

Submission to the DCMS Working Group on Human Remains (November 2001)

Introduction

From the time that the Museum of London was founded, some 25 years ago, its archaeological activities have excavated a great many sites, generally in the City of London or within the Greater London area, often involving the disturbance of interred human remains. These excavations rarely have been for the purposes of pure research or accidental disturbance, indeed, almost all have been in the nature of “salvage” or “rescue excavation” of a known ancient cemetery before destruction of the site during the course of property development or re-development.

In an area that has seen almost continuous human occupation for more than 2,000 years it ought not to be surprising that the disturbance of ancient burial grounds has become a commonplace occurrence. Circumstances will dictate the form of action taken but when the graveyard concerned is excavated by the Museum of London Archaeology Service, rather than by a commercial burial ground clearance contractor, the cleaned skeletons tend to be curated by the London Archaeological Archive Resource Centre (LAARC), along with other finds, materials and excavation records for deposition there.

Current legal status

The skeletons, having been removed from the burial site under the terms of a Burial Licence issued by HM Home Office continue to remain archived, being kept and treated “decently and respectfully”, while retained for a programme of scientific research on human remains. Since in the Common Law of England and Wales the dead cannot be owned the LAARC fulfils the role of custodian of the remains, keeping them “privately” and “securely” under the terms of the Burial Licence issued under Section 25 of the Burial Act, 1857. The LAARC is part of the Museum of London and therefore subscribes to the ICOM Code of Professional Ethics 1990 and the Museums Association Code of Ethics 1997, (Sections 6.7 and A.4, respectively dealing with collections of human remains).

Cumulatively the human remains curated in LAARC constitute a unique documented skeletal assemblage of vast extent, covering all periods of metropolitan development from prehistoric through to the early nineteenth century. Post-excavation work on the remains initially involves analysis with a view to site-specific publication. Subsequent studies may be at population level and include the tracing of trends over time and it is here that external scholars begin to enter the picture and conduct their individual scientific research programmes on skeletal remains within LAARC accommodation.

Potential changes in the law to allow repatriation (if appropriate)

The general issue of the repatriation of human skeletal remains has become vexatious, emotive and frustratingly unscientific largely because of the operation of the over-simplistic interpretation of the NAGPRA legislation in the U.S.A. The presumption

that any excavated human remains must be offered for burial to representatives of the Native American nation has led to mistakes and abuses, including the inappropriate reburial of colonial European remains in Native American burial grounds. Similarly in Australia there are demands for the return of skeletal remains of Tasmanian origin, when the aboriginal inhabitants of Tasmania are extinct and have left no descendants and therefore no parties directly interested in their local reburial.

Thus, by contrast, the situation at the Museum of London is much simpler. The LAARC holds no human skeletal remains derived from foreign countries. The bulk of the human bone holdings result from excavations performed in the Greater London area, very few come from more remote English counties. The entire concept of “repatriation” takes on a different tone under such circumstances. In the first instance the burial grounds from which the remains were excavated have been built upon so there is no possibility of reburial in the vicinity of their original interment. Secondly they come from a variety of periods during which different religions pertained so that reburial under the auspices of the Church of England, the religious establishment of the state for the time being, would be inappropriate in most cases. Furthermore, the Church has expressed no wish to receive such archived English human remains of archaeological origin for reburial, presumably partly because of the above liturgical considerations but also because of the shortage of land for contemporary burials let alone the high costs involved in re-inhumation. Cremation, the only alternative means of disposal of the remains, gives rise to further ethical considerations. Although the deceased would not have expected to undergo exhumation the notion of cremation as their final treatment would have been anathema.

Finally, In London, we are dealing with the remains of thousands of unknown persons. In only very few cases would it be possible to even begin to trace living descendants who may wish to have their relatives reburied specifically. It ought to be remembered, of course, that the intention to disturb a burial ground is advertised in advance and any possible descendants have the opportunity to register their interests and concerns before exhumation occurs.

Care, safe keeping and benefits

The human bones of archaeological origin in the London Archaeological Archive Resource Centre (LAARC) are maintained in a secure, dedicated store, that is monitored by conservators. There is free and ready access, accommodation and stewardship for the benefit of scholars. The remains are treated at all times and by all persons with the maximum respect possible under the circumstances.

Use has been made of the human skeletal remains in the Archive to produce analytical reports and also both academic and popular publications. These and other publications to follow form the base for thematic studies and overviews of London history. There are also many long-term programmes of research in progress, involving collaboration with universities and other research institutions, both in the UK and overseas. Some of these make use of analytical techniques that have been devised relatively recently, (for example: DNA analysis and stable isotope analysis), such that information would have been lost had the skeletal material been buried immediately after the programme of conventional bone analysis had been completed. Such is the rapid progress of scientific advance that it is impossible to predict the type

of techniques that will become available even five years hence so it remains prudent to continue to curate human skeletons rather than to seek reburial and lose the potential for the further advancement of knowledge. The LAARC is not seeking to rebury the human remains currently in its care and, indeed, is committed to the future curation of human skeletal remains that will be excavated in the London area in the future.

Where possible educational use is made of the dated and analysed skeletons, whether by Museum gallery displays, temporary exhibitions, public lectures, day schools or university undergraduate course-work or post-graduate research. The archived human material has featured also in several programmes on the local television network, the BBC's "Meet the Ancestors", the Channel 4 "Secrets of the Dead" series and on the Discovery Channel satellite service.

A selection of these "deliverables" is given in the Appendix.

Appendix

Publications so far, based on the analysis of 1,000 skeletons from London sites of Roman to medieval date (including more than 100 Roman cremation burials), are :-

- Bentley D and Pritchard F 1982 'The Roman cemetery at St Bartholomew's Hospital, London' *Trans. Lon.Middlesex Archaeol Soc.* 20 , 134-172
- Waldron T 1986 'The Human Bones from West Tenter Street' *Trans. Lon Middlesex Archaeol Soc* 37, 101-118
- White W 1988 *Skeletal remains from the cemetery of St Nicholas Shambles, City of London*; Lon Middlesex Archaeol Soc. Special Paper No 9
- Thomas C, Phillpotts C and Sloane B 1997 *Excavations at the Priory and Hospital of St Mary Spital, London*, MoLAS Monograph No 1
- Werner A 1998 *London Bodies: the changing shape of Londoners From prehistoric times to the present day*, Museum of London Exhibition Catalogue
- Brickley M, Miles A 1999 *The Cross Bones Burial Ground, Redcross Way, Southwark, London*, MoLAS Monograph No 3
- Conheeny J 1999 'Reconstructing the demography of medieval London from studies on human skeletal material: Problems and potential' *Trans Lon Middlesex Archaeol Soc* 50, 78-86
- Barber B, Bowsher D 2000 *The Eastern Cemetery of Roman London: Excavations 1983-1990*, MoLAS Monograph No 4
- Mackinder A 2000 *A Roman cemetery on Watling Street: Excavations at 165, Great Dover Street, Southwark London*, MoLAS Archaeology Studies Series No 4
- Watson S, 2002 *An excavation in the western cemetery of Roman London: Atlantic House, City of London*

Publications in preparation, involving about 3,500 further skeletons from medieval to early modern date, include:-

- Connell B, Green A and White B *The Priory of St Saviour, Bermondsey, Southwark*

- Sloane B, Malcolm G *Excavations at the Priory of the Hospital of the Order of St John of Jerusalem, Clerkenwell, London*
- Barber B, Chew S, Dyson T and White B *Excavations at the Abbey of St Mary, Stratford Langthorne, Essex*
- Miles A, White B *Excavations at No 1 Poultry, City of London, Volume 3: The St Benet Sherehog burial ground*
- Miller P, Conheaney J *Excavations at the Augustinian Priory of St Mary, Merton, Surrey*
- Hawkins D, Grainger I Waldron T *Excavation of a Black Death cemetery, East Smithfield, London*
- Conheaney J, Miles A *St Bride's Lower Churchyard: excavations at Farringdon Street, London*