

The British Museum policy on human remains

Introduction

The British Museum has developed a policy with regard to the human remains in its collections according to the recommendations of the Code of Practice published by the Department for Culture, Media & Sport (DCMS) in October 2005, and following the advice set out in that Code of Practice. The DCMS Code of Practice was itself developed to provide guidance to museums in relation to the provisions of the Human Tissue Act 2004.

While the Human Tissue Act 2004 gave the Trustees of the British Museum the power to deaccession human remains, the Trustees generally presume that the Museum's collection should remain intact. This policy sets out the circumstances in which they would accept any claim, and gives guidance on the procedures to be followed by those seeking to submit a claim for the return of human remains in its collections that are less than one thousand years old to a community of origin. The policy is also intended to provide information about the nature of the human remains in the British Museum's collections; to set out how the Museum curates, researches and displays the human remains in its collections.

The study of human remains provides one of the most direct and insightful sources of information on different cultural approaches to death, burial practices and belief systems, including ideas about the afterlife. The worldwide context of the collections at the British Museum provides an opportunity to look at the diversity of human ideas about death and the body across cultures of vastly different times and places, as also demonstrated by the Museum's Living and Dying Gallery, opened in 2003, which investigates these themes through the material culture of societies across the world.

In addition to furthering the public understanding of other cultures, human remains in museum collections also help advance important research in fields such as the history of disease, changing epidemiological patterns, forensics and genetics. Challenging theories about human evolution are being developed from the study of human remains in museum collections such as, for example, the likelihood that there is no genetic basis for modern concepts of race.

There are special considerations in the case of human remains of more recent origin and the balance of benefit in such cases may be harder to strike. Mindful of this, the British Museum participated in the DCMS Working Group on Human Remains between 2001 and 2003 and thereby contributed to the recommendations of the group. As a result of the Working Group's recommendations the DCMS went on to publish a consultation document *The Care of Historic Human Remains* in 2004 to which the Museum also submitted a response. One of the outcomes of this consultation was the clear need for a Code of Practice to assist museums with the practice of curating, researching, displaying and de-accessioning human remains. A working group to draft this

code was established by the DCMS in early 2005. The views of the British Museum were represented on this working group and as such the British Museum endorses the Code of Practice established by that group.

The British Museum also recognises that it will be required by law to obtain a licence from the Human Tissue Authority to hold human remains that are less than one hundred years old. It is likely that in order to obtain a licence the Museum will have to meet various requirements and adhere to a Code of Practice issued by the Human Tissue Authority in addition to the Code of Practice issued by the DCMS. The Museum will intend to meet these requirements once they have been defined.

Definition of 'human remains'

The meaning of the term 'human remains' used throughout this document is derived directly from the DCMS Code of Practice. The definition of 'human remains' builds on the definition of 'relevant material' in the Human Tissue Act (defined below).

Human remains comprise parts of once living people from the species *Homo sapiens sapiens* (defined as individuals who fall within the range of anatomical forms known today and in the recent past)¹. This includes osteological material (whole or part skeletons, individual bones or fragments of bone and teeth), soft tissue including organs and skin, and slide preparations of human tissue.

The definition does not include hair and nails. Human remains also include any of the above that may have been modified in some way by human skill and/or may be bound-up with other non-human materials to form an artefact composed of several materials. Another, but much smaller category of material included within this definition is that of artworks composed of human bodily fluids and soft tissue.

In the Human Tissue Act 2004, 'relevant material' is defined as:

- (1) In this Act, "relevant material" means material, other than gametes, which consists of or includes human cells.
- (2) In this Act, references to relevant material from a human body do not include-
 - (a) embryos outside the human body, or
 - (b) hair and nail from the body of a living person.

Types of 'human remains' curated at the British Museum

The British Museum collections range across millennia and attest the diversity of human cultural achievement; in particular they document the different ways that different societies have respected death and disposed of the remains of

¹ Sometimes, their uncertainty whether e.g., a piece of worked bone was originally human or animal. This policy will apply only where it is reasonable to think that material is definitely human.

dead people. Human remains in various contexts and forms constitute an important part of this collection: from Lindow Man, an ancient inhabitant of Britain who may have been ritually murdered and his body then deposited in a bog in Cheshire, to the ancient mummies from Egypt, consistently voted one of the Museum's most popular exhibits. The success of the British Museum 3D film *Mummy: the Inside Story* demonstrates the public's abiding interest in past lives, deaths and mortuary practices.

Inventory of Collections

The British Museum collections contain approximately nine thousand human remains the majority of which were recovered during British excavations in the past century of later prehistoric and Roman archaeological sites. A detailed inventory of the collections of human remains curated at the British Museum follows this document. The information published is in accordance with the guidelines set out in the DCMS Code of Practice.

Acquisition policy

In accordance with the British Museum's acquisition policy the Museum will continue from time to time to acquire human remains and to add them formally to the collection so long as the museum is satisfied, as far as is possible, that it can hold the remains in a lawful manner, that provenance has been clearly established, that there is no suspicion of illicit trade and that the remains are of potential value to the museum and to research.

As at present the British Museum expects that it will continue to acquire human remains principally from archaeological excavations conducted in the UK and sometimes overseas. Remains removed in the course of archaeological excavations in the UK are subject to a Home Office licence or directions. The transfer of those excavated human remains to the Museum is conducted in accordance with legal requirements and published professional standards of archaeological investigation. This is equally true for human remains excavated overseas.

Any acquisition of human remains that are less than 100 years old will be subject to the legislation set out in the Human Tissue Act 2004 and the Museum will be guided by the Human Tissue Authority in this regard.

Storage, Conservation and Collections Management

Human remains at the British Museum are stored in appropriate conditions. Storage is actively managed and monitored and meets suitable standards of security, access management and environment.

It is intended that human remains less than 500 years old will be stored with other objects from the same ethnic group, culture or period. The remains will be in separate storage units and discrete areas within these larger stores.

Loans

Human remains may be loaned to other institutions for a variety of reasons such as display or research. The British Museum will ensure that any institution seeking to borrow human remains satisfies the legal, ethical and practical considerations set out in the DCMS Code of Practice.

Access & Research

The British Museum provides access to its collections of human remains through public display and academic research. With regard to research carried out on human remains the Museum is in the process of developing a research assessment of its collections of human remains as proposed in the DCMS Code of Practice. This assessment will build on the inventory outlined above and seek to identify the current state of knowledge with regard to the collections and their research potential.

Where research access is requested the Museum will seek to ensure that researchers are reminded of the ethical obligations with regard to human remains and that they are provided with written guidelines.

The Museum will not allow access to any human remains while the outcome of a claim for their return to a source community is pending.

Display

Visitor surveys show that the vast majority of museum visitors are comfortable with, and often expect to see, human remains as an element of museum displays. The British Museum gives careful thought to the reasons for, and circumstances of, the display of human remains. The British Museum displays of human remains are always accompanied by explanatory and contextual information.

Claims for the return of human remains

The Trustees of the British Museum generally presume that the Museum's collection should remain intact for the benefit of present and future generations throughout the world, but they will give serious consideration to repatriating human remains that were buried or were intended for burial², if

(a) they are less than 100 years old and a claim for their return is being made by a genealogical descendant; or

(b) they are less than 300 years old, and

the claim is normally made by a source community which displays a cultural continuity with the remains in question, and

² The phrase 'human remains that were buried or were intended for burial' includes 1) human remains that were modified for this purpose (e.g. cremated) and 2) human remains that were used or intended for any other form of mortuary disposal, as appropriate to different societies.

the claim is made through a national government or national agency, and

where, after taking any relevant independent advice on questions which they formulate as needing an answer to help them make a decision, it is in their view likely that the cultural and religious importance of the human remains to the community making the claim outweighs any other public benefit.

The Trustees of the British Museum regard objects made from human remains that have been modified for a secondary purpose (e.g. made into a musical instrument) or are 'separable' (e.g. made from hair or nails) as falling into a different category from human remains that were intended for burial, and so are unlikely to agree to any claim for their repatriation.

The Trustees of the British Museum consider that claims are unlikely to be successful for any remains over 300 years old, and are highly unlikely to be considered for remains over 500 years old, except where a very close geographical, religious and cultural link can be demonstrated.

The Trustees of British Museum will normally only consider a claim for repatriation from a community when it is made through the relevant national government or national agency, and they will not normally consider a claim from a national government unless it is made on behalf of an identified source community.

For any claim to be considered, the claimant would have to establish a sound evidential base for a *prima facie* claim.

Procedure for making a claim

The Museum is keen to be open and transparent with regard to approaches from claimants wishing to see the return of human remains to communities of origin. The Museum will try to ensure throughout the process that its actions are consultative and that negotiations are as equitable as possible.

Requests should be submitted in writing to the Deputy Director (Collections) at the British Museum. The request should include as much information as possible about the human remains being claimed, the individual or community submitting the claim the reasons for making the claim, and the evidence that substantiates the claim.

The Deputy Director (Collections) will be the single point of contact for claimants and other interested parties throughout the process and all enquiries should be submitted to him/her.

The claim will be formally acknowledged in writing including an indication of how long it is likely to take the Museum to process the claim and who will be consulted during this process. The time taken will in part depend on the quantity and quality of the information submitted with the claim, and on the timing of Trustee meetings, which take place at intervals of approximately three months.

Each claim will initially be considered by the Trustees of the Museum at their first meeting following the receipt of the claim. At this meeting the Trustees will consider the information available and may either make a decision based on that information; or they may request advice from independent advisers or further consultation with the claimants and other interested external parties (including the national government and diplomatic representatives of the country in which the claimants normally reside).

After the initial consideration by the Trustees the dossier of the case will be made publicly available giving an opportunity for all with an interest to comment. Any advice requested by the Trustees or comments made to them will also be made available publicly. In particular, an open and ongoing dialogue will take place with the claimants with regard to the claim and the criteria against which the claim will be assessed.

Once a decision has been made a written report will be prepared that explains how the decision was reached. Claimants will be informed of the decision in writing and at the same time the decision will be published on the British Museum web site in order to provide all interested parties access to the information.

If the decision is taken to return the human remains then the Deputy Director (Collections) will begin discussions with the claimant as to when and how this will take place.

Appendix 1. The criteria that the Trustees will consider

A. The status of those making the request

Genealogical descendants. Under normal circumstances the wishes of claimants will be seriously considered if they can demonstrate a direct and close genealogical link to the human remains being claimed. However, claimants should do everything that they can to ensure that they are the only possible claimants, and, if they are not, that there is agreement over who has the right to make the claim.

There may be exceptional cases where remains would not be returned to genealogical descendants, for example if they were involved in a criminal investigation. However, it is expected that in the majority of cases human remains would be returned to genealogical descendants.

In practice individuals who died more than 100 years ago may have many descendants from more than one community, such that genealogical descent alone may not be a sufficient criterion.

Community of origin. Where a claim is submitted by a cultural community the Museum will seek to consult to verify that the claimants have the authority to submit a claim for the return of the human remains; or where there is more than one group of claimants that they are fully supported by the other claimants. In particular, the Museum will seek the advice of the relevant national government as to the authority of those submitting the claim, and so will ask claimants to make their claim through their relevant national government or agency.

For a group to be recognised and their claim for human remains considered the Museum would expect that claimants are able to demonstrate a continuity of belief, location and customs between themselves and those of the community from which the remains originate.

It would be unusual for the Museum to consider a claim from a community who did not either occupy the land from which the remains came, practise the same religious beliefs, or share the same culture.

The country of origin. In some cases a nation may make a claim for remains, either on behalf of a particular community or for all of its nationals. The Museum will only normally consider claims made through a national government where the community from which the human remains originated has been clearly identified and where it is clear that the community wishes to see the human remains returned.

The Museum will provide all the information that it has regarding the relevant human remains to assist a national government in identifying the appropriate community.

B. The cultural and spiritual significance of the human remains

It would be expected, but not regarded as essential, that the claimant group should demonstrate that the human remains and their treatment have a particular cultural or spiritual significance to their community. Examples might include the fact that the human remains were removed outside the laws and normal practices of the community at the time, or that the correct “laying to rest” of remains was not followed. Demonstration of a very strong cultural or spiritual significance of the human remains, whose continued holding by the Museum perpetuates a strong feeling of grief amongst claimants, will be duly considered by the Trustees when making a decision.

C. The age of the human remains

Archaeological and historical studies have shown that in the vast majority of cases it is very difficult to demonstrate clear genealogical, cultural or ethnic continuity far into the past. For these reasons the Museum accepts the view of the DCMS Code of Practice that it is unlikely that a claim will be successful if the human remains being claimed are more than 300 years old and highly unlikely if the human remains being claimed are more than 500 years old.

D. How the Human remains were originally acquired

It is not normally the case that there is evidence that the deceased gave consent for his/her remains to be transferred to the Museum. However, if there is evidence one way or the other then it would strengthen or weaken the claim for return accordingly.

E. The potential public benefit of the human remains

As is set out in the Introduction, human remains have the potential to inform us about different cultural approaches to death, burial practices and belief systems in addition to advancing research in the fields of history of disease, changing epidemiological patterns, forensics and genetics.

When considering a claim the Trustees will assess the research potential and public benefit of the human remains in question. This assessment will include a review of the research on the human remains that has taken place in the past and an assessment of the potential contribution that the human remains can make in the future based on the current understanding of the appropriate research field.

The human remains in question may also be utilised through display and teaching to further our understanding of humanity and this fact will also be taken into consideration.

Reference

DCMS Code of Practice Guidance for the Care of Human Remains in Museums