

**Submission to Department of Culture, Media and Sport
Working Group on Human Remains.**

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Repatriation issues have been the subject of debate and controversy for a number of years. While all issues associated with the repatriation of items from museum collections are contentious and provoke heated debate, the subject of human remains is particularly sensitive. Most requests for the repatriation of human remains originate with Indigenous communities of Britain's former colonies, particularly the Indigenous peoples of Australia, Canada and the United States. For Indigenous communities, the colonial era and its aftermath resulted in loss of autonomy and power, land and cultural property, and hunting and fishing rights. Such issues have now become central to contemporary cultural politics, and the repatriation of cultural property and human remains is just one facet of the political and cultural rights that they seek. However, the issue of the continued holding of human remains in museum collections is a subject of particular sensitivity and one which has provoked heated debate amongst museum curators, archaeologists and anthropologists, and within the Indigenous communities themselves. It is a complex issue that requires sensitive handling and extensive dialogue with all those involved but particularly with the communities from which the human remains originate. The fact that repatriation is part of a broader political landscape is irrefutable, but does not negate the need for the issue to be addressed by museums, for it is a matter which encompasses basic human rights issues.

Within most cultures of the world, the disposition of the dead is a matter that is handled with ceremony, humanity and dignity. In many religions, the souls or spirits of the deceased are believed to inhabit another world or to proceed to another life. Burial practices are often performed to ensure that the passage of the souls or spirits proceeds according to the customs and religious beliefs of the community.

When a community undertakes religious rites associated with the deceased it is, in most cultures, in the expectation that the remains of the body will remain undisturbed. The removal of those remains from graves and other burial sites disrupts the intended processes of the burial and subsequent natural degeneration of the remains. In some cultures, it also results in the dislocation of the body and the accompanying spirits from the land in which the deceased was buried. In some communities, the relationship of the ancestors to the land and to the contemporary community is central to their religious belief system; for example Native American and the Australian Aboriginal communities. Removal of the remains of ancestors is highly offensive, and is believed to result in spiritual disharmony which impacts adversely upon the health and well-being of the whole community.

In consideration of the future of human remains in museum collections, it should be acknowledged that all peoples of the world have the right to determine the appropriate methods of disposition of their dead, the right to perform funerary rites which conform with their beliefs about death and the after-life, and the right to expect that the remains of the dead will remain undisturbed. In recognition of these rights, international agreements such as the Hague Convention have sought to protect burial sites and places of worship during times of war. The continuing presence of human remains in museum collections is a matter which has been neglected and which contradicts the recognition of cultural beliefs and rights which is

fundamental to those international conventions. It also demonstrates the differing standards afforded human remains accorded to their racial origins.¹

The excavation of human remains from graves and other burial sites is, of course, not the only means by which human remains have come to be in museum collections. During the periods of conflict between settlers and Indigenous communities in Canada, the USA, New Zealand, Australia and other colonised nations, the bodies of those killed in combat or in massacres, were often collected for scientific research or comparative studies of the races. Likewise, the remains of Indigenous peoples who died in settler communities could also be collected by coroners and surgeons for purposes of research or preservation. Scientific interests were placed before the religious beliefs and wishes of the individuals and their families. The removal of the bodies to mortuaries or other research premises precluded the performance of culturally-appropriate burial or funerary rites and, for these individuals, the future resting place of their bodies was to be a storage unit in a laboratory, university or museum. Human remains were collected in this manner as recently as the late nineteenth century and the early years of the twentieth century and consequently may be the remains of known individuals directly related to people living today. The continued presence of such remains in museums is particularly offensive and disturbing to descendants.

For several decades demands have been made for the return of Indigenous human remains from museums and other research institutions in Western nations. These demands have come primarily from Indigenous communities in Australia, Canada and the USA, and to a lesser extent from Indigenous communities in other parts of the world such as African nations. Until recently, the matter had been opposed by many archaeologists and largely ignored by museums. A number of British museums are reported to have failed to respond to inquiries by legitimate researchers and representatives of Indigenous organizations who were seeking information about the museums' holdings of human remains². As publicly-funded institutions whose purpose is to serve the needs of society, it should be museum policy to handle such inquiries sensitively and diplomatically, and with an awareness of differing perspectives, world views and religious practices. The needs of those who are represented in the collections should also be considered, not just those of visitors and researchers.

It has been argued by some, that issues concerning repatriation are not a matter of science versus religion. However, the presence of human remains in museum collections is clear evidence of an attitude towards the deceased that prioritizes academic and scientific interests and disregards the religious and spiritual beliefs of the deceased and their descendants. While the two fields are not mutually exclusive, scientific practices can and often do conflict with religious beliefs. In matters pertaining to collections of human remains in museum collections, it is hard to see how any other interpretation can be placed upon the situation. The presence of the remains in museum collections is, in itself, evidence of the fact that the academic and scientific interests of those who acquired and curated the collections have been placed before the interests and wishes of the deceased and their descendants.

¹ For discussion and illustration of the differences in status and treatment of human remains according to racial origins, as well as detailed discussion of other aspects of museums, repatriation and Indigenous cultural politics, see part 3 of Simpson, M. "Making Representations: Museums in the Post-colonial Era", first published by Routledge in 1996 and revised and expanded in 2001.

² Dr Cressida Fforde, while a doctoral candidate at the University of Southampton, and Lyndon Ormond-Parker, representing the Foundation for Aboriginal and Islander Research Action (FAIRA) both report having been refused access to documentation relating to human remains in the collections of certain British museums and research institutions.

Those opposed to the repatriation of human remains from museum collections frequently argue that the remains are required for scientific research purposes. However, this argument is undermined by the fact that many human remains have been held in museums for decades with little or no research conducted upon them. The issue of research again illustrates the contradiction between scientific needs and religious beliefs and often remains one of the main barriers to the repatriation of human remains. It is a matter that must be resolved in consultation with the communities, taking account of their religious views as well as the perceived benefits of any scientific research. Where a direct relationship exists between the deceased and living communities, any further research should be conducted in consultation with, and with the agreement of, the communities, and a time limit should be imposed upon such research. Where collections have been held without any evidence of research being carried out, efforts should be made to reach agreement with the communities as to the future of those remains.

While questions concerning scientific research and the presence of human remains in museums raise complex issues, repatriation is not in itself a simple solution. Great care and sensitivity is required in dealing with the issues of the future of the human remains. The process of engaging in dialogue should be undertaken slowly and with the understanding that it is a matter that could take many months or longer to resolve. There needs to be flexibility and understanding on the part of those communicating with communities, and they should be knowledgeable of, or seek advice concerning, cultural traditions or religious beliefs which may present problems for the smooth running of any intention to repatriate human remains.

Some communities may not wish to have human remains returned as this may present them with a situation for which they have no established procedures. For example, if a body has previously undergone funerary rites, the community may have no procedures for dealing with its return and reburial. In some communities dead bodies present particular problems in terms of handling and exposure to the dead by the living. It is therefore essential that any museum, collecting institution, or other agency which is seeking a resolution to the question of human remains in museum collections, should proceed with great caution, sensitivity and patience. It may even be the case that the community does not want to have the human remains returned at all. Other organizations may need to be involved to provide alternative storage facilities acceptable to the community and this might be on a temporary or permanent basis. The role of museums also needs to be reconsidered to allow for the continued curation of items such as human remains and sacred objects which may no longer have a role as research or display material but for which the museum should accept responsibility for ongoing care.

Where no lineal descendants are known, or where tribal affiliations are unclear, alternative avenues of communication may need to be identified. With human remains dating back several hundred years or more, it may not always be possible to make direct links between present-day communities and the deceased. In these circumstances, some Native American communities, for example, have agreed to receive and rebury unidentified Native American human remains and to conduct burial rites in a traditional fashion, in an effort to ensure that the remains are laid to rest in an appropriate and respectful manner.

The time is long overdue when museums in Western nations need to deal with the matter of Indigenous human remains in museum collections and to seek an appropriate resolution to this sensitive issue. Legislation introduced in the USA in 1990 has established legal procedures which must be followed by all federally-funded museums and collecting institutions in the United States in dealing with collections of Native American human remains. However, the subject of human remains in museum collections elsewhere remains

one which has been dealt with largely on an *ad hoc* basis by individual museums or by voluntary procedures recommended by professional museum organizations. The policies of governments and professional organizations in Canada, Australia and New Zealand recognize Indigenous rights over the remains of their deceased ancestors and support Indigenous claims for the return of human remains. The agreement reached by the British government and Australian governments in July 2000 to facilitate the return of Aboriginal human remains is an important political acknowledgement of the issue and the need for action, but it must be followed up by appropriate and effective policies and procedures in Britain's museums.

What is needed now is an effective and proactive policy within the museum profession to address this issue and to consult with Indigenous peoples upon the future of human remains which are currently held in museums and other research collections. Determined yet diplomatic efforts need to be made to identify direct descendants or culturally-affiliated communities and to establish their views and wishes concerning display, continued storage, and possible repatriation and reburial of human remains, or to identify alternative courses of action.

However, this is a matter which needs to be approached with great sensitivity and with respect for the feelings and religious beliefs of the communities who may seek the return of the human remains. This is an issue which touches not just upon the lives of the direct descendants of the deceased, but also upon the lives, the sense of identity, and the rights of whole communities. Failure to address the issue in an appropriate and sensitive manner has attracted criticism of a number of British museums and created, or contributed to, the distrust that many Indigenous people have of museums, anthropologists and archaeologists whose work has been largely built upon the knowledge and not always willing contributions of Indigenous participants. The relationship between museums and communities requires far greater dialogue and understanding of the Indigenous viewpoint, than has previously been the norm. It is necessary for curatorial staff to be aware of, and responsive to, Indigenous perspectives of death and beliefs about the afterlife, and to try to understand a viewpoint which may be very different from, even opposing to, those of the professionals involved in the collection, research and curation of human remains collections.