

Dear Professor Palmer,

Working Group on Human Remains

Thankyou for your letter of 28 November, inviting comments and advice from interested parties. I have been carrying out research on archaeological collections of human remains since 1974, and I have trained many students in the methods, research questions and issues involved. I discuss ethical issues with each year's group of students, with the help of current case studies, and I try to keep aware of the questions involved. My work has involved collections from several different parts of the world, although I have never myself worked on a collection for which there was an issue of repatriation to a group of people claiming to be descendants. My work has, however, involved many different types of remains, and conditions of preservation, so that I do have considerable practical experience of the recovery, care and safe storage of human remains. I would be happy to give evidence to the Working Group in the light of my experience but, in response to your invitation, I would like to make the following general points.

I start from the viewpoint that human remains are part of the wider archaeological record. They are usually only one element in an assemblage of grave contents which includes offerings or grave goods, coffins or similar containers, and even the soil of the fill. All of these form part of a unified record which also includes the grave cut and its relationship with other structures in the burial ground, and all archives of the excavation and following research. It is not possible to say that any one component of this assemblage is more important (or dispensable) to archaeological research than another, and it is similarly difficult to make any distinction between them in ethical terms, or in terms of the duty to preserve heritage.

Most people would accept as an established principle that archaeologists and museums have a responsibility to conserve and preserve archaeological remains and records for future generations. It is only in this way that our knowledge of the past can be reconsidered in the light of new techniques and new questions which arise. There are questions which can at present only be addressed by a direct study of the human remains in the archaeological record. They include: investigations of the origins and evolution of living people, the origins and history of disease, the health and nutrition of people in the past who followed ways of life for which there is no modern analogue, and the developmental and physiological adaptations to these ways of life (I would be happy to provide the Working Group with more detailed examples if required). These are not small questions - they have relevance to the ways in which we perceive others in the world today and in which we consider the possible effects of our actions. A decision to remove a group of human remains from preservation in storage is, in effect, acceptance that other considerations are more important than future studies on this collection. It is a decision to end a potential line of scientific enquiry. I would, of course, accept that there are situations in which there are strong alternative arguments in respect of particular collections, but this is not a decision that should be taken lightly.

I also start from the principle that all archaeological remains should be treated with respect and dignity. There are many different views on what constitutes respectful treatment. I suggest that one aspect of respect on which most people could agree would be that any research, conservation and care of a human remains collection should be carried out to the highest professional standards. One aspect of this would be to make sure that the remains themselves do not deteriorate in store and that they continue to represent, as far as possible, the situation in which they were buried. Any body that takes responsibility for a collection of human remains has, in my view, a duty to preserve them in a condition that is as far as possible equivalent to that existing in the ground at the time they were excavated. This includes maintaining their connection with the other parts of the funerary assemblage, such as the grave goods and records of excavation and any other research carried out on them. Good quality care, conservation and storage of delicate remains, and a maintenance of proper archives, are expensive. They need to be properly resourced. If preservation of this quality is not financially viable, then it might be argued that the body concerned should not accept responsibility for them. In the case of a rescue excavation to clear ground for construction work, it could similarly be argued that permission to disturb the burial ground should not be given if proper provision is not made to preserve the remains along with at least the records of their original situation.

The terms of reference published for the Working Group include a consideration of the way in which requests for return of human remains should be handled. I strongly urge that account should be taken of the experience provided by the Native American Graves Protection and Repatriation Act in the USA - both its successes and its shortcomings. A good recent discussion of the issues raised is given by Professor Philip Walker (reference below) who served on the NAGPRA Review Committee. In particular this experience has shown that, whilst some claims are clearly established, there are often conflicting claims for a particular collection. This has been complicated because not all descendant groups of people are federally recognised in the terms of the NAGPRA legislation and some have, on occasion, been excluded from consideration. It is clearly important to consider all groups who might reasonably claim to be descendants, and this may in some cases raise difficult research questions as well as ethical ones. With this in mind, it has been found essential for the remains to be catalogued in detail, and the circumstances in which each part of the collection came into the museum properly documented. The question of affiliation is not always a simple one and, in some cases, detailed work on the remains themselves has been necessary to attempt to resolve the matter. In some instances, all this has taken several years of work. With the implementation of the NAGPRA legislation, additional resources had to be made available to museums so that proper investigations could be carried out. There are therefore funding implications if a proper procedure to consider requests for return is to be established.

Another part of the American experience that I would like to emphasise to the Working Group is the possibility that a compromise could be reached in some cases. One of the best examples of this is the Chumash ossuary established, with the agreement and advice of their descendants, on the campus of the University of California, Santa Barbara. I have seen this facility myself. It provides a secure and properly curated store which allows for the spiritual needs of the Chumash descendants and at the same time allows

scientific research to continue under their supervision. The descendants not only have control over the remains, but they have ownership of the research which increases their understanding of their own history. Many years of work and discussion were needed to establish the relationship that allowed this mutually beneficial arrangement. I appreciate that this type of collaboration may not be possible in every instance, but it should not be ruled out at the outset. Views tend to polarise in discussions of repatriation, when at least some compromise may, in fact, be possible. If not the building of an ossuary supervised by descendants, perhaps the completion of a jointly agreed research programme before repatriation? There are many possibilities. A lot would depend on the procedures for handling requests for return of remains. If these procedures assume that there will automatically be two (or more) completely opposed sides, then it will be hard to find areas of common ground. If they are designed to look for mutual understanding and for aspects of mutual benefit (no matter how small), then at least they would give collaboration a chance.

Professor Simon Hillson  
Institute of Archaeology  
University College London  
1 January 2001

Reference: Walker, P.L. (2000) Bioarchaeological ethics. In: Katzenberg, A. & Saunders, S.R. *Biological Anthropology of the Human Skeleton*. New York : Wiley-Liss. pp 3-40.