



30<sup>th</sup> November 2001

Professor Norman Palmer  
c/o Cultural Property Unit  
Department for Culture, Media and Sport  
2-4 Cockspur Street  
London SW1Y 5DH

Dear Professor Palmer,

### **Working Group on Human Remains**

Through University Museums in Scotland (UMiS) I have received a copy of a letter from John Wastle of the Scottish Executive Education Department about the Working Group and the invitation to comment.

Like many museums, the collections of Marischal Museum contain human remains. These range from prehistoric skeletons from the North-East of Scotland to material that now forms part of our holdings of non-Western ethnography. I also note the holdings of the Anatomy, Pathology and Forensic Science Collections elsewhere in the University.

In recent years, human remains in museums have become the focus of particular questions about rights of access, representation and repatriation. They are not alone in this; certain artefactual material being accorded similar significance by many people. Indeed, the very concept of distinguishing human remains from other material is something that has formed in culturally specific contexts and should not be seen as an essential, purely natural category. Given these shifting contexts, it is therefore essential that museums acknowledge the plurality of meanings and significances accorded to material in their care and treat all advice and criticism with respect and sensitivity, recognising that no one group, institution or person has absolute rights over any material.

My understanding is that as there is no property in human remains, the normal laws of ownership do not apply to such material in museum collections, though there are a number of legal provisions that constrain the treatment of human remains. It might be that the application of normal laws of ownership might enable museums to treat human remains alongside other material with appropriate respect, including the ability to deaccession and repatriate as appropriate.

I am very concerned that the Working Group was established with a remit that appears to extend to Scotland, without prior consultation with the Scottish Executive or Parliament. As the treatment of human remains in Scotland is subject to Scots common law and the principal statutory provisions in England and Wales do not apply in Scotland, it is very concerning that the Working Party does not appear to include members with experience of either Scots law or indeed Scottish museums.

Since the announcement of the establishment of the Working Party and its remit, I have been contacted by the Australian High Commission about the presence of Aboriginal Australian remains in the museum. If the outside world is treating the Working Party as having a UK remit, it is therefore essential that its membership is extended to include an understanding of Scottish interests that will lead to a final report that can be applied in Scotland as well as the rest of the UK.

I hope that the deliberations of the Working Party will assist museums in developing a greater understanding of the competing claims that surround human remains and that procedures can be developed to assist them in dealing with criticism about their treatment and demands for repatriation.

I enclose a copy of the Marischal Museum policy toward sacred objects and human remains. Please contact me if you would like to discuss any of these issues further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Neil G W Curtis'. The signature is written in a cursive, somewhat stylized font.

**Neil G W Curtis**  
Senior Curator

cc John Wastle, Scottish Executive  
Dr Graham Durant, Hunterian Museum, University of Glasgow  
Professor Ian Carradice, Convenor, University Museums in Scotland