolfe definition. She has replaced the native with herself.

(Prof Clint Bracknell, yarning session, 7 October 2021)

The 'hair sample' in the Australian context was consistently used to measure the distance between whiteness and Aboriginality. The use of hair categorisation and sampling during the early to mid-twentieth century is particularly evident in the research and archival legacies of

researchers who were ‘working’ on the ‘half-caste problem’, such as those affiliated with the Board for Anthropological Research. The ‘hair sample’ is deeply rooted in the settler-colonial pathologising of Aboriginal peoples as problematic, deficient and fading, as raised by Bracknell in his yarning session quoted above. If one considers Ancestors’ hair that are still held in collecting institutions or used in genomic research in the context of settler-colonialism, it is also evident that the colonial-racial capitalism is also at play. Bates portrayed herself as an ‘expert’ and a benevolent white woman, and these images should be countered through reminders that she treated Aboriginal peoples as research commodities, perpetuated racist stereotypes and played a role in the removal of children from their mothers (Jacobs, 2009).

Hair sampling did not happen without a context. The creation of ‘property’ is a ‘prominent tool of settler-colonialism’s logic of replacement’ (Blatman-Thomas & Porter, 2019, p. 35), whether that property is land-based or created for the research and collecting institution. Museum and archive institutions globally are built on foundations that comprise the horror and trauma of Ancestors traded as commodities and objects. Smith talked in her yarning session about the realities of these histories in the foundations of her workplace:

So I was looking at the Australian Museum’s archival records, as part of that big jigsaw puzzle [...] trying to repatriate remains, we need to check out records to find out the provenance. [...] And I remember looking at these records and just the scientific racism in them.

I mean, there was one example that just really cut me to the core ... I'm reading about collectors, there's this correspondence between collectors and the directors at the museum and these collectors, who are kind of all these people who are just saying:

‘Oh yes, I'd like to order remains, you know, we want bones and we want them cleaned and they need to be bleached or white.’

As if they are just ordering from the butcher – it was just so degrading, the way they've just reduced people to just bones, and not even caring where they're from.

(Dr Mariko Smith, yarning session, 29 May 2020)

The commodification of Ancestors for research and curios

In the colonial project of Australia, research and collecting institutions have been important tools for ensuring that state-sanctioned narratives and agendas were administered, valued, preserved and remembered. Research and collecting institutions have acted as purveyors of research capital derived from the exploitation of the Indigenous body as commodity (Smith, 2021). They are self-perpetuating storehouses and markets of Ancestors, cultural materials, personal information and records, taken under oppressive colonial and assimilation policies. Collecting institutions have long profited from propagating misinformation that centres on falsified narratives of Indigenous people's exoticism and Otherness in their own land.

The commodification and ownership of the body is exemplified by the centuries of collection, trade, preservation and use of Aboriginal and Torres Strait Islander Ancestral Remains as research objects and curios. As investigated in Chapter Three, the institutions and researchers that were collecting and trading samples of Ancestors' hair were involved in much larger networks engaging in the commodification and exploitation of Indigenous bodies for research. Collecting institutions around the world continue to hold Ancestral Remains in their archives and collections, after they were removed from Country and communities without free, prior and informed consent. These are Ancestors that have been donated or gifted to institutions, or bought and sold through an international market in stolen human remains.

While removing Aboriginal and Torres Strait Islander Ancestors from their resting places – or taking them prior to them being laid to rest (Turnbull, 2017) – is always an extreme transgression for First Nations peoples, it was also a potential infraction of the (loosely enforced) Western laws in place during the nineteenth and twentieth centuries (Fforde et al., 2020b). For example, two proclamations in Australia in 1911 and 1913 prohibited the export of skeletal remains of Aboriginal Ancestors, unless a permit was provided by the Minister for Trade and Customs:

Any remains received outside Australia after 1911 without a permit are thus illegally exported' and 'any remains received by a foreign institution from a private individual within Australia after 1913 are almost certainly the result of illegal export. (Fforde et al., 2020b, p. 332)

However, this apparent regulation of trade in Ancestral Remains was evidentially conditional. The 1913 proclamation was focused on ensuring that exports of Aboriginal and Torres Strait Islander Ancestral Remains would not ‘harm the interests of local scientists and museums’ (Fforde et al., 2020b, p. 317). The scale of the international trade in Aboriginal and Torres Strait Islander Ancestors, as demonstrated by the collections held around the world and the associated trails of trauma, illustrates the conditional legal and ethical application of the common law ‘no property’ rule, which originated in the nineteenth-century English courts. In 1913, a decade after the British colonies federated into the Australian nation, the government decided to prevent the taking of ‘trophy of empire’ (Norman & Payne, 2022, p. 817) and protect the interest of the ‘local scientists and museums’ (Fforde et al., 2020b, p. 317). Morality was clearly conditional under settler-colonial regimes, and the exploitation of and trade in Aboriginal and Torres Strait Islander people’s bodies constituted an industry.

The application of property rights on stolen land – Native Title

The process by which settler-colonialism creates property from stolen land is described by Nichols in ‘Theft as Property’ as complex in its delivery of recursive dispossession (2019). Nichols outlines how this form of dispossession ‘merges commodification (or, perhaps more accurately, “propertisation”) and theft into one moment’, and by doing so, creates proprietary relations from non-propriety relations, enabling the dispossessor to immediately take possession of this new property (2019, p. 8). Key to maintaining possession of stolen lands under settler-colonialism is positioning Indigenous peoples as *past* owners, thereby continuing to position the colonisers as the arbiters of ownership. This can be seen, for example, as raised by Steward-Ambo & Yang, in the recognition of First Nations peoples as ‘traditional custodians’ of land – insinuating ‘traditional’ as retrospective and past – rather than actively giving land back (2021). This can be extended to the transmutation of non-property into private property through the removal of Ancestral Remains and cultural knowledges (both tangible and intangible) and their retention in collecting institutions.

When contextualising and discussing the settler-colonial context of possession and property, the application of property rights to stolen Aboriginal and Torres Strait Islander lands and waters must be given consideration. Take, for example, the implementation of Native Title. In 1992, conditional property rights for Aboriginal and Torres Strait Islander peoples over Country were recognised by the High Court of Australia. The Mabo High Court decision

overturned the claim of terra nullius, and the subsequent *Native Title Act 1993* established a process by which Aboriginal and Torres Strait Islander communities could, in certain circumstances, claim pre-existing rights and interests over Country (*Mabo v The State of Queensland 1992*; *Native Title Act 1993*).

However, terra nullius was overturned only on a legal basis, and there was no deeper systemic change to the ways that terra nullius had been embedded into the settler-colonial project of Australia. Moreover, since communities must demonstrate proof of continuous interest in land from colonisation to the present, and the Crown can extinguish Native Title rights, these property rights are conditional and not absolute (Moreton-Robinson, 2015; Miller et al., 2010). One further example of the maintenance of settler-colonial ownership is the Crown's ownership of minerals in the land, which enables states and territories to grant mining rights on Native Title land (Galloway, 2020).

While the 1992 High Court decision represented a landmark and historic legal victory for Aboriginal and Torres Strait Islander peoples, led by Eddie Koiki Mabo, the Native Title process has been widely criticised for failing to secure conditional recognition of Aboriginal and Torres Strait Islander peoples' sovereignty and self-determination. Additionally, Native Title has become a new source of tensions and stress, both emotional and financial, for Aboriginal and Torres Strait Islander communities and families, directly affecting their health and well-being (AHRC, 2011). Under Native Title law, in relation to land and resources deemed 'property of the Crown', Aboriginal and Torres Strait Islander peoples must prove that their interests exceed those of the coloniser:

Tragically and ironically, even though we were dispossessed of our lands by white people, the burden of proof for repossession of our lands is now placed on us, and we must demonstrate proof in accordance with the white legal structure in courts controlled predominantly by white men. (Moreton-Robinson, 2015, p. 16)

For the past several decades, international support for the 'unconditional repatriation' of Ancestral Remains has been growing, with institutions proactively seeking to return Ancestors home (Fforde et al., 2020a). However, many overseas institutions housing collections of Ancestors' and living people's hair have yet to offer repatriation. In a process of power dynamics similar to those at play in a Native Title claim, First Nations peoples are

expected to first prove the value of Ancestral Remains, then to request that an institution agrees to their release and return. If one considers the settler-colonial context of conditional rights to land for Aboriginal and Torres Strait Islander peoples as a reference point for debates around how property law may extend to self-ownership of the body (Skene, 2002; Quigley, 2018), it is evident that First Nations peoples must additionally contend with a status quo that values the interests of the state over those of Indigenous communities and individuals.

The common law rule: ‘no property’ in the human body

For centuries, there has been a general rule in common law, established in the English courts and shared across settler-colonial states, that there is ‘no property in the human body’, deceased or living. In other words, a person’s body cannot be owned. The ‘no property’ rule was introduced in the eighteenth and nineteenth centuries, mainly to deter an increase in the theft and sale of cadavers (body snatching or graverobbing) (Mitchell et al., 2011). The rule followed a sharp rise in demand for human remains from medical research and anatomy schools, with extreme poverty pushing people into the practice of body snatching or graverobbing (Ross & Urquhart Ross, 1979). Although the no property rule emerged at around the same time as the gradual abolition of chattel slavery in the nineteenth-century, claims that these are connected are only conjecture, since the English courts were focused on deterring body snatching in England.

A deceased human body could be considered ‘stolen’ under English common law, Chattin Jr (1969) notes that ‘in 1788 the common law courts of England declared it to be a misdemeanor to steal a corpse’ (p. 378). Ngarrindjeri Elder Major Sumner points to the illegitimacy of institutional ownership of Ancestral Remains, in both Ngarrindjeri and English law:

Museums can’t own the remains because when you look at it, those remains were stolen. Under English law you can’t own something that’s stolen. And under our law, you can’t own a person, a part of Mother Earth. Ngarrindjeri are country. We look at it in the way that we are a part of everything. (Sumner quoted in Sumner, Besterman & Fforde, 2020, pp. 692-693)

While notions of legal ownership of the human body are inseparable to the history of chattel slavery, there is no legal precedent in the nineteenth-century English courts demonstrating a direct correlation between abolition of chattel slavery and the no property rule (Taylor, 2002). Before the establishment of the no property rule, the English courts clearly did find legal property in the living human body, with the transatlantic trade in enslaved African people. Legal property in the body was established in cases such as *Gregson v Gilbert 1783*, in which the court classified people as ‘cargo’ and personal property when deliberating on an insurance claim lodged by white traders in enslaved African people, after more than 150 people were massacred on the ship *Zong* in 1781 (Philip, 2011, p. 189). Although the case provoked outrage from parts of the English public and legal profession, the courts found in favour of the *Zong*’s captain and slave trader, granting the insurance claim while refraining from charging the crew with murder (Philip, 2011; Lyall, 2017).

M. Nourbese Philip’s book ‘Zong!’ discusses the core debate in *Gregson v Gilbert 1783*: specifically, whether humans can be considered property and therefore be subject to an insurance claim. Due to the court ruling, the crew were not culpable for murder, since property is ‘not capable of being murdered’ (Philip, 2011, p. 191). Legal precedents such as *Gregson v Gilbert 1783* graphically illustrate the horrifying and violent dehumanisation that has been executed on human bodies, conditional on whether those bodies were Black and Indigenous. At the time when the *Endeavour* arrived in sovereign waters off the coast of Kamay, Gweagal Country, people were actively possessed as property by white slave traders and colonisers across and beyond the Atlantic. The massacre on the ship *Zong*, and the subsequent court case, would not happen for another eleven years.

The ‘work and skill’ exception to the ‘no property’ in the human body rule

One exception to the common law no property rule is known as ‘work and skill’. The ‘work and skill’ exception was established in *Doodeward v Spence 1908*, an Australian case that continues to be debated by legal and ethics scholars, and to be cited in the courts (Falconer, 2019). In *Doodeward v Spence 1908*, the court ruled that it was lawful to be in possession of a body, or part of a body, if it had ‘acquired new attributes’ via human intervention:

When a person has by the lawful exercise of work or skill so dealt with a human body or part of a human body in his lawful possession that it has acquired some attributes

differentiating it from a mere corpse awaiting burial, he acquires a right to retain possession of it. (Doodeward v Spence, 1908)

Doodeward v Spence 1908 thus set a precedent for what became known as the ‘work or skill’ exception. If a certain level of work or skill was exercised over a human body or parts of a body, this could be a reason to find property in the body. Importantly, this case highlighted and legalised the association of value and use with reasonable and lawful possession. If a human body is more valuable or useful in preservation and retention than it is in a state of natural decay, a lawful property status is more likely to be conferred:

such possession is not unlawful if the body possesses attributes of such a nature that its preservation may afford valuable or interesting information or instruction. If the requirements of public health or public decency are infringed, quite different considerations arise. (Doodeward v Spence, 1908)

The first sentence in the above quotation suggests that acts of preservation and research may entail work and/or skill, and therefore may produce the requirements for a designation of property. This presents a significant dichotomy: the body may be lawfully possessed if it can be proved to be either an extraordinary example of the human body, or barely human at all. In the twenty-first century, the genomic and biotechnological age, multiple concerns have been raised about self-determination or self-ownership of the body (Bowen, 2005; Rao, 2016), particularly as body parts that are separated from the body as a whole – such as organs and tissues – are more open to a consideration of property (Björkman & Hansson, 2006; Quigley, 2012). Falconer (2019) points to the unacceptability of *Doodeward v Spence 1908* still being applied to argue property rights across a range of human body forms that extend beyond the scope of the 1908 ruling:

the now 110-year-old Doodeward exception, decided some 50 years before the description of the double helix and with work or skill as its activating factor, is unclear in its application and is often subverted by the application of an additional legal process by common law courts. (p. 926)

In the United States, *Moore v Gold 1990* set a precedent whereby biological materials and tissue separated from the body could no longer be argued as being a person’s property. The

court asserted that an individual had no right to any profits derived from their separated bodily materials (Samudzi, 2022). This case illustrates how the ‘work and skill’ exception enables research institutions and related industries to *create* property through research, elevating interests which are institutional and corporate-driven above those of the individual.

Goold et al. assert that bodies and body parts are already considered property, pointing to multiple legal cases that have required the human body, or body parts, to be considered as such (2014a). A key case for ‘dismantling Doodeward’ is *Roche v Douglas 2000*, in which the Supreme Court of Western Australia ruled that samples of tissue preserved in paraffin wax and taken prior to a person’s death were property, but rejected the ‘work and skill’ reasoning (Falconer, 2019). The court ruled that ‘work and skill’ was not relevant to this case, stating that the ruling of property was found through ‘general principles of law ... in accord with reason and common sense’ (Sanderson quoted in Falconer, 2019, p. 906).

Following *Roche v Douglas 2000*, the English Court of Appeal in *Yearworth vs North Bristol NHS Trust 2010* found that a ‘person who is the tissue’s source’ was ‘unequivocally recognised as the legitimate holder of property rights’ (Quigley, 2018, p. 9). These recent cases have set precedents for the self (and next of kin) having interests in the body which overrule those of a third party, and have thus questioned the relevance of ‘work and skill’. In *Roche v Douglas 2000* and *Yearworth vs North Bristol NHS Trust 2010*, the dominant origin of the bodily ‘property’ was consenting participants who agreed to the separation of their bodily materials from themselves and agreed to their preservation within certain parameters. These cases involve a donor and repository relationship that was sought out and initiated by the donor. In the case of Ancestors’ hair retained and used by research and collecting institutions internationally, by far most of it is *without* a clearly defined ‘donor and repository’ relationship sought out and initiated by the donor.

Consent under duress and colonial-racial capitalism in the ‘body as property’

The ongoing debate regarding the compatibility of human bodies and property law focuses on whether the body can – or should – be considered property and therefore subject to possession and property rights. The potential for self-ownership of the body has historically been resisted by English and settler-colonial legal systems (Harmon & Laurie, 2010); meanwhile, debates on legal reform call for further clarity, particularly as the distance grows

between the no-property rule and bioethical challenges of the present day (Gold, 1996; Goold et al., 2014b). Suggestions for reform include extending property rights to the body to enable self-ownership (Skene, 2002; Quigley, 2018). Property law determines and regulates human interests relating to property, rather than defining the nature of property itself (Edelman, 2014). As property rights determine stakeholderhood, the application of property rights to the body and its genetic materials may provide a safeguard against commodification and exploitation by external parties. However, there has been criticism of the application of property rights to the body, due to the limited ability of property law in its present state to effectively protect the body (Skene, 2014; Gold, 1996).

When one considers the literature regarding the legality and ethics of the body as (or not as) property, it becomes evident that much of this conversation does not include comprehensive consideration of existing failings in the property law frameworks and of the over-representation of Indigenous peoples' Ancestral Remains, biological information and genetic information held in institutional custody. The samples of Aboriginal and Torres Strait Islander peoples' hair discussed in this research occupy a nebulous and unclear space in terms of the legitimacy of the consent given to collect them, and they therefore raise questions about the legitimacy (both ethical and legal) of institutional ownership. The few examples of scholarly literature that discuss historical samples of Aboriginal and Torres Strait Islander peoples' hair have pointed to uncertainty about whether consent was given to researchers to cut or pull hair (Prictor et al., 2020; Faithfull, 2021).

The legal and ethical discourse on the body as property must be located within a settler-colonial context, as bodies that are under Western settler-colonial and capitalist legal systems and epistemologies are defined and regulated by a racialised regime of property.

Within the logics of racial capitalism, property rights are inscribed onto the body, challenging the limits of legal ownership of the body and its contents.

(Samudzi, 2022, para. 1)

This research adheres to the understanding of 'capitalism as racial' (Jenkins & Leroy, 2021), and therefore of racial capitalism as *not* a variety or stage of capitalism. Additionally, as raised by Koshy et al., 'racial capitalism *is* colonial capitalism', particularly where 'thefts of land, the production of hierarchies of global space, and the expropriation of labour' are

recurring and structurally dispossessive (2022, p. 7). The racialised body under settler-colonialism continues to be, in resistance to the body's ownership by the state. The dynamics of colonial-racial capitalism are epitomised in the histories and ongoing repercussions of hair sampling from First Nations peoples. In the dispossession and commodification of Ancestors' hair into property, followed by the colonial creation of archival and knowledge capital through research *use*, Ancestors' hair as the 'hair sample' is defined within the system of colonial-racial capitalism. Therefore, as an extension of the work of Yellowknives Dene scholar Glen Coulthard, who described Indigenous land-based activism as anti-capitalist (2014), the Indigenous-led movement for repatriation and self-determination in research and GLAM institutions is a refusal of colonial-racial capitalism.

Institutional 'stewardship' or 'custodianship'

... how strong the ties are that bind collected cultural material to the decimation and objectification of Aboriginal people, and furthermore, the continuities of this objectification as I was by all accounts staring at legal property of the Harvard corporation. (Andrews, 2019, p. 11)

As illustrated in the previous case study discussion, this chapter argues that the trading of Ancestors' hair is an act of colonial-racial capitalism. This next section investigates the repercussions of that trade, and the assumptions of institutional ownership of Ancestors' hair as archival property to the present day. The fraught issues of ownership will be discussed through consideration of Aboriginal and Torres Strait Islander peoples' resistance to exploitation by research and collecting institutions, and of institutional justifications for the continued retention of collections. Finally, this chapter concludes by arguing that Ancestors *cannot* be property, and that the onus to address both the histories and legacies of the commodification of Ancestors must be on research and collecting institutions and the archival discipline who negotiate the retention and access of collections.

The colonial archive is described by Harkin as being 'at odds with itself, functioning through a paradoxical logic', whereby it is both 'sacred space *and* colonial object' (2014, p. 10). As articulated by Duff et al., 'archives can both produce and reproduce justice and injustice in the decisions they make on how they shape the past and engage the present' (2013, p. 4). There is a high level of distrust of archives by First Nations peoples, related to historical and

continuing negative and traumatic experiences with archives and the archival discipline (McKemmish, Faulkhead & Russell, 2011). Furthermore, First Nations peoples feel trepidation and distrust about research involving genomic samples, whether those samples were collected specifically for the research or were stored in biobanks and GLAM sector collections (Dodson & Williamson, 1999; Garrison, 2013; Garrison et al., 2019; Tallbear, 2013a). During a yarning session, Tobler talked about his experience of working with Indigenous community stakeholders:

Among the people that I've spoken to [through the research of the AHP], the one consistent reservation they have expressed is whether the hair samples are going to people who want to use it commercially or for purposes that they have never heard of or discussed.

(Dr Ray Tobler, yarning session, 3 December 2020)

Indigenous peoples' concern about misuse and exploitation, referred to by Tobler, is directly tied to unethical research and research practices enacted on communities in the past. Tallbear notes that, for Indigenous peoples, institutional 'stewardship' of Ancestral remains and biological materials is connected with exploitation and misuse by ongoing settler-colonial regimes, as manifested in biocolonialism and biopiracy – 'that is, they appropriate Indigenous knowledges for the economic and intellectual benefit of nonindigenous researchers and institutions, whereas Indigenous groups lose out' (Tallbear, 2013a, pp. 192-193).

The terminology of stewardship, custodianship and care is widely used across the Australian GLAM sector in reference to an institution's role and function. There has been a movement towards defining these terms to reflect the 'shared custodianship of Indigenous cultural material' (Janke, 2018, p. 35) and 'recognize Indigenous ownership of Indigenous traditional knowledge, cultural expression, knowledge and intellectual property' (ICA, 2019, p. 3). These changing understandings of ownership in the GLAM sector have been propelled by decades of Indigenous led organising and truth-telling, and can also be seen in relation to a broader movement beginning in the latter half of the twentieth century towards collecting institutions, particularly museums, as 'in service of society' (ICOM, 1974 quoted in Sandahl, 2019, p. 5). However, as Indigenous peoples globally have repeatedly been an exception to the inclusivity that notions of 'society' and 'the public' propose, the use of new terminology and re-definitions of collecting institutions can ring hollow. While it is assumed that

incorporating the terminology of custodianship and stewardship represents *actual* reform to institutional roles and functions (such as changes to archival practice or extending ownership rights to community stakeholders), this is rarely the case (Barrowcliffe et al., 2021). In the previous 'Duckworth Laboratory policy on human remains' (2011) and the new 'Duckworth Laboratory Policy the Curation and Conservation of Human Remains' (2022), Ancestral Remains held in the Duckworth Laboratory are referred to as being 'under its care' (2022, p. 5). However, in the new policy there has been a removal of the previous policy statement that '[Ancestral Remains] preservation in museum and university collections should be protected' (University of Cambridge, 2011, p. 2), suggesting there is a change in practice underway.

Across the GLAM sector, at present, the seeking of retrospective consent or 'community consultation' regarding Ancestral Remains or ICIP, is generally understood to be necessary for collection *use*: research testing and analysis or curation and display. The proactive seeking of informed consent not only for research use but also for ongoing retention must equally be addressed. The seeking of informed consent for the retention of collections can provide an opportunity to address instances of removal that occurred without clear free, prior and informed consent, which was the norm for many collections amassed under imperialism and settler-colonialism. This process of seeking free, prior and informed consent would, by definition, require a review of the institutional ownership of Ancestors' hair. An Australia-based example of a model challenging the status quo of institutional ownership is the National Centre for Indigenous Genomics at ANU. The National Centre for Indigenous Genomics (NCIG) was established at ANU to provide 'a safe, permanent, national keeping place for biological samples, genomic and related data, and documents/records related to Indigenous peoples of Australia' (NCIG, n.d). Huebner, Hermes & Eastaer discuss the significance of NCIG as a biobank and genomic research initiative that has an Indigenous-led governance structure and a foundational tenet that 'consent is not an event, it's a process' (2020, p. 119). Associate Professor Azure Hermes, NCIG's Indigenous Community Engagement Coordinator, affirms First Nations peoples as being 'geneticists long before Western science came up with genomic research and its related terminology' and having deep understanding of relational ethics and decision-making processes that the genomics sector are only just beginning to grapple with:

for millennia First Peoples have adopted systems to determine how people are related, as well as within community defining their roles, responsibilities and

obligations to one another; to ceremonial business; and to care and use of land, freshwaters and sea. Such systems of culture, heritage and identity define decision-making processes and the cultural determinants of authority and ownership that are embedded within the relatedness of people and their associations with ancestral country (Hermes in Huebner, Hermes & Easteal, 2020, p. 119)

While seeking retrospective informed consent for the continued retention and negotiation of ownership rights over ICIP is not standard practice in a sector built on colonial-era collecting, some institutions are reconsidering their legal ownership of ICIP. As mentioned in a yarning session with Nathan Sentance, Wiradjuri, Head of Collections First Nations at the Powerhouse Museum, formerly First Nations Project Officer, Australian Museum, the reconsideration of the legal ownership of collections is a process currently being undertaken by the Museum of Arts and Applied Sciences, through which ICIP is being negotiated with community:

... we give it back the community and then offer the community a fair price nowadays to lease it off them. We could rent it off them and have a negotiation then. At least have a good negotiation where we've given them the material back and the power back, so it can be in the Museum but on their terms.

(Nathan Sentance, yarning session, 2 July 2020).

Biocolonialism and the false dichotomy of scientific vs cultural significance

There has been a rapid increase in biotechnology and genomic research since the late twentieth century, with the Human Genome Project completed in 2003 and the emergence of a new group of sciences – termed ‘post-genomics’ – after the sequencing of the human genome (Holmes et al., 2016, p. 50). As has been discussed in this dissertation, collections of Ancestral Remains held in archive and museum collections have become a major focus of genomic research. As technological advancements have produced more accurate methods of analysis, hair that was once considered too inaccurate or too degraded a material for genomic research is now attracting the interest of researchers. The case study to follow in Chapter Five, discussing ‘the first complete genome sequence of an Aboriginal Australian’ (Callway, 2011, p. 522), which used an Ancestor’s hair held at the Duckworth Laboratory without free,

prior and informed consent, resonates with aspects of Whitt's (1998) definition of biocolonialism:

valued genetic resources and information are actively sought, 'discovered', and removed to the microworlds of biotechnoscience. They are legally transformed into the private intellectual property of corporations, universities and individuals, rendered as commodities, and placed for sale in genetic marketplaces... (pp. 33-34)

Amid the concern about the vulnerability of Indigenous peoples' Ancestral Remains and biological samples in institutional collections, there is ever more urgency about how to regulate and protect Ancestors' hair and related genetic information from exploitation and misuse, particularly since it falls into a 'grey area' of legislation and ethics policies (Prictor et al., 2021).

For decades, there has been widespread conversation about the resistance shown by Indigenous peoples globally to genomic research (Dodson & Williamson, 1999; Reardon, 2004; Tallbear, 2013a). This conversation was expanded to include Ancestors' hair following the 2011 genome sequencing (Callaway, 2011). However, this resistance is often conceptualised as Indigenous peoples being 'anti-science', rather than resisting further exploitation (Tallbear, 2013a). In a yarning session, while raising concerns about the destructive analysis and genomic mapping of Ancestors' hair by the Aboriginal Heritage Project, Ormond-Parker stated, as an aside, 'Now I am, just on the record, not anti-science...' (Dr Lyndon Ormond-Parker, yarning session, 7 August 2020).

The introduction to 'The Duckworth Laboratory policy on human remains' (University of Cambridge, 2011) contained institutional recognition of the tension relating to the institutional custodianship and research use of Ancestral Remains, and reinforced a binary opposition between scientific and cultural value:

...between those who object to the use of human remains in science (particularly of those remains which they consider as belonging to their kin), and those who see the scientific importance of the study of human remains to generally override such individual or cultural views. (p. 2)

Duckworth Laboratory's 2011 policy provides an insight into the primary stakeholdership role historically assumed by the institution. The language used is that of competing stakeholdership – between emotion and scientific objectivity. Applications for use and destructive testing by researchers and students are decided by the laboratory after 'weighing the benefits of the scientific information to be obtained against the cost of the material destruction of samples' (University of Cambridge, 2011, p. 11; University of Cambridge, 2022, p. 7). Here, a cost-benefit analysis is being used to make decisions about the use of Ancestral Remains in research, reinforcing perceptions of Ancestors as research commodities. In a yarning session, Dr Rose Barrowcliffe, Butchulla, Postdoctoral Research Fellow at the Centre for Global Indigenous Futures, Macquarie University, reflected on the relationship between Indigenous peoples and the institutions retaining Ancestors' hair, and on the latter's justifications of research significance, ultimately based on dispossession:

It's such an emotional experience [engaging with collections] anyway. But then to have a university or a collecting body retaining a piece of hair because they feel like they have more right to it or know more about it than you do, it's kind of kicking you when you're down. Because it's like, look, the reason I don't know more about this is because of your people doing this to me over generations and generations. So to then use that as justification why they can keep these pieces – like, you created this situation, you can't use that for justification.

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

The earlier Duckworth Laboratory Policy on Human Remains (University of Cambridge, 2011) was aligned to the UK Department for Culture, Media and Sport's 'Guidance for the Care of Human Remains in Museums' (2005) and the *Human Tissue Act 2004*; meanwhile, the revised Duckworth Laboratory Policy on the Curation and Conservation of Human Remains (University of Cambridge, 2022) is additionally informed by the British Association of Biological Anthropology and Osteoarchaeology (BABAO) Code of Ethics (2019) and Code of Practice (2019), and by UNDRIP (2007). As detailed in Chapter Five, the parameters of these laws and codes that would require the seeking of free, prior and informed consent for research use are overwhelmingly inapplicable to First Nations peoples' Ancestral Remains and genomic materials taken by imperial and colonial regimes. For example, the parameters of the Human Tissue Act (2004) that require a consenting donor *exclude*: material that has been imported, that has no immediately available provenance to an individual, that

was acquired before 2004, and that came from a donor who passed away over 100 years ago. These exclusions clearly impact Aboriginal and Torres Strait Islander peoples, and Indigenous peoples more broadly, who are seeking to regain control over Ancestors taken by the British Empire. Informed consent for the research use of a living or deceased human body is a core tenet of science and medical ethics and best practice. However, when First Nations peoples raise their concerns about the lack of informed consent for Ancestors held in collections and subjected to research, these concerns are often portrayed as being motivated by cultural significance and therefore at odds with scientific significance.

Under current legislation and policy in Australia, the UK and the US, ‘hair samples’ cannot be definitively defined as human tissue nor as part of the human body. Apart from UNDRIP, there are no international legal mechanisms through which First Nations peoples can consistently ensure the protection of Ancestors’ hair and related genomic information. This places Ancestors’ hair, particularly hair held in collections outside Australia, in a vulnerable position, far from Country and community care.

As Thorpe notes, a recurring issue in the archives sector, and GLAM more broadly, is that fear of doing the wrong thing due to lack of practitioner knowledge results in inaction and inertia (Thorpe, 2021). This ‘anxiety for readiness’, to be discussed in Chapter Six, was witnessed during this research in relation to Ancestors’ hair, particularly hair held in overseas institutions. Uncertainty and concern about what steps to take have resulted in a lack of action by those institutions. This is not a sustainable situation, nor an ethical one, as was pointed out by Hemming in a yarnning session:

So, I just think there has to be some serious recognition of the political situation at the moment. And yeah, recognition that yep, still in a colonial institution sitting there, with other people making decisions about someone’s personal body parts.

(A/Prof Steve Hemming, yarnning session, 26 November 2020)

Satisfactory truth-telling has yet to take place at a national and international level about the documented treatment of Aboriginal and Torres Strait Islander peoples’ bodies and biological materials as property. Without Indigenous self-determination frameworks that ensure that decision-making on all levels and veto rights rest with Indigenous peoples and not the settler-

colonial state, there is little reason to trust a settler-colonial legal system to fulfil these basic requirements. As Fanon reminds us (1963):

'colonialism never gives anything away for nothing' (p. 142)

Ancestors cannot be property: the body as Country

For Aboriginal and Torres Strait Islander peoples, hair is understood as part of the body and therefore part of the Ancestral body. As stated by Duczynski, to hold Ancestors' hair in collections is to hold Ancestors themselves:

For me personally, I don't see the Ancestral Remains or tissue taken from Ancestors, such as hair, as being... lifeless... For me, the spirits of those Ancestors, the spirits of those Old People, are not only imbued within what is literally them, but they're all around as well.

(Marika Duczynski, yarning session, 1 June 2022)

Ancestors embody a respect and relationality that is a continuation of their personhood. From a Western legal and ethical perspective, personhood nullifies the ability to be deemed property; as Edelman writes, 'the antithesis of any meaning of "property" is personhood. In other words, a living person can be the holder of a property right but he or she cannot be the object of it' (Edelman, 2014, p. 8). As noted in the first half of this chapter, it is clear, however, that settler-colonialism and colonial-racial capitalism work to dispossess First Nations peoples of their personhood and Country. Rigney discussed the interconnectivity between Ngarrindjeri peoples and Ngarrindjeri Country, and how the colonial archive is perpetually geared to sever and erase these connections, to serve the agenda, and for the benefit of, the settler-colonial state:

Some of the work that keen Ngarrindjeri leaders, along with other academics, have been doing is to tackle the colonial archive that disconnects us from Country on one level, but then replaces it with a connected colonial archive that privileges the rights and interests of the colonists.

We're constantly having to address those sorts of issues. It's as if they're going to write you out or erase you from that connection to Country. And we have to fight against that.

(Prof Daryle Rigney, yarning session, 15 January 2021)

Archives and archival practitioners play a significant role in enacting and advocating for transformative change in the ways that Aboriginal and Torres Strait Islander peoples' collections are 'owned' and cared for. They also are key to the truth-telling agenda in Australia, in which the Ancestral, lived and intergenerational experiences of Aboriginal and Torres Strait Islander peoples must be centred for the purposes of justice and, where possible, healing. For this truth-telling to extend to the colonial archive, there needs to be simultaneous reform of the ways in which the colonial archive continues to withhold the histories and futures of Aboriginal and Torres Strait Islander peoples (Fourmile, 1989; Thorpe, 2021).

Ancestors' hair cannot be owned since it cannot be property; rather, it must be cared for as an Ancestor and as part of Country. Andrews states how, through the 'holistic concept of Country' as a 'web of relatedness', Indigenous peoples 'can reaffirm the ways that collected cultural material, although removed from use, place or person, in fact still belongs in a cultural sense' (Andrews, 2018, p. 12). This belonging even within displacement is present for those Ancestors who remain away from their Country due to colonial collecting practices and a lack of provenance required for their return. If one considers Ancestors' hair as Country, that can act as guidance for the collecting institutions that are paralysed by not knowing where to begin – the guidance can be: one must begin by knowing that there is belonging. As succinctly articulated by Barrowcliffe, Ancestors must always be given a path home:

Firstly, I would say that any Ancestral Remains, no matter how small, need to be returned. I just don't think that's up for debate.

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

Conclusion

This chapter expanded considerations of institutional ownership of Ancestors' hair into legal and ethical debates on property rights and the body, specifically discussing the common law ruling on 'no property in the human body'. With a focus on how Ancestors' hair relates to

these questions, this chapter showed that Ancestors' hair *has* been considered personal and institutional property through settler-colonial systems of collection, trade, preservation and use. There is a need to address the grey area of regulations regarding the retention and use of, and consent for, Ancestors' hair held in collections. Furthermore, this chapter highlighted the fact that assumptions of 'past consent' for the removal of hair need to be weighed against the state of duress, colonial violence and dispossession under which Aboriginal and Torres Strait Islander peoples' hair was taken. Consent cannot be considered a one-time event, and this lack of free, prior and informed consent must be addressed proactively by those collecting institutions holding Ancestors' hair.

Importantly, the case study and archival materials presented in this chapter are just a small portion of a much larger, cross-institutional and international colonial archive. Given the voluminous, wide-ranging correspondence written and received by anthropologist Daisy Bates, it is clear that there is the potential for more institutionally held Ancestors' hair and associated records to come to light. Issues such as institutional inertia, the separation of collections and the lack of consistent and comprehensive metadata all obstruct the discoverability of Ancestors' hair and related records.

There are also unresolved issues about institutional and state ownership of Ancestors' hair as institutional property. Within the settler-colonial context of the removal and international circulation of Ancestors' hair, the commodification and exploitation of Ancestors' hair led to the production of research and knowledge capital within the colonial knowledge economy. Connecting archives (and the GLAM sector more broadly) into the discourse on colonial-racial capitalism expands our understanding of the totality of regimes of settler-colonialism, and of the ongoing power dynamics that Indigenous peoples globally are calling out and working to dismantle.

Moreover, the extension of colonial-racial capitalism into the conversation about Ancestors' hair illustrates the need for a more reflexive consideration by research and collecting institutions – and associated disciplines – of their complicity in settler-colonialism and the treatment of the Indigenous body as property. It is clear that there must be transformative change in the GLAM sector in order to divest ownership and control of Ancestors' hair from research and collecting institutions, and redirect institutional support to community-led collection care.



Chapter Five: The ‘grey area’ and ‘the final say’: regulatory frameworks surrounding Ancestors’ hair in collecting institutions

Ancestors are at the centre of a complex web of legislation, policy and guidelines that span multiple layers of national, international and institutional power. Much of this regulatory framework surrounding Ancestors’ hair held in institutional collections is focused on parameters for access, use and consent, but does little to establish ownership and Indigenous self-determination (Prictor et al., 2020). Over the last two centuries, the dispersal of Ancestors’ hair into research and collecting institutions across Australia and internationally has resulted in an unknown number of collections, with varying degrees of provenance and of public knowledge of their existence. To date, it has been established that the institutions known to hold Ancestors’ hair include public and private museums and archives in the UK, the US, Europe and Australia, as well as public libraries holding the personal papers of people who collected and traded Ancestors’ hair. The locations of collections – geographical and institutional – determine the legislative and policy framework that in turn affects Aboriginal and Torres Strait Islander peoples’ ability to find, access Ancestors’ hair, and guide its present and future care.

In an Australian context, Ancestors’ hair can be categorised as potentially falling under two areas of legislation, one relating to human tissue and the other to Aboriginal and Torres Strait Islander cultural heritage. Both of these areas position hair in a vulnerable and uncertain space, due to a lack of clarity about whether Ancestors’ hair is comprehensively protected by legislation, and to the minimal avenues for Indigenous peoples to assert their sovereignty and self-determination. The ambiguity of hair within legislation and policy, but also in relation to whether it is a part of the human body that can be removed or ‘freely given’ (Faithfull, 2021),

is something that further complicates a clear delineation of ethics in relation to hair as human remains and/or as object. The understanding of hair as detachable (or naturally shed) from the body is a key distinction that is made by those who would define hair as different from other forms of detached human tissue – even though hair *is* human tissue. Another complexity has arisen due to the increased potential for hair to be used in genomic research and other forms of analysis, highlighting a gap in the development of ethics and regulations for human genomic data and the testing of hair in research. For Indigenous peoples globally, who were a key ‘research subject’ for researchers sampling hair during the nineteenth and twentieth centuries, and who still experience the misuse of biological and genomic resources, this lack of clarity regarding legislation and ethics is a major concern. In Australia, it disproportionately affects Aboriginal and Torres Strait Islander peoples, whose Ancestors’ hair is over-represented in institutional collections.

While current Australian human research ethics – as outlined in the National Statement on Ethical Conduct in Human Research (NHMRC, 2018b) – requires a research consent model of seeking informed consent before conducting destructive testing on Aboriginal and Torres Strait Islander Ancestral Remains, these ethical regulations are not systematically replicated internationally. Moreover, the Australian Government is still being called to commit to and deliver on a meaningful, legislative implementation of the international benchmark established by UNDRIP (2007). At present, there are no international legal mechanisms through which Aboriginal and Torres Strait Islander peoples can assert self-determination over Ancestors’ hair and related records held overseas.

In addition to the issues relating to complexity and lack of clarity of the laws and regulations governing historical samples of Aboriginal and Torres Strait Islander peoples’ hair, the absence of Indigenous self-determination in the relevant legislation is a fundamental concern. Aboriginal and Torres Strait Islander heritage legislation at both a national and state and territory level, under which Ancestors’ hair should be protected, has for a long time proved inadequate in providing protection for Aboriginal and Torres Strait Islander peoples seeking self-determination over culture and cultural heritage. A key concern raised in this research is the lack of Indigenous self-determination in the structures of legislation under which institutional policy in the GLAM and research sectors (as well as models of consent) function – in particular, in Aboriginal and Torres Strait Islander heritage legislation. The lack of veto power, which gives ‘the final say’ to a government minister, is in direct conflict with

Indigenous self-determination. There is minimal accountability for government and third-party breaches of Aboriginal and Torres Strait Islander heritage legislation, or of UNDRIP, the recent destruction of Juukan Gorge (discussed later in this chapter) being just one example.

As noted in the literature review in Chapter One, GLAM sector-based and institutional policies play a large role in defining ‘best practice’. However, sector and institutional policies have relevant laws – such as Aboriginal and Torres Strait Islander heritage legislation, copyright and privacy laws, and state-based archive and records legislation – at their foundation. Ancestors’ hair, whether defined as Ancestral Remains or object, comes under the purview of cultural heritage legislation, as explored in this chapter. On top of institutions’ unwillingness to cooperate or their anxiety-driven inertia, this research has identified two major systemic issues with the potential to obstruct Indigenous self-determination over Ancestors’ hair, both in Australia and internationally. Firstly, the ‘grey area’ of whether Ancestors’ hair is included in or excluded from legislation, policies and ethics, and secondly, the ongoing power dynamic whereby the institution or state has ‘the final say’ and veto power. This chapter will review key legislation, policy and ethics relating to Ancestors’ hair in two jurisdictions – Australia and the UK – and will discuss the issues of nebulous protections for Ancestors’ hair and the potential for Indigenous self-determination.

This chapter establishes the settler-colonial context of the legislative and policy environment under discussion, with a focus on Australia and the UK, which hold collections of Ancestors’ hair in their jurisdictions. This is followed by a case study discussion of an Ancestor’s hair taken by anthropologist Alfred Cort Haddon in 1923 and held at the Duckworth Laboratory at the University of Cambridge. This ‘sample’ of an Ancestor’s hair, whose name was not recorded by Haddon, was then used to extract ‘the first complete genome sequence of an Aboriginal Australian’ (Callaway, 2011, p. 522). Consent to publish the genome was sought (and gained) only *after* the genome had been sequenced. Additionally, the case study discussed in Chapter Three will be revisited, in relation to Ancestors’ hair collected by Birdsell and Tindale during the BAR research expeditions and held at the South Australian Museum. One key conversation during several yarning sessions focused on the *Aboriginal Heritage Act 1988* (SA), the Aboriginal Heritage Project (AHP) and the collection of Ancestors’ hair by Birdsell and Tindale. While a large-scale informed consent process with relevant individuals, descendants and families was undertaken for the AHP, complex ethical

issues were raised through the research use and institutional retention of Ancestors' hair that remain unresolved. Following discussion of these case studies, the chapter reflects on UNDRIP as the international benchmark for Indigenous self-determination, and on the intersection of institutionally held collections of Ancestors' hair and their use in research.

This chapter investigates the complex issues of the 'grey area' and 'the final say' by considering how disregard of Indigenous self-determination is a structural issue under settler-colonialism, both at the time of acquisition of Ancestors' hair and continuing with its present retention and use. Importantly, this chapter does not intend to suggest that Aboriginal and Torres Strait Islander peoples were and are without agency in the instances of hair sampling and research referred to in the chapter. Rather, it aims to highlight the issue of hair sampling conducted under settler colonial duress, and the inadequacies of regulatory frameworks and ethics processes in terms of consistently and comprehensively upholding Indigenous self-determination and free, prior and informed consent.

Defining Ancestors' hair in legislation: Ancestral Remains or object?

Although Ancestors' hair is assumed to be covered by Aboriginal and Torres Strait Islander heritage legislation, there are no specific references to 'hair' in the legislation. While legislation relating to human tissue may be thought more relevant in a research context in which hair is defined by its human tissue and genomic value, Australian human tissue statutes 'are largely silent on [hair samples] subsequent storage, access, transfer and future use' (Prictor et al., 2020). Thus, in this chapter, heritage legislation is taken to be the most relevant regulatory framework in Australia, determining all usages and related protections of Ancestors' hair held in institutional collections.

Heritage laws relating to Aboriginal and Torres Strait Islander 'heritage' began to be implemented in federal, state and territory jurisdictions in the mid-1970s. They have long been criticised for their inadequacies and their failure to protect Aboriginal and Torres Strait Islander peoples' heritage (First Nations Heritage Protection Alliance, 2020; Fourmile, 1989; Heritage Chairs of Australia and New Zealand, 2020; Joint Standing Committee on Northern Australia, 2021), as 'the protection and support of Indigenous cultural heritage is often incidental to, or defeated by, the economic development, commercial or environmental interests of governments and third parties' (Quiggin, 2019, p. 269). The National Native Title

Council (NNTC) has called for definitions of key terms in Aboriginal and Torres Strait Islander heritage legislation, pointing out that broad terms lack consistent, dynamic and community-specific definitions; this can extend to the ambiguous inclusion of Ancestors' hair in the form of hair samples within legislative scope:

...for the legislation to be effective it must contain a comprehensive definition of Indigenous Cultural Heritage consistent with how Traditional Owners today understand their cultural heritage and their traditions. To be comprehensive it must include definitions of “cultural heritage”, “tradition”, “Aboriginal place”, “Aboriginal site”, “Aboriginal object”, “intangible heritage”, “Indigenous Ancestral remains” (Joint Standing Committee on Northern Australia, 2021, pp. 249-250)

In the Australian Government Department of Communication and the Arts document ‘Information for Communities: Scientific testing on Indigenous Ancestral Remains. Australian Government’, Ancestral Remains are referred to as including ‘bones, teeth, tissue and hair’ (2018, p. 1). However, this definition has a caveat that:

Different definitions are used for human remains in legislation and regulations in Australia and overseas. Most refer to bones, teeth and skin (in the case of mummification), some exclude hair and many do not mention some types of materials such as blood samples. (p. 1)

Therefore, it is uncertain whether this definition extends to the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) and to relevant state and territory legislation. In the case of the *Aboriginal Heritage Act 2006* (Vic) ‘any human tissue’ is specifically excluded from the definition of Ancestral Remains. In 2020, the Heritage Chairs of Australia and New Zealand released ‘Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander Heritage in Australia and the Best Practice Standards in Indigenous cultural heritage management and legislation’, which pointed to the ‘definitional’ issue associated with Indigenous Ancestral Remains (Heritage Chairs of Australia and New Zealand, 2020, p. 37). The document highlighted the inconsistencies and lack of comprehensive definitions of Ancestral Remains in federal, state and territory heritage legislation, specifically referring to the need for local leadership in defining and caring for Ancestors' hair:

However, in each jurisdiction consultation with Traditional Owners must always take place to ensure that local views around matters such as appropriate care of material containing human hair and other human components are incorporated. (Heritage Chairs of Australia and New Zealand, 2020, p. 38)

Table 5.1 provides a summary of where Ancestors’ hair may be included in the legislative framework for Aboriginal and Torres Strait Islander heritage in Australia. The table illustrates the varied language and terminology used to define Ancestors and Aboriginal and Torres Strait Islander heritage, using relevant sections of the written legislation.

Table 1: Comparative inclusions of Ancestors’ hair in Australian national, state and territory Aboriginal heritage legislation

Title	Jurisdiction	Relevant inclusion for Ancestors’ hair?
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	National	No direct reference, refers to ‘ <i>Aboriginal remains</i> ’. Excludes ‘ <i>an object made from human hair</i> ’
Protection of Movable Cultural Heritage Act 1986		No direct reference, refers to ‘ <i>Human remains of Aboriginal or Torres Strait Islander descent ... cannot be exported</i> ’
Aboriginal Cultural Heritage Act 2003	QLD	No direct reference, refers to – <i>Aboriginal human remains—</i> <i>(a) includes burial objects and associated material”</i>
Torres Strait Islander Cultural Heritage Act 2003		No direct reference, refers to – <i>Torres Strait Islander human remains—</i> <i>(a) includes burial objects and associated material</i>

National Parks and Wildlife Act 1974	NSW	<p>No direct reference, refers to –</p> <p><i>Aboriginal remains means the body or the remains of the body of a deceased Aboriginal person</i></p> <p>Also refers to –</p> <p><i>Aboriginal object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales... and includes Aboriginal remains</i></p> <p>The current Draft <i>Aboriginal Cultural Heritage (Culture is Identity) Bill 2022</i> [NSW] includes a section on ‘Aboriginal Ancestral Remains’ defined as –</p> <p><i>... the bodily remains of a deceased Aboriginal person (Aboriginal ancestral remains), other than remains that are buried in a cemetery where non-Aboriginal persons are also buried or remains that have been dealt with or are to be dealt with under a law of the State relating to the burial of the bodies of deceased persons.</i></p>
Aboriginal Heritage Act 2004	ACT	<p>No direct reference, refers to –</p> <p><i>Aboriginal object means an object associated with Aboriginal people because of Aboriginal tradition</i></p>
Aboriginal Heritage Act 2006	VIC	<p>No direct reference, refers to –</p>

		<p><i>Aboriginal human remains means the whole or part of the bodily remains of an Aboriginal person’ as <u>excluding</u>:</i></p> <p><i>(b) an object made from human hair or from any other bodily material that is not readily recognisable as being bodily material; or</i></p> <p><i>(c) any human tissue—</i></p> <p><i>(i) dealt with or to be dealt with in accordance with the Human Tissue Act 1982 or any other law of a State, a Territory or the Commonwealth relating to medical treatment or the use of human tissue; or</i></p> <p><i>(ii) otherwise lawfully removed from an Aboriginal person</i></p>
<p>Aboriginal Relics Act 1975</p> <p>Museums (Aboriginal Remains) Act 1984</p>	TAS	<p>No direct reference – refers to protected objects as those which are ‘<i>on or in</i>’ a protected site</p> <p>No direct reference – refers to ‘<i>Aboriginal remains</i>’</p>
<p>Aboriginal Heritage Act 1988</p>	SA	<p>No direct reference, but refers to –</p> <p><i>Aboriginal objects means an object –</i></p> <p><i>(a) of significance according to Aboriginal tradition: or</i></p> <p><i>(b) of significance to Aboriginal archaeology, anthropology or history</i></p>

		Refers to ‘Aboriginal remains’ but specifies skeletal remains only
Aboriginal Cultural Heritage Act 2021	WA	Probable – no direct reference, but refers to ‘ <i>Aboriginal cultural heritage</i> ’ as inclusive of – <i>(iv) the bodily remains of a deceased Aboriginal person (Aboriginal ancestral remains), other than remains that are buried in a cemetery where non-Aboriginal persons are also buried or remains that have been dealt with or are to be dealt with under a law of the State relating to the burial of the bodies of deceased persons.</i>
Heritage Conservation Act 1991	NT	No direct reference, refers to – <i>archaeological object means a relic pertaining to the past occupation by Aboriginal or Macassan people of any part of Australia which is now in the Northern Territory, being –</i> <i>(a) an artifact or thing of any material given shape to by man;</i> <i>(b) a natural portable object of any material sacred according to Aboriginal tradition;</i> <i>(c) human or animal skeletal remains; or</i> <i>(d) such objects, or objects of a class of objects, as are prescribed; but does not include an artifact made for the purposes of sale or an object, or objects of a class of objects, excluded by the Regulations from the ambit of this definition</i>

As illustrated in Table 5.1, there is a notable lack of consistent reference made specifically to Aboriginal and Torres Strait Islander Ancestral Remains, Ancestors' hair and related genetic information in a holistic, respectful and reverential way. The definition of inclusions under the terms Ancestral Remains or Aboriginal Remains is not consistently or clearly defined. The mutability within legislation of Ancestors' hair between classifications of Ancestral Remains and objects, a decision ultimately of the relevant government minister, is evident in the case study of Ancestors' hair held at the SAM, to be discussed later in this chapter. A glaring example of the result of inadequate legislative protections for Aboriginal and Torres Strait Islander heritage is the destruction of Juukan Gorge in Western Australia, which fell under the previous legislation – *Aboriginal Heritage Act 1972* (WA).

Ancestors' hair at Juukan Gorge and the subsequent failure of the WA Aboriginal Heritage Act 1972

Although not directly related to the institutional collection of Ancestors' hair (in the form of 'hair samples'), the following discussion will consider the example of Ancestors' hair found at the Juukan Gorge site prior to its destruction, alongside the *Aboriginal Heritage Act 1972* (WA) and the notion of 'the final say'.

The propensity of the states is simply to relegate Aboriginal heritage to the bottom rung in most situations, and therefore the destruction that's being caused, it's an absolute disgrace, that this is allowed to happen in our country. (Patrick Dodson in Allam, 2021a)

State and territory heritage laws in Australia often conflict with infrastructure projects and corporate interests (Hepburn, 2020). In May 2020, Rio Tinto detonated blasts in Juukan Gorge on Puutu Kunti Kurrama and Pinikura country, destroying extremely significant and sacred rock shelters. The shelters were a known inland site in Australia to provide evidence of 46,000 years of continuous human occupation. The site was found to contain a 4,000-year-old plaited belt of hair, later ascertained to include hair from multiple people, which was DNA tested and established to be the Ancestors of Puutu Kunti Kurrama and Pinikura traditional owners (Wahlquist, 2020). The Puutu Kunti Kurrama and Pinikura Aboriginal Corporation had been negotiating with Rio Tinto on protection of the site, but was unable to

stop the detonation, with one major obstructive factor being the prevention of re-negotiation under the *Aboriginal Heritage Act 1972 (WA)* (Wahlquist, 2020).

There is no one single entity that is solely responsible for the failed protection process and the destruction; rather they are the fault of the interconnected actions (and inactions) of public and private settler-colonial governments and corporations. The destruction of Puutu Kunti Kurrama and Pinikura Country presents powerful counter-evidence to the notion that Aboriginal heritage legislation is effective in protecting Aboriginal heritage. Furthermore, it exposes the interest convergence (Bell, 1980) relating to genomic research on Ancestors' hair, whereby Indigenous 'deep history' is 'proven' and celebrated through genomic research, but is ultimately used in ways that best suit extractive interests: extracting resources from both Country and people. This sheds further light on the settler-colonialism and interest convergence in the notions that the sequencing of a genome using an Ancestor's hair served to 'prove' 50,000 years of connection to Country, through the suggestion that the research outcome 'rewrites the history books' (Murdoch University, 2011) and provides Indigenous peoples with 'new history' (University of Copenhagen, 2011).

These genomic findings in 2011, as well as additional findings – from Ancestors' hair discovered at the Juukan Gorge site – of an unbroken connection to Country of Traditional Owners, did not protect Puutu Kunti Kurrama and Pinikura Country from detonation, or those communities from experiencing harm. The results of genomic testing of Ancestors' hair did not stop the pursuits of extractive industry. This is not to suggest that the genomic findings were not an important outcome for Traditional Owners and descendants of the Ancestors' hair found at the site. Rather, in the wake of the Juukan Gorge disaster, it seems reasonable to question the assertion that genomic evidence of Aboriginal connection to Country 'may help non-Aboriginal people appreciate the sheer scale and importance of that longevity' (Cooper quoted in Davey, 2017).

After Rio Tinto's destruction of Juukan Gorge, the media response focused not only on the culpability of the company but also on the *Aboriginal Heritage Act 1972 (WA)*. As a result, the incident drew long overdue and widespread attention to Aboriginal heritage legislation in Australia and its decades of failings (Allam, 2021a). This public scrutiny and conversation were undoubtedly assisted by the unprecedented coverage in mainstream media outlets, as well as the Indigenous media sources which consistently cover Indigenous communities'

news. Indigenous media, such as the Koori Mail, IndigenousX and the National Indigenous Times, which have long reported on community-led responses to deeply flawed heritage ‘protections’, were now joined by mainstream national and international news outlets including *The Guardian*, *BBC*, *Al Jazeera* and *New York Times*.

In response to the destruction of Juukan Gorge, on 17 June 2020, Aboriginal leaders representing Aboriginal Land Councils, Native Title Representative Bodies and Aboriginal and Torres Strait Islander Community-Controlled Organisations around the country formed the First Nations Heritage Protection Alliance [FNHPA]. The FNHPA was established to ensure there is communication across Australia regarding any threats to heritage sites, and to support communities in pursuing legal avenues where necessary (FNHPA, 2020). In a 2020 statement, the FNHPA expressed its outrage towards Rio Tinto, but also directly addressed the culpability of the Federal Environment Minister for not pursuing his ability under the federal *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) to issue emergency declarations, as well as the responsibility of the state and federal governments more broadly:

We find ourselves in this situation because governments, of both political persuasions and at all levels, have rarely been prepared to put the protection of Aboriginal heritage ahead of development and in the past 20 years, other than in the rarest of cases. They have let their legislation, supposedly to protect our heritage, to fall into disuse or to focus on regulating destruction, rather than protecting, enhancing and educating about our living cultures unique to this country. (FNHPA in National Native Title Council, 2020, para. 3)

The *Aboriginal Heritage Act 1972* (WA) was then put under review, with a draft Aboriginal Cultural Heritage Bill proposed in 2020, as a result of the public pressure and criticism of the current legislation. The draft Bill was widely criticised as inadequate, with no changes to ‘the final say’ decision-making power of the minister and the government. This is not the first review or first new draft of the *Aboriginal Heritage Act 1972* (WA); however, on numerous previous occasions, attempted reforms have lapsed, been dropped or defeated, or simply not progressed (Southalan, 2020). In 2021, a group of WA Traditional Owners ‘made a request to the UN’s Committee on the Elimination of Racial Discrimination for a review of the new bill ... on the basis the bill gave no “veto” or final say on what happened with heritage to

Traditional Owners' (de Kruijff, 2021, para. 12). The new legislation – Aboriginal Cultural Heritage Act 2021 (WA) – was passed on 22 December 2021.

The minister has the ultimate power to decide whether an activity can go ahead if the parties cannot agree on the cultural heritage management plan. The minister can override traditional owners' refusal to give consent – that's a serious problem. (Entsch quoted in Allam, 2021b)

Yawuru Elder and politician Senator Patrick Dodson has described the new draft legislation as indicative of a 'whole tyranny of cultural genocide' (Dodson in Allam, 2021b). The issue of 'the final say' is not unique to WA heritage legislation, but is the norm for all Aboriginal and Torres Strait Islander heritage legislation that is supposed to protect Country and ICIP. For Hemming there is an unresolved political relationship and imbalance power at the basis of interactions between research and collecting institutions and Aboriginal and Torres Strait Islander peoples (A/Prof Steve Hemming, yarning session, 26 November 2020). Without addressing self-determination, sovereignty and treaty, this dynamic of 'the final say' will always return to power to the settler-colonial state:

But the bottom line is, you don't have a treaty. There's no political relationship between the Indigenous people and the state that's actually fair and just. So the museum still occupies a position of a colonial institution with all the power. So that hasn't changed.

(A/Prof Steve Hemming, yarning session, 26 November 2020)

Comparative regulatory framework example – Australia and the UK

As has been established, the physical location of collections is linked to a specific regulatory framework under which Ancestors' hair may be defined and considered for use. This next section will compare the legislation, policy and guidelines that frame the holding of Ancestors' hair in an Australian and a UK institution. In reviewing these comparative regulatory frameworks, this section highlights the complexities of asserting Aboriginal and Torres Strait Islander self-determination over Ancestors' hair, particularly in navigating the legislation, policy and research ethics that change from jurisdiction to jurisdiction. For example, Ancestors' hair retained at the South Australian Museum, the Duckworth Laboratory at the University of Cambridge and the Hearst Museum of Anthropology at the

University of California, Berkely (three locations where Ancestors' hair collected and traded internationally by Daisy Bates and her network are currently held) involves different processes and policies in relation to requests for access, care, consent and repatriation.

For instance, in order to request research on Ancestors' hair held at the South Australian Museum, defined as Ancestral Remains, researchers would be required to submit a research proposal to a Human Research Ethics Committee, as a requirement of funding or institutional affiliation. An ethics application for destructive and/or invasive testing on hair in an Australian jurisdiction may require an additional application to state-based Aboriginal heritage bodies, as well as compliance with the NHMRC's Australian Code for the Responsible Conduct of Research (2018c), National Statement on Ethical Conduct in Human Research (2018b), and Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders (2018a), as well as the AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research (2020b). However, post the Aboriginal Heritage Project, the South Australian Museum's Repatriation of Ancestral Remains and Burial Goods Policy (2018) presents a firm position on invasive research that:

The Board will not carry out or approve the conduct of invasive research on any ancestral remains, modified remains or burial goods in its care. (p. 4)

By contrast, a researcher seeking to undertake similar research at the Duckworth Laboratory in the UK would need to adhere to the Duckworth Laboratory Policy the Curation and Conservation of Human Remains. This policy was revised in 2022, and is now aligned with the UK *Human Tissue Act 2004*, the Guidance for the Care of Human Remains in Museums (Department of Culture, Media and Sport, 2005), the British Association of Biological Anthropology and Osteoarchaeology (BABAO) Code of Ethics and Code of Practice, and UNDRIP (University of Cambridge, 2022). As can be seen in Table 5.2, under this UK regulatory framework, consent from Aboriginal and Torres Strait Islander peoples for the research use of Ancestors is not required.

Table 2: Comparative key regulatory frameworks for care and use of Ancestors’ hair held in an Australian institution and a UK institution

South Australian Museum (AU)	Duckworth Laboratory (UK)
<p>UNDRIP 2007 (International mandate)</p> <p>– requires signatory states to recognise Indigenous self-determination regarding all Ancestral Remains, ICIP and genetic resources in possession by the state</p>	<p>UNDRIP 2007 (International mandate)</p> <p>– requires signatory states to recognise Indigenous self-determination regarding all Ancestral Remains, ICIP and genetic resources in possession by the state</p>
<p><i>Transplantation and Anatomy Act 1983</i> (SA)</p> <p>– <u>neither includes nor excludes</u> specification of hair as tissue</p>	<p><i>Human Tissue Act 2004</i> (UK)</p> <p>– <u>does not include</u> hair as ‘relevant materials’ but <u>does include</u> hair as ‘bodily materials’ subject to needing consent for DNA testing, however with exclusions</p>
<p><i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Cth)</p> <p>– <u>excludes</u> objects made from human hair as ‘Aboriginal remains’</p>	<p>Guidance for the Care of Human Remains in Museums 2005 (Department for Culture, Media and Sport guidelines)</p> <p>– <u>does not include</u> hair, in line with the <i>Human Tissue Act 2004</i></p>
<p>Australian Government Policy on Indigenous Repatriation 2016 (Commonwealth policy)</p>	<p>British Association of Biological Anthropology and Osteoarchaeology (BABA O) Code of Ethics and Code of Practice (2019)</p> <p>-Includes hair as ‘biological remains’</p>

<p>– <u>neither includes nor excludes</u> specification of hair as Ancestral Remains</p>	
<p><i>Aboriginal Heritage Act 1988</i> (SA)</p> <p>– <u>neither includes nor excludes</u> specification of hair as ‘Aboriginal remains’ and/or ‘Aboriginal object’</p>	<p>Duckworth Laboratory Policy the Curation and Conservation of Human Remains 2022 (University of Cambridge policy)</p> <p>– includes hair, aligned with BABA0 but counter to <i>Human Tissue Act 2004</i> and the Department for Culture, Media and Sport guidelines</p>
<p>Repatriation of Ancestral Remains and Burial Goods Policy (South Australian Museum policy)</p> <p>–<u>includes</u> hair as Ancestral Remains, and refuses any request for invasive research on Ancestral Remains (the <i>Aboriginal Heritage Project</i> is the only exception to the policy, only until AHP end date in 2025).</p>	

As illustrated in Table 5.2, there is a fundamental lack of clarity in both Australian and UK legislation and policy about the status of Ancestors’ hair, and about the potential for Indigenous self-determination over Ancestors’ hair, as asserted by UNDRIP. However, the South Australian Museum policy position stating the firm refusal for any invasive research on Ancestral Remains, specifically including Ancestors’ hair, creates a clear distinction between these two examples of pathways to potential research. It is clear that the regulatory framework applicable to Ancestors’ hair in the UK contains contradictory standards regarding hair as Ancestral Remains and regarding requirements for consent.

In 2022, as this research was nearing completion, the Duckworth Laboratory updated The Duckworth Laboratory Policy the Curation and Conservation of Human Remains (Duckworth Laboratory, 2022). In the revised Duckworth Policy (2022), hair is specifically included to be

considered an Ancestral Remain, and is therefore covered by the policy, in contrast to the UK *Human Tissue Act 2004* and the Guidance for the Care of Human Remains in Museum (DCMS, 2005), but in keeping with the BABAO Code of Ethics and Code of Practice (2019). The Duckworth Laboratory Policy (2022) states:

1.2 – Types of human remains curated at the Duckworth Laboratory

The Duckworth Collection contains human remains of different nature, as well as age and geographic origin. These fall into seven main categories:

...

(7) hair, collected mostly during the first half of the 20th century. Although not considered human remains under the DCMS guidelines (2005), many of the same issues regarding care, curation, and repatriation apply, therefore it is covered in this policy. (p. 3)

The 2022 policy specifically includes Ancestors' hair retained in the Duckworth Laboratory collection in consideration of issues relating to repatriation, which was not the case in the 2011 policy. The new policy's conformity with the BABAO Code of Ethics and Code of Practice (2019) also re-positions hair as 'biological remains', counter to UK legislation. The BABAO Code of Ethics states that 'Biological remains should not be considered as private property' and that 'to the best of their knowledge, members should refrain from working with or even consulting on cultural items or human remains acquired illegally' (p. 5). However, since the legislation (both AU and UK) – passed in the settler-colonial context at the time of acquisition and during the current institutional retention of Ancestors' hair – affirms the legality of the acquisition and institutional ownership of Ancestors' hair, it remains to be seen how accountability to these mandates will be applied.

The UK *Human Tissue Act 2004* aims to regulate 'activities involving human tissues; to make provision about the transfer of human remains from certain museum collections; and for connected purposes', but explicitly excludes hair from 'relevant materials' under the Act. However, Section 45 states that non-consensual analysis of DNA from 'bodily materials' is an offence, and the definition of bodily materials 'includes ... hair and nail from the body of a living person' (*Human Tissue Act 2004*). Yet this inclusion of hair in Section 45 still may

not mean that consent is required for invasive research on Ancestors' hair. The exceptions to Section 45 that do not require consent for genomic analysis include:

Bodily material is excepted if—

(a) it is material which has come from the body of a person who died before the day on which this section comes into force and at least one hundred years have elapsed since the date of the person's death,

(b) it is an existing holding and the person who has it is not in possession, and not likely to come into possession, of information from which the individual from whose body the material has come can be identified (Human Tissue Act 2004, Section 45)

These exceptions to Section 45 apply to a large portion of the collections of hair obtained during the colonial expansion of the British Empire, due to both the dates of acquisition and the poor record-keeping practices. Exception (a), excludes a large proportion of collections taken during the nineteenth and possibly early twentieth century. Although large collections of Ancestors' hair were amassed later in the twentieth century by expeditions such as those mounted by the Board for Anthropological Research and are still held in Australian institutions, there are many instances of Ancestors' hair being taken during the spread of nineteenth-century race science and research expeditions that removed Ancestors' hair to overseas jurisdictions. Additionally, exception (b) excludes all Ancestors' hair that cannot be identified as taken from a named individual. Some researchers, such as Birdsell, Tindale and Bates, documented detailed information about the people from whom they removed hair, including their names and family affiliations, as per their particular anthropological research practice. However, other researchers considered hair samples to be indicative of broad 'race types' and therefore did not record detailed information about individuals from whom they took hair. Thus, individual provenance may be impossible to establish.

Comparisons of legislation and policy in Table 5.2 demonstrate the limited protections for Ancestors' hair in the UK jurisdiction, with exclusions for many collections obtained under the British colonial regimes. However, there is also a lack of clarity in the Australian regulatory framework, as outlined by the Department of Communication and the Arts that there are 'different definitions' of Ancestral Remains across legislation and regulation whereby some may 'exclude hair' (2018, p. 1). As illustrated in Table 5.2, the regulatory

framework in Australia is far more comprehensive than the UK's, in terms of specific regulations relating to Ancestors' hair held in collecting institutions. An example of an Australian-based consent model and governance framework that challenge the gaps in government and sector regulations and therefore moves beyond them is the NCIG (NCIG, n.d). The *National Centre for Indigenous Genomics Statute, 2016* is the legal foundation of the NCIG collection's governance, this federally legislated statute enabled the ANU Council to give 'custodianship of the Collection to an Indigenous-majority Board' (NCIG, 2018, p. 2). Furthermore, NCIG recognises that free, prior and informed consent is a relational process rather than a one-time agreement, and is has therefore added key features to the standard HREC ethics process including:

The NCIG Board's involvement ensures a capacity to innovate, to develop new standards of ethical practice that go beyond current compliance requirements, and to improve processes over time in light of operating experience and in response to community expectations. (NCIG, 2018, p. 5)

However, while the consent requirements for invasive research on Aboriginal and Torres Strait Islander peoples' Ancestral Remains are much more stringent in Australia, there are still concerns regarding the inadequacy of the standard consent model commonly used in Australian research, and about the potential for self-determination over Ancestors' hair and related genomic information (Prictor et al., 2020). For example, the Australian *Privacy Act 1988*, regarding privacy and disclosure of personal information, applies to the information that may be extracted from hair as a result of genomic research, but *not* to the tangible hair itself. Moreover, the Royal College of Pathologists of Australasia regards hair as 'body wastes or bodily products that are ordinarily abandoned', and which are therefore considered distinctly different, 'clinically, ethically and legally', from other forms of human tissue (Royal College of Pathologists of Australasia, 2018, p. 2).

The classifications of Ancestors' hair as Ancestral Remains – or not – can determine the processes by which Ancestors' hair will be regulated, used and protected. As GLAM and research sector policies and guidelines align themselves with UNDRIP, there has been increased discussion about the specific community requirements for institutionally held collections of Ancestral Remains and ICIP. However, as will be clear from the case studies discussed in the next section of this chapter, the legal and ethical considerations of the human

body and the Ancestral body do not always extend to Ancestors' hair. Consideration of Ancestors' hair as Ancestral Remains, or as part of the Ancestral body, is an important paradigm shift that has yet to happen consistently across the GLAM sector and research disciplines. In a yarning session, Dr Jonathan Jones, Wiradyuri and Kamilaroi, Artist and Chancellor's Postdoctoral Indigenous Research Fellow, Jumbunna Institute for Indigenous Education & Research, UTS, discussed how the imperatives for community-led care and Indigenous self-determination for Ancestors' hair are made clear when hair is understood as Ancestor. While noting that he works mostly with 'created objects' held in museum collections, Jones outlines the key distinction of Ancestral Remains in collections, and says there is no 'grey zone' in relation to their need for care and truth-telling:

Because Ancestors' hair is so visceral, they become an important lens for understanding of the lack of ethics and humanity in the handling and holding of Aboriginal material in museums. Because I mainly work with created objects like boomerangs and shields, there's always that potential of trade, the potential of conversation, the potential of exchange. That grey zone completely disappears in regard to Ancestral Remains. Those Ancestors expose the deficiencies of those colonial institutions, how they were established and how they are maintained. They are still teaching us if we listen.

(Dr Jonathan Jones, yarning session, 15 October 2020)

Case study: Ancestor's hair, 1923, held at the University of Cambridge

In 1923, Alfred C. Haddon attended the Pan-Pacific Science Congress, beginning on August 13 in Melbourne and continuing on August 24 in the Great Hall at the University of Sydney (MacLeod & Rehbock, 2000). The anthropology and ethnology portion of the Congress contained papers focused on 'attacking the fundamental problem of how best to organise and carry out research work in the Pacific Islands before it is too late' (Rivett, 1923). Meetings such as the Congress wielded great influence in academic and government spheres (MacLeod & Rehbock, 2000), which in turn had consequences and devastating effects for First Nations peoples across the Pacific. As an influential group of academics was listening to and directing the 'future research in regard to the Australian Aborigines' (Rivett, 1923), Aboriginal and Torres Strait Islander peoples were having every aspect of their lives controlled by the Australian Commonwealth and state government's 'protection laws'. It was at this Congress

that Haddon called for the creation of a University of Sydney (USYD) chair of social anthropology (MacLeod & Rehbock, 2000), resulting in British anthropologist Alfred Radcliffe-Brown being appointed as the founding chair at USYD in 1926 (Mulvaney, 1993). Previously in 1910-1911, Radcliffe-Brown had led a four-month University of Cambridge anthropological expedition, alongside Daisy Bates and E.L Grant Watson, to the Bernier and Dorre Islands off the coast of Western Australia to study Aboriginal men and women who were located on the islands under forced medical incarceration at the Lock Hospital, as enforced by the WA *Aborigines Act 1905* (Stingemore, 2010). In his 1930 lecture for the Australian and New Zealand Association for the Advancement of Science, Radcliffe-Brown framed Aboriginal peoples within the ‘disappearing race’ trope or ‘doomed race theory’ of nineteenth and twentieth century settler colonialism (McGregor, 1997), dehumanising Aboriginal and Torres Strait Islander peoples as a research ‘opportunity’ within limited time frame (Mulvaney, 1993, p. 111).

Australia, by its possession, in the Aborigines, of a highly specialised variety of our species affords an opportunity for very important investigations in the field of Human Biology, an opportunity, however, which must be seized very soon, since, with the rapid disappearance of the race, in a few years it will have gone. (Radcliffe-Brown quoted in Mulvaney, 1993, p. 111)

A. P. Elkin succeeded Radcliffe-Brown as the chair of anthropology at USYD in 1933. Elkin was a prominent assimilationist and Vice Chairperson of the NSW Aborigines Welfare Board, whose policy was ‘the ultimate assimilation of the Aboriginal people’ (Parliament of New South Wales, 1959). On leaving the position at the University of Sydney, Elkin outlined necessary attributes and expectations of the incoming chairperson, that the candidate should have a research focus on ‘the sociological problems of the mixed-blood Aborigines’ (Gray & Munro, 2011, p. 355):

especially interested in, and also well experienced in, the anthropology of the Australian Aborigines and the peoples of New Guinea and Melanesia ... [P]riority should be given to the former. Government Departments, Missionary organizations and the public rightly expect this ... [H]e should be interested in the sociological problems of the mixed-blood Aborigines, and this will lead him at least to encourage sociological research. (Elkin quoted in Gray & Munro, 2011, p. 355)

For legislative context, in 1923 – the year of the Congress, and the year in which Haddon obtained the Ancestor’s hair in Western Australia – the WA *Aborigines Act 1905* dictated and determined the lives of Aboriginal peoples in the state. WA’s ‘Chief Protector’ was the legal guardian of all Aboriginal children up to the age of 16. Under the *Aborigines Act 1905*, the Chief Protector and certain other officials had powers extending across the state that included:

- removing and keeping an Aboriginal person within the boundaries of reserves, or remove people to another reserve or district,
- abolishing reserves entirely,
- removing camps near towns, ordering Aboriginal peoples to leave town,
- arresting Aboriginal peoples without a warrant,
- determining places of employment or terminate employment,
- prohibiting employment on ships or boats leaving the state,
- permitting, or prohibiting, the marriage of an Aboriginal woman and non-Aboriginal man by the Chief Protector,
- prohibiting Aboriginal people from the selling or giving away to non-Aboriginal peoples any blankets, bedding, clothing, and other articles issued by the state, as it is Crown property.

The control of Aboriginal and Torres Strait Islanders’ peoples to bolster the settler-colonial regime was literal and legislated (Nakata, 2007). The provisions listed above (which are paraphrased and represent only a portion of the total) were legislated ‘for the better protection and care of the Aboriginal inhabitants of Western Australia’ (*Aborigines Act 1905*) and were not repealed until the *Native Welfare Act 1963*. The Act represents just one element of the legislated control that Aboriginal peoples in WA were enduring when Haddon obtained a lock of an Ancestor’s hair at the Golden Ridge train station in 1923 (a station on the Trans-Australian Railway route was built in the town of Golden Ridge in 1913-14.). Rasmussen et al. (2011) provide detail of the collection provenance in the supporting information of their paper, they say: ‘The accession note, in Haddon’s handwriting, simply gives the location as Golden Ridge, near Kalgoorlie, Western Australia), and the donor is described as a young man’ (p. 6).

Consent – by whose standards?

In 2011, a team of researchers led by Dr Eske Willerslev from the University of Copenhagen (Rasmussen et al., 2011) published a ‘scientific first’ in ‘uncharted ethical territory’, by sequencing a genome using an Ancestor’s hair held at the Duckworth Laboratory, University of Cambridge (Kowal, 2012, p. 19). The genome sequenced was the ‘the first complete genome sequence of an Aboriginal Australian’ (Callaway, 2011, p. 522), and challenged the previous ways in which human migration had been conceptualised, finding that there were multiple waves of migration rather than a single wave of dispersal, as previously asserted (Rasmussen et al., 2011). The research findings were ‘in agreement with contemporary Aboriginal Australians being the direct descendants from the first humans to be found in Australia, dating to ~50,000 years B.P’ (Rasmussen et al., 2011, p. 98), and therefore provided genomic evidence of a connection to Country, long maintained by Aboriginal and Torres Strait Islander peoples.

The journal article publishing the findings of the genome sequencing noted in the supporting information that the ‘work was endorsed by the Goldfields Land and Sea Council’, confirmed with the inclusion of a letter of support from the Goldfields Land and Sea Council (GLSC) Traditional Owner board (Rasmussen et al., 2011, p. 7). This case study is focused on the events that took place *prior* to the research team contacting and receiving consent from GLSC. Key to this case study is the order in which events unfolded: the process of seeking consent was initiated after the sequencing took place, as is made clear in other literature discussing the genome sequencing (Callaway, 2011; Kowal, 2012; Zimmer, 2016).

After the GLSC was approached by the research team for consent to publish the research findings, the GLSC conducted detailed provenance research (Jamieson, 2011). Through this provenance research, additional information was acquired that assisted the GLSC board in deciding that the hair was taken with adequate consent (Jamieson, 2011). While the consent that was provided at the time of acquisition did not match present-day requirements for free, prior and informed consent, the GLSC board determined that it was appropriate and adequate for the time:

Because the hair sample was almost certainly given to British ethnologist Alfred Cort Haddon voluntarily in the early 1920s, this example of an informal exchange between an Aboriginal person and a researcher does not provide a model for all such exchanges in the future. These should be underpinned by a standard indicating that free, prior and informed consent was sought from the proper people. (Muller, 2011, p. 459)

This determination process is in keeping with the NHMRC's (2018b) requirements for the use of stored human biospecimens, according to which the GLSC board were the reviewers of the proposed research:

Use of stored human biospecimens for research

3.2.13 Reviewers of proposed research involving the use of human biospecimens must consider the circumstances in which the biospecimens were obtained and any known limitations the donor(s) placed on their use during the consent process. (p. 45)

The NHMRC (2018b) includes hair in the definition of 'human biospecimens', and thus requires any research on hair to adhere to NHMRC standards for consent, and for 'special ethical consideration' regarding:

- the way that human biospecimens are obtained;*
- the information that may be derived from human biospecimens and the implications of that information for the individual donor, their relatives and their community; and*
- the significance that may be attached to the human biospecimens by individual donors and/or communities. (p. 42)*

In addition to its National Statement on Ethical Conduct in Human Research, the NHMRC stipulates adherence to specific requirements of free, prior and informed consent for research relating to Aboriginal and Torres Strait Islander peoples, as outlined in its 'Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders' (NHMRC, 2018a). The NHMRC 'sets national standards for use by any individual, institution or organisation conducting human research' (NHMRC,

2018b, p. 6) and has no jurisdiction outside Australia, where the case study is partially located. However, when one considers the NHMRC standards in the context of the case study, the clear distinction between Australian and UK ethical understandings of Ancestors' hair requiring FPIC for use in invasive research becomes clear.

As is highlighted by this case study, Ancestors' hair – in a Western academic and ethical framing – falls into a 'grey area' in terms of consent for research use. This is not just an issue of the past; it extends into present-day ethics. As Ancestors' hair was collected under settler-colonial duress and archived as research material for race science, the 'way that human biospecimens are obtained' but also 'the information that may be derived' from Ancestors' hair must be considered in present-day research (NHMRC, 2018, p. 42). Importantly, self-determination was present in the GLSC board deliberating and deciding that the historical consent was adequate. However, prior to that process, a genome being sequenced without free, prior and informed consent is entirely inadequate in terms of today's standards. Clearly missing from regulatory and ethical frameworks internationally is a consistent recognition of the *ongoing* nature of settler-colonialism and of accountability to Aboriginal and Torres Strait Islander peoples who never ceded their sovereignty. As Bracknell articulates:

It seems like this need for permission and consent all the time is to negate feelings of guilt over settler-colonialism. Establishing a settler colony in Australia was not something done with consent. Therefore, anything that occurs after that point is done without consent. I think staring that fact in the face is something that's very uncomfortable because it problematises all of Australia's nationhood. But I think that's a productive thing. I think it needs to be problematised.

(Prof Clint Bracknell, yarning session, 7 October 2021)

'A learning experience': sequencing a human genome without FPIC and UNDRIP

The seeking of research consent *after* a genome sequencing was completed, was met with range of responses both supportive and critical from the research sector (Callaway, 2011; Kowal, 2012). Callaway (2011) explains the obstructions to the seeking of free, prior and informed consent for the research team and lead researcher Dr Eske Willerslev, noting that:

Willerslev says that he was not fully aware of these issues when his team set out to sequence Haddon's sample. Moreover, the sample came with little identifying information, so Willerslev's team had no idea whom to ask for permission to study it.' (p. 522).

There are, of course, difficulties in obtaining consent in the absence of clear provenance to an individual (Pickering, 2020); however, this case study underlines the inadequacy of conceptualisations of consent tied only to individuals, and the possessive logics that underscore the research use of institutionally held Aboriginal and Torres Strait Islander Ancestors and ICIP.

Under the UK *Human Tissue Act 2004*, and the aligned *Guidance for the Care of Human Remains in Museums* (DCMS, 2005), a 'hair sample' held since 1923 at the University of Cambridge with provenance to a region and community, but not to an individual, did not require consent to be sought for its research use. Furthermore, until its 2022 policy revision, the Duckworth Laboratory had made clear its position that Ancestral Remains in its Duckworth collection were prioritised as being for research use, and additionally that 'hair samples' were outside the scope of institutional policy (University of Cambridge, 2011). The approval process for the use of the Ancestor's hair for genome sequencing was described as follows:

The project passed the Bioethical Committee in Denmark, and was approved by the Director of the Duckworth Collection, University of Cambridge (holding the hair sample), the University of Copenhagen (where the majority of the research was carried out), and endorsed by the Goldfields Land and Sea Council (the relevant Aboriginal representative body in Australia). (Rasmussen et al., 2011, p. 69)

It is evident that no consideration was given to UNDRIP during this research. This suggests that UNDRIP is not being implemented, and potentially lacks visibility, in the genomics sector broadly but also for the Bioethical Committee in Denmark and the institutional policies of universities involved in the research. In 2011, there were already many sector and industry based codes of conduct and best practice resources that addressed free, prior and informed consent, such as those produced by: the UNESCO International Declaration on Human Genetic Data (2003); the WIPO Intergovernmental Committee on Intellectual Property and

Genetic Resources, Traditional Knowledge and Folklore, formed in 2000; the International Society for Biological and Environmental Repositories (2008) Best Practices for Repositories: Collection, Storage, Retrieval and Distribution of Biological Materials for Research (2nd edition); the ICOM Code of Ethics for Museums (2004); and the ICA Code of Ethics (1996).

During the time of the project taking place, the Duckworth Laboratory viewed the withholding and use of collections as a priority, while also considering Ancestral Remains to be valuable to humanity *as a whole*, and thus to outweigh the value assigned by specific communities and individuals. The Duckworth Laboratory Policy on Human Remains (2011) portrayed the Ancestral Remains held in their collection as under threat of repatriation, stating that ‘preservation [of Ancestors] in museum and university collections should be protected’ (Duckworth Laboratory, 2011, p. 2). This implies that the institution saw itself as akin to a fortress, protecting the future of research for humanity, with the rights of Indigenous peoples secondary. Five years after the 2011 research, Willerslev reflected on the gap between legality and ethics, stating:

In retrospect, I should have definitely approached those people before undertaking the study. Just because it's legally right doesn't make it ethically right. (Willerslev quoted in Zimmer, 2016, para. 59)

Legally right and/or ethically right?

The Danish bioethical review board which reviewed and accepted the application for the destructive testing and genome sequencing of the Ancestor's hair ‘viewed the hair as an archaeological specimen and not a biological one’, and therefore determined that it was *ethically* unnecessary to obtain consent (Callaway, 2011, p. 522). This categorisation of the Ancestor's hair as an ‘archaeological specimen’ has been relatively little discussed in the literature surrounding this case study. This definition by an ethics board raises questions about the distinction of the Ancestor's hair, and the process of ethics clearance. The ‘hair sample’ was not found at an archaeological site, nor retrieved from a collection linked to the study or research of archaeology. If the bioethics review board had received details of the minimal available provenance – collected by Haddon from a ‘young man’ at ‘Golden Ridge, near Kalgoorlie, Western Australia’ in ‘1923’ – it would surely have been clear that this was

biological, not archaeological, material. The case illustrates the continuing vulnerability of Ancestors' hair held internationally under colonial regimes.

I believe that they got consent from the curator at the museum where the hair was from and that was considered sufficient by the people working in Europe, because it's just a completely different concept over there.

(Dr Ray Tobler, yarning session, 3 December 2020).

When consent is sought in relation to a collection of human biological and genetic material, it is done so for the purpose of use rather than retention. Until the mid to late twentieth century, when stringent human tissue regulations were introduced, many collections were routinely amassed that contained biological research material collected without free, prior and informed consent. However, even with those regulations in place, major breaches of consent models and codes of conduct have been perpetrated by institutions and researchers. Three of many well known cases include the use of the Havasupai community's DNA samples in genetic testing in ways to which they had not consented (Garrison, 2013; Tallbear, 2013a), the use of Henrietta Lack's cancer cells as the cell line 'HeLa' without her consent (Skloot, 2010), and the retention and disposal of human remains from Alder Hey Children's Hospital without informed consent between 1996 and 1998 (Hunter, 2001). Such ethical 'oversights', intentional breaches and 'lack of respect' (Dewar & Boddington, 2004) are particularly familiar to First Nations and Black communities around the world, whose bodies have long been considered research property (Tallbear, 2013a; Turnbull, 2017; Skloot, 2010).

Ancestors' hair, South Australian Museum, the 'grey area' and 'the final say'

In 2018, the South Australian Museum reviewed what curator John Carty referred to as their 'inadequate' policy on Ancestral Remains and repatriation (Carty in Campbell, 2019) and released the new Repatriation of Ancestral Remains and Burial Goods Policy in 2019. This includes specific reference to the large collection of Ancestors' hair and the Aboriginal Heritage Project, the project is noted as being approved by the Board prior to the new policy. Prior to this, to enable the destructive testing of Ancestors' hair for the Aboriginal Heritage Project (AHP), led by the University of Adelaide's Australian Centre for Ancient DNA, collections of Ancestors' hair underwent changes in classification, moving between Ancestral Remains and object under South Australia's *Aboriginal Heritage Act 1988* (Dr Ray Tobler,

yarning session, 3 December 2020). The SAM Repatriation of Ancestral Remains and Burial Goods Policy states that the authorisation of destructive testing of Ancestors' hair was granted by the Minister responsible for the *Aboriginal Heritage Act 1988*, and will end in November 2025 (South Australian Museum, 2018, p. 4).

In a yarning session, Tobler, who worked on the AHP, discussed how in the initial stages of the AHP there wasn't certainty around whether an application to the *Aboriginal Heritage Act 1998* (SA) would be required alongside seeking consent (from individuals or descendants) as '...hair was, at that time, not considered an object [under the SA Heritage Act] and it was in this grey area' (Dr Ray Tobler, yarning session, 3 December 2020). During these initial stages the AHP conducted research on a consent model, outlined on the project website and in the Repatriation of Ancestral Remains and Burial Goods Policy, as the hair samples being used in the project had provenance to individual people. This continued until the Ancestors' hair was re-classified as an object mid-project:

The hair was reclassified as an object. At some point, we were asked to formally put in an application to proceed with the project, so everything sort of went on hold at that point.

(Dr Ray Tobler, yarning session, 3 December 2020)

For Ormond-Parker, the changing classifications and inconsistencies taking place during an active project is of ethical concern:

the ethics of medical research are quite different and much more rigorous than ethics around cultural ethics, or ownership around cultural heritage.

(Dr Lyndon Ormond-Parker, yarning session, 1 December 2020)

Ormond-Parker notes that, while there are multiple institutional policies relating to the classification and care of Ancestors, no consistency exists across national, state and territory legislation (Dr Lyndon Ormond-Parker, yarning session, 1 December 2020). As a project funded by the Australian Research Council, and involving Ancestors' hair from Aboriginal communities across the country, Ormond-Parker asserts that 'these institutions should be operating under the guise of the Commonwealth policy, which is - hair samples should be considered Ancestral remains' (Dr Lyndon Ormond-Parker, yarning session, 1 December

2020). However, there is a lack of national legislation relating to Indigenous self-determination over institutionally held Ancestral Remains:

However, there is no national Commonwealth legislation that applies to the repatriation. The only piece of legislation is under the Aboriginal and Torres Strait Islander Heritage Protection Act. And that refers to newly discovered Aboriginal human remains and the right of communities to have them returned.

(Dr Lyndon Ormond-Parker, yarning session, 7 August 2020)

An additional concern raised by Ormond-Parker is the jurisdiction of South Australia's *Aboriginal Heritage Act 1988*. The SA-based case study extended decision-making over Ancestors' hair to individuals and communities located outside SA but held in an SA-based state institution. Regardless of the consent process that took place for the research use of Ancestors' hair, Ormond-Parker is concerned regarding issues of 'the final say' embedded within settler colonial borders:

And so, my concern is that we have a Commonwealth or a collection that's from all the other states and territories, including South Australia, and it's my view that it's very difficult and a complex situation... now where you have a South Australian Premier making decisions on behalf of other states' and territories' collections in their care.

(Dr Lyndon Ormond-Parker, yarning session, 1 December 2020)

As raised by Tobler in a yarning session (Dr Ray Tobler, yarning session, 3 December 2020) the state government minister holds the decision-making power, which minimises the power of Indigenous advisory boards – whether community or sector based. In considering the decision-making power of the SAM Indigenous advisory board at the time, Tobler reflected:

They honestly have very little power other than advising, but that all depends on the minister and how receptive they are to those ideas.

(Dr Ray Tobler, yarning session, 3 December 2020)

Although governments have the 'final say' on all Aboriginal and Torres Strait Islander cultural heritage legislation, the legislation and process are different in Victoria. The *Aboriginal Heritage Act 2006* (Vic) is enacted by a standalone Victorian Aboriginal Heritage

Council, which oversees 100% Registered Aboriginal Parties (Traditional Owner Groups) – with those groups recognised under the Act, the government has less decision-making power. In a yarning session, Faulkhead, noted that all Ancestors were ‘handed over’ in 2018 under the *Aboriginal Heritage Act 2006* (Vic):

We do [have Ancestors’ hair] at the museum. But it's because of the, the Victorian Aboriginal Cultural Heritage Act, we have some in our building, but they're not in our care. They're under the care of the Victorian Aboriginal Cultural Heritage, who's the Victorian Aboriginal Heritage Council.

(Dr Shannon Faulkhead, yarning session, 15 September 2020)

The Indigenous community-led calls for law reform, as outlined in the publication ‘Taking Control of Our Heritage: Aboriginal People caring for Aboriginal Heritage Recommendations for self-determined reform of the Aboriginal Heritage Act 2006’, note that Ancestors held in Victorian collecting institutions require the ‘extra-jurisdictional application’ of ‘an effective regime for the expeditious return’ of Ancestors to Country (Victorian Aboriginal Heritage Council, 2020, p. 38). However, while emphasising the necessity and urgency of Aboriginal heritage legislation reform, the Victorian Aboriginal Heritage Council (2014) points to the traumatic experience of fighting for Ancestors and family to be laid to rest:

No change to an Act of law or policy can undo the wrongs of the past. Talking about this issue has been distressing and frustrating for all involved. (p.4)

Settler-colonial context of ‘post-UNDRIP’

The settler-colonial context, of both the acquisition and ongoing retention of collections of Ancestors’ hair, raises the question of the legitimacy and ethics of institutional ownership, as well as the regulatory frameworks that decide access, use and parameters of consent. The case studies illustrate the inadequacies of current regulatory and ethics frameworks, nationally and internationally, and are indicative of the ongoing issues of settler-colonialism impacting Aboriginal and Torres Strait Islander peoples who have never ceded sovereignty. Internationally, Ancestors’ hair currently exists in an institutional environment that is post the recognition of UNDRIP by those signatory states within which collections are held. UNDRIP therefore outlines and establishes an international standard whereby Indigenous peoples’ right

to self-determination is the benchmark for all institutionally held collections of Ancestors' hair and related records.

One example of a minimum standard set by UNDRIP is the repatriation of Ancestral Remains. Repatriation is a demand not only for the return of Ancestors, but for the assertion of Indigenous self-determination, and the return of Ancestors' humanity as *people* rather than objects. For Ancestors to be returned, the colonial proprietary relationship with those Ancestors must be nullified – and this is not always a straightforward process, nor is it a process engaged in willingly by all research and collecting institutions. Many institutions in the GLAM sector, especially in relation to Ancestral Remains, have begun the process of de-accessioning and/or nullifying their property rights over Aboriginal and Torres Strait Islander Ancestors. However, there are very few instances of institutions repatriating or amending ownership rights for Ancestors' hair. In Prictor et al. (2020), one of the few Australia-focused papers on the legislative framework of historical biological samples, the issue of uncertain ownership is raised:

The question of whether institutions holding legacy samples today have ownership of those samples cannot be answered with certainty. Australian legislation that applies to historical collections of blood and tissue samples rarely address this issue directly. (p. 208)

Indigenous self-determination as outlined by UNDRIP includes 'the access and/or repatriation of ceremonial objects and human remains' as well as the right to control 'human and genetic resources' that are in the possession of the state (UNDRIP, 2007). However, the community and/or institutional legal right to ownership, and the challenge to ownership, remain unresolved.

And like a lot of things that UNDRIP actually proposes ... it makes sense to us, but it's really radical for non-Indigenous people... Like it's a thing about power and there is a reluctance to share that power. And a lot of what UNDRIP asks for is really recognising the primary rights where we have... a lot of power and that just doesn't gel with the white world.

(Dr Mariko Smith, yarning session, 29 May 2020)

The comprehensive realisation of Indigenous people's self-determination over all aspects of political, social and cultural life is set out in the international mandate of UNDRIP. The three Articles relating specifically to collections of Ancestral Remains and ICIP (Articles 11, 12 and 31), has had a wide-ranging influence on the policy discourse in Australia about ownership and collections (e.g., the ICA Tandanya Declaration), particularly for the GLAM sector. Ancestors' hair has particular relevance under multiple Articles of UNDRIP, in particular, Article 12 refers to Indigenous peoples' right to the 'use and control of their ceremonial objects; and the right to the repatriation of their human remains', and it also states:

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. (UNDRIP, 2007)

The notion of 'fair, transparent and effective' mechanisms for access and control to be delivered in collaboration with Indigenous peoples is facilitated to varying degrees across the 148 signatory states. The Australian GLAM sector references UNDRIP as a guiding document, with major institutional and sector policies now citing it as foundational. However, across the GLAM sector there has been consistent criticism of and disappointment about the efficacy of policies and statements that claim to be guided by Indigenous self-determination, yet do not deliver as declared (Barrowcliffe et al., 2021; Katene & Taonui, 2018). Laura McBride, Wailwan and Kooma, First Nations Director at the Australian Museum, discussed in a yarning session the extent to which the GLAM sector in Australia still remains behind on the standards of Indigenous self-determination and repatriation of Ancestral Remains:

So we're repatriating, we're expecting these institutions to repatriate from overseas, and we hold 1000s of Aboriginal remains in our collections here in Australia. We've got to get it right here. I've got to get it right at the museum before I can go and preach to others. But when the doors are open, like they are in Germany, let's go in and do the work right. So Germany becomes competent, we become competent at Australian Museum, so you got the New South Wales state, you might get another state and you start using examples, you start to not be the minority anymore and build the majority. So you'll have to start on setting hair sample straight in here, in Australia, where we

can do it here first, and then we have to concentrate on overseas, like your study should be two part – it's not, you can't say this is the standard we need across everyone, achieve it like that, it'd have to be staged. And you have to use that power to say, okay, we do it here we gain influence, we do it here we gain influence, where we've got a bit of power becomes the norm here, then people have to follow suit. And then we start to influence overseas as 'you can't do this anymore'.

(Laura McBride, yarning session, 28 July 2022)

UNDRIP is the benchmark for ‘the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world’ (2007). Evidently, settler-colonial states have found these minimum standards difficult and/or undesirable to deliver on, and this is particularly apparent within the GLAM sector. Settler-colonial countries appear unable to deliver on the minimum standards while maintaining the status quo, while Aboriginal and Torres Strait Islander peoples must negotiate for human rights to be upheld. As is often noted, initial opposition to UNDRIP in 2007 by Australia’s Howard government included concerns voiced by the settler-colonial government about the self-determination of Indigenous peoples and ‘...the notion that you should have customary law taking priority over the general law of the country’ (‘PM defends refusal to sign UN Indigenous bill’, 2007) – an unfounded concern that was weaponised by Howard without him recognising that ratification of UNDRIP was legally non-binding. In 2021, the Australian Human Rights Commission released a statement calling for the implementation of UNDRIP in legislation, policy and practice (Australian Human Rights Commission, 2021). Without the decentring of the systems of colonial power that are embedded in collecting institutions, Indigenous rights as a minimum standard of survival, dignity and well-being (as described by UNDRIP) will remain relegated to what Smith describes as ‘a nice-to-have thing’.

[Indigenous rights in museums are positioned as] a nice-to-have thing.

And it's like, 'yeah, we're doing you a favour'.

Well, it's a human rights issue.

(Dr Mariko Smith, yarning session, 29 May 2020)

Indigenous self-determination, the ‘grey area’ and ‘the final say’

This chapter has questioned whether the laws and policies under discussion support or hinder Aboriginal and Torres Strait Islander self-determination over Ancestors’ hair, and considered how this ‘grey area’ into which Ancestors’ hair falls illustrates the current state of the colony. It also discussed ethical issues surrounding the research use of Ancestors’ hair, and notions of consent in both the past and present. Several concluding insights have been generated by this chapter and they are summarised below.

The variable definition of Ancestors’ hair lacking reverence, respect and interconnectedness

Institutionally held collections of Ancestors’ hair are situated in a complex and sometimes contradictory legislative and policy environment. Internationally, hair is most commonly excluded from the definition of ‘human remains’ and ‘human tissue’ in legislation. In Australian legislation, the inclusion of hair in definitions of Ancestral Remains is vague, and most of the specific wording relating to care for hair as Ancestors and/or ICIP, including genomic information, is found at an institutional level. The separation of hair into tangible materials, genomic information and Ancestors, all associated with different regulations, implies a lack of reverence, respect and interconnectedness, all of which are needed when considering and caring for Ancestors’ hair. Indigenous bioethics is working to address areas where the ‘overprioritisation of “Western” individualistic ethics has been criticised for being culturally incongruent with Indigenous communitarian ethics’ (Tsosie et al., 2021a). It also asserts a specific Black bioethics that ‘is not premised upon a false logic of beneficence, rather [thought] through a Black bioethics premised upon an unconditional love for the Black body’ (Bond, Singh & Tyson, 2021).

Free, prior and informed consent as discretionary

The concept of free, prior and informed consent (FPIC) is deeply connected with collections of Ancestors’ hair taken during periods of racial science and colonial violence. During those periods, there was limited potential for FPIC under settler-colonialism. Although it is embedded in multiple ethical research codes and industry standards, FPIC has been shown in this chapter to be viewed as optional in cases of research conducted on Ancestors’ hair, specifically internationally. The potential for discretionary interpretation of regulatory frameworks by researchers, institutions,

industries and the state is evident from the case studies and examples discussed. The inconsistent regulatory frameworks currently in place, as well as the unethical history of collecting practices and minimal provenance, leave Ancestors' hair held in collecting institutions in a vulnerable position, particularly internationally. The complicated and inconsistent regulatory framework relating to FPIC and Ancestors, genetic materials and ICIP in collections needs to be reckoned with.

The 'final say' and the missing core requirement of Indigenous self determination

Aboriginal and Torres Strait Islander cultural heritage legislation has long been widely criticised for its inadequacy in protecting Aboriginal and Torres Strait Islander peoples' heritage, both tangible and intangible. To date, no substantial changes have been made to national, state or territory heritage laws to meaningfully challenge or amend 'the final say' decision-making and veto powers of the minister and government. These regulatory failures make visible the 'white possessive logics' and settler-colonialism which continually take precedence over Indigenous self-determination in Western legal systems and global relations (Moreton-Robinson, 2015). The creation of white supremacist fictions of hair as a researchable race marker enabled samples of hair to be possessed and owned by non-Indigenous individuals and institutions for research and display. The research and GLAM sectors that study and preserve Ancestors' hair are built on the international trade in Ancestral Remains and the dispossession of Indigenous agency over Ancestors, biological materials and genomic information. These realities are not only historical; they are present in the current legislative and ethical issues that continue to block Indigenous self-determination over Ancestors' hair, related records and research outcomes. While regulatory frameworks in Australia offer more comprehensive protections for Ancestors' hair and lay out rigorous informed consent processes, particularly compared to UK frameworks, Australia is still failing to meet the minimum standards set by UNDRIP.

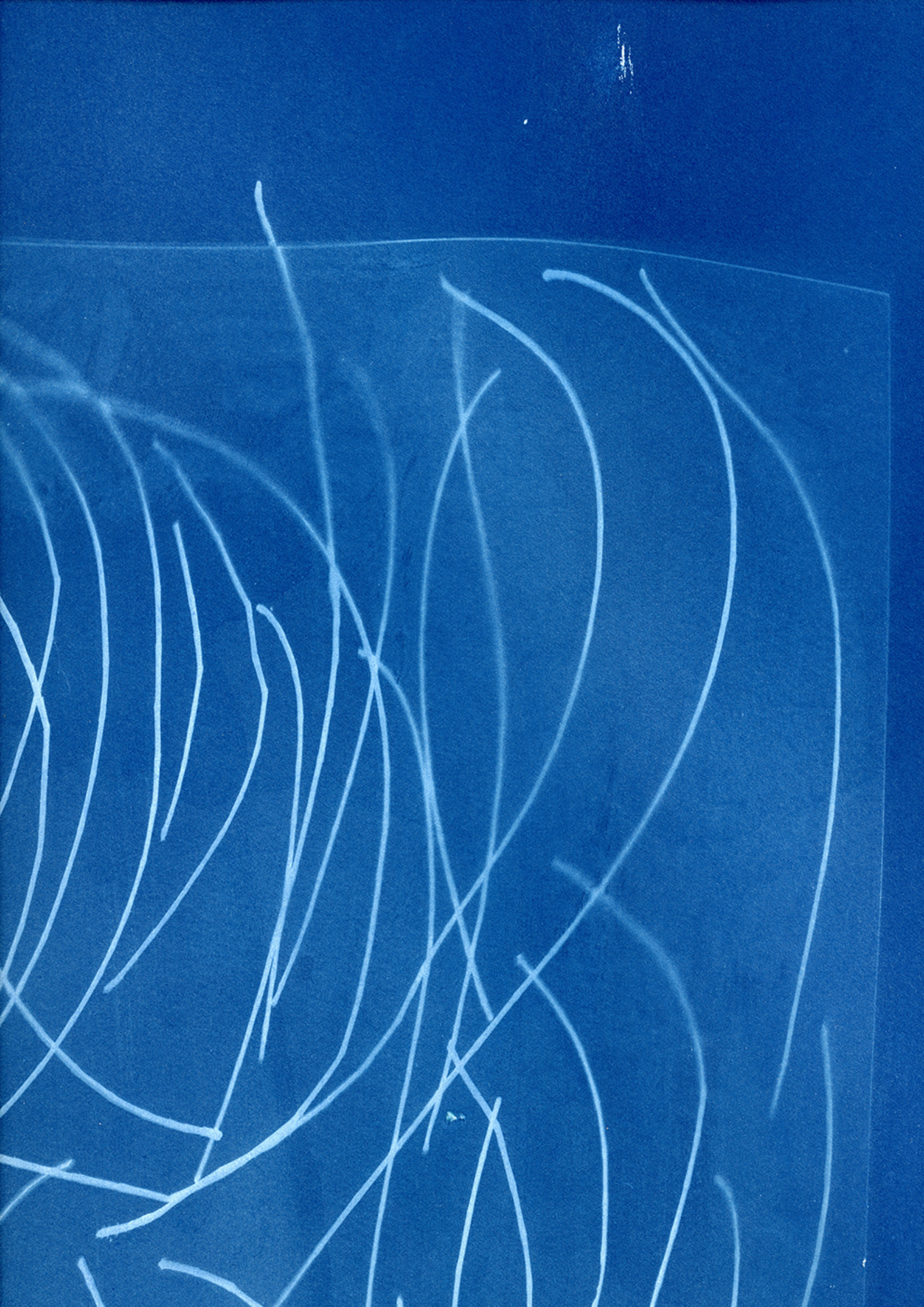
Conclusion

In reviewing relevant regulatory and ethical frameworks, this chapter has argued that the need for Indigenous self-determination over Ancestors' hair is clear, and that further clarity about

how to enact self-determination in both an international and an Australian context is required. Apart from case-by-case requests for repatriation (either community requests or the recent AIATSIS Return of Cultural Heritage Project), there are very few legal or human rights avenues through which to challenge institutional control of Aboriginal and Torres Strait Islander collections, although in many cases, institutional control of Ancestors and ICIP directly contradicts UNDRIP. With increased interest in the use of historical collections of Ancestors held in GLAM institutions for genomic and biological research, the legislative and policy framework surrounding Ancestors' hair is a priority that needs to be addressed globally, and must be led by First Nations peoples.

This chapter has identified failures at multiple levels of legislation and policy internationally to maintain Indigenous self-determination over Ancestors' hair, related records and research. The comparison of regulatory frameworks for the retention and research use of Ancestors' hair in South Australia and the UK has revealed that collections of Ancestors' hair in the UK are substantially more vulnerable to research use without consent. However, it also emerged from the discussion and analysis of case studies that Aboriginal and Torres Strait Islander cultural heritage legislation in Australia is deeply flawed and problematic, due to its lack of clarity and the absence of a veto power for Aboriginal and Torres Strait Islander peoples.

Across national, state and territory Aboriginal heritage legislation, a lack of clarity and consistency are apparent in relation to definitions of Ancestral Remains and the inclusion of collections of biological materials, particularly in light of the history of colonial collecting. Further work is necessary in the GLAM and research sectors to develop and advocate for Indigenous-led national standards that recognise and adhere to specific communities' needs over time. There are very few avenues through which Aboriginal and Torres Strait Islander peoples can seek to ensure the accountability of institutions and researchers to act ethically in these grey areas of legislation and policy, both in Australia and overseas. Mechanisms need to be established for Aboriginal and Torres Strait Islander peoples to review, determine and see a reform of regulatory and ethical frameworks across the GLAM and research sector that relate to Ancestors and ICIP globally.



Chapter Six: Futures of community-led care for Ancestors' hair.

Every community's going to be different, or most communities will have unique points of view on this, and it's as simple as that. I mean, it's their stuff, it's their people. They should be the ones to decide what community-led care looks like.

(Dr Rose Barrowcliffe, yarnning session, 1 October 2020)

As the preceding chapters have clearly established, caring for collections is a core responsibility of collecting and research institutions. However, concepts of care within institutional frameworks do not always align with the protocols, needs and agendas of Aboriginal and Torres Strait Islander communities. For Ancestors' hair held in research and collecting institutions, specific community concerns and needs relating to present and future care have yet to be addressed in a meaningful, transparent and comprehensive way. In recognition of the absence of First Nations voices at the centre of discussions on the care needed for Ancestors' hair globally, this dissertation has engaged in conversations on 'hair samples' as Ancestors and on futures of community-led collection care in the context of the GLAM and research sectors. These conversations were conducted with both First Nations and non-Indigenous peoples working in the GLAM and research sectors, ensuring the research conversation was predominantly Indigenous-led. As stated in Chapter Two, the participants are experts in their fields, and their perspectives, imperatives and provocations have been woven throughout this dissertation.

The yarnning sessions undertaken with research participants have determined both the structure and content of this final chapter, with a particular focus on the topic of community-led care. This focus on care is absolutely crucial, and it formed the basis of the only semi-structured question asked of every participant: what is community-led care for Ancestors' hair held in collections? Although responses varied, several themes emerged, and this chapter has been structured to detail those areas of discussion. When discussing care of Ancestors' hair, participants consistently reflected on their own experiences, expertise and knowledges

through their work in the GLAM and research sectors; and for the First Nations participants, these discussions were intertwined with their First Nations standpoints and sovereignty.

The cultural responsibilities of caring for Ancestors – articulated as the need for protocols, respect, reverence and relationality – were often located as being brought into a professional role or a workplace, but as imbued with a strong and deeply emotional responsibility that extends far beyond the borders of work and labour. While in some instances the required care for Ancestors’ hair described by participants was acknowledged as aspirational, some of the requirements and processes for care were said to be already taking place. What emerged from the yarning sessions was that collection care is not bound to an institutional site; rather, institutions are consistently regarded as permeable, and therefore the appropriate care of Ancestors’ hair has impact beyond institutional borders. Decisions and actions taken within research or collecting institutions reverberate far beyond institution boundaries, and deeply affect communities and individuals whose Ancestors, cultural materials, personal information and ICIP are held within collections. Duczynski described community-led collection care as ‘love, care and reciprocity’, and beyond the capability of colonial institutions:

Community-led collection care looks different in every community, but I think in principle it foregrounds First Nations knowledges, beliefs and protocols. It enables sovereign decision-making based on those principles and the best interests, health and aspirations of the community. There’s so much love, care and reciprocity in that thought. It’s something colonial museums could never replicate.

(Marika Duczynski, yarning session, 1 June 2022)

The question of what community-led care for Ancestors’ hair held in collections might constitute or look like also provoked discussions on the settler-colonial and institutional boundaries and obstacles that block Indigenous self-determination over Ancestors’ hair. Understandings of care as relational, rather than a task to be completed or a role to be filled, can clash with the GLAM and research policies and ethics outlined in previous chapters, and directly challenge the settler-colonial authority of the institution as steward or custodian. Conventional understandings of collection care are intertwined with notions of objectification, ownership and institutionally ascertained value. To ensure collections are held in perpetuity, Western GLAM institutions have long pushed against the flow of time, creating relics through physical preservation and strict archival practices (provenance, respect des

fonds, original order), and historically restricting Indigenous peoples' access to their own Ancestors, records and ICIP. The 'sacralisation' of GLAM institutions as sacred and authoritative places (Jones, 2021) implies these institutions are politically neutral in their processes (Sentance, 2018). However, even when considered monolithic and controlling, GLAM institutions were also portrayed in the yarning sessions as entirely dependent on First Nations staff to provide endorsement, education, communication with communities and cultural and emotional labour.

As mentioned in Chapter Two, the participants involved in this research are connected to multiple First Nations communities across so-called Australia, and/or have experience of working with and for First Nations communities other than their own. Many of the participants are from the eastern and coastal regions, particularly the southeast, and therefore the perspectives of many regions of communities and nations receive less specific attention than those of coastal and eastern regions. With this in mind, it must be re-stated that the participants do not constitute a 'national' consensus, *nor* are they the individual spokespeople for their communities. Caring for collections is not a homogenous process; it depends on the specific protocols and priorities of communities, and so the requirements for care will vary, as stated by Barrowcliffe: 'Every community's going to be different... it's their people' (Dr Rose Barrowcliffe, yarning session, 1 October 2020).

By exploring the key perspectives, concerns and imperatives relating to community-led care for collections of Ancestors' hair, as discussed in the yarning sessions conducted by this research, this chapter addresses the research question: what are the futures of community-led care for Ancestors' hair? This chapter begins with the Right to Know, which – as argued by this research and as aligned with the Indigenous Archives Collective Position Statement on the Right of Reply to Indigenous Knowledges and Information held in Archives – is foundational to the activation of Indigenous rights to self-determination in collecting institutions (2021). Then follows a discussion of the issues of the 'grey area' of legislation and ethics related to Ancestors' hair, alongside the necessity for a change in ownership status of Aboriginal and Torres Strait Islander collections. The imperatives for self-determination, coalescing with calls for return and repatriation, are then detailed, with a recognition that repatriation is the primary option for care but not the only way forward. Other forms of care for institutionally held Ancestors' hair raised in the yarning sessions are then discussed, such as making collections accessible for visitations and ceremony, community governance over

collections and the building of community archives. Alongside institutional care, a consistent theme raised in the yarning discussions was the needs of the caretakers of collections. Participants reflected on considerations of ‘work, health and safety’ for First Nations peoples working with and within the GLAM sector, noting the need to care for the carers. Finally, the chapter concludes with a discussion of the imperatives of truth-telling regarding the histories and legacies of Ancestors’ hair, and of how truth-telling must incorporate consideration of the reasons for a lack of conversation to date, and the ways we can begin to talk about Ancestors’ hair with respect and reverence.

The Right to Know

That idea of what's kept and what's forgotten becomes really profound, because then they made that decision to collect that hair and box it and build repositories and air-conditioning, but at no point in that process did they ever think about those people as having rights to their material in any way?

(Dr Kirsten Thorpe, yarning session, 1 July 2020)

Care is relational rather than procedural. By approaching the care of collections as an institutional process or job to be fulfilled, the sustainability and efficacy of care is undermined by a lack of interconnectivity with community and Country. The role of caretaker – or custodian – for collections of Ancestors' hair cannot be appropriately filled by institutions in lieu of Aboriginal and Torres Strait Islander communities. As noted by McBride, Aboriginal and Torres Strait Islander communities will each have their own requirements and priorities for collection care:

So that would be something around collections care that we would, that we are going to do moving forward, is speak to every single group of people about their own individual sets of objects.

(Laura McBride, yarning session, 28 July 2022)

Without community directing and (when appropriate for community) implementing collection care, there can be no culturally appropriate care process for Ancestors held in collecting and research institutions. The Right to Know is foundational to the understanding

and implementation of respectful, reverent and ethical stewardship of Ancestral Remains and biological samples from living people.

It's also really important just to have these conversations just about the existence of these collections.

(Matt Poll, yarning session, 5 June 2020)

UNDRIP describes the maintenance, control, protection and development of cultural heritage (in all forms), as well as the access to and repatriation of Ancestral Remains and ceremonial objects, as 'minimum standards' (2007). Many collections of Ancestors' hair, particularly those held outside Australia, are held without Aboriginal and Torres Strait Islander peoples having access to them, control over them, or even in some instances knowing of their existence. To date, there has been no comprehensive audit of the institutional locations of Ancestors' hair globally, and this gap was raised by research participants as a priority to address. Dr Anne Faithfull, Museum Studies researcher, Deakin University, referred to the discoverability issues which she encountered in her dissertation research, which included compiling a non-exhaustive list of institutional locations of Ancestors' hair:

But I think with regards to the audit, I think, you know, again it comes down to, one of the complexities here to sort of trace these collections is, because there's no one established way that hair is being understood, again in international institutions, means that you can encounter hair samples in natural history museums, anthropology museums, university labs and even, you know, like an ethnographic collection, historical collections. I encountered a hair sample in an archive...

So doing that audit, you've really got to go broad, and that's sort of restrictive for people trying to trace where these samples are. It's so hard.

(Dr Anne Faithfull, yarning session, 7 August 2020)

Across the yarning sessions, participants reflected on the varying degrees of existing knowledge about specific histories of hair categorisation and collection, as well as about the present-day locations of collections. As raised by Faithfull, the lack of understanding about the practice of hair sampling and the networks through which the international trade of Ancestors' hair took place, impedes the ability to find Ancestors' hair (Dr Anne Faithfull, yarning session, 7 August 2020). This also suggests that there is a discoverability and

accessibility issue for Ancestors' hair held as collections and/or as individual collection items, which was experienced in the research for this dissertation as an archival issue relating to limitations of metadata, discovery platforms and institutional transparency.

The collection of Ancestors' hair best known to the research participants was that held at the South Australian Museum (SAM), the largest known collection of hair samples from Aboriginal and Torres Strait Islander peoples. The yarning sessions often referred to how little understanding there was, both broadly and within GLAM and related disciplines, regarding the extent of Ancestors' hair held in collections and the histories of their collection (Matt Poll, yarning session, 5 June 2020; Dr Anne Faithfull, yarning session, 7 August 2020; Dr Ray Tobler, yarning session, 3 December 2020). However, during discussions of the histories of hair categorisation and collection within the more widely known history of exploitative collecting and surveillance of Indigenous bodies, participants depicted hair sampling as predictable violence under settler-colonial research. Duczynski discussed how her specific knowledge about Ancestors' hair was minimal but that she had 'a general awareness' of the extent of colonial collecting of Ancestral Remains through her line of work, but also through the advocacy of mob around her:

I think some of the advocacy of mob has also brought it to my attention, where communities have advocated very strongly for the repatriation of their Old People. Yeah. I would say, as part of working in the GLAM sector, you develop a general awareness of the ways in which this material was collected from our Old People by scientists and anthropologists and various people.

(Marika Duczynski, yarning session, 1 June 2022)

Within a settler-colonial regime obsessed with possessing and pathologising Aboriginal and Torres Strait Islander peoples, the practice of removing hair for further discrimination and exploitation was viewed by some participants as both disturbing yet unsurprising in its violence. When asked about his prior knowledge of 'hair samples' held in collecting institutions, Jones explains the connection of finding out about Ancestors' hair to the increasing uncovering of problematic and unethical collections held in the GLAM sector:

I'm aware of the collections of Ancestors' hair in collections, predominantly through Tindale collection in South Australia, and although I've never seen them I'm always

shocked by their existence and what they represent. They are a stark reminder of anthropological practices that our people are subjected to, and what racially based knowledge systems which culminate in the edifice of a 'museum' represent.

(Dr Jonathan Jones, yarning session, 15 October 2020)

As the current custodians of Ancestors' hair, institutions have a responsibility, as mandated by UNDRIP, to proactively disclose information to Indigenous communities about the collections that they hold. Associate Professor Linda Payi Ford, Rak Mak Mak Marranunggu from Kurrindju, Batchelor, Darwin, Senior Research Fellow at the Northern Institute, Charles Darwin University, recounted her experience of requesting family files, alongside her daughter, from the Jesuit missionaries' archives, and being told that they were the first people from her community to ever request files:

120 years later, no one had asked for those files, from our mob. And probably because they didn't know they existed.

(A/Prof Linda Payi Ford, yarning session, 22 September 2020)

Without proactive disclosure of records and collections to connect relevant communities with their knowledges, personal information and cultural material, the question is: for whom are institutions preserving these collections? Many collections of Ancestors' hair are not publicly discoverable, and relatively few institutions have proactively come forward to date to notify community about 'hair samples' held in collections and to seek their guidance in caring for them. It can be assumed, therefore, that much of the current care for Ancestors' hair, particularly in relation to collections outside Australia, is institution-led rather than community-led. Only through the proactive disclosure of the institutional locations of hair samples, and all the related documentation, can communities and the research and GLAM professionals supporting communities begin to address the next steps in caring for Ancestors' hair. Without this first step of the Right to Know, it is not possible to move forward, or to extend conversation and practice beyond reactivity, risk aversion or an institutional code of silence.

I think everything comes back to 'ask the community'. It's as simple as that, and I think it requires humility from institutions to stand back, and they have to enact the Right to Know, and then they need to just listen and listen to what communities want...

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

Ancestor or cultural material: clarifying the ‘grey zone’

They really do need to sort of delineate these collections in that grey zone, and just separate them from the discussions around objects or collections.

(Matt Poll, yarning session, 5 June 2020)

Key to the formulation of care for hair held in collections is the categorisation of hair samples within institutions as either ‘Ancestral Remains’ or ‘cultural material/object’. As discussed in Chapter Five, there is a lack of consistency in the legislative, policy and ethical categorisation and assertion of Ancestors’ hair as Ancestral Remains. Ancestors’ hair has been repatriated as ‘Ancestral Remains’ in very few publicly known instances, one instance being the return of Ancestors’ hair to TAC from the Wellcome Collection (there may have been other instances that occurred without publicity). However, the overarching issues of the legislative and ethical ‘grey areas’ that can affect the possibility of repatriation are not widely discussed. This nebulous categorisation of hair via institutional policy, legislation and bioethics discourse was identified in some of the yarning sessions as a ‘grey area’ or ‘grey zone’ (Matt Poll, yarning session, 5 June 2020; Dr Ray Tobler, yarning session, 3 December 2020). This ‘grey area’ has both immediate and long-lasting effects on Ancestors and communities, as well as on the movement for Indigenous self-determination and data sovereignty.

We have Ancestors’ remains on the same site as we have dinosaur bones. You know what I mean? Almost as if you think of them as one and the same.

(Nathan Sentance, yarning session, 2 July 2020)

Categorising ‘hair samples’ at an institutional or legislative level as objects, or not as human tissue, may affect the research ethics process, determining whether free, prior and informed consent is required. As discussed in Chapter Five, categorisation of an Ancestor’s hair ‘as an archaeological specimen and not a biological one’ by the Danish bioethical review board overseeing the genome research ethics application, led to the research going ahead without informed consent (Callaway, 2011). In a yarning session, Tobler reflected on how during the early stages of the Aboriginal Heritage Project (AHP), the research team were initially not asked to prepare an application under South Australian *Aboriginal Heritage Act 1988* (SA).

Although the AHP would go on to submit an application under the Act and conduct an informed consent process, Tobler reflects on the initial stages of the AHP as Ancestors' hair existing in a legislative and policy 'grey area' (Dr Ray Tobler, yarning session, 3 December 2020).

In a discussion on the notion of a 'grey area' in legislation, policy and ethics, McBride emphasised the clarity of Ancestors' hair as being 'absolutely Ancestral' and therefore care should be the same for all 'hair samples', whether the person the hair is from is still living or has passed on, regardless of what nebulousness has been created by Western perspectives and law:

Absolutely, it's Ancestral, whether they're living or not. It would be restricted material. There might be restricted material in our restricted collections that's made by a maker that's alive today. It's still restricted material because of the nature of the material, so if we had hair samples, that will be immediately restricted. Which means, under the management of us, it would only – any research, any access, research, engagement, movement photography, of such a thing, would have to be done by Aboriginal people and managed by Aboriginal people. As per the restricted classification. That would be my stance on the matter at all. It's just clear line to me. I don't see it as existing in a space, I think in the Western world it might exist in a space like that, but absolutely, it doesn't exist in a space like that for me.

(Laura McBride, yarning session, 28 July 2022)

An institutional categorisation as 'Ancestor' or 'cultural material' may determine how Ancestors' hair is housed and cared for. This is evident from the experiences recounted in the yarning sessions, which included: Ancestors' hair kept in a box on the floor of an archive (Dr Anne Faithfull, yarning session, 7 August 2020); Ancestors' hair hidden away in a safe (Dr Kirsten Thorpe, yarning session, 1 July 2020); Ancestors' hair retained in institutions known for their collections of non-human remains (Nathan Sentance, yarning session, 2 July 2020). Classification of hair as an object rather than an Ancestor may also exclude 'hair samples' from the international imperative for Indigenous self-determination and the Right to Know about Ancestral Remains held in collections.

Where does it sit? It doesn't sit anywhere now. So other than this sort of fearful thing for both communities and museums, so how do you shift the questions around the future of these collections into more meaningful outcomes?

(Matt Poll, yarning session, 5 June 2020)

The question of whether hair is part of the human body, requiring equal consideration under ethics and legislation to skeletal remains or blood, is a conversation that is happening on a much wider scale than just within this dissertation. However, the connection of this broader ethical and legal debate to Aboriginal and Torres Strait Islander peoples' 'hair samples' held in institutional collections illustrates the need to clarify these 'grey areas' in law, policy and ethics. Considerations of the needs of Ancestors and communities for care and protections of hair as both an Ancestral Remain and a genetic material must take place on a community level to inform key decisions, such as whether hair is categorised as Ancestor and/or cultural material. This is particularly pertinent due to the use of hair by many Aboriginal and Torres Strait Islander communities as a material resource and tool for making cultural and ceremonial objects. Multiple yarning sessions raised or queried the inclusion within the scope of this research of cultural and ceremonial materials made entirely or partially of human hair. Even though objects made from hair are considered outside the scope of this research, future discussions relating to legislation and policy reform need to consider the interconnectedness of cultural and ceremonial materials to other forms of hair in collections.

But [hair samples] don't have that object biography, and that's the crazy thing, they are a person's biography.

(Matt Poll, yarning session, 5 June 2020)

The yarning sessions drew a clear distinction between Ancestors' hair in the form of 'hair samples' and cultural or ceremonial materials. For Poll, the presence and legacies of 'hair samples' is that of a person, not an object (Matt Poll, yarning session, 5 June 2020). It was also mentioned that, for some communities, hair has been and may continue to be a low priority due to other, more pressing agendas; however, this should have no impact on institutions implementing the Right to Know. Australian GLAM and research institutions must advocate through their international networks for hair to be consistently considered as Ancestral Remains, particularly in jurisdictions where there are minimal protections for genetic research on Aboriginal and Torres Strait Islander Ancestors and biological materials.

Transforming the archive: from consultation to self-determination

How do you get that back to the idea that's your family's hair? You absolutely have the right to determine everything, including ideas that might dismantle their view, including taking items out and burning them ...

(Dr Kirsten Thorpe, yarning session, 1 July 2020)

Community-led care for Ancestors' hair comes back to the foundational issues of self-determination and who controls and regulates access and use. As discussed in previous chapters, settler-colonial regimes and the international trade in Ancestral remains and biological materials taken from Aboriginal and Torres Strait Islander communities have relocated Ancestors' hair into private and public collections around the world. Although there are regulations on the use of human tissue in research, and on the buying and selling of Ancestral Remains, legislation both in Australia and overseas is relatively silent on the *ownership* status of Ancestors and living people's hair (Prictor et al., 2020). This is deeply concerning for First Nations communities, whose Ancestral Remains and ICIP are over-represented in research and collecting institution holdings, particularly given the extension of the 'new frontier' of museum genomics from non-human collections (e.g., Rowe et al., 2011; Parejo et al., 2020; Grewe et al., 2021) to 'human studies' and 'ancient genomics' (Der Sarkissian et al., 2015).

The 'grey area' of legislation, policies and ethics relating to legal and ethical questions of ownership places the decision-making power with the institution. This can directly impact the ability of communities to access and care for Ancestors' hair, but it also can affect the requirement for free, prior and informed consent and for veto powers regarding research use. Ormond-Parker calls for increased transparency and freedom of choice in the options offered to communities by research projects seeking consent for the use of Ancestral Remains and archived biological materials (Dr Lyndon Ormond-Parker, yarning session, 1 December 2020). This would include offering the ability for communities and individuals to 'do nothing' ensuring a full and immediate stop to research, as well as projects having the resourcing to facilitate requests for unconditional repatriation, or for placement in a trusted repository to maintain institutional stewardship but *without* research use (Dr Lyndon Ormond-Parker, yarning session, 1 December 2020).

For Ormond-Parker, a major issue is the lack of time, options and self-determination for Aboriginal and Torres Strait Islander peoples in relation to engaging with projects that use genetic materials from GLAM institutional collections. Furthermore, there is an imperative for Aboriginal and Torres Strait Islander peoples to be driving research agendas, rather than vice versa. McBride discussed how there are ‘levels of consultation’ enacted in the GLAM sector, and argues that the sector needs to move beyond notification disguised as consultation:

there is what they say is consultation, which we would call when we started notification – ‘this is what we’re going to do, and we’re letting you know’, and they will call that consultation, but it’s not consultation at all, just notification. Then there was ‘we’re going to come to you with our ideas and see if they’re acceptable’. That was sort of the next level where they thought they were consulting. And they weren’t necessarily because of that power play as well. And then there’s sort of a movement into what we do now, which is collaboration.

(Laura McBride, yarning session, 28 July 2022)

Both Jones and Barrowcliffe see the potential for capacity building and the creation of pathways for new generations of young people and leaders coming through the sciences and GLAM sector:

I believe those Old People would want their descendants, the next generation, to get to learn from the collections they left behind. We need to determine the future. It’s our inherited right, no one else’s. It’s vitally important that young people benefit. The process of making and maintaining a better place for the next generation is central to being Aboriginal, and the role of these Ancestors is the same. We need to be developing pathways that support the next generation to take a leading role in the way our collections are cared for and maintained.

(Dr Jonathan Jones, yarning session, 15 October 2020)

Similarly, Barrowcliffe reflects on the abundant support within Aboriginal and Torres Strait Islander communities for young people to lead the way forward:

I can't think of a situation where a community wouldn't say, 'If you're going to do that work, then train our young people. Give them an opportunity to learn and understand what it is you're doing with that.' I know in my community at every turn it's like, 'Where's the reciprocity in that, where is the equal opportunity to learn from each other?' And when it is there, it just enriches the research project as well.

(Dr Rose Barrowcliffe, yarning session, 27 August 2021)

Community archives, community governance

For Rigney, while it is important to challenge and resist the colonial archive, it 'is equally as important, if not more important ...' to engage in celebratory community work and 'writing our own archive, and telling our story' (Prof Daryle Rigney, yarning session, 15 January 2021). Developing community archives to care for and tell community's own stories and cultural knowledge away from the colonial archive, is a nation building strategy for First Nations communities (Prof Daryle Rigney, yarning session, 15 January 2021). A fundamental component of community-led care for Ancestors, records and ICIP is that it should take place under an autonomous and transparent governance directed by Elders and leaders from relevant communities (A/Prof Steve Hemming, yarning session, 26 November 2020; Prof Daryle Rigney, yarning session, 15 January 2021). As Hemming notes, decision-making for Ancestors' hair cannot happen in isolation, and the timing needs to be considered and beneficial for communities:

You can't do it on your own; it should be a collective of people all taking into account communities', nations' rights to make their own calls, and the diversity within there. But bringing in enough expertise and interest and leadership into thinking about it. But again, that's a lot of work. Do people have enough time to do that? They've got some other things to do as well. That's the second part of it. Just a few other challenges.

(A/Prof Steve Hemming, yarning session, 26 November 2020)

First Nations communities 'are more than capable of looking after their own Ancestral Remains' (Dr Rose Barrowcliffe, yarning session, 1 October 2020), and, with the appropriate governance in place, communities can then engage external expertise as needed (Prof Daryle Rigney, yarning session, 15 January 2021). The complicated and sensitive nature of 'hair sample' collections – including working with cultural protocols, and the research needed to

establish provenance and connect Ancestors' hair back to Country – means that conversations need to be conducted at both localised and wider levels.

It's actually having people really think about why these issues of collections are important for our communities, what they mean, how does it connect with your values and your beliefs, I think those are decisions that are for First Nations people to determine collectively, within their own context, I think that's for me what community-led collection care is about: it's being able to set up the kind of governance that you've got at the local level, inside your nations, inside your communities, that is consistent with your values, and understand what these things mean, for community and for people in community.

(Prof Daryle Rigney, yarning session, 15 January 2021)

Whilst recognising the different reasons for Ancestors remaining within collecting institutions, Duczynski explained how she will never feel entirely comfortable with the institution as mediator between Ancestors and communities (Marika Duczynski, yarning session, 1 June 2022). For Duczynski, an Indigenous-run biobank or keeping place is preferable, but the ultimate goal should be to return Ancestors to family and 'home':

I guess for me, thinking about the way that I'd really love to see these materials managed in future – it's not in a museum. It should always be in the hands of family and community to determine what is in the best interests of their Ancestor. I think that an Indigenous-led research facility would be much better than the current system, because I will never feel comfortable with the idea of a museum as a facilitator, unless communities specifically want that for their Ancestors. Sometimes that is the case, sometimes communities aren't in a position to repatriate for a variety of reasons, and so the museum is an interim place until the time is right.

But if it's possible, then home is always the best place for the Old People.

(Marika Duczynski, yarning session, 1 June 2022)

Importantly, the issue of timing was raised in the yarning sessions, with emphasis placed on the future for Ancestors' hair being able to progress as slowly as is needed, without any expectations of arriving at a particular destination or within a set timeframe (Dr Kirsten

Thorpe, yarning session, 1 July 2020; A/Prof Steve Hemming, yarning session, 26 November 2020; Dr Rose Barrowcliffe, yarning session, 27 August 2021). In sharing her past experience as a cadet Aboriginal archivist working to implement a repatriation process for an Ancestors' hair at the NSW State Archives, Thorpe reflected on her innate knowing that the process needed to be slowed down:

There was no need for them to rush the process of returning the hair. They waited for so long, so they shouldn't have rushed the consultation when there were no time pressures. The only time pressure was to get things right. I think they should have employed someone specifically to do this work as a project.

(Dr Kirsten Thorpe, yarning session, 1 July 2020)

Training and skill-sharing are also key to the establishment of Indigenous community archives that support autonomous community care for Ancestors and related research. Barrowcliffe emphasised the ongoing power dynamics between Aboriginal and Torres Strait Islander peoples and the GLAM sector as microaggressions, whereby institutions perceive Indigenous communities as deficit and unable to care for their own Ancestors and ICIP:

A lot of the decisions that are made in archives I see as micro-aggressions. So this 'We have to keep the hair samples because you don't have the right facilities to keep them', I see that as a micro-aggression. What you're really saying is, 'We're more capable than you.' And it's also meritocracy, like, 'We've got the facilities. We've got the know-how. We are better equipped and better able and better trained'.

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

Rigney highlights the importance of bringing in expertise from outside communities, or collaborating with non-Indigenous people when particular skill sets are needed that are not available within the community. Rigney sees these moments as opportunities to skill-share and develop the 'next generation of community carers' (Prof Daryle Rigney, yarning session, 15 January 2021). Ford regards the transformation of the archive as an inevitable process, and encourages Aboriginal and Torres Strait Islander peoples to keep pushing the boundaries of the GLAM sector:

And now that more and more people, Aboriginal people and Torres Strait Islander people, are becoming more and more educated about what's in the archives, I think the more people are going to be making demands on the archives, and they've got to change their practices. Eventually. But we've got to keep pushing those boundaries.

(A/Prof Linda Payi Ford, yarning session, 22 September 2020)

Unconditional repatriation: the first option, but not the only option

The return of Ancestors from collecting and research institutions in Australia and overseas remains unfinished business for many Aboriginal and Torres Strait Islander peoples, still working to bring their Ancestors home. For Aboriginal and Torres Strait Islander peoples, the repatriation of Ancestors has been a non-negotiable imperative from the moment of their removal, which triggered a continuous experience of grief and mourning. This emotional labour, and the toll it takes on First Nations peoples involved in repatriations, as communities and facilitators, is immense, as described by Duczynski:

Sometimes you are also emotionally supporting families when they come forward to make a formal repatriation request, or when you are letting them know that their Ancestors are here. It can be traumatising. There is also the potential to re-traumatise people who weren't aware of their Ancestor being here. When we talk about the repatriation of Ancestral Remains, the trauma and emotional labour that are involved in the entire process is something that may not be apparent to everyone. The work is recognised as important, but the toll it takes is not so much at the forefront of discussion.

(Marika Duczynski, yarning session, 1 June 2022)

For Smith the process of returning Ancestors should never be considered 'a nice to have thing' or positioned as a favour or transactional, but rather as an imperative to address a transgression of human rights (Dr Mariko Smith, yarning session, 29 May 2020).

Repatriation is a necessary avenue of care for Ancestors, Country and communities, and a reparative action for research and collecting institutions who must address their histories of exploitation of and trade in Ancestral Remains. However, the repatriation process consists of more than just a de-accession and return; it also, as Duczynski phrases it above, involves 'trauma and emotional labour' (Marika Duczynski, yarning session, 1 June 2022). It is also a resource and time-heavy process that can be difficult to navigate both for communities and

institutions, but particularly for First Nations peoples, who feel the cultural and personal weight of the need to complete the process in a proper way. Rigney articulated this in reflecting on the many issues communities are dealing with in the repatriation of Ancestors, but also in the repatriation of ICIP more broadly, such as the need to:

...identify where they are, track them down, locate them, negotiate return, have returned, make decisions as a nation or as a community about what this means for us? And how are we going to handle it? What's our decision? What's our law/lore? Or do we need new ceremony, as a part of this process; is there a new song that needs to be developed? Now there's all those sorts of issues to consider and for decision.

(Prof Daryle Rigney, yarning session, 15 January 2021)

In his previous role as curator of the Macleay Museum's Indigenous Heritage and Repatriation Project, Poll says he learnt to maintain a 'realistic perspective on the scale of the institution that you're working for and what they can capably do', given the sometimes considerable limits on the financial and staffing resources of repatriation (Matt Poll, yarning session, 5 June 2020). During yarning sessions with participants who had conducted repatriations through their community and/or their GLAM role, those participants stressed that the parameters and details of the process must always be discussed with and determined by community, a procedure which may not always suit institutional timeframes and resources.

People talk about, you know, how many hundreds of languages we've got. We've got, every community have their own beliefs and ways of knowing and doing.

(Dr Shannon Faulkhead, yarning session, 15 September 2020)

Repatriation can be a long and difficult process, with multiple parties – such as community and GLAM institutional representatives, Local Aboriginal Land Councils, National Parks and the Office of Environment and Heritage – working towards the same goal of repatriation, but not always on the same schedule, (Matt Poll, yarning session, 5 June 2020). Faulkhead points to the need for institutions to be responsive to changes in community priorities for care of Ancestors and repatriation. Faulkhead says the way that acts of care are practised may transform over time as generations change their priorities and needs, and it is the

responsibility and role of the institution to provide support and advice when needed, but also to ensure that a relationship with the institution is not a condition of repatriation:

That's not something that's set in stone. We have to go by what the community and the families want. It's their decision. That's the whole idea of repatriation. It's let the community control to decide if and when. The other thing is, 'Oh, if you take [Ancestors or cultural/ceremonial material] back, you need to do this and this and this' We can say, 'If you wish to preserve them, this is the way to care for them.' But it's not a condition of repatriation either.

(Dr Shannon Faulkhead, yarning session, 15 September 2020).

Some participants in yarning sessions raised the concern that repatriation could have the side-effect of erasing or aiding the forgetting of histories of hair categorisation and sampling, particularly as that history is already on the edge of public memory (Matt Poll, yarning session, 5 June 2020; Dr Jonathan Jones, yarning session, 15 October 2020). Depending on the requirements of the community or institution, original catalogue entries and/or documentation about repatriation may be retained or destroyed with de-accessioning. In relation to Ancestors' hair, the lack of comprehensive and accessible records and documentation of hair sampling for race science prompted some research participants to question whether the repatriation of hair samples might inadvertently aid the erasure of this history. In addition, they voiced concern that repatriation might be agreed to as a quick fix for a deeper-rooted issue, with institutions not held accountable to communities once the process has been completed:

The idea that they give collections back and think we forget that history and its ongoing affects is a concern. Dealing with this problem is more complex than simply de-accessioning a collection. To decolonise these institutions and put our histories to rest is a much broader reform package that will take generations.

(Dr Jonathan Jones, yarning session, 15 October 2020)

Fears about the historical erasure of hair sampling through the repatriation of hair samples are linked to the invisibility of the history of hair sampling in Australia. If the imperative for truth-telling, raised later in this chapter, is addressed for these collections, communities can have more assurance that the histories – and therefore also the accountability of institutions –

will not be lost to settler-colonial forgetfulness. Even given these concerns about the erasure of memory and the risk of lack of accountability, the yarning sessions made clear that, *should* communities require Ancestors' hair to be returned, then institutions must – and can – comply:

I would say that any Ancestral Remains, no matter how small, need to be returned. I just don't think that's up for debate.

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

Repatriation of Ancestors is a relational, respectful and holistic expression of care, encompassing caring for Ancestors, Country and community. Rigney outlines how for Ngarrindjeri people, bringing their Old People back to Country is a cultural responsibility that must be completed. This is an understanding of repatriation as being a community matter first and foremost, rather than one which must also concern itself with reconciling with the settler-colonial state:

That's what we've been talking about in terms of the Ruwe/Ruwar (land, body, spirit) connection. Yannarumi, acting lawfully as country. And so it's our responsibility, it's part of our law, that we have to bring Old People back to Country where their spirits can rest, because they're connected to Country. It's something that we have to do if we're going to act lawfully as Ngarrindjeri citizens, Ngarrindjeri people.

(Prof Daryle Rigney, yarning session, 15 January 2021)

Relational care in institutions: in-situ care for Ancestors

During the COVID-19 in 2020 and 2021, Faulkhead and the First Peoples Department at Museums Victoria made sure they could still safely visit the collections in person as part of their work role and responsibilities as caretakers of the Ancestors and Ancestral materials held by the museum (Dr Shannon Faulkhead, yarning session, 15 September 2020). Spending time with collections in respectful and relational ways, such as speaking or singing to Ancestors held in institutions, or checking in on them, is a form of care that many First Nations people working in GLAM carry out, or support community to carry out (Fforde et al., 2020a). GLAM institutions increasingly host visits from community, turning off smoke alarms so that smoking ceremonies can be conducted in exhibition spaces and collection

storage areas, and reconsidering policies about physical handling of collections. Bracknell describes this form of relational care as simultaneously resisting empire and empowering communities:

Indigenous peoples are visiting their items housed in collections right around the world, and either doing ceremony for them or talking to them, or talking about the people that are currently caring for them, or anything like that. I think that is a great activity to combat the empire and to empower.

(Prof Clint Bracknell, yarning session, 7 October 2021)

However, there are many reasons and potential scenarios in which Ancestors' hair may remain temporarily or permanently in an institutional collection, possibly as directed by communities. If that happens, there is still an imperative to deliver appropriate care.

Reflecting on starting a new role at the Chau Chak Wing Museum, Duczynski discussed the deeply emotional experience visiting the Old People who are awaiting repatriation. It was an imperative that she introduce herself and communicate her intentions to get them home:

Visiting the place where the Old People are currently resting is an emotional experience for me. When I started here, I introduced myself to them, because it was important to me to tell the spirits of the Ancestors that I'm going to try my absolute hardest to get them home. That was really important for me. I'm actually getting emotional thinking about it because it's just so terrible that they're here. I'm so sorry that they're here. I imagine that I'd have the same response to seeing hair that was taken from someone who didn't consent to it.

(Marika Duczynski, yarning session, 1 June 2022)

The responsibilities of properly caring for Ancestors weigh heavily, spiritually and emotionally, on First Nations peoples working in these spaces. As expressed by Duczynski above, the emotional impact of what colonial collecting has done to Ancestors – taken them from their Country and communities – is deeply distressing, and a reality that First Nations peoples carry. Thorpe also referred to the spiritual and emotional aspects of retaining Ancestors' hair in institutional collections:

What's the spiritual and emotional care of these materials? The hair that was in the box (...), if that's an extension of their being on another level of consciousness, do they want to be locked up and held there? Have they been honoured in the right way? Has that not allowed them to spiritually go to whatever place they need to go to?

(Dr Kirsten Thorpe, yarning session, 1 July 2020)

Smith views museums as having the potential to be ‘sites of cultural resurgence’, where First Nations peoples can direct ‘modes of representation and changing collection research and exhibition development practices’ (Smith, 2019). Jones spoke of the importance he sees in presence and representation, and of ‘trying to get into those institutional spaces, assert our sovereignty, and create more dynamic conversations’ involving communities and collections (Dr Jonathan Jones, yarning session, 15 October 2020). Since there is no one mode of in-situ, community-led collection care, institutions have a responsibility to be adaptable and responsive to different needs and priorities. As McBride states, the objective is to structure institutional care as relational and directed by communities, even if that results in the need for more complex collection management practices tailored to each community:

So for collections, each individual community having agency over their own things, and us managing them in that way. Even if it means ‘this’ area of the collection is managed differently to ‘this’ area of the collection ... So that's where we'll be heading. Once we build capacity.

(Laura McBride, yarning session, 28 July 2022)

Some institutions have been actively de-accessioning the Ancestors that they hold, and have been negotiating new models of stewardship of Ancestors, including removing them from the collection through de-accession and preparing the way for them to leave the institution (Dr Shannon Faulkhead, yarning session, 15 September 2020; Marika Duczynski, yarning session, 1 June 2022; Laura McBride, yarning session, 28 July 2022). This kind of work has been carried out by McBride and her team at the Australian Museum. McBride explained how, when she was appointed director, she instigated a process of ‘group de-accession’ for ‘all Aboriginal and Torres Strait Islander remains and secret sacred objects’ held in collections, meaning that Ancestors were no longer ‘state assets’ (Laura McBride, yarning session, 28 July 2022):

To get something de-accessioned, including an Ancestor...

There's a heap of management levels to seek permission and that takes about nine months, right. So I started, when I became director, a group de-accession. Why are we doing this? I'm going to put everyone up at once...

It's all done. So now every time we repatriate, I don't have to go through that nine-month process. So that's done so I'll move everyone over into keeping place, so I've taken everyone off being state asset over to a keeping place asset.

(Laura McBride, yarning session, 28 July 2022)

A similar process of group de-accession for all Ancestors was described by Faulkhead in relation to Museums Victoria (Dr Shannon Faulkhead, yarning session, 15 September 2020) and by Duczynski, in relation to the Macleay Museum at the University of Sydney:

All of the Old People have been de-accessioned as an ethical measure to ensure they are not insensitively considered part of the collection. The University of Sydney sees it as its responsibility and obligation to the Old People to continue care for them until such time as they can be returned home.

(Marika Duczynski, yarning session, 1 June 2022)

However, these forms of in-situ care are dependent on institutions supporting access to the collection, or on First Nations staff being able to conduct these practices in GLAM institutions. The responsibilities of institutions to proactively provide access to collections as well as increased support to First Nations GLAM staff were repeatedly raised in yarning sessions with research participants. There are connections between caring for Ancestors, cultural collections, communities, colleagues and oneself, and a barrier to one form of care becomes a barrier to all forms. The difficulties for First Nations peoples of working in institutional spaces such as colonial natural history museums or state archives need to be mitigated by introducing staff to Ancestors, ensuring respect, safety and care for everyone, including colleagues and oneself.

One of my Māori co-workers, when I enter the Pacific collection with him, he does a prayer before he goes in ... Before I go into the collection, and to the best of my abilities,

just try and talk to the collections and say, you know, 'I mean no harm'. It's a difficult space to work in.

(Nathan Sentance, yarning session, 2 July 2020)

Caring for the caretaker: work, health and safety

...hair is an extension of the being of an individual. And your essence is contained within your hair.

(Dr Lyndon Ormond-Parker, yarning session, 7 August 2020)

In a yarning session, Ormond-Parker explained how the importance and sacredness of hair for Aboriginal and Torres Strait Islander communities, particularly for his own community, involves protocols and understandings that mean 'you don't mess with it' (Dr Lyndon Ormond-Parker, yarning session, 7 August 2020). Multiple participants referred to institutions holding collections of Ancestors' hair without clear involvement of communities as being 'dangerous' (Dr Lyndon Ormond-Parker, yarning session, 7 August 2020; A/Prof Steve Hemming, yarning session, 26 November 2020). Moreover, the 'power', significance and importance of Ancestors' hair for many communities, in different forms and functions, was a topic that was raised (Dr Kirsten Thorpe, yarning session, 1 July 2020; Nathan Sentance, yarning session, 2 July 2020; Dr Shannon Faulkhead, yarning session, 15 September 2020; Prof Daryle Rigney, yarning session, 15 January 2021; Prof Clint Bracknell, yarning session, 7 October 2021). Duczynski acknowledged the emotional impact and labour involved in working alongside or directly with Ancestral Remains in colonial institutions, as a First Nations person:

There is a big emotional toll for Aboriginal people working in this space. When you consider that in many cultures when someone passes, you aren't supposed to disturb them, and just the way those spirits would be yearning for home is so unsettling to me.

(Marika Duczynski, yarning session, 1 June 2022)

Specific cultural protocols may need to be put in place before First Nations peoples can safely discuss or work with Ancestors' hair, as was apparent from how the yarning sessions were conducted without restricted knowledges being exposed. However, for First Nations peoples who work in the research and GLAM sectors, the challenges of navigating cultural

restricted knowledge and collections – or outright dangerous situations – have not been properly addressed. Sentance described his concerns as a Wiradjuri man working in proximity to potentially restricted or harmful collections:

If the museum is going to be custodians of stuff that is made with human remains or Ancestral Remains, it's always going to be hard to properly preserve – talking about risk management or risk aversion. What's the risk of the First Nations staff that work in these spaces? How can you properly work with a collection where potentially you're not meant to be around it and you don't even know the protocols, 'cause it's not from your mob, it's from somewhere else, you don't even know the protocols of what you're meant to be doing with said material.

(Nathan Sentance, yarning session, 2 July 2020).

Smith describes GLAM institutions, with their potential to cause trauma, as ‘toxic’ places for Aboriginal and Torres Strait Islander peoples (Dr Mariko Smith, yarning session, 29 May 2020). For First Nations GLAM staff and researchers, this toxicity may manifest itself as grief, sadness, anger, sickness or feelings of being unsafe, and it may be experienced at acute levels and/or as an everyday state. These responses to working in GLAM may be triggered by a multitude of sources, including the content of collections and records, colonial collecting practices, the institutional site itself, the micro-aggressions in the workplace, and ‘feeling major frustration, sadness and anger at the state of the sector’ (Thorpe, 2021). Thorpe expressed frustration about the experience of working in archives and libraries, describing the ongoing uncertainty about exactly what is held in colonial collections, and the intensity of the experience for Indigenous peoples working in the sector:

I think a lot about moments of leaving this sector. Do I really enjoy what I do in terms of working in archives and libraries? I seriously go, ‘what the fuck am I doing in this place?’ ... I am not sure I want to be around doing this forever. I think about moments, like with the hair, that you realise the intensity of history. What are all these collections that are held in colonial institutions? There is yet a lot of material to be uncovered, and more research is coming and it could be repulsive.

(Dr Kirsten Thorpe, yarning session, 1 July 2020).

Traumatic archival materials and records are the baseline of the colonial archive, and a key component of seeking justice and truth-telling in a settler-colonial state. Involving family and community in research and collections care is one way to implement frameworks of relational care in GLAM. As a Butchulla researcher who works with Butchulla community history by challenging archival records, Barrowcliffe regards relational accountability as foundational to any research with First Nations communities and their collections (Dr Rose Barrowcliffe, yarning session, 27 August 2021). Relational accountability when working with traumatic or sensitive materials ensures that research is conducted in a framework of care, even if that means a project or conversation cannot take place. Ford talked about Aboriginal and Torres Strait Islander peoples working in the research and GLAM sectors needing a support network:

I think it is new ground to be breaking, and it's like a claiming back a space that's ours, and we need to do that in a strong and powerful way, but look after ourselves and try to get family and a support network around you that will support you through that for your own mental health and well-being, because it is a tough gig, a very tough gig.

(A/Prof Linda Payi Ford, yarning session, 22 September 2020)

Ford's experience in the archive is one example of the need for flexibility in addressing the concerns of First Nations staff working in potentially harmful situations in GLAM collections and institutions. Limiting the time spent in archives and collection storage areas, taking a break in outdoor spaces, and moving collections to more appropriate spaces or creating private areas for visits are all ways in which First Nations GLAM staff and community visitors have negotiated caring for well-being. Sentance intentionally limits the time he physically spends in the collection, and is acutely aware of the effect that being among colonial collections can have on First Nations staff, suggesting that if:

...you're having a bad day, you probably shouldn't even go into the collection, it can have such an effect on you. It's really hard to navigate.

(Nathan Sentance, yarning session, 2 July 2020)

Reflecting on the collection storage areas at the Australian Museum, Sentance said he was not entirely sure where Ancestors were physically located, and he preferred it that way (Nathan Sentance, yarning session, 2 July 2020). Structuring work around taking time away

from difficult content, recognising the unsuitability of working in a particular space, or meeting the requirements for family and community support all need to be factored into work plans. Ford broke new ground when she completed her PhD with her mother, a Rak Mak Mak Marranunggu Elder, on her supervision panel:

It was a first time in Australia by research [dissertation] that an Indigenous person, without Western qualifications, academic qualifications, was allowed to be a supervisor of an academic doing research in higher ed.

(A/Prof Linda Payi Ford, yarning session, 22 September 2020)

Ford views her research and archival work as a continuation of her cultural obligations to transmit knowledge to her daughters and family members, as her mother transmitted it to her. By having her mother on her supervision panel, she was able to receive her guidance on how to care for herself while working with damaging archival records:

And we told mum that we'd been back to the archive and she said, 'What happened?' I said, 'The same thing, I was outside sick. I can't deal with the information in the archive collection.' I didn't say archive collection then, I just said it made me sick reading all those stories. She said, 'Leave it now, tell Debbie [Deborah Bird Rose] to take you off that project because it's going to do you in.'

(A/Prof Linda Payi Ford, yarning session, 22 September 2020)

Thorpe had a similarly physical reaction to the experience of working with Ancestors' hair held at the NSW State Archives. It made her feel uncomfortable to be physically close to the collection:

Coming from the southeast of Australia and in terms of my family's knowledge, I don't have any significant knowledge of the cultural significance of hair, but I absolutely knew that first of all I didn't want to go near it, and that, secondly, it had power, and thirdly, that I had no authority over it. So I had a really strong feeling that I didn't want to go near it.

(Dr Kirsten Thorpe, yarning session, 1 July 2020)

In the yarning sessions, First Nations participants relayed their experiences in the GLAM sector of having their concerns dismissed or experiencing micro-aggressions when they raised issues about the safety of communities, colleagues or themselves (Dr Mariko Smith, yarning session, 29 May 2020; Dr Kirsten Thorpe, yarning session, 1 July 2020; Nathan Sentance, yarning session, 2 July 2020). Smith sees the lack of community-led dialogue on how best to care for hair held in collections, as leaving both Ancestors and GLAM staff in a vulnerable, unsafe and uninformed position, (Dr Mariko Smith, yarning session, 29 May 2020). As articulated by Sentance, the day-to-day and systemic experiences of the GLAM sector for First Nations peoples working within it are a ‘work, health and safety’ concern:

It should be a consideration with things like work, health and safety ... the mental, spiritual potential things that you'll come in contact with in working in these spaces.

(Nathan Sentance, yarning session, 2 July 2020)

Truth-telling – how Ancestors’ hair became a ‘hair sample’

Systemic racism is embedded deep into all those collections. And this is our struggle to go and pull them out of there and deconstruct them so that ... we understand them and interpret them.

(A/Prof Linda Payi Ford, yarning session, 22 September 2020)

Collecting institutions and their collections play a central role in making visible or invisible past and present injustices, while at the same time they hold a substantial quantity of First Nations peoples’ historical and cultural resources (Fourmile, 1989; Thorpe, 2021; Evans et al., 2018). Truth-telling about how and why Ancestors’ hair is held in research and collection institutions requires the decentralisation and dismantling of the colonial archive, and the recognition that Aboriginal and Torres Strait Islander peoples have their own archives, knowledges and agendas that must be prioritised. Hemming talked about his work supporting the Ngarrindjeri Nation in negotiating rights to their Ancestors and ICIP within collecting institutions, illustrating the intertwining of self-determination, Nation building and truth-telling agendas:

What we were trying to push for was Kungun Ngarrindjeri Yunnan Agreements, like a treaty, a full-on agreement with an actual, full-on new way of doing things –

recognitions of ownership, and completely different process of, maybe the museum hold onto some things under licence, that's fair enough because people don't have resources. But really, a proper, equal conversation about a new future, with recognition of all the terrible shit that's happened in the past too, publicly, not swept under the carpet. Become a major campaign in education. 'This is what museums have done, this is what museums have been, this is what's happened under the museums' watch'.

(A/Prof Steve Hemming, yarning session, 26 November 2020)

The imperative of truth-telling in relation to collections of hair samples from Aboriginal and Torres Strait Islander peoples is connected with the wider truth-telling agenda in Australia. In terms of what is known about samples of Ancestors' hair held in GLAM institutions internationally, the history is scattered and missing from the Australian public consciousness. There is a little-known and unresolved narrative about the connection of hair sampling to scientific racism and research in Australia, a history with ongoing traumatic consequences for Aboriginal and Torres Strait Islander peoples. Barrowcliffe stresses the importance of truth-telling as part of an intergenerational healing process for Indigenous peoples, saying there needs to be 'a chance for people to say their piece and if they want to share the things that have happened to them and their family' (Dr Rose Barrowcliffe, yarning session, 1 October 2020).

A Right of Reply is a process by which respect and reparative justice can be enacted for Ancestors and communities, through a framework of Indigenous self-determination and truth-telling (IAC, 2021). A Right of Reply is a way to reconnect Ancestral and community voices, and provide testimony and restorying, embedded not only in a curatorial process but also archival catalogues and metadata. Barrowcliffe refers to the Right of Reply as not replacing or erasing archival content, but speaking truth to that content:

I think that's what the Right of Reply is across all disciplines. I don't see it as necessary to change the original object. It's useful to have it in its original form but you can certainly add layers onto it. You can add understanding and perspective onto it and context onto it, and I think that's what needs to be done.

(Dr Rose Barrowcliffe, yarning session, 27 August 2021)

Truth-telling can also be supported by genomics research if the latter is conducted in culturally appropriate ways and under the direction and guidance of Indigenous governance, such as the National Centre for Indigenous Genomics at ANU or the Native BioData Consortium in the US. Genomics has the potential to support precision medicine and provide insight into the traumatic effects of colonisation on people's health and well-being. However, genomic research projects over the past decade analysing samples of hair taken from Aboriginal and Torres Strait Islander peoples have had different priorities:

There are all these other ways to look into this history, what they call 'deep history', in ways that are being explored by Aboriginal and Torres Strait Islander people through story and through language and through songs and through oral histories. But that seems to be not a priority for major projects that engage with hair samples.

(Dr Lyndon Ormond-Parker, yarning session, 7 August 2020)

Furthermore, complex ethical issues relating to consent, be that individual or community based, continue to arise from major genomics. Bracknell points to the problematic nature of seeking consent from Aboriginal and Torres Strait Islander communities as part of a due process, without addressing the settler-colonial power dynamics that continue to position First Nations peoples as research subjects on their own land:

Establishing a settler colony in Australia was not something done with consent. Therefore, anything that occurs after that point is done without consent. I think staring that fact in the face is something that's very uncomfortable because it problematises all of Australia's nationhood. But I think that's a productive thing.

(Prof Clint Bracknell, yarning session, 7 October 2021)

The interchangeability of Ancestors' hair and the genetic material it carries works, whether intentionally or not, to obscure the racist and exploitative history of the 'hair sample'. Additionally, the politics of citations is sharply apparent in the research outcomes and publications of the 2011 project, with a team of non-Indigenous geneticists now the key citation for the 50,000+ years of continuous connection to Country for Aboriginal and Torres Strait Islander peoples. Bracknell sees settler-colonial power dynamics as still at play in research projects in which First Nations peoples are research subjects:

It always strikes me as odd when I read about projects that are looking at old DNA and trying to map things. It seems like Indigenous communities are always in this position where they have to constantly prove themselves.

(Prof Clint Bracknell, yarning session, 7 October 2021)

Frameworks of care for talking about hair and the ‘anxiety for readiness’

During the yarning sessions, First Nations participants made frequent reference to the boundaries of their own knowledge and story, and the knowledge and experiences of other First Nations peoples and communities. Often referred to, either directly or indirectly, was the understanding that one person does not – and cannot – speak for another. Some yarning sessions were structured around the participants’ own cultural protocols or the protocols of the communities they work with; for example, gendered protocols, ceremonial protocols or other forms of knowledge restriction. However, several yarning sessions were restrained by the inability to speak freely within the GLAM sector. McBride mentioned the need to consider strategic conversation, particularly in a sector where conversations – and the ways in which those conversations are conducted – are often controlled by settler-colonial structures of power. McBride emphasised the importance of storytelling and truth-telling, and the considered timing of such honesty by First Nations peoples:

Sometimes you got to shock people where they've got no comeback to you whatsoever. You have to read the room. If you do that in the wrong moment, you can lose your job.

(Laura McBride, yarning session, 28 July 2022)

During the yarning sessions, participants often described the reluctance and inertia of GLAM institutions to proactively begin conversations on Ancestors’ hair. It was observed that institutions have regarded these conversations as being difficult to navigate and in the ‘too hard basket’ (Dr Kirsten Thorpe, yarning session, 1 July 2020). As was noted by Barrowcliffe:

You preference the easy stuff, right? And the hard stuff is continually put off and put off. But I think the problem with that is that the Indigenous stuff is always the hard stuff, you know what I mean? And the result of that is that Indigenous stories get left out of

collections, out of exhibitions, out of histories, out of national narratives, because it's too hard. It's always too hard.

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

During the early stages of this research, the Duckworth Laboratory was contacted with a request to conduct research on Ancestors' hair held in its collection (personal communication, 13 May 2019). The aim of this request for access was to include the Duckworth Laboratory in this dissertation's research on the histories, legacies and archival issues of hair sampling and the futures of community-led care for Ancestors' hair. Initially, the Duckworth Laboratory provided in-person access to their archival collection of records relating to the research. However, a subsequent request to conduct further research on the 'hair collections at the Leverhulme', communicated via email, was rejected by the then director of the Duckworth Laboratory (personal communication, 25 May 2019). Although the request for additional access included the wording of 'hair collections at the Leverhulme', the request was to continue research and conversation, as per the previous access. While the Duckworth Laboratory said they were interested in maintaining the dialogue, it was the institution's position that these particular collections were not a priority at that time due to maintenance work on other collections. A later request in 2022, to access archival material at the Duckworth Laboratory was approved, specifically assisted by Dr Trish Biers.

This example of the difficulty in accessing archives, particularly those located overseas, illustrates the tensions between current institutional practice and best practice for Aboriginal and Torres Strait Islander ICIP, as benchmarked by UNDRIP and sector-based policies modelled on UNDRIP – such as the ICA Tandanya Declaration. Institutional priorities and truth-telling priorities about the colonial archive do not always align. The issue of discoverability of collections held at the Duckworth Laboratory is both legally and ethically complex, partly because of data privacy compliance but also due to the question of whether it is ethical to provide a publicly accessible catalogue of Ancestral Remains (personal communication, 23 March 2023). There is a conflict between data privacy laws and the fact many First Nations peoples are unaware these collections of Ancestors' hair and private information exist in research and collecting institutions. This is an unresolved issue of appropriate collection discoverability and visibility for Indigenous communities, raising questions on the different ways in which collections can be made discoverable and visible without exposing personal information about Ancestral Remains. The building of

relationships with communities, is paramount to negotiating tensions relating to discoverability, access and privacy.

Institutions may withhold information about ‘hair samples’ in their collections from Indigenous communities, and the public more broadly, for multiple reasons. A major reason encountered during this research was the lack of resources, both staffing and funding, which limits institutions’ ability to meet in-person or digital access requests. However, as seen in the earlier Duckworth Laboratory policy on human remains (2011), an additional reason is related to the notion of protection. Institutions both in Australia and overseas are intent on protecting their collections from repatriation (Dr Anne Faithfull, yarning session, 7 August 2020) while also protecting their institutional reputations (Dr Kirsten Thorpe, yarning session, 1 July 2020), but they also want to protect data and information from misuse in an online environment, and protect communities from perceived trauma and harm. All of these notions of protection relate to a hypothetical future, one which goes beyond institutional control and into a space of truth-telling and transparency. As stated by McBride, the GLAM sector is built on foundations of settler-colonial power and control, and therefore is an important site of resistance and assertion of sovereignty for First Nations peoples:

You know, it's all about power. So, we have to take power back over matters that concern us, including our cultures. In this context ... we have to take power over collections, agency and power over collections completely.

(Laura McBride, yarning session, 28 July 2022)

Throughout this research, this researcher encountered a degree of wariness and/or uncertainty from research and collecting institutions, particularly those outside Australia, when they were asked about their collection’s holdings and/or their engagement with known ‘hair samples’ held by them. This institutional wariness specifically in response to requests for access to physical ‘hair samples’ and to conversations about them is documented by Faithfull, in relation to her research process and experience at the Smithsonian Institution National Museum of Natural History (2021). In Faithfull’s (2021) experience, the less she was perceived as a ‘threat’ to the collection, the more certain she was of securing access approval:

I quickly clarified that I was not seeking repatriation, and that I was not a First Nations person; a point that I felt necessary to emphasise in attempt to appear less threatening given the uncertainties still surrounding access to the collection (p. 26).

This experience demonstrates the ongoing settler-colonialism within the research and GLAM sectors, with some institutions regarding First Nations communities and Indigenous rights agendas (e.g., self-determination, repatriation, the Right of Reply) as an issue to be mitigated. Faithfull reflected on this experience in a yarning session, saying that in some cases she felt that ‘institutions hadn’t known that they even had hair in their collection; retention wasn’t intentional, perhaps’ (Dr Anne Faithfull, yarning session, 7 August 2020), while in other cases, such as that of the Smithsonian, the institutional perspective on hair was actually at odds with sector guidelines:

The Smithsonian’s interpretation of hair as not being a human remain seems at odds with what NAGPRA (which is what they rely on for definition) intended. But ultimately, it’s a few people who have that power to make that interpretation, and in this case they are more retentionist in focus.

(Dr Anne Faithfull, yarning session, 7 August 2020)

McBride shared how she carefully considers when is the ‘right time’ to broach conversations about repatriation with collecting institutions (Laura McBride, yarning session, 28 July 2022). For her, maintaining relationships and working culturally with institutions that feel trepidation about repatriation are ways forward:

Some countries and museums are open to repatriation, some are not. You go into the relationship with such an organisation, you need to wait and see if it's the right time; if it's not, you don't just cut your relationship off – work with them in a cultural way, train them in a cultural way and start to tell them stories about your grandparents and what happened to them. And you know, if we can start to get stories about who was taken... Sometimes if I feel like it's the right space, I'll tell people when I couldn't go in and start with repatriation straight away because I wasn't sure [of] the sort of levels of protection I needed to be able to access it safely.

(Laura McBride, yarning session, 28 July 2022)

In engaging with institutions, this research has encountered less trepidation, most likely because access was being sought to archival documentation and records *about* Ancestors' hair rather than Ancestors' hair. In requesting access, I either used established access processes involving online forms or personal communication, in both cases using my university email account and/or discussion of my perspective and research aim as focused on truth-telling about histories of hair sampling from Aboriginal and Torres Strait Islander peoples. However, I still met some trepidation in relation to access to and discoverability of collections of Ancestors' hair and related information.

Within the Australian GLAM sector, the understanding of Ancestral Remains as inclusive of hair, and a requirement for community permission to access Ancestral Remains, are found in multiple institutional and sector guidelines, as mentioned in previous chapters. However, there is clearly a lack of understanding among research and collecting institutions internationally about the significance of Ancestors' hair, regardless of whether or not legislation or policy defines it as Ancestral Remains. In my experience, research and collecting institutions were mostly responsive to requests for access to archival documentation, even if this access was ultimately affected by limited staffing and digitisation resources. However, the occasional trepidation from institutions regarding access to archival documentation and/or conversations about Ancestors' hair highlights the potential 'anxiety for readiness' for truth-telling about collections, which extends from past collecting practices to future collection management.

At times, institutional tensions and anxieties regarding collections of Aboriginal and Torres Strait Islander Ancestors, personal information and ICIP come together to form an imagined future that results in inertia, which can be seen as an institutional 'anxiety for readiness'. This refers to a scenario where an institution withholds information from communities and/or Indigenous researchers in order to become *more* ready for an imagined future interaction, one that is implicitly or explicitly coded as difficult. The anxiety for readiness is closely associated with Aboriginal and Torres Strait Islander peoples and collections, and it reflects the notion of Indigenous peoples and settler-colonial narratives as a problem to be solved. This institutional position of anxiety for readiness will continue to sow mistrust and misinformation, leaving the institution stuck in a stalemate that blocks transparency and community-led care. Knowing there is a 'right way' to do things implies that there has been a 'wrong way'; however, inertia only further embeds the latter. Priorities for collections must

be established by Indigenous people, and the proactive disclosure of collections while proceeding slowly in the process of the Right to Know and the Right of Reply are not mutually exclusive (Dr Kirsten Thorpe, yarning session, 1 July 2020). While the institutions remain locked in their own anxieties about being proactive, Indigenous peoples are fully aware that withholding information, contrary to the Right to Know, continues to occur. As Barrowcliffe states:

Who could blame any Indigenous community in just saying, 'You will never touch this stuff again because we can't trust you,' essentially? So I think there's that fear that they're going to fully lose access, control, power.

(Dr Rose Barrowcliffe, yarning session, 1 October 2020)

Conclusion

Caring for Ancestors and communities which have been directly affected by the international trade in Ancestral remains and biological samples for research and display amounts to more than just a policy or a guideline document. Care does not consist of statements on the 'history' of colonialism, or liberal applications of the term 'decolonise', or acknowledgement of whose sovereign country an institution is built upon. An institution cannot show care through these token gestures, or by hiring First Nations staff and then expecting them to fulfil multiple roles outside their job description. From the yarning sessions conducted on the future of community-led care for Ancestors' hair held in institutional collections, it is clear that the holistic forms of care needed are not being consistently delivered or facilitated. Caring for Ancestors' hair, to a standard that is set by Aboriginal and Torres Strait Islander peoples, extends beyond the institutional parameters of collection care.

Participants in the yarning sessions felt that collection care was not bound to an institutional site; rather, institutions were regarded as permeable, and therefore appropriate care of Ancestors' hair had an impact outside institutional borders. Decisions and actions taken within research or collecting institutions reverberate far beyond the institutions and deeply affect communities and individuals whose Ancestors, cultural materials, personal information and ICIP are held within collections. Relational and appropriate care for Ancestors' hair depends on a commitment to building genuine relationships with communities that are unconditional and without expectation of reconciliation.

As set out in this chapter, there is no single understanding of what it means to care for Ancestors' hair held in collections. The voices of First Nations participants in this research (and the sector more broadly) do not conform to the imaginary, homogeneous Indigenous voice depicted by settler-colonialism. Overall, the yarning sessions highlighted the interconnection of the histories, legacies and imperatives of caring for Ancestors' hair with broader discussions of and imperatives for Indigenous self-determination and truth-telling in Australia. This chapter has highlighted the need for research and collecting institutions to listen to and be directed by Aboriginal and Torres Strait Islander communities in relation to the care required for Ancestors' hair. Caring for Ancestors' hair involves considering how to care for Country and for people connected to the histories of hair sampling, while supporting First Nations staff working in the GLAM sector to facilitate care. It is crucial that care is understood not as a role or an overarching policy, but as relational, reverential and self-determined.



Conclusion

To many First Nations peoples, hair is a significant and powerful element of the living and Ancestral body. Collections containing samples of hair removed from Aboriginal and Torres Strait Islander peoples during the nineteenth and twentieth centuries are held by research and collecting institutions internationally. Many of these collections lack discoverability and accessibility for Aboriginal and Torres Strait Islander peoples, with knowledge of Ancestors' hair and the histories of hair sampling missing overall visibility in public knowledge and scholarly research. Ancestors' hair held institutionally in the form of 'hair samples' is intrinsically linked with traumatic histories of invasive and racist research conducted upon Indigenous bodies. These collections raise multiple concerns for First Nations peoples, including the imperative for Ancestors to be returned to Country, the requirements of collection care for Ancestral Remains and the potential research use of Ancestors' hair in genomic and human tissue analysis research without relevant free, prior and informed consent.

The research questions for this dissertation were:

Question 1: What do these collections of Ancestors' hair, their histories and their current legal and ethical status reveal about the state of the colony?

Question 2: What are the futures of community-led care for Ancestors' hair?

These research questions were approached through a framework of research methodologies: Indigenous Women's Standpoint (Moreton-Robinson, 2013), Yarning (Bessarab & Ng'andu, 2010; Atkinson, Baird & Adams, 2021), Indigenous Storywork principles (Archibald, 2008) and the Refusal as methodology (Simpson, 2017). Essential to future communication on Ancestors' hair are the following principles: knowing who we are and why we are connected to the research we are doing (Standpoint); understanding how to care for and carry the stories and knowledge we encounter (Storywork); being accountable to those who share their knowledge with us (Yarning); and ensuring that

respect and recognition of self-determination and sovereignty are at the centre of our work (Refusal). The research questions were explored in this research through a combination of archival research and yarning sessions with a group of Indigenous and non-Indigenous experts who work with or within the GLAM sector. Each had varying levels of prior knowledge of hair sampling and institutionally held Ancestors' hair.

This research was focused on an investigation of nineteenth and twentieth-century collections of Ancestors' hair held in research and collecting institutions. A key value of the research methodology was that the research did not entail any further anthropological study of Indigenous peoples as an 'object' of research. Instead, the research focused on an investigation of the impacts of settler-colonialism – exposing the racial fictions and colonial fantasies that created the 'hair sample' – and of the futures of community-led care for institutionally held Ancestors' hair, as led by Aboriginal and Torres Strait Islander experts in the GLAM and research sectors.

This dissertation identifies the importance of naming and evidencing the collecting of Aboriginal and Torres Strait Islander peoples' hair, and the resulting collections of Ancestors' hair, as products of settler-colonialism, white supremacy and colonial-racial capitalism. This research argues that the use of Indigenous peoples' bodies for settler-colonial agendas and racial knowledge capital underpins the research, sampling and retention of Ancestors' hair.

Answering Research Question 1: What do these collections of Ancestors' hair, their histories and their current legal and ethical status reveal about the state of the colony?

An investigation of the trajectory of Ancestors' hair as 'hair samples' from race taxonomies to colonial collecting to research and archival material, makes clear that there is a continuity of settler-colonial power dynamics. White possessive logics bolstered the racial fictions and colonial fantasy that Aboriginal and Torres Strait Islander peoples' hair could be categorised and collected as research property. These white possessive logics are evident in the ways in which Ancestors' hair remains institutional property or under negotiation for access and return. There should be no conditions or negotiation involved in the full implementation of Indigenous self-determination over Ancestors, genomic information and personal records. The *conditional* application of Indigenous rights, as benchmarked by UNDRIP, tends to occur only when benefits and interests converge for the settler-colonial state. This attitude is

deeply embedded within the state of the colony, and is evident in the current legal and ethical discussions about Ancestors' hair.

White possessive logics are deeply embedded in research and collecting institutions. This is evident from the fact that Indigenous ways of being, doing and knowing are predominantly only acceptable if the benefits are shared between communities *and* institutions, and if the power structure remains the same. This emerged from the yarning sessions, which described advisory boards with little to no power and scenarios of institutions being approached strategically so as to broach the subject of the repatriation of Ancestral Remains.

The policy and practice reform work required to adequately address the lack of Indigenous self-determination over institutionally held 'hair samples', related records and research is beyond the scope of this PhD, and would involve cross-sector, multi-institutional and international cooperation. However, the active repatriation movement and Indigenous self-determination initiatives, such as ICIP and Indigenous Data Sovereignty, reinforce that this imperative for community-led care of Ancestors' hair must not remain in the 'too hard basket' for institutions who hold collections (Dr Kirsten Thorpe, yarning session, 1 July 2020).

The production of knowledge through hair sampling was neither neutral nor without consequence for Aboriginal and Torres Strait Islander peoples. Ancestors' hair remains within the bounds of the settler-colonial regime, as demonstrated by: the ongoing institutional retention of Ancestors' hair without Indigenous governance; the lack of visibility of their histories in public knowledge and scholarly literature; and the absence of Indigenous self-determination in relevant regulatory frameworks. There is a reluctance to relinquish control in Australia, and in other jurisdictions where Ancestors' hair is held. This is particularly evident within the sites and structures of soft power, such as the GLAM sector, where 'transformative' action can be quickly peeled back to reveal business-as-usual.

There has been minimal investigation of the history of hair categorisation and sampling as a tool of settler-colonialism, and limited questioning of the repercussions for Aboriginal and Torres Strait Islander peoples. Furthermore, there has yet to be sustained discussion within the GLAM sector on the current care needs and futures of Ancestors' hair. The importance of this dissertation lies not only in its focus on the obscured narratives and

presence of Ancestors' hair, but also in its methodological approach to talking about Ancestors' hair and conducting this discussion with Aboriginal and Torres Strait Islander peoples. There are deeply knowledgeable experts across the GLAM sector who should play a leading role in considering how to care for Ancestors' hair and to tell the histories and legacies of hair sampling in Australia. It is through these networks that a community-led approach to care, at a localised level, can be formulated.

Answering Research Question 2: What are the futures of community-led care for Ancestors' hair?

At the same time as this state of the colony endures, as addressed above, First Nations peoples are enacting their sovereignty, and caring for Ancestors and their communities in ways that are localised, sovereign and refuse to ask permission from the state. These include enacting cultural protocols, engaging through relational networks, speaking language, singing, yarnning, speaking truth to power, and asserting a Right of Reply through art, performance, music and publications both online and on-Country.

The future of community-led care for Ancestors' hair can be supported by research and collecting institutions through a divestment of colonial power. The divesting of resources – be that funding, expertise or collections as institutional property – can facilitate post-custodial and on-Country keeping places and community archives, and the implementation of new forms of institutional-based stewardship of Ancestors, ICIP and records. Furthermore, the strengthening of a workforce of Indigenous archivists, GLAM professionals and collections caretakers that responds to the priorities of Indigenous peoples rather than focusing on 'closing the gaps' of the colonial archives is critical.

Ancestors' hair has been held within research and collecting institutions for centuries. Whether visible or obscured by the colonial archive, Ancestors' hair will never diminish in significance for First Nations peoples. There is a duality to the colonial archive, in that evidence and narratives of colonial violence are held in the same places as our Ancestors. A non-negotiable priority for First Nations peoples is to have control over Ancestors and the futures of their care, whether that care is through a repatriation to Country or other forms of care enacted within an institution.

This discussion on the futures of care for Ancestors' hair comes at a time when research and collecting institutions are under a spotlight for their complicity in the colonial project of Australia, and coincides with the beginning of more public discussion of 'hair sample' collections (Pember, 2022). ICIP implementation and repatriation policies are increasingly becoming part of institutional infrastructure in the GLAM sector. The term 'decolonisation' is heard at every conference, and peak bodies are funding initiatives to increase 'cultural safety'. However, there is still a lack of sustainable and consistent implementation of Indigenous self-determination, as outlined in UNDRIP, in relation to Ancestors and ICIP held in research and collecting institutions globally. Amid the multiple declarations, mandates and policies recognising Indigenous peoples' right to self-determination and governance, countless collections of Ancestors' hair and related records are still held without Indigenous governance.

Key findings of this research

The following section provides a summary of the key findings of this research, as discussed throughout this dissertation.

Truth-telling and the Right to Know are essential in relation to histories of hair sampling and the institutional retention of Ancestors' hair

From a tracing of the creation of the 'hair sample' in Australia, and an investigation of the racial fictions of hair hierarchy as well as ongoing archival issues more broadly, it is clear that there is continuity in the racialised and discriminatory terminology and perspectives regarding hair, from eighteenth-century race taxonomies to the later practice of hair sampling. In the settler-colonial project of Australia, the sampling of hair operationalised the racial fictions of hair hierarchy, driven by global imperial and colonial agendas. The study of race through hair in the nineteenth and twentieth centuries in Australia positioned 'hair samples' as representative of *colonial fantasy*: that Aboriginal and Torres Strait Islander peoples were possessable, researchable and in the process of being overtaken by or assimilated into the trajectory of white Australia. The histories of hair sampling played a role in the formation of how 'the West came to "see", to "name" and to "know" Indigenous communities' (Smith, 2021, p. 69).

The collecting of Ancestors' hair during government-sponsored research, such as the US Exploring Expedition (1839-40) and the Board for Anthropological Research expeditions

(1938-54), resulted in collections of Ancestors' hair that are still held in collecting institutions today. Those two case studies illustrated the connection between the eighteenth-century classification of hair as a marker of race and the nineteenth and twentieth-century formalisation of hair sampling as an accepted and widely conducted research practice. This research practice enacted the measurement of racial fictions against a yardstick of whiteness, with the goal of 'stabilising a white national body' (Anderson, 2003, p. 257). The obsessive measurement, comparison and collection of samples and data from Aboriginal and Torres Strait Islander peoples were on the research agendas of researchers in and outside Australia with connections to the eugenics movements in the UK and the US. The study of hair was linked to establishing and maintaining the settler-colonial state of Australia, where Aboriginal and Torres Strait Islander peoples' sovereignty has always been considered a threat.

The case studies investigated in this research reveal the international networks of trade in Ancestors' hair, and the changing institutional interest in Ancestors' hair collections over time in ways that have often prioritised scientific progress over the free, prior and informed consent of Indigenous people. The rise in genomics in the 1990s, and the interest in the genomic potential of collections of Ancestors' hair, has instigated a resurgence of interest in Ancestors' hair. However, the yarning sessions, together with recent public discussion of collections of Ancestors' hair, demonstrate that the Right to Know about the existence of Ancestors' hair (and all related personal information held in institutional collections) has still not been comprehensively implemented. The widespread lack of community and public knowledge regarding hair sampling and collections of Ancestors' hair is a settler-colonial legacy of such collections. This has resulted in archival and record-keeping issues, and obstacles relating to collection visibility, discoverability and access occurring in appropriate ways. The Right to Know is an ethical and Indigenous rights-based imperative (IAC, 2021), but has yet to be fully delivered on by the GLAM sector, highlighting the need for Indigenous peoples to be leading this process of truth-telling. This applies both within and outside the sector.

Ancestors' hair needs to be included in conversations on the body as property, both historically and contemporarily

Ancestors' hair has been and continues to be positioned as a research commodity: taken under a state of duress and entered into a colonial knowledge economy as an act of colonial-racial capitalism. The foundational role played by the Doctrine of Discovery and terra nullius

in the invasion and colonisation of Australia laid the groundwork for the ‘white possessive logics’ (Moreton-Robinson, 2015) that position Ancestors’ hair as institutional property. The creation of racialised ‘hair samples’ exploited and discriminated against Aboriginal and Torres Strait Islander peoples. These ‘hair samples’ were collected and used as research capital during the nineteenth and twentieth centuries, returning benefits to researchers in the form of networks, publications and professional opportunities – without benefit to Aboriginal and Torres Strait Islander peoples.

Furthermore, the nebulous legal and ethical status of Aboriginal and Torres Strait Islander peoples’ hair in institutional collections (whereby community ‘stakeholdership’ is recognised, but often not seen as requiring action) is connected to issues of biocolonialism and ongoing settler-colonialism. The conditional and negotiated nature of rights to self-determination is evident in the processes which Aboriginal and Torres Strait Islander peoples must navigate to submit requests for access to and return of Ancestors held in research and collecting institutions, often requiring settler-colonial government mediation. This links more broadly to the power dynamics evident in the emotionally and financially laborious legislated processes for Aboriginal and Torres Strait Islander peoples to submit claims and requests for, and proof of rights to, stolen Country and cultural heritage. During decades of activism and organising by Aboriginal and Torres Strait Islander peoples, calls for the immediate and unconditional repatriation of institutionally held Ancestors have seen the return of many Ancestors back to Country. Ancestors are family, and are inseparable from the Country from which they were removed or never even allowed to rest in. Yet Ancestral Remains, including Ancestors’ hair, continue to be held in GLAM institutions internationally.

Despite the centuries-old common law ruling in colonial states of there being ‘no property in the human body’, Indigenous peoples’ bodies have been treated as property through the collection of, trade in and preservation of Ancestral Remains and biological materials. This is exemplified by the practices of Bates and other collectors and researchers of hair, such as Gates and Trotter, who traded Ancestors’ hair as objects of research. The colonial foundations of the ‘no property’ ruling, and the ‘work and skill’ exception (still cited but increasingly criticised as outdated in the genomic era), need to be further investigated in their relation to the continued treatment of Ancestors’ hair as institutional property.

Models of ownership for Ancestors' hair need to be reconsidered, all obstacles to Indigenous self-determination removed, and truth-telling engaged in on the treatment of and trade in the Indigenous body as property. Furthermore, institutions should facilitate and enable Indigenous governance of archival collections in order to ensure appropriate community-led care. Since there are multiple legal and institutional impediments to the actualisation of Indigenous self-determination over Ancestors' hair held in collections, there must be advocacy by research and collecting institutions, and a willingness on their part to break away from business-as-usual and concerns about their institutional reputation. Given that Ancestors' hair as institutional property is both illegal and unethical, the notion of shared stakeholderhood between institutions, academic disciplines and communities must be abandoned before negotiated stewardship and research can be undertaken. The primary 'stakeholders' of Ancestors' hair held in research and collecting institutions, and also of all related personal information and research conducted, are Aboriginal and Torres Strait Islander peoples. 'Hair samples' must be cared for as an Ancestor, and not considered institutional property.

The 'grey area' and 'the final say': the need for consistent and comprehensive application of Indigenous self-determination

Two key issues related to the legal and ethical status of Ancestors' hair that directly impede the actualisation of Indigenous self-determination are the 'grey area' and 'the final say'. Western regulatory frameworks – including legislation, policy and ethical guidelines – contain inconsistencies, and are vague in their protection of Ancestors' hair from misuse and institutional ownership (the grey area), as well as structurally lacking full and unconditional self-determination (the final say).

The complexities of regulatory frameworks relating to Ancestors' hair, both in Australia and overseas (this dissertation focuses on the UK context as an example), create a legal, policy and ethical environment that lacks clarity. Depending on a collection's physical location, collections of Ancestors' hair are subject to varied and often opaque regulations, with sector-based or institutional policies at times describing hair as Ancestral Remains, without any discussion about how definitions may interact with legislation stating the opposite. A complex web of intersecting declarations, laws, policies and guidelines regulate the parameters of access, use and consent for Ancestors' hair held in collecting institutions. However, many of these guidelines and policies recognising Indigenous peoples as

stakeholders do not stipulate or affect legal ownership, nor do they lead to implementation of Indigenous self-determination.

The ‘grey area’ of legislation and ethics was illustrated in this research by a comparative discussion of the regulatory frameworks for Ancestors’ hair (potentially taken from the same person) held at the South Australian Museum and the Duckworth Laboratory. It was further illustrated through the case study discussing the sequencing of a genome of an Ancestor’s hair held at the Duckworth Laboratory without the free, prior and informed consent of descendants and community. Consent to publish the Ancestor’s genome was sought after the sequencing had been completed, which the community then decided would be beneficial to support. Self-determination and free, prior and informed consent of communities for research use of hair are paramount, and while the community did provide consent, the researchers acted unethically in sequencing the genome prior to seeking and receiving that consent.

The structural lack of Indigenous self-determination is evidenced in the discussion of this case study, alongside the recent (and repeated) failings of the WA *Aboriginal Heritage Act 1972* (now superseded by *Aboriginal Heritage Act 2021*) – and other state, territory and Commonwealth Aboriginal and Torres Strait Islander cultural heritage legislation – to ensure the safeguarding of heritage under its purview. International regulatory frameworks and domestic Aboriginal and Torres Strait Islander heritage legislation enshrine the final say as resting with the government or institution, and not with Aboriginal and Torres Strait Islander peoples. UNDRIP is the guiding document and benchmark for Indigenous self-determination internationally, and although not legally binding, is increasingly referenced within research and GLAM sector policies and mandates, particularly in Australia. While regulatory frameworks in Australia provide greater recognition of Aboriginal and Torres Strait Islander self-determination and stipulate more stringent ethics processes for research than those in the UK, for example, Australia stills falls short of the UNDRIP benchmark (Australian Human Rights Commission, 2021).

As the field of genomic research expands, the need to address issues of consent and refusal in the use of historical collections of Ancestors for research purposes grows more urgent. The research and GLAM sectors in Australia need to collaboratively facilitate the establishment of community and Indigenous-led national standards for the care and control of Ancestors’ hair held and/or used in research and collecting institutions. Moreover, the onus is on those

sectors to advocate and call for the implementation of Indigenous self-determination over collections of Ancestors' hair held in international jurisdictions. As McBride states: 'so we're repatriating, we're expecting these institutions to repatriate from overseas, and we hold tens of thousands of Aboriginal remains in our collections here. We've got to get it right here' (Laura McBride, yarning session, 28 July 2022).

The immediate and unconditional application of community-led care for institutionally held Ancestors' hair.

The yarning sessions conducted for this research illustrate the need for Indigenous-led and community-led discussions on the futures of care for Ancestors' hair. Although research participants were asked just one question about their perspective on 'futures of care', the conversations repeatedly linked back to the core topics of self-determination, power, control, responsibility and care. Although there were different opinions on topics such as repatriation and research use, the yarning sessions demonstrated a shared understanding that Ancestors' hair – and the communities, families and individuals connected to Ancestors' hair – have agency and self-determination that must be respected and acted on. The recognition of 'hair samples' as Ancestral Remains, as part of the body and deeply significant, was both a spoken and an unspoken baseline that constituted the foundation to conversations with both Indigenous and non-Indigenous participants.

The implementation of care for institutionally held Ancestors is linked to ensuring the well-being, protocols and priorities of Aboriginal and Torres Strait Islander peoples. Recurring points of discussion in the yarning sessions included the responsibilities of First Nations peoples working with Ancestors and their communities within research and collecting institutions, and the emotional toll of exposure to colonial archives. Yarning sessions highlighted that a discussion of care in a settler-colonial state is tied to the obstacles to enacting Indigenous self-determination. While navigating the traumatic content and experiences of the colonial archive, Indigenous peoples must also negotiate institutional boundaries, agendas and pressures, as well as racism and settler-colonial micro-aggressions.

Aspirations for, and the practical movement towards, transformation of the colonial archive and implementation of care for Ancestors, ICIP and records can be seen across the GLAM sector and associated research disciplines. The increasing representation of First Nations peoples working in these spaces has been foundational to this transformation of the GLAM

sector. However, ongoing issues such as institutional timeline expectations and workloads, minimal representation of Indigenous peoples at director and management levels, a lack of funding and human resources, as well as experiences of tokenism and micro-aggressions, all inhibit the growth of the sector towards a place that reflects the agendas and priorities of Aboriginal and Torres Strait Islander peoples. This research shows how the broader issues of the GLAM sector as a workplace for Aboriginal and Torres Strait Islander peoples are linked to the conversation about care for collections of Ancestors' hair. Addressing 'problems' in the GLAM sector in an ad-hoc way, will never get to the structural issues of the GLAM sector, which are deeply rooted in institutions operating on stolen lands.

The imperative for institutions holding collections of Ancestors' hair to 'ask the community' about their needs and priorities for the future of collections is key to the implementation of Indigenous self-determination and appropriate collection care. There is no single way to approach care, and therefore the conversations to ascertain the next steps in caring for Ancestors' hair must take place with many voices represented at the table. These conversations need to position with the agendas and priorities of communities and Aboriginal and Torres Strait Islander GLAM professionals at the forefront, with institutions involved only in a supporting and facilitating role. The significance of hair for First Nations peoples requires new ways of discussing Ancestors' hair in order to navigate Indigenous knowledges, personal information and the traumatic histories of the international trade in and research of Ancestors' hair. These complexities inform the need for respectful and reverential ways of talking about Ancestors' hair in the research and GLAM sectors, as directed by Aboriginal and Torres Strait Islander peoples. As Duczynski reflected on the holistic love, care and reciprocity involved in First Nations perspectives on caring for Ancestors and their communities: 'It's something colonial museums could never replicate' (Marika Duczynski, yarning session, 1 June 2022).

Where to from here? Transformation of the archive, community archives, community-led care and the Right to Know.

The history of sampling of Ancestors' hair has often been regarded in scholarly literature as a consequence of, or peripheral to, broader race science and anthropological research agendas. This dissertation has shown that the context and repercussions are much larger and more complex than opportunistic research alone. There is a need for comprehensive historical

research into the practice of hair categorisation and sampling in Australia, and the networks and policies that underpinned this period of invasive research and collection. However, all potential paths forward must circle back to Aboriginal and Torres Strait Islander peoples and their priorities, focusing on investigating this history for the purposes of truth-telling, setting the record straight and locating current locations of Ancestors' hair.

A multitude of Indigenous-led initiatives is unfolding in the research and GLAM sectors, aimed at addressing the self-determination imperatives of Indigenous Data Sovereignty, ICIP and repatriation of Ancestors. Additionally, there are useful and effective initiatives and tools for addressing archival issues of discoverability, access and control for Indigenous communities, such as the repatriation or return of digital copies of records to communities, TK and BC Labels, CARE Principles and open source content management systems with access protocols. These initiatives and tools, although at times resource-heavy, have the potential to transform the concept of the archive for Aboriginal and Torres Strait Islander peoples. However, it has become apparent through this research that these initiatives and tools have yet to be used to address Ancestors' hair and related records and information. At present, the work helping communities to connect with Ancestors' hair (as well as to related records, information and care for those collections) is being conducted through relationship-building, predominantly by Indigenous peoples working in collecting institutions or on related research projects. However, the majority of collections of Ancestors' hair – particularly those located outside Australia – are not being cared for in the ways recommended by the research participants in Chapter Six, or as outlined in the standards set by UNDRIP, Indigenous Data Sovereignty and ICIP.

Many collections of Ancestors' hair have not progressed to the stage of communities co-designing or collaborating on collection care, as there first needs to be proactive disclosure to communities of the existence of collections. The core issue of Aboriginal and Torres Strait Islander peoples not knowing about the physical locations of Ancestors' hair or, in some cases, even its existence, is a priority that needs to be addressed. Through the investigation of the networks of researchers and institutions involved in the international trade in Ancestors' hair, and of related records and information, this dissertation has argued that the onus is on institutions to implement the Right to Know and proactively support communities to move forward with caring for their Ancestors.

The notion of reconciliation between Aboriginal and Torres Strait Islander peoples and the institution or state as an objective in the care for Ancestors' hair (e.g., through the repatriation of Ancestors or return of records) needs to be relinquished. The futures of care for Ancestors' hair must be focused on addressing injustice and upholding Indigenous peoples right to self-determination without any conditional relationships or negotiations. The intention of reparative archiving and community-led care for Ancestors' hair must centre Indigenous self-determination in the form of Indigenous governance and free, prior and informed consent to all continued institutional holding of Ancestors' hair and related records of personal information. Hair is an Ancestor, and must be discussed and cared for accordingly. Ancestors' hair is personal and powerful, and the histories of how Ancestors' hair became 'hair samples' are – like their current legal and ethical status – unfinished business. Ancestors' hair has a home to return to.

Recommendations

- **Implementation of the Right to Know**
Proactive disclosure by institutions of the locations of collections of Ancestors' hair and/or related records.
- **Unconditional care, unconditional return**
The futures of care for Ancestors' hair to be focused on addressing injustice and upholding Indigenous peoples right to self-determination, without any conditions from institutions regarding relationships or negotiations.
- **Truth-telling, testimonies and comprehensive historical inquiry**
Implement a process of truth-telling about the histories and legacies of hair sampling. This should include not only archival research but also, importantly, the testimonies and oral histories of First Nations peoples affected by hair sampling. Further work to be undertaken to question and determine the impact of hair categorisation and sampling on Australian assimilation policies and attitudes.
- **Advocacy for Ancestors' hair in 'grey' legal and ethical areas**
Increased advocacy and action by the research and GLAM sectors in relation to implementation of Indigenous governance and greater transparency regarding 'grey' areas of legislation and ethics.
- **The final say with community, not governments or institutions**
Across legislation, policy, guidelines – the final say to sit with Aboriginal and Torres Strait Islander peoples, not government or institutions.
- **Divestment from institutional ownership of Ancestors' hair**
Active divestment from the institutional and legal frameworks that position Ancestors as property and non-Indigenous peoples as stakeholders in Ancestors. This may include actions such as: de-accessioning, repatriation, long-term loans back to the institution, rewriting policy, or advocating for changes to legislation, policy and ethics decisions.

- **Metadata enrichment for discoverability**

Metadata enrichment initiatives for Aboriginal and Torres Strait Islander peoples' collections, and professional roles for Aboriginal and Torres Strait Islander peoples to lead these initiatives. Connection of metadata enrichment initiatives into the established networks and initiatives of Indigenous archives, Indigenous Data Sovereignty and Indigenous Cultural and Intellectual Property.

- **Holistic frameworks of care**

Caring for Ancestors' hair, communities and the future, as well as interpersonal workplace care and caring for carers, are all connected. When planning for Indigenous-led and community-led discussions, these holistic frameworks of care to be considered, with priorities and agendas set by First Nations peoples.



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Appendices

Appendix A

Research Participants (in alphabetical order)

Dr Rose Barrowcliffe

Butchulla

Postdoctoral Research Fellow, Centre for Global Indigenous Futures, Macquarie University.

Professor Clint Bracknell

Noongar

Professor of Indigenous Languages, School of Languages and Cultures, University of Queensland.

Marika Duczynski

Gamilaraay and Mandandanji

Curator of Indigenous Heritage, Chau Chak Wing Museum, University of Sydney.

Dr Anne Faithfull

Museum Studies researcher, Deakin University

Dr Shannon Faulkhead

Koorie woman from Mildura

Head, First Peoples Department at Museums Victoria and Adjunct Senior Research Fellow, Faculty of Information Technology, Monash University.

Associate Professor Linda Payi Ford

Rak Mak Mak Marranunggu from Kurrindju, Batchelor, Darwin, Northern Territory, Australia.

Senior Research Fellow, Northern Institute, Charles Darwin University.

Associate Professor Steve Hemming

Associate Professor, Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Education & Research, UTS.

Dr Jonathan Jones

Wiradyuri and Kamilaroi

Artist and Chancellor's Postdoctoral Indigenous Research Fellow, Jumbunna Institute for Indigenous Education & Research, UTS.

Laura McBride

Wailwan and Kooma

First Nations Director, Australian Museum.

Dr Lyndon Ormond-Parker

Alyawarr descent from the Barkley Tablelands

Associate Professor, Centre for Heritage and Museum Studies, Australian National University.

Matt Poll

ASSI/TSI

Repatriation Project officer and Assistant Curator Indigenous collections, Macleay Museum, University of Sydney.

Professor Daryle Rigney

Ngarrindjeri Nation citizen

Director, Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Education & Research, UTS.

Nathan Sentance

Wiradjuri

Head of Collections First Nations, Powerhouse Museum; formerly First Nations Project Officer, Australian Museum.

Dr Mariko Smith

Yuin, Japanese

Museum Professional.

Dr Kirsten Thorpe

Worimi, Port Stephens

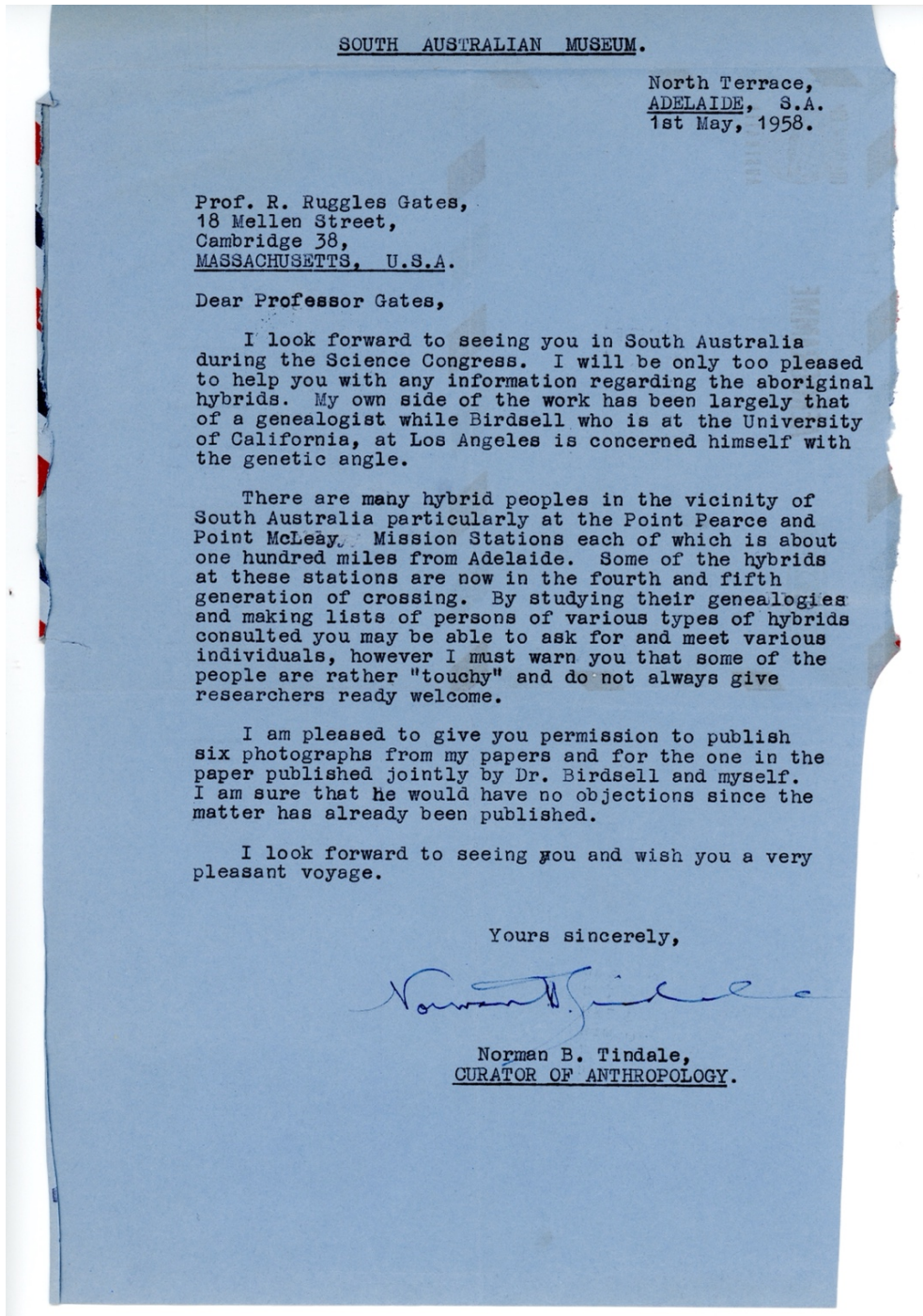
Chancellor's Postdoctoral Indigenous Research Fellow, Senior Researcher and Hub Leader, Indigenous Archives and Data Stewardship Hub, Jumbunna Institute for Indigenous Education & Research, UTS.

Dr Ray Tobler

Research Fellow, Evolution of Cultural Diversity Initiative, Australian National University, and Adjunct Fellow, Australian Centre for Ancient DNA, University of Adelaide

Appendix B

Letters from King's College London referenced in Chapters Three and Four



Reference:

Tindale, N (1958, May 1). [Letter to R. Ruggles Gates]. King's College London Archives (K/PP65
Ruggles Gates, 7/26/3, Correspondence 1958 P-Z), London, UK.

WASHINGTON UNIVERSITY
SCHOOL OF MEDICINE
SAINT LOUIS

DEPARTMENT OF ANATOMY
4580 SCOTT AVENUE

March 24, 1958

Dr. R. Ruggles Gates
18 Mellen Street
Cambridge 38, Massachusetts

Dear Dr. Gates:

Two reprints on hair which may be of interest are coming to you under separate cover.

How exciting that you and your wife will have such a wonderful trip! Please keep me in mind for hair samples. I'm interested even though it takes me longer and longer to get them worked up.

Dr. Terry and Dr. Cowdry are fine and send greetings.

With all good wishes,

Sincerely yours,

Mildred Trotter

Mildred Trotter

MT/ck

Reference:

Trotter, M (1958, March 24). [Letter to R. Ruggles Gates]. King's College London Archives (K/PP65 Ruggles Gates, 7/26/3, Correspondence 1958 P-Z), London, UK.

WASHINGTON UNIVERSITY
SCHOOL OF MEDICINE
SAINT LOUIS

DEPARTMENT OF ANATOMY
4580 SCOTT AVENUE

December 8, 1958

Dr. R. Ruggles Gates
611 Cypress Circle
Redlands, California

Dear Dr. Gates:

Congratulations on another wonderful trip!
I am indeed fortunate to have a share in the
harvest.

The hair samples arrived safely and are
in safe keeping. When I can begin to study them
I don't know, since I am committed for another
3 years to a research program on bones. So,
if there is some one else whom you would like
to have undertake the study I shall forward
them when you say the word.

Dr. Terry is spending the winter with his
daughter who lives in Weston, Massachusetts.
I shall send him your greetings.

My best wishes to you and Mrs. Gates,

Very sincerely yours,

Mildred Trotter

Mildred Trotter

MT/ck

Reference:

Trotter, M (1958, December 8). [Letter to R. Ruggles Gates]. King's College London Archives
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