

RESPECTFUL TREATMENT AND REBURIAL: A PRACTICAL GUIDE

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The purpose of this paper is to offer practical guidance to archaeologists and museums on how to ensure that respectful treatment of human remains is embedded through proper consultation with all interested parties at all stages: before, during and after excavation, within the museum, and when contemplating and carrying out reburials.

Consultation networks

The two underpinning concepts of all recent regulatory documents concerning human remains (e.g. DCMS 2003; DCMS 2005; and the 2004 Human Tissue Act) are consent and consultation.

Generally, for human remains in British museums, consent and consultation have hitherto been limited to recent human remains where the claims of overseas originating communities and direct descendants have been recognised. However, there is growing interest in the fate of human remains of British provenance among many British communities, who form the audiences and stakeholders of museums. This interest cannot be ignored. The care, interpretation and decisions about retention and use of human remains can, ethically, no longer be left simply to the museum, archaeological and scientific communities alone without taking into account the sensitivities of other communities. In order to address in particular those human remains without modern genealogical and cultural descendants, a more broadly based decision-making process needs to be put in place. In those cases, human remains found or stored in a particular area should be regarded as the collective responsibility of that area's modern residents.

Some groups will inevitably have a greater interest in certain types of human remains, but no one group or individual has any special claim to guardianship of them. This includes those groups who are professionally involved in their care, interpretation and analysis.

In its Human Remains Policy, Manchester Museum acknowledges the interests of genealogical descendants and cultural communities (as defined in DCMS 2005: 9 and section 3.3.2), and of the scientific, academic and archaeological communities. However, it also recognises the interests of contemporary adherents of ancient faiths – for example Christians, Jews or Pagans – and local communities from where human remains were excavated (as recognised in CofE/EH 2005: paras 18, 77 and 86). In a policy statement introducing its Human Remains Policy, Manchester Museum states:

At the Manchester Museum we intend to involve, as far as is achievable, all interested groups in the consultation process, including the growing migrant and refugee

communities, because we feel it is the right of everyone to feel a connection to the people who lived here before them. Human remains should be treated primarily as the antecedents of all the current residents of the area. The Museum will therefore be proactive in consulting with a wide range of views over the management of human remains in the collection. This should be seen as a positive approach to social inclusion, enabling people to become more involved in local heritage and collections, and through this to develop an interest in the landscape and identity of their home.

Such a wide-ranging consultative process, involving all interested communities, is also recommended by Honouring the Ancient Dead (HAD), the Pagan advocacy group for ancient human remains, in its Policy on Consultation on Human Remains of British Provenance (www.honour.org.uk/documents/had-policy/ConsultationPolicy.php). HAD, as the only organisation focusing on human remains which represents all Pagan faith traditions and has a remit from the Pagan community, expects to be involved in consultation, with other parties, in decisions about excavation, retention, storage, display and, in appropriate cases, reburial of human remains of Pagan provenance.

As far as is practical, all interested communities should have an opportunity to be consulted when decisions are taken regarding the management of all human remains. Archaeological units and museums should attempt to consult with all known interested parties and develop consultation networks, while acknowledging that museums are accountable to their governing bodies for the proper management of their collections and have the right and responsibility to make final decisions. Those decisions should be based on:

- ethical judgment
- cultural views on what constitutes respectful treatment
- measurable benefits
- balancing the professional, spiritual and academic needs of different communities.

Once consultation networks are put in place, by both archaeological units and museums, it will be relatively straightforward to use them to discuss and reach decisions concerning the issues raised below: it is not a laborious process. Such consultation networks should include faith groups active locally, regionally or nationally, community advisory panels, academic, scientific, heritage and culture-related groups, and general representatives of the local population.

Excavation

Unplanned excavations

The vast majority of archaeological excavations in the United Kingdom are developer-led; that is, they require a quick response from an archaeological unit to record and excavate at speed archaeological sites threatened by construction. Clearly, in most of these cases it is not feasible to set up consultation specifically focused on one threatened site that may or may not yield human remains.

This is precisely why archaeological units should set up consultation networks, as described above, which can provide overarching guidance in terms of how human

remains found by developer-led excavations should be treated. The consultation networks can provide wide community discussion and advice in advance, and should then also act as an evaluation mechanism when any human remains have been found and excavated. They should function in much the same way as Christian burials fall under the protection of the consistory court of the diocese, ‘which means that no disturbance of human remains (whether corpse or cremated remains) may take place without good and proper reason’ (CofE/EH 2005: 19, para. 108).

This is particularly important given the rather brisk process of official decision-making around the excavation of unexpected human remains. Human remains removed during archaeological excavations in the United Kingdom are subject to a licence from the Department of Constitutional Affairs. In the case of burials discovered by accident, where they can be shown to be over 100 years old, a licence can be arranged by telephone and fax within an hour (CofE/EH 2005: 18, para. 102). In such cases, other than the decisions of the archaeologists on site, there is no mechanism to broaden the decision-making process: and it is here that broadly-based consultation networks have an important evaluative role, ensuring that human remains are excavated for good reasons and treated appropriately, even when the excavation process is rushed through.

Research excavations

For research excavations that realistically expect to find and excavate human remains, it is relatively simple to create a consultation network in advance. The function of such a network is to ensure wide community input into decision-making about human remains, to ensure that the reasons for excavation are truly beneficial:

...the desirability of a research excavation at a burial site should be considered within the general framework of weighing the need to preserve ancient skeletal remains undisturbed against the benefits – in this case the accrual of knowledge – which would result from the work. Only if the latter are considered to outweigh the former should work go ahead (CofE/EH 2005: 31, para. 180).

An example of how this is beginning to work in practice is the Stonehenge road development. HAD has been involved in dialogue with the development consortium, recommending that the route not run through areas that have not been excavated, which are assumed to be archaeologically rich, preferring that these areas are left undisturbed. The consortium agreed that HAD would be consulted on what would happen to any excavated human remains on site before they were taken away. While not yet full consultation in decision-making, this is an encouraging first step.

With growing community interest in the fate of human remains, archaeologists can no longer ignore the pressure to open up their practice to wider consultation and input. Most archaeologists will claim that they deeply respect the human remains they are excavating, and treat them with care and reverence. Within their own framework of what constitutes ‘respect’ for a dead person, this is no doubt true. However, what constitutes respect is a construct that varies according to culture, religion, professional discipline and world-view. The notion of what or how human remains may be of ‘value’ differs profoundly, stretching from the scientific to the religious.

Consultation networks can provide valuable guidance to archaeological units as to how a more broadly based framework of respect might amend their process and method. This may well affect how human remains are actually excavated and recorded, and whether, in some cases, it is appropriate to carry out a form of ritual during excavation, involving duly authorised representatives of particular faiths. This can but deepen the integrity of the process, and increase the value of the work on a broad scale.

Post-excavation

Decisions about retention of human remains

Once human remains have been excavated, there is a clear choice of what to do next: whether the remains are to be reburied after recording and analysis, or retained long-term (usually in a museum). Up to now, those decisions have been taken unilaterally by archaeologists and museum curators.

Given the growing community interest in human remains, and the fact that, legally, there can be no ownership of a corpse (e.g. DCMS 2005: 12), that decision-making process should now be broadened out and shared. This has already been recognised in the Church of England/English Heritage guidance (CofE/EH 2005: 14, para. 77):

...in some instances public opinion, particularly local public opinion, may favour reburial of excavated human remains. The circumstances under which this may be the case are difficult to generalise... In the case of human remains from cemeteries of some minority faiths (such as Judaism), opinion of contemporary representatives may strongly favour reburial.

Human remains must always be treated as a special category, and there must be good reasons to retain them in stores or museums, either temporarily or long-term. The usual practice is for archaeologists to decide unilaterally that certain human remains or collections of human remains can help answer their research questions, and therefore should be retained. The validity of these research questions should be discussed by a broader community than just archaeologists, who have their own particular research interests. As Groarke and Warrick (2006: 170) have argued, archaeologists are only one among several interest groups whose competing claims should be appropriately decided in a broader arena: archaeologists cannot at one and the same time be advocates for archaeological resources and adjudicators in disputes about them; they cannot be both the prime users of the archaeological record for the purposes of their own research who therefore have a vested interest in the outcome of decisions, and professionals who decide unilaterally who else should or should not have an interest. 'In such a context, archaeologists should act as participants in discussion and debate' (ibid.). This is recognised in CofE/EH 2005: 15, para. 85:

Decisions concerning the long-term fate of skeletal collections should be taken on a case-by-case basis, with consultation as appropriate in order to take into account opinions from interested parties.

Once more, consultation networks have a key role here. Tarlow (2006) argues that both dead and living may be harmed by archaeological activities in the present, and

she emphasises that research on human remains – as is the case in medical research – must be justified by a demonstrably beneficial consequence. Real benefits can only be decided on the basis of broad consultation, and not on the basis of narrow disciplinary interests.

Publication

It is true – and notoriously so – that within the discipline of archaeology publication of the results of excavations can take many years. Many are not published within the lifetime of the director of the excavations; some are never published. Although funding bodies have tightened up their regulations in recent years, it remains the case that publication is a long, slow process, involving many different specialists. Too often parts of the publication – for example reports by specialists – are completed many years before other parts, and remain unpublished and inaccessible.

Where excavated human remains are concerned, it is vital that archaeologists share more widely – ideally through consultation networks – the progress of publication. Most non-archaeologists do not appreciate how long it takes to bring an excavation to final publication, but they are deeply interested in and concerned with any research that is being carried out on human remains.

In particular, archaeologists and museums – and consultation networks – must consider whether the schedule of publication has any implications for the future of the human remains. Clearly, some human remains, once analysed and written up for final publication, can be reburied, and this is standard practice in some archaeological units. But situations also arise where the human remains report has been written, but the rest of the publication is delayed, sometimes for years. If there is no good argument for the human remains to be further retained, they should be reburied as soon as possible, even prior to the actual publication of the final report.

An argument often made is that publication of the results of analyses of human remains from excavations is merely the beginning of research work on them: publication alerts the archaeological community to their existence and research potential. But we must be careful not to overuse the ‘research potential’ argument. Museum stores across the world are full of human remains unstudied for decades, but kept because of their ‘research potential’. Once more, broadly based consultation networks should enable wide discussion about what research questions the retention of human remains may answer, and what measurable benefits would flow from such retention. Essentially, resolution of these issues should remain unchanged even after publication of results of analyses.

The museum context

Acquisition of human remains

Acquisition and disposal policies

Any human remains should be acquired by museums in accordance with a published acquisitions and disposal policy. An overarching principle is that museums hold

collections in public trust. In its published Acquisition and Disposal Policy, Manchester Museum follows two further principles:

- The Museum will involve its audiences and communities in collections development issues, including acquisition and disposal
- The Museum will only acquire collections for which there is a use in learning, research or audience development identified by the Museum and its communities.

The acquisition of human remains should always be seen as a special – even exceptional – circumstance, and should be done in full and open consultation with communities. Museums should therefore pro-actively involve communities, relevant cultural organisations, and specialist interest groups in decisions about the acquisition of human remains. Although it must always be made clear that the final decision rests with the museum, such consultation should take place as part of the assessment of the benefits of acquisition prior to the approval by a museum acquisitions panel.

Relationships between museums and archaeological units

Many museums have an ongoing relationship with one or more local archaeological units. It used to be standard practice that anything the archaeological unit excavated would be automatically deposited in the local museum, along with the excavation archives. Increasingly, though, museums are developing their own archaeological archives policies, in which they set out the terms of their acceptance of any material. Crucially, this involves three key criteria:

- Anything the museum acquires from an archaeological unit must be consistent with the museum's acquisition and disposal policy
- The museum reserves the right to be selective about what it acquires
- The museum will normally levy a charge per box of material deposited, these charges being based on English Heritage guidelines.

Clearly, therefore, museums are not bound to accept human remains into their collections when they have been excavated by a local archaeological unit. In this sense, museums – and their consultative processes – have a role in evaluating the need and benefits of retention of excavated human remains. In making their decisions, museums must bear in mind that their actions will further influence archaeological units' decisions about exhumation and reburial.

Human remains policies and networks/panels

Following the publication of the DCMS guidance on human remains, all museums holding human remains are urged to publish human remains policies (DCMS 2005: 16). These policies should cover acquisition, loans, de-accessioning, claims for return, storage, conservation and collections management, display, access and educational use, and research. The guidance also recommends that a human remains policy should state why the museum holds human remains, and that museums should establish an advisory framework for human remains, such as a consultative panel.

It is useful for museums to have broadly based standing consultative networks or panels on human remains, along the lines described above. These can give valuable

guidance on all aspects of human remains in museums, from many different cultural and disciplinary perspectives. It is important to remember that any programmes and issues within a museum involving human remains must be discussed and approved by the consultative network. Ideally, all human remains should have statements of significance drawn up and published, and these should involve the consultative network and be part of the decision-making process.

Human Tissue Authority and human remains in museums

The Human Tissue Act set up the Human Tissue Authority (HTA), whose remit is human remains less than 100 years old. Any museums holding such remains need to apply for a licence from the HTA – there are separate licences for storage and for display, and there is a system of licensing fees dependent on the size of the collection. At the time of writing (April 2007) museums holding collections with fewer than 20 human remains less than 100 years old will pay an annual fee of £500, while those with more will pay £6000 a year (see *Museums Journal* September 2006, p.6).

In practice, relatively few museums hold human remains less than 100 years old (it is estimated that 99% of museums do not have such remains), so the actual impact of the Human Tissue Act on the museum sector overall is likely to be fairly small. Nevertheless, the HTA has intimated that prices for licensing may rise: if these prices become too onerous for museums, especially smaller ones, there may be a move to either transfer recent human remains to other institutions, or even to avoid disclosing the fact that such human remains are in the collections – and the HTA has admitted that, since it is not familiar with the museum sector, it would find it difficult to monitor and enforce the legislation. Clearly, if retention of human remains less than 100 years old becomes increasingly problematic for museums, reburial may well be another option (see below).

The HTA has also issued a series of codes of practice, following public consultation, on issues such as public display, and import and export of human tissue (available on the HTA website and as links from the HAD website, listed below).

Resource implications

When considering acquiring human remains, museums must remember to bear in mind the resource implications, both immediate and ongoing. These will fall in the following areas:

- Costs of transport, conservation and appropriate packing during the acquisition process
- Costs of ongoing remedial and preventative conservation, including specialist staff costs
- Costs of dedicated human remains storage, with appropriate environmental conditions
- Costs of contextualised, sensitive display, with appropriate environmental conditions
- Costs of maintaining consultative networks/panels (staff time, meeting rooms, hospitality, travel expenses).

There is no easy way to estimate these costs accurately, and each museum needs to look at them on a case-by-case basis. Museum staff who tend to build up experience with estimating costs which are appropriate to their own institution are registrars, conservators and exhibition designers and managers.

Conservation and storage

Focusing on the issue of how museums can ensure respectful treatment in the conservation and storage of human remains, clearly having a consultative panel or network provides a wide range of cultural and disciplinary views. It is important to identify who is accountable on the museum staff for the conservation and storage of human remains, and to ensure that they have direct access to the range of views on the consultation network. The panel should also be responsible for monitoring the state of conservation and storage of human remains.

A key issue for discussion by the consultation network will be what sort of conservation on particular human remains is appropriate – there may be a range of cultural views about this, and it is important for the museum staff concerned to understand what lies behind those views.

A difficult issue to resolve is the type of storage for human remains. There is no single simple solution, and it may well be the case that different approaches are appropriate for different human remains. The best way forward is through consultation to assess what is most appropriate and acceptable in any particular case. The usual issues that come up are:

- Whether all human remains should be kept in a dedicated area, separate from all other collections
- Whether human remains and the artefacts that were associated with them at burial should be kept together or apart (different communities have different views on this issue)
- What sort of shelving and containers human remains should be kept in, that are both culturally respectful and environmentally sound
- How human remains should be recorded on the museum collections management system – i.e. whether they are treated discretely, or the same as any other part of the collection (that is, as ‘things’ rather than ‘persons’)
- How human remains should be numbered or named, and what sort of information should be put on the outside of the shelves and boxes: i.e. should they be labelled as human remains, or just have an accession number for identification. In many museums, human remains are referred to by a proper name only where the proper name of an individual is known; otherwise, the name of a cultural or historical group or archaeological site is used (e.g. Lindow Man). Nicknames for individual human remains within a museum context are now generally regarded as disrespectful, and at most a name derived from a burial context is appropriate (e.g. Lindow Man is fine, but ‘Pete Marsh’ is not). Nevertheless, some communities disagree, and see nicknames as a way of experiencing a closer connection with the dead person.

Use of human remains

How human remains are used in museums – for what purposes and in what manner – is the most difficult area for museums, and one which provokes the most interest and controversy among many external groups. Having a standing human remains consultation network or panel, with external representation from all interested communities and having a wide range of views, provides the museum with an effective means of discussing all the issues relating to use. While consensus may not always be possible, as long as the decision-making process is transparent any resulting programmes will be embedded in wide consultation.

Display criteria and public expectations

In what circumstances is it appropriate to display human remains? While past generations felt that it was unproblematic to display Egyptian mummies and shrunken heads as morbid curiosities in order to attract large audiences, current sensitivities suggest that human remains must always be displayed contextually and respectfully.

What this means in practice is not always clear, and consultative human remains networks should try to resolve these issues on a case-by-case basis. We interpret ‘contextually’ to mean that human remains should not be displayed on their own as crowd-pullers, but as intrinsic parts of stories, in which a lack of human remains as part of the display would provide less understanding of the deceased’s lives and cultures. We interpret ‘respectfully’ to mean that we must take into consideration not only our own personal feelings about the excavation and display of the bodies of dead people, and not only those of other colleagues and visitors, but as far as possible try to understand and take into account the beliefs and expectations of the dead people themselves and their tribe or community. If there is a possible tension between our modern need to display and learn, and the expectations of the dead to remain buried undisturbed, then at the very least these tensions should be made clear as part of the display and the learning outcomes.

The results of simple questionnaires about public reactions to and expectations of displays of human remains in museums suggest that overwhelmingly people expect museums to hold human remains and display them. Nevertheless, our personal experience is that simple questions about displays of human remains, with no preparation and no follow-up, elicit one type of response (usually positive towards the display of human remains, since for many respondents this is the first time they have ever considered these issues and are often inured to such displays); but when respondents are engaged with at a deeper level, and different cultural attitudes towards death and burial are more fully explored, the responses change dramatically, with the overwhelming number of respondents feeling uncomfortable with open displays of human remains. This issue needs to be investigated with rigorous, published research, and Manchester Museum will be carrying out such a survey comparing responses before and after focused discussion during its temporary exhibition of Lindow Man in 2008-9.

Increasingly, though, museums and their communities are concluding that, if human remains are on display, then at the very least visitors should have a choice whether to see them or not. There are various possible mechanisms for this: displaying all human

remains in separate rooms, or behind screens, or at the very least giving visitors a warning that they will encounter human remains in particular areas of the museum.

Access to stored human remains

Who should have access to human remains retained in museum stores? The three options are:

1. No access (except for designated museum staff). If this option is chosen, then it does rather beg the question as to why the museum is retaining the human remains, since they can have no effective use.
2. Restricted access. This is commonly employed for human remains claimed by modern genealogical or cultural descendants who either restrict access to members of their own community, or wish to be consulted and give consent for access by anyone else. Some museums still retain the rather archaic and patrician attitude that access to stored human remains (and indeed other collections) is only for *bona fide* researchers or those with a legitimate interest (also in CofE/EH 2005: 14, para. 69) – although the criteria by which these categories are decided are unclear and subjective: if access is to be restricted, who decides, and on what basis, which groups will be privileged?
3. Open access. Increasingly (except for contested human remains or those claimed by modern genealogical or cultural descendants – see 2. above) museums accept that in terms of access, there should be no distinction between human remains (and other collections) on display or in store. They should all be potentially accessible to as wide an audience as possible. In those cases, museums need to work out the mechanisms for facilitating access to all interested parties. This might entail restricting numbers at any one time, and induction into appropriate respectful behaviour, prohibition against touching, and explaining the need for constant staff supervision. Some museums have recognised that certain individuals, especially from Pagan groups, feel an ancestral connection with certain human remains and wish to spend time alone with them. In these cases, if a relationship of trust has been developed between the individual and the museum, such an arrangement can be facilitated. The situation has analogies to members of originating communities spending time alone with human remains, free from museum staff supervision.

Research, teaching and learning programmes

All programmes using human remains should be discussed and approved by the human remains network or panel – whether they involve display, events and activities, teaching at any level, or research. It is self-evident that any research and sampling of human remains from contemporary communities must be carried out only after full consultation and the consent of those communities.

Where research involves sampling, it is useful for museums to have separate sampling and analysis forms for human remains, so that they are not considered in the same way as other parts of the collections. It is also appropriate for a museum to seek external academic advice about the nature of the research questions being asked, if the museum does not have the requisite expertise in-house. It is right that, in the

destructive analysis of human remains, the bar of what constitutes measurable benefit should be raised higher than for other parts of the collections. Any museum is fully entitled to question the potential benefits of destructive analysis of human remains without feeling that it is acting against the principle of scientific research in general.

Museums should produce written guidelines on handling human remains, and provide appropriate training for researchers, prior to allowing them to research and sample human remains. Such induction should include reminders about appropriate, respectful behaviour with regard to human remains.

In the interests of transparency, museums should maintain publicly accessible registers detailing all requests for research on human remains, as well as the research actually carried out and its outputs. In this way, any measurable benefits accruing from the research are made available for wide discussion and comment.

Loans

Loans between museums and other institutions or individuals are made for display or research. Loans of human remains coming in to a museum should be discussed, decided and treated in exactly the same way as human remains already in the collection, after consultation with the human remains network/panel. The fact that custody is temporary makes no ethical difference: the only new factor may be any conditions stipulated by the lender, for example regarding treatment, methods of display and access.

A current issue in museums are temporary exhibitions in collaboration with artists who use (mostly recent) human remains – sometimes cremated remains – in their artistic productions. These are classed as loans. Clearly the use of such remains, if less than 100 years old, requires a display licence for the museum from the Human Tissue Authority. Occasionally, such human remains do have full, free and informed consent from the deceased authorising use of their bodies or body parts. More often, however, the remains are obtained through agencies that acquire bodies of dead people from countries such as India or China, and the associated documentation is scanty. Unless a museum is confident that full, free and informed consent has been acquired from the deceased to allow their bodies or body parts to be used in this particular way, it should not authorise the loan and the use of the human remains in any museum display.

Requests for loans of human remains from a museum, for display or research, should be discussed by the human remains network/panel. As part of any conditions of loan, a museum is fully entitled to insist that the borrower fulfils any criteria stipulated. Any use of human remains by an external institution or individual should not contradict the lending museum's own human remains policy and practice.

Photography and media

Whether or not it is appropriate to make images of human remains publicly available is an issue much discussed: as always, the answer depends on context.

Access to images of human remains with genealogical and cultural descendants should only be made after consultation with those originating communities and with their consent. In some communities and cultures, the taking of a photograph is felt by an individual to be a removal of part of their personhood, and requires explicit consent. In this way, consultation and consent about use of photographs cannot be separated from consultation and consent about human remains.

Most museums have images of human remains from their collections freely available in the public domain, including many on the internet. Most of this is due to unregulated dissemination of those images in the days before the treatment of human remains became a major ethical issue for museums. Nevertheless, it is practically impossible to regulate the use of images available so widely, and it may be that museums should consider if it is worthwhile attempting to regulate images of human remains that are already in the public domain. It is interesting that the Human Tissue Authority, when consulting on its code of practice on public display of human remains, initially felt that it needed to control and license moving images of dead people (less than 100 years old) which were broadcast or transmitted and screened, but eventually accepted that this was unworkable and decided not to license the display of images of any kind, whether moving (e.g. in a broadcast or transmission) or static (e.g. in a text book).

Otherwise, all images of human remains, both in a museum and on a museum website, should be in context, in the same way that human remains themselves should only be used in displays contextually. Images on the website can be of low enough resolution to make them unappealing for reproduction. The use of photographs of human remains made available to individuals for publication as part of research programmes, or to other museums as part of loans for displays, or to the media, can also be regulated, with a stipulation that the photographs only be used in an agreed way, in context, with an agreed form of wording.

Monitoring and review

Increasingly, museums are undertaking systematic reviews of all their collections, often in a desperate attempt at rationalisation in the face of pressure on storage space and budget constraints. The Museums Association document *Collections for the Future* acknowledges this in its reference to the importance of the 'dynamic collection', a collection that both acquires and disposes, keeping the needs of the user at the forefront, and not necessarily a curatorial knee-jerk response to keep everything in perpetuity. Human remains should be subject to the same process of review, as has been acknowledged by CofE/EH 2005: 49, para. 290:

The status of all collections should be subject to periodic review, allowing the case for reinterment or retention for further scientific study to be reconsidered... Records of past research access and scientific outcome, and an assessment of future potential should be made available to the advisory board.

That document recommends that the review should be carried out by 'an external advisory board and in conjunction with staff of the holding institution'. However, it is clearly appropriate in this case to ensure that a human remains consultation network, with external representation covering all shades of opinion, including those of

different communities, takes responsibility for such a review and for making recommendations.

The issues to be reviewed are:

- any actual use of individual human remains
- what benefits accrued from such use
- a realistic definition of future potential use and benefit.

A point to bear in mind is that researchers with a disciplinary interest in ensuring that all human remains are retained in perpetuity, regardless of resource constraints, history of use and benefit, will argue that future scientific advances, as yet undreamt of, may well mean that human remains without an obvious research use in the present could have a use in the future. It is too easy to offer such an argument – and of course it could be made for any parts of the collection, not only human remains – but it is based on dreams not reality and does not answer the current crisis of sustainability. Although museums hold collections in trust for the public, now and in the future, they also have a responsibility to address the resource constraints they have in the present. Museums are accountable to all their present communities and stakeholders, but they also owe a duty to future generations not to overburden them with collections that have no potential use and leave no room for development of other collections that do have recognised use.

Any final decision to dispose or rebury, of course, can only be taken by a museum's governing body.

Reburial

Disposal policy and process

The consultation and decision-making process concerning the potential disposal of human remains has been outlined above. To reiterate, the key criteria when considering disposal of human remains (or, indeed, other collections) are actual use, measurable benefit to the museum's communities, and resource implications.

Who should be re-buried?

It is standard practice in most archaeological units to rebury many excavated human remains, after recording and analysis, unless they have clear potential for further research in the future, or have characteristics or context that are unique and important. Nevertheless, such practices are not uniform, and, as pointed out above, hitherto those decisions have tended to be taken unilaterally by archaeologists, whose recommendations are then authorised by the appropriate legal authorities (see CofE/EH 2005: 13-14, paras 66-71).

In consultations concerning displays of human remains involving museums, archaeologists and various community groups, including Pagans working through HAD (see, for example, Manchester Museum's Lindow Man consultation described on the HAD website, www.honour.org.uk/projects/lindow.php), it is clear that there is no wholesale Pagan activism for reburial of important or iconic human remains.

While some individual Pagans or groups, and some local non-religious community groups, may occasionally call for reburial of certain individuals, on the whole the majority of interested parties agree on the importance of retaining certain 'iconic' human remains in order to feel their presence more profoundly within the community, to tell their stories and to learn more about our heritage and culture. The key issue concerns who makes those decisions about retention and on what (and whose) criteria. Consultative human remains networks, as suggested above, can give a wide basis for decision-making, which should be done on a case-by-case basis, and the decisions reached will depend very much on the date and context of the human remains.

For example, CofE/EH 2005: 47 para. 263 recommends that:

if dating and skeletal survival are adequate, most osteologists would consider that even small assemblages, provided they are of articulated skeletons, are of value for scientific study, and that it is desirable that they should be retained long-term in museums or other institutions for further research. Most osteologists do not consider unstratified, disarticulated material of significant scientific value, and this material need not normally be retained but can be reburied following scanning, by an osteologist, for pathologies and unusual features.

It is true that osteologists do not value unstratified, disarticulated material from areas and periods from which excavated complete articulated skeletons are abundant, for example post-seventh century burial grounds in England. For earlier periods in the country, however, where contexted skeletal material is in shorter supply, even unstratified, disarticulated material is regarded as valuable for retention. Nevertheless, within museums, questions do need to be asked as to whether 'value for scientific study', seen from the disciplinary perspective of an osteologist, equates to a measurable benefit which can be acknowledged by the museum's other communities, compared with their needs, interests and resource implications, and it is these sorts of issues that consultative networks need to grapple with.

It is also important for museums to acknowledge that many of the human remains that they store from older excavations, some dating back to the nineteenth century, have little or no contextual information, and are to all intents and purposes useless for serious academic study: they can answer no important research questions, since they often lack adequate provenance, date or context. In directly addressing the question, 'who should be re-buried?', the primary focus of our answer should surely be these faceless individuals, placed in boxes of mixed, disarticulated bones with little or no associated information, lying on shelves of numerous museums across the United Kingdom. Applying the criteria of use, benefit, and resource implications to these bones, in many cases no real argument can be made for their retention.

Disposal: alternatives to reburial?

Once a decision has been taken to dispose of human remains, there are three options available, in principle, as to the method of disposal:

1. Reburial (see below)

2. Transfer to another Accredited museum with an appropriate human remains policy (for other collections, such transfer is the recommended practice, as opposed to sale or destruction). This option would seem rather like passing the buck: if no use or benefit have been found for retaining certain human remains, then ethically the right thing to do is to rebury them in some way, rather than transfer them.
3. Deposition in 'keeping places' or 'mausolea' as a compromise between burial and continued research access, as has happened with some repatriated human remains in Australia.

This last option was floated in CofE/EH 2005: 15-16, para. 86:

In some instances, it may be difficult to reconcile differing viewpoints. This most often occurs when a collection of human remains is of sufficient importance that, from the scientific point of view, it is desirable that the material should remain accessible for research, but other parties with legitimate interests, such as the Church or local public opinion, desire that remains be returned to consecrated ground. A possible solution in such cases may be deposition of remains in disused crypts or redundant churches. Placing human remains in such stores, which might be termed church archives of human remains (CAHRs), would simultaneously satisfy the desire for remains to be returned to consecrated ground and at the same time, if suitable environmental controls were in place, ensure their physical integrity and continued availability to legitimate researchers. Such stores would probably need to be managed by committees which would include representatives of the local community, the Church and the research community. It is recommended that this possibility be further investigated.

To our knowledge, this possibility has not been further investigated with regard to burials from Christian burial grounds, but it has been proposed in another context. Melbourn Parish Council, in Cambridgeshire, has made a request to Cambridgeshire Archaeology for the reburial of some Anglo-Saxon skeletons excavated from the village. The parish council has developed a new cemetery, and wishes to rebury the Anglo-Saxon skeletons, which are hugely important to a community that is acutely conscious of its heritage. The tomb would mark the entrance to the new cemetery, close to where they were excavated, to signify a link between the past and present inhabitants. The parish council has undertaken to make whatever provisions are necessary to meet the needs of the archaeologists, including the funding and building of a 'mausoleum' that would ensure future research access to the reburied skeletons. At the time of writing, the parish council has received no firm response from Cambridgeshire Archaeology, which referred the request to the DCMS Human Remains Advisory Service (see below) for advice.

What to do when a group requests reburial

For many museums, a key point in any negotiations concerning human remains, and especially reburial or repatriation, is the 'legitimacy' of any group making a claim. Thus, in dealing with overseas originating communities, those which can prove a direct genealogical or cultural continuity will be listened to, but any others are regarded as not legitimate. As suggested above, for human remains in the United Kingdom, we feel that what are defined as 'appropriate communities' should be widened to include all interested groups, which provides a wide basis for any

consultation network. A response to a reburial request then becomes very simple: the issue is discussed by the consultation network, which includes a wide range of disciplinary, religious and community views – all of which are legitimate. A museum should always make clear that it retains the right to make a final decision, since it is accountable to its governing body for the proper care and management of the collection.

Advice can be sought from the DCMS Human Remains Advisory Service (as happened with the Melbourn case, cited above). HAD expects to be consulted directly in all cases regarding ancient Pagan human remains, and will lead any dialogue, making appropriate contacts with local Pagan communities.

De-accessioning

There are resource implications in de-accessioning human remains, and these need to be factored in: convening the consultative network or panel, curatorial and conservation time ensuring that the remains are properly listed and packed, packing costs, and potentially reburial costs (see below). Of course, ideally all the human remains should have been properly documented earlier, and the records would be part of the museum's collections management database.

In dealing with human remains being repatriated to originating communities overseas, there have sometimes been issues about further recording and analysis once repatriation has been agreed. In those cases, it is appropriate to ask for the consent of the originating community for that work to be carried out – depending on circumstances, sometimes they agree, and sometimes they do not. But since repatriation is effectively about transfer of ownership back to the originating community, their consent is key.

We do not feel that the same issues pertain to British human remains. The communities involved in any consultation over reburial do not have to give their consent – they are involved in a consultation. Therefore, in principle, there should be no barrier to any recording or analysis on British human remains prior to their de-accessioning and reburial. However, clearly any analysis would be a further resource implication, and it seems to us that if such human remains had little associated contextual information, little or no prior use, and little potential use, then carrying out time-consuming further analysis before de-accession might be an ineffective use of resources: in most cases, such analysis would not provide any beneficial data.

Reburial

Where to rebury

Ideally, excavated human remains should be reburied in the same place where they were found. If this is not possible, then a location as close as possible to the original site is acceptable. CofE/EH 2005: 50, para. 291 recommends reburial in an unthreatened section of a burial ground which is being developed. If this too is not possible, or if the original provenance is unknown, there are a number of options.

For human remains from Christian burial grounds, CofE/EH 2005 50, paras 291- 292 recommend reburial in consecrated ground, both for Christian burials and non-Christian burials found within the curtilage of the original consecrated area:

On occasion, non-Christian burials may be excavated from Christian burial grounds: for instance, some churches are located on sites of prehistoric burial mounds so that prehistoric interments lie within the curtilage of the consecrated area. Because under these circumstances the non-Christian remains have lain many centuries among the Christian interments, it is suggested that the material be treated as a whole rather than attempting to separate out the non-Christian remains for special treatment.

In HAD's view, a cemetery that has been consecrated by any particular religious tradition is not suitable for reburial of human remains of Pagan provenance. Another option for non-Christian human remains (or indeed for Christian remains if no consecrated ground is available) are the growing number of natural burial grounds (also known as woodland cemeteries). These are located all over the United Kingdom, and provide a natural setting for burials of any religious denomination or none. There is likely to be a natural burial ground fairly close to most museums. HAD is able to provide contact details for all natural burial grounds in this country, and is willing to negotiate on museums' behalf.

Type of reburial

Ideally, reburial should follow the same practice as the original burial, i.e. in most cases interment. CofE/EH 2005: 50, para. 291 recommends reburial as individuals rather than intermingled. For reasons of space, cost and time, the numerous Christian human remains from the Spitalfields excavations in London, originally interred, were cremated for reburial. HAD would not be willing to consider the cremation of ancient human remains before reinterment. If we are to respect the original wishes of the dead, their families and their culture, that approach should only be carried out in extreme circumstances.

As a method of disposal, cremation of remains is normally inappropriate, and in any event it is often a difficult process to carry out on ancient skeletal material. However, in instances where extensive soft tissue survives, cremation of bodies may be indicated by health and safety considerations (CofE/EH 2005: 50, para. 297).

Where there are sufficient remains from a single body, orientation must be considered. If there is any clarity as to how the remains were originally interred, this orientation should be recreated. If there is none, where possible the remains should be laid north-south, with the head in the north, the body laid on its side in a foetal position, with the head facing east. Alternatively the body may be laid east/west.

Cremated remains should be considered for reburial in the same way as bones. They should be reinterred in a container, similar to the one they were originally found in. They should not be scattered.

We recommend that the consultative network discusses and decides the most appropriate form of burial on a case-by-case basis, depending on circumstances and resource implications.

Funding reburial

Reburial costs money. The bodies must be prepared, and placed either in coffins or wrapped in shrouds. They must be transported to the place of reburial. Graves will normally need to be paid for and dug, and subsequently filled in. The only current sources of funding for this process are the budgets of archaeological units (often funded by developers), and museum budgets.

Reburial of human remains immediately after excavation, recording and analysis is usually paid for from the original excavation budget, often covered by a developer. When archaeological archives, including human remains, are placed in museums, it is standard practice for the museum to charge the archaeological unit a fee per box (based on English Heritage scales), and this fee is included in the financing of the excavation either by a developer or by research council grants. When human remains are included in an archive, and accepted by a museum, we recommend that the museum considers charging an additional levy in the event of reburial, should a subsequent review decide against permanent retention of the remains by the museum.

For human remains that have been in museum collections for a long time, the only possible current source of funding is the museum itself. However, as the idea of disposal of collections gains ground (within the framework of dynamic, sustainable collections as recommended by the Museums Association document *Collections for the Future*), museums will need to resource and fund disposals of different kinds. It is likely that a budget for reburial of human remains will need to be included in budgets in certain financial years.

Burial rites

For human remains from Christian burial grounds, CofE/EH 2005: 50, para. 291 recommends that a brief church service may be appropriate at reburial. For non-Christian human remains being reburied in consecrated ground alongside Christian remains, para. 292 suggests that thought should be given as to whether a church service is appropriate.

Some sort of rite is surely appropriate, as a simple mark of respect, an acknowledgment of a dead individual whose original burial-place was disrupted by modern human need or curiosity – and this is true whoever the individual was, wherever they came from, whatever their beliefs were. This is not a question of trying to recreate the original burial rites, or trying to second-guess what sort of rite the individual might have wanted or expected, or imposing modern rites. HAD has put together guidelines for a possible rite to accompany reburial, to cover all religious denominations or none (www.honour.org.uk/articles/reburial_rite.php). Where the dead person's religion or beliefs are unknown, this not-knowing is openly acknowledged as part of the ceremony. The danger of reburial with no ceremony at all is that such an act could become a bureaucratic imposition, performed without any mark of respect for the dead, and without any respect for those for whom the remains are considered to be of inherent religious and tribal value.

Marking of a reburial site

The reburial site should be marked in some way. It would be acceptable for one plaque or marker, as a memorial, to be placed in the vicinity of a group of reinterment graves. Where more is known about those reburied, this information should be available. CofE/EH 2005: 50, para. 291 recommends that accurate records be made of the locations of reburials, and that these records be deposited with a site archive (if one exists – for human remains from older excavations, this may not be the case).

The place of reburial should be accessible by the general public for the occasional ceremony of remembrance.

Dissemination of information

Reburial of ancient human remains should be seen as a positive event by museums and archaeological units, to be celebrated, especially since it is likely to be the culmination of a period of wide consultation with many different groups. The information about the process and about the actual reburial should be disseminated as widely as possible, both through the media and in professional publications and fora. There are two good reasons for this: one is that it is positive publicity for consultative, ethical working, which is what museums and archaeology as a whole should be known for; the second is that it helps disseminate case studies of reburials and creates a framework for what will become best practice.

Conclusion

This paper has attempted to offer a practical guide to respectful treatment of human remains in archaeology and museums. The main thread that has run through our recommendations is that authority to make decisions about the fate of human remains – from excavation, retention, analysis, and display to possible reburial – should be shared as widely as possible. In a world in which the treatment of human remains is of growing interest to many communities and individuals, it is no longer acceptable for decisions about human remains to be taken independently by archaeologists and museums. Museums and archaeological units should set up consultative panels or networks on human remains, comprising representatives of all interested communities. Decisions about human remains should be shared by archaeologists, museums, scientists, community and faith-based groups, all of whose concerns and interests are legitimate.

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Useful online sources

The following documents are available on the website of the Department for Culture, Media and Sport (www.culture.gov.uk)

- *Guidance for the Care of Human Remains in Museums* (DCMS 2005)
- Request for Advice form for the DCMS Human Remains Advisory Service. This has been set up to help smaller museums deal with claims for the return and repatriation of human remains from their collections

The following policies and documents developed by The Manchester Museum are available (or will soon be available) for consultation on the museum website on:

www.museum.manchester.ac.uk/aboutus/

- Acquisition and Disposal policy
- Human Remains policy
- Human Remains sampling form
- Notes on workshop on The Use of Human Remains in Museums: Developing Protocols for Teaching, Learning and Research Programmes (January 2005)
- Archaeological Archives policy

The Museums Association document, *Collections for the Future*, is available on the Museums Association website: www.museumsassociation.org

Honouring the Ancient Dead (HAD) website: www.honour.org.uk

This website includes useful links to all UK museum human remains policies which are available on the internet, to the DCMS Guidance, the Church of England/English Heritage Guidance, and HTA codes of practice. It also includes articles about recent conferences, meetings and consultations on human remains, and has HAD's Committal Rite for Reburial of Human Remains.

The Human Tissue Authority website is:

www.hta.gov.uk

For further information about natural burial grounds, see:

www.naturaldeath.org.uk/

For a list of dedicated natural burial grounds see:

<http://druidnetwork.org/en/ethical/death/nbgs>