

Human remains: objects to study or ancestors to bury?

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Museums hold human remains in their collections for a variety of reasons, including medical purposes. The debate on this issue, held at the College in May 2003. It showed that the retention of human remains by museums is a complex and contentious issue, just as it is for medical institutions. This report covers issues of 'ownership': since in the UK no one can legally own human remains, who has the strongest claim to them and why? The age of the remains is also explored: it is generally accepted that ancient remains should remain in collections as they are largely uncontested, yet where a direct biological line to the claimant can be determined, these remains should be returned. Human remains have played an important role in our understanding of humankind, and there is undoubtedly more to be discovered in the future. This is weighed up against the argument for the return or reburial of remains. Finally the debate is put into the context of politics today, and what this may signify.

The Government set up a Human Remains Working Group (HRWG) in May 2001 to examine the current legal status of human remains in the collections of publicly funded museums and galleries in the UK, but it took two and a half years for its conclusions to be published in November 2003.¹ They endorsed the repatriation of indigenous human remains wherever possible and appropriate from both public and private collections. However, they did not reach a consensus, highlighting the complex nature of the issue. One of the members of the Working Group, Sir Neil Chalmers, Director of the Natural History Museum in London, believes that the recommendations of the report are heavily slanted towards the wishes of claimant communities, as opposed to the needs of the medical and scientific community.

A scoping survey of 146 museums in England, commissioned by the HRWG, showed that 132 hold human remains. Cressida Fforde states that 'human remains exist in many different types of collections, for example universities, teaching hospital museums, anatomical museums, anthropological museums, ethnographical museums, phrenological museums and private museums.'² More than two-thirds of the institutions have some or all of their collection of

human remains on public long-term display (more than one year). Of these 132 institutions, 27 hold human material acquired for medical purposes, of which 20 hold fewer than 50 items, and four more than 500. The category of 'human material acquired for medical purposes' excludes material acquired through post-mortem examination in the UK, or from living people after 1947, both of which fall under the remit of the Retained Organs Commission.

Why was the debate held at the Royal College of Physicians? The College has human remains in its historical collections: six seventeenth century anatomical tables, believed to have been originally owned by the physician John Finch when he was teaching Anatomy at the University of Padua. They are on long-term public display in the Dorchester Library. Anatomical tables are extremely rare, and their value as historic and scientific evidence is considerable. It is important therefore, for the College actively to participate in this debate, in order that it can be clear on its rationale for keeping and displaying this part of its collections.

Objects change in value and/or status throughout their existence. Whereas human remains were once depersonalised through entering a museum, it is now generally agreed that human remains should not be treated in the same way as other objects in museum collections.³ The debate at this meeting was between those who view human remains as specimens, largely held by scientists and museum curators, and on the other side, those who believe that some communities

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Speakers

- **Chair – Tiffany Jenkins, Arts and Society Director, Institute of Ideas**
- **Jane Hubert, Co-Editor, *The dead and their possessions: repatriation in principle, policy and practice***
- **Robert Foley, Director of the Leverhulme Centre for Human Evolutionary Studies**
- **Sebastian Payne, Chief Scientist, English Heritage**
- **Tristram Besterman, Director, Manchester Museum**

have the right to have the remains of their ancestors returned to them.

Issues of ownership

The issue of ownership is generally portrayed as affecting indigenous people. In fact it concerns people everywhere, but in countries that have been colonised, the issue has gained a special importance.⁴ Collections were built up because there was an urge to classify within a 'presumptive racial evolutionary taxonomy'. The retention of these remains by museums can then be seen as continuing the inequality associated with the colonial era. By reclaiming the remains of their ancestors, whose removal they had been powerless to prevent, communities have found a way to gain control over their own heritage.

In recent years, there have been cases of organs of children being kept by UK hospitals without the consent of their families. In these cases, the scientific argument has not prevailed, and the organs are being returned to the families. Perhaps the divide between indigenous peoples' attitudes and our own is not so wide after all.

The legal constraints relating to the use of human remains have varied over time and place. Current legislation in this area originated in the nineteenth century in response to the need to control the supply of human bodies for anatomical study, ensuring that churchyard graves remained undisturbed. Then, as now, the legal position was that one could not own human remains. Museums use the Western legal system, with its emphasis on proof of a legitimate claim and direct links to the deceased, as a method of judging whether a community has the right to have remains returned to it. Indigenous peoples define their relationship with their ancestors in different ways, not simply through direct descent. For example, Australian Aborigines believe that all remains in the ground are part of 'the ancestors' and some would say that the older they are, the more sacred they are, on those grounds. There is no clear distinction between the living and the dead in many indigenous cultures.

In 1997, the artist Anthony Noel Kelly obtained portions of cadavers from the Royal College of Surgeons, initially without the College authorities knowledge, and made moulds of them. He argued in court that nobody owned the remains, but the court ruled against him. The basis of the decision was that the remains had been preserved with an element of skill and judgement, and therefore constituted legal property.

Age of remains

Considerable public interest in ancient human remains is evident from the well-known fascination with ancient Egyptian mummies on display in many museums. The recent 'London bodies' exhibition at the Museum of London also attracted little criticism for its inclusion of human remains.⁵ The display of 'ancient' remains can be seen therefore as relatively uncontroversial.

Is it right to give back remains from the past five to 10 generations, but keep those beyond this date for study? We

conceive of time in very different ways. An Australian woman in the audience explained:

Let me tell you that 250 years in Australia for indigenous people, is yesterday. Now it was only 12 to 14 years ago that I spoke to an old aboriginal man who has since died and he was the last of an oral tradition of a family who recalled the arrival of Captain Cook on the eastern shore of Australia.

It is argued that the identity of the deceased should have a strong bearing on the treatment of their remains by a museum. Standards are often inconsistent in this respect, depending on the standing of the individual or group involved. For example, in 1991 there were suggestions that DNA tests might be carried out on the existing fragments of Abraham Lincoln's body. A nine-member medical committee, set up by the National Museum of Health and Medicine in Washington DC, met to decide whether DNA tests would infringe on Lincoln's privacy, although he has no known descendants and was a public figure. Preliminary approval was given, but it was later requested that researchers find out more about the gene involved, thereby not destroying the samples with no definitive answer.

The scientific argument

The HRWG report concludes that 'medical science, anthropology and related disciplines have derived powerful benefits from collections of human remains'. For example, 'collections of human remains have facilitated the development of knowledge of anatomy and biology, and of various diseases and injuries and their treatment'.⁶ However, Maurice Davies, Deputy Director of the Museums Association, argued that most of the medical research that is underway, fascinating though it is, is historical research. He believes therefore that it has 'a certain abstract quality' if it is not actually saving lives.

Collections of human remains have played an important role in the development of scientific theories about the origins of human populations, the relationships among them, evolution, culture, and race. Over time the same collections have been used to dispel the same racial myths that, at the end of the nineteenth century, they were used to support.

Other areas of scientific analysis include osteology, forensic identification and the nature and physical and social effects of epidemic disease. Demographic studies have explored the lifestyles, diet and seasonal food shortages within populations, and the effects of these and disease on the age and gender balance of societies. Studies have shed light on large-scale patterns of human evolution, adaptation, diversity, migration, and historical contact. Recent research using modern and ancient DNA evidence, puts our diversity into context by the finding that we share over 99% of our genes with all other human beings, and that all human beings have a common ancestor less than 10,000 generations ago.

Those on the side of science in the debate emphasised the importance of objectivity. Collections of human remains in museums serve as a library or archive. Human beings have changed over time, and our remains are now the only true

evidence of this. By keeping the remains in store, technology may find a new kind of analysis and be able to confirm or refute what is already known. However, using the future as an argument for retention is difficult to justify to those who want the remains of their ancestors back now.

It is important to recognise that the return of human remains does not automatically mean that they are removed from the ambit of science. An example from the HRWG illustrates this:

When we were talking to an aboriginal delegation in the human remains Working Group, we raised a question about how they would feel – because they want unconditional return – if we retained a very small sample of bone for molecular science. Now of course that's not the same as a whole cranium, but it may be better than nothing. And that met with a very positive response; the idea was worth considering. The whole thing was happening within a dialogue; and that was quite an interesting lesson to learn.

Apparently people just have not necessarily been asked what they think before.

Contemporary politics

One of the points that interested many members of the audience was the political context in which repatriation requests are taking place. Some felt quite strongly that the requests have more to do with how people feel today than with what is best for the ancestors concerned. In relation to the USA, it has been suggested, for example, that the formalised and legally enforced repatriation of remains (under the Native American Graves and Repatriation Act) is a way of compensating for the failure of the US national development strategy to integrate indigenous communities. It is argued that this focus on the past does not help to make amends but, instead, obscures the nature and urgency of the contemporary problems of many indigenous communities. However, some communities believe that their contemporary problems are a direct result of the retention of their ancestors' remains in museums.

Are Western museum curators unsure and unconfident; do they use the repatriation issue as a way of dealing with a collective guilt? There are certainly examples where Western curators have returned human remains to descendants, where the descendants themselves did not see it as an issue and certainly would never have claimed the remains for their own.

Conclusion

The debate did not come to a definite conclusion, but highlighted the importance of further discussion. The work of the Scoping Survey, commissioned by the HRWG, providing accurate information about the holdings of human remains in collections in the UK, also enables people on both sides of the debate to be well informed on the nature and scale of the issue.

Museum collections are, by their nature, often challenging. Whether the human remains in museum collections are kept for study and observation, or are returned to their community of origin, it is important that their challenging nature is

acknowledged. By providing museum visitors with both sides of the debate and allowing them to make up their own mind, museums can contribute to the understanding of human nature. In some cases, where remains have been returned, the space left behind has produced a much more enriching and informative display.

Postscript

Since the publication of the Palmer report, the debate within the UK has taken on a new dimension, as the report's recommendations will be followed with a consultation document and eventually guidelines on good practice from the Department of Culture, Media and Sport. In some cases, in other countries communication has broken down over this issue. It will remain the UK's greatest challenge to keep the lines of communication open.

References

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