

patterns. They have pointed out that the remains they hold were originally acquired in times when, tragically, indigenous Australian people were perceived as racially inferior beings, and consequently accorded little or no rights. Moreover, were acquired in compliance with what laws existed relevant to the acquisition and preservation of human remains. In the case of the Natural History Museum, it is further argued that the act under which the institution operates forbids de-accession of such items.

Clearly, one can sympathise with these institutions in so far as the practices and products of today's scientific communities are radically different from those which, in the colonial era, resulted in the desecration of burial sites and the defilement of the indigenous dead. However, what I have sought to do within the confines of this chapter is show that even in the early nineteenth century, the determination of indigenous communities to care for the dead, and prevent the desecration of burial sites, was widely recognized by Europeans. Further, British imperial legislators sensed the moral danger of denying indigenous peoples the right to land for the purpose of burial, and translated those doubts into law. While those rights quickly evaporated from settler consciousness through the play of various historical forces, the means by which indigenous remains were procured were still perceived to be at odds with European moral sensibilities with respect to the dead, and known in some colonial scientific circles, at least, to be contrary to British common law. In the light of this history, it would seem that we need a much more wide-ranging assessment of the case for repatriation. For it would appear that there are much more tenuous grounds

than British institutions who oppose repatriation maintain. The ethics and legality of their stance may not so clearly outweigh the beliefs held by indigenous Australian people who can prove affiliation with these relics by descent, or by cultural traditions pertaining to their ancestral dead, or those of other communities, which are as strong now as they were a century ago.

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Aboriginal and Torres Strait Islander Cultural Property Reference Group,  
January 1995. In 1975, I heard first-hand from Oodgeroo that in trying to stop  
the excavation of dune burials on the Gold Coast, to the south of Brisbane, she  
had arrived to find several archaeology students involved in the project were  
Roman Catholic nuns. This led her try and halt the work by informing local  
reporters that unless digging ceased, she would take a shovel to Brisbane's  
Toowong cemetery and dig up the remains of a Catholic Archbishop.