

Chapter 1

Curating Human Remains in Museum Collections

Broader Considerations and a British Museum Perspective

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Introduction

The British Museum holds and cares for over 6,000 human remains. The collection mostly comprises skeletal remains, but also includes bog bodies, intentionally and naturally mummified bodies, as well as objects made in part or wholly of human remains (Pls 1–4). The Museum has a long tradition of caring for human remains and some of the Egyptian mummies in the collection, such as that of Gebelein Man in the Early Egypt Gallery, have been on display for over 100 years. This chapter provides an introduction to the approaches taken towards the care of human remains in the British Museum collection. Broader issues and considerations relating to the care of human remains in museum collections, such as the legislation under which they fall and the display of human remains, are also discussed.

Curating human remains with care, respect and dignity

Regardless of age, origin or state of preservation, human remains in the British Museum are treated with great care and full consideration of the ethics associated with their curation. One of the most pertinent sections of the British Museum Policy on Human Remains (Trustees of the British Museum 2013) states that, during handling, storage or display, human remains should always be treated with care, respect and dignity. Ethics surrounding the display, storage and care of human remains have been the subject of much discourse, both in the media and academic literature (e.g. Lohman and Goodnow 2006; Cassman *et al.* 2007; Sayer 2010; Jenkins 2011; Giesen 2013). As noted in Sayer (2010, 130–1), both researchers and museum staff should be mindful not to objectify human remains as ‘scientific objects or data’. The ever-expanding information that their analysis provides (see Part Three, this volume) and how this is conveyed through exhibitions or gallery displays, should always be balanced with a duty of care. The storage, display and handling of human remains, as well as the actions of all museum staff or researchers working with human remains, should reflect this respect. The title of this book, *Regarding the Dead*, conveys this approach as while ‘regarding’ can be defined as ‘with respect to’ or ‘concerning’, as a noun ‘regard’ has several meanings including ‘look or gaze’, but also ‘careful thought or attention’ and ‘respect’. *Regarding the Dead* therefore reflects this need to balance the curation of human remains with a strong awareness of the importance of respecting and caring for such collections. Hence, human remains should never be treated or referred to as objects. Respect should always be at the forefront of anyone working with or researching human remains. The handling and display of human remains, as well as the language and terminology used to describe them, should always be appropriate and based on professional standards. The highly complex and often changing legislation that regulates the analysis, display, storage and excavation of human remains must also be taken into account.

Human remains and the law

The transfer of excavated human remains to the British Museum is conducted in accordance with legal requirements and published professional standards of archaeological



Plate 1 Egyptian cartonnage mummy-case from the 22nd Dynasty belonging to a young child whose skeletal remains show numerous healed fractures usually found in patients suffering from the rare congenital bone disorder *osteogenesis imperfecta* or brittle bone disease. British Museum, London (EA 41603)

investigation. This is equally true for human remains excavated overseas. In accordance with different policies for acquisitions and human remains, the British Museum will continue to add human remains to its collection so long as it is satisfied, as far as it is possible, that the Museum can hold the remains in a lawful manner, the provenance has been clearly established, there is no suspicion of illicit trade and that the remains are of potential value to the British Museum's international audience. Such remains are most likely to be from archaeological excavations conducted in the UK and more rarely from overseas (e.g. Chapter Three, this volume).

Archaeological human remains and legislation

Human remains removed in the course of archaeological excavations in England are subject to a Ministry of Justice licence (White 2011; Parker Pearson *et al.* 2013). It is an offence under Common Law to exhume human remains without lawful authority and against Ecclesiastical Law to do so if the remains are found on consecrated ground (Garratt-Frost 1992). Several British Acts of Parliament also apply to the excavation of human remains from archaeological sites (Spoerry 1993; White 2011).¹ If there is a 'reasonable expectation' that human remains will be found during an archaeological excavation, a burial licence under Section 25 of the Burial Act 1857 should be applied for in advance (White 2011, 486). In 2005, the responsibility for buried human remains was transferred from the Home



Plate 2 The well-preserved body of Lindow Man found in a peat bog at Lindow Moss, near Manchester, c. 2 BC–AD 119. British Museum, London (1984,1002.1)

Office to the Department of Constitutional Affairs and, subsequently, to the Ministry of Justice (White 2011; Parker Pearson *et al.* 2013). In 2008, the Ministry of Justice required that all newly excavated human remains, including archaeological remains, should be reburied after two months. This was later extended to two years to allow for scientific analysis, but did not include an option for the permanent curation of such remains in a museum (Parker Pearson *et al.* 2013, 150–3). The terms of this licence made it impossible for the British Museum to add newly excavated archaeological human remains to its collection as once registered in the collection, the Trustees are governed by various acts of parliament² and may only agree to the de-accession of human remains for reburial which they reasonably believe to be from a person who died after the Early Medieval period (11th century).³

The Ministry of Justice now acknowledges that the current burial legislation is not well suited to the needs of archaeologists and researchers, particularly as the licence requires the reburial of remains which may otherwise have international cultural, biological or archaeological significance, such as the recently re-excavated cremations from Stonehenge (Parker Pearson *et al.* 2013, 151–5). As of 2013, it is still only possible to apply for extensions to the initial two-year period, but after discussions with various interested parties such as the Advisory Panel on the Archaeology of Burials in England, the Ministry of Justice declared that it would soon be allowing for a more flexible interpretation of the 1857 Burial Act:

However, the Ministry of Justice has looked at the provisions of the 1857 Act again and has come to the conclusion that there is room to apply the provisions with more flexibility. This will allow licences to be granted with a wider range of disposal options for exhumed remains than re-burial alone, including the retention of remains indefinitely.⁴



Plate 3 Mummy of Irthorru from the 26th Dynasty with a gilded mummy-mask. Irthorru was a priest of the god Min at the city of Akhmim. British Museum, London (EA 20745)

In the near future therefore, licences may be granted that permit the indefinite retention of human remains in appropriate repositories. This would once again allow museums to care for archaeological human remains of national and international significance. Those considering adding human remains to a museum collection should also be mindful of the implications this can have in terms of storage (e.g. space, materials and staff time), conservation, documentation and legislative considerations (see Mays 2013; McKinley 2013; Roberts 2013). As noted by Parker Pearson *et al.* (2013, 155), the numerous regulations and laws that govern the heritage sector are not static and guidance on the current legislation should be sought from the appropriate legislative authority and advisory groups, such as those discussed below.

Guidance for the care of human remains in museum collections

Following a consultation carried out in 2009 by the Ministry of Justice, English Heritage and the Church of England,⁵ the Advisory Panel on the Archaeology of Burials in England



Plate 4 A bowl from Hawaii from the 18th–19th century made of wood and studded with human teeth, an example of an object made in part of human remains. British Museum, London (Oc1920,1023.1)

(APABE)⁶ was formed to provide guidance on archaeological burials in England and to act as a unified source of advice concerning all burials in England over 100 years old and not covered by the Human Tissue Act 2004 (see below). The panel consists of professionals from a range of relevant organizations including several museums. However, it acts independently from the institutions its members are drawn from, and its principal aim is to provide information and support regarding the interpretation of two guidance documents published in 2005:

- *Guidance for the Care of Human Remains in Museums* (Department for Culture, Media and Sport (DCMS), 2005).
- *Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England* (English Heritage and the Church of England 2005).

As stated on the APABE website, the panel provides advice to ‘foster a consistent approach to ethical, legal, scientific, archaeological and other issues surrounding the treatment of archaeological burials’, whilst taking into account relevant ethical, legal, religious, archaeological and scientific issues.⁷ Other sources of advice available to institutions caring for human remains include the Human Remains Subject Specialist Network⁸ and the British Association for Biological Anthropology and Osteoarchaeology (BABAO).⁹ Following the Human Tissue Act 2004, collections that include human remains which are less than 100 years old also require an additional level of care to comply with the law.

Human Tissue Act 2004

Since 2004, human remains that are, or may be, less than 100 years old have been subject to the licensing requirements of the Human Tissue Act 2004. Museums are required to have a licence from the Human Tissue Authority¹⁰ to hold and display such remains (see Woodhead 2013). The act

covers all parts of a human body such as bones, teeth, organs and soft tissues, as well as any hair or nails that were removed after death. The Human Tissue Authority granted the British Museum its licence in 2008, which led to the appointment of a Designated Individual who is legally responsible for the care, movement, research and display of these particular remains. The licence applies to a comparatively small number of human remains in the British Museum collection, mostly from the Department of Africa, Oceania and the Americas, and includes artefacts that are made in part of human remains. All British Museum employees are required to contact the Designated Individual for all matters connected with human remains held under the licence, including their conservation, study, display or movement. The Designated Individual is responsible for supervising any such activity directly, or ensuring that members of staff carry out these actions in a respectful manner that complies with the requirements of the licence.

All human remains in the British Museum collection are treated with the same high standards and are kept in conditions that meet the best current practice for care and storage applicable to the nature of the remains. Practical considerations (e.g. storage space availability) and, when appropriate and possible, cultural sensitivities and objections, are also taken into account (see Part Two, this volume). Human remains covered by the Human Tissue Licence also require an additional level of documentation. An archive, maintained by the Designated Individual, contains copies of all requests, permissions and related correspondence concerning the inspection, movement, conservation, research, photography and display of such remains in the British Museum. They are also stored in clearly marked containers stating that they are, or may be, less than 100 years old and explicitly described as such on the Museum's Collection Online database.

The British Museum Policy on Human Remains

The British Museum has developed a policy with regards to the human remains in its collection which reflects recent legislative changes. The British Museum Policy on Human Remains is available online¹¹ and follows the recommendations of the *Guidance for the Care of Human Remains in Museums* (DCMS 2005).¹² It can be read alongside the British Museum policies on acquisition, storage, conservation and de-accessioning. The policy outlines the principles governing the respectful and lawful holding, display, study and care of human remains in the British Museum's collection (Trustees of the British Museum 2013, 3–8). Importantly, it explains the circumstances in which the British Museum Trustees may consider a request for the de-accession and transfer of human remains. A substantial body of literature exists on the issues and considerations surrounding the reburial and repatriation of human remains (e.g. Layton 1989; Fforde *et al.* 2002; Fforde 2004; Jenkins 2011). Liaising with indigenous communities and cultural descendants who have close links to the remains is an important part of the process and one that is fully recognized by the British Museum (see Chapter Four, this volume). All correspondence and documentation concerning transfer requests, as well as the outcomes, can be found on

the Museum's website.¹³ Such transfers however, may not contravene any trust or condition subject to which the British Museum holds the remains and must be balanced against the Trustees' primary legal duty to safeguard the Museum's collection for the benefit of present and future generations. The public benefits of the study of human remains include furthering our understanding of funerary practices, human biology and past cultures:

Human remains are a record of the varied ways that different societies have conceived of death and disposed of the remains of the dead. Human remains in the Collection help advance important research in fields such as archaeology, human biology, the history of disease, palaeoepidemiology, bioarchaeology, physical anthropology, forensics and genetics. Human remains, which have been physically modified by a person working within a cultural context, or which form part of an archaeological record, illuminate other objects in the collection (Trustees of the British Museum 2013, 3).

Displaying human remains

Human remains and the public

As stated in the *Guidance for the Care of Human Remains in Museums* issued by the Department for Culture, Media and Sport, visitor surveys indicate that the 'vast majority of museum visitors are comfortable with and often expect to see human remains, usually skeletons, as parts of museum displays' (DCMS 2005, 20). In 2009, as part of the Avebury Reburial Request Consultation, English Heritage and the National Trust also conducted a public opinion survey entitled 'Research into Issues Surrounding Human Bones in Museums'.¹⁴ As stated in the document, the objectives of the research were to establish whether there was:

- Support for archaeological exhibits in museums including human bones.
- Support for the retention of archaeologically important human bones in museums used for future research (English Heritage 2009, 3).

Overall, the results indicate that the vast majority (91%) of the survey participants supported museums that wished to display and retain human bones for research purposes. In the survey, 87% of participants also agreed that displaying human burials and bones can 'help the public understand how people have lived in the past' (English Heritage 2009, 11) and 90% agreed that keeping human bones in museums for research 'helps us to find out more about how people lived in the past' (English Heritage 2009, 16). The results also showed that most of the individuals surveyed were unconcerned about the date of the skeletal remains used in displays (79%) or for research purposes (81%) as long as the bones were at least 100 years old. For skeletal remains that were over 1,000 years old, these percentages increased by a further 9% and 12% respectively (English Heritage 2009, 7–12). There was greater concern about the skeletal remains of named individuals (English Heritage 2009, 17), but no distinction was made as to whether this was assessed independently of the age of the remains. Indeed, coffins or tombstones can occasionally reveal the names of individuals that are several thousand years old, for example many of the Egyptian mummies in the British Museum collection have their names inscribed on the cartonnages. Research (e.g.

Carroll 2005; DCMS 2005) also indicates that museum visitors in Britain are comfortable with the display and study of well-preserved human remains such as mummies and bog bodies (e.g. Kilmister 2003). As noted by Parker Pearson *et al.* (2013, 155), ‘archaeology as a developed profession needs to maintain a healthy debate about human remains’ and therefore museums must continue to take into account and be aware of how the public views the display and storage of human remains. The British Museum regularly uses surveys to gather valuable feedback on exhibitions and gallery displays that feature human remains.

Display

The British Museum gives careful thought to the reasons for and the circumstances of the display of human remains. It has reviewed and subsequently removed some of the human remains in the galleries, several of which were part of displays that were designed many years ago (See Chapter Two, pp. 12–13). The issue of whether museums should display human remains – and if so how – has been the subject of much debate (e.g. Cadot 2009; Sayer 2010; Jenkins 2011; Woodhead 2013). The display of human remains in museums should, as far as possible, be informed and guided by current opinion as well as conceived with care, respect and dignity, and balanced against public benefit. The inclusion of human remains in a display or gallery can add to our understanding of that individual and of the population, period or culture from which they originated. Therefore:

In the display of human remains at the Museum explanatory and contextual information will be provided. A written justification for any decision to display human remains shall be retained by the Museum and shall balance the public benefits of display against the known feelings of:

- a) Where these are less than 100 years old – any individual known to the Museum as having a direct and close genealogical link to the remains.
- b) Where they are more than 100 years old – a community which has cultural continuity with the remains in question and for whom the remains have cultural importance (Trustees of the British Museum 2013, 4).

When deciding whether to include human remains in a gallery, temporary exhibition or as part of a loan to another institution, British Museum curators ensure that care and thought have been given as to the reasons for and the circumstances of the display of the human remains in question. This process is documented during the planning stages and includes the reasoning behind the display of the human remains, how the display complies with the British Museum Policy on Human Remains and whether it satisfies the legal, ethical and practical considerations. This includes displaying the remains in conditions that are actively managed and monitored to meet standards of security and environmental control proportionate and appropriate to their age, origin and modern cultural significance (Trustees of the British Museum 2013, 4). The nature (e.g. whether a mummy, skeleton, bog body or an object made in part of human remains) and fragility of the remains, as well as that of any accompanying materials (e.g. textiles or metal

objects), are taken into account when preparing a display case or gallery space so that the temperature, humidity, light and vibration conditions are appropriate to their age and state of preservation (see Chapter Six, this volume).

Images

The use of images of human remains is seldom discussed in guidance documents or most of the relevant literature and would benefit from further debate. As with the display of human remains, careful thought should be given to the use of images of human remains in publications, display panels or on web pages (DCMS 2005, 20).

When appropriate, possible cultural preferences or objections from communities which have a cultural continuity or a close genealogical link with the remains are taken into account by the British Museum when using images of human remains. This may include a process of consultation with those communities. Images of human remains on the British Museum’s Collection Online database that are deemed to be culturally sensitive usually include a warning or are excluded out of consideration for the relevant cultural groups. As with all aspects of display, photographs of human remains that are used in galleries or British Museum documentation (e.g. databases, publications or educational handouts) are accompanied by explanatory and contextual information. For images of human remains that are less than 100 years, the appropriate sections of the Human Tissue Act 2004 are taken into consideration.

Photography and filming in the British Museum galleries is not prohibited and, as discussed above, the British Museum ensures that human remains are displayed with care and thought. Applications to photograph or film human remains in the British Museum collection that are not on display (e.g. for research publications or documentaries) are assessed on a case-by-case basis by the relevant curatorial staff. This involves determining how the images or film will be used and whether this will be done in a sensitive and appropriate manner that complies with the British Museum Policy on Human Remains.¹⁵

Loans and human remains

Before authorizing a loan to another institution that includes human remains whether for scientific research (e.g. the CT scanning of a mummy; see Chapter Three, this volume) or an exhibition, the British Museum seeks assurances from the borrower that they are able to satisfy the legal, ethical and practical obligations proportionate to the age, ethnic origin and modern cultural significance of the human remains (Trustees of the British Museum 2013, 4). This may involve adding special conditions to the loan agreement with regard to the display, storage and handling of the human remains. The loan of any human remains for detailed study or scientific analysis involves the completion of an application form (see Chapter Three, this volume), which includes a detailed method statement agreed in advance, a list of the types of examination(s) permitted and under what conditions these can be performed. Any deviation from this statement requires new written consent before being undertaken. Importantly, the form also reminds researchers of the required ethical obligations during the storage,

handling and analysis of human remains (Trustees of the British Museum 2013, 4).

Documenting human remains

Information on the collections held at the British Museum, including human remains, is available on the Collection Online database¹⁶ as well as on other pages of the Museum's website.¹⁷ One of the key aspects of curating any collection is generating, maintaining and improving the associated records. Ancient human remains provide a unique insight into human funerary practices and cultures of the past, but they also offer a wealth of information on human biology. There is a need for more detailed, standardized and accessible information on archaeological human remains in museum collections to be made available (Giesen *et al.* 2013; Roberts 2013) and shared through databases such as the Museum of London's Wellcome Osteological Research Database (Giesen *et al.* 2013; Redfern and Bekvalac 2013). The British Museum's records of large archaeological assemblages are also being improved to meet professional standards, guidelines and methods (e.g. Buikstra and Ubelaker 1994; Brickley and McKinley 2004; Roberts 2009).¹⁸ These additional details provide information about the nature of the archaeological assemblage and results of scientific analyses. For example, the availability, type and current location of any remaining samples used in scientific tests is documented, along with results and relevant publications. Conservation treatments and recommendations are also recorded in the Museum's conservation database.

When appropriate and possible, information about skeletal remains are also being entered into a specific database for human remains, which allows for a greater number of variables to be recorded (e.g. a wider range of measurements, biological variables and scores) than the Museum's general curatorial database. This detailed recording system will allow researchers (British Museum staff and others) to have direct access to 'raw' standardized data. This will make it possible to compare the human remains in the British Museum collection to other populations and archaeological sites and provides a guidance for what may be recorded should researchers wish to use different methods. The data on bone measurements, for example, will indicate which bones are sufficiently preserved to be measured and, if necessary, have the potential to be reanalysed using alternative measuring techniques. Many researchers request to access the human remains in the British Museum collection every year (discussed in Chapter Three, this volume) and by making standardized data available, physical access to the human remains in the collection may not always be required, minimizing risk of damage to the collection. The British Museum also intends to make more information about human remains publicly available through its web pages and encourage the publication of specialist reports (e.g. Judd 2001; 2013).

Conclusion: continuing to care for the dead

The human remains held in the British Museum collection are a unique record of how societies have conceived of death and disposed of the remains of their dead. The analysis of

human remains contributes significantly to academic disciplines such as archaeology and physical anthropology and allows us to discover more about human biology and past societies. The information and insight gained through the archaeological and scientific analysis of human remains appears to be ever-increasing, particularly as scientific methods improve and develop, all of which continues to inform our understanding of past societies which can then be shared with museum visitors. Alongside these public benefits comes a responsibility to care for human remains with respect and dignity, as well as maintain a healthy dialogue regarding the dead with the visiting public and with communities that have a direct or close cultural continuity with them.

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Notes

- 1 Burial Act 1857; Disused Burial Grounds Act 1884; and Disused Burial Grounds (Amendment) Act 1981.
- 2 The British Museum Act 1963; Human Tissue Act 2004.
- 3 The individual must have died less than 1,000 years before the day on which section 47 of the Human Tissue Act 2004 came into force (3 October 2005).
- 4 Ministry of Justice 2013 (available at <http://www.justice.gov.uk/downloads/burials-and-coroners/statement-exhumation-human-remains-archaeological.pdf>).
- 5 All of whom have statutory or legal responsibilities for archaeological burials in England.
- 6 See <http://www.archaeologyuk.org/apabe/>. This replaced the Advisory Panel on the Archaeology of Christian Burials in England (APACBE).
- 7 See http://www.archaeologyuk.org/apabe/Science_and_the_Dead.pdf.
- 8 See <http://www.humanremains.specialistnetwork.org.uk/home>.
- 9 See <http://www.babao.org.uk/>. The BABAO website also provides information on how best to document human remains including links to the *Guidelines to the Standards for Recording Human Remains* by Brickley and McKinley (2004) and *Human Bones from Archaeological Sites: Guidelines for Producing Assessment Documents and Analytical Reports* by Mays *et al.* (2004).
- 10 See <http://www.hta.gov.uk/>.
- 11 See http://www.britishmuseum.org/about_us/management/museum_governance.aspx.
- 12 In accordance with this guidance, the British Museum also maintains an online inventory of all human remains within the collection, including their date, provenance, nature and acquisition history.
- 13 See http://www.britishmuseum.org/about_us/news_and_press/statements/human_remains.aspx.
- 14 <http://www.english-heritage.org.uk/professional/advice/advice-by-topic/heritage-science/archaeological-science/avebury-reburial-results/> and <http://www.english-heritage.org.uk/content/imported-docs/k-o/opinion-survey-results>.
- 15 Further information on curating and displaying human remains can be found in Williams 2001, Lohman and Goodnow 2006, Cassman *et al.* 2007, Cadot 2009, Roberts 2009, Sayer 2010, Márquez-Grant and Fibiger 2011 and Jenkins 2011. Giesen 2013 also provides examples of different museum policies (e.g. Redfern and Bekvalac 2013; Scott 2013), including Scottish and international perspectives (e.g. Giesen and White 2013; Hall 2013; Sharp and Hall 2013).
- 16 See http://www.britishmuseum.org/research/collection_online/search.aspx.

- 17 See http://www.britishmuseum.org/about_us/news_and_press/statements/human_remains.aspx.
- 18 These guidelines will over the coming years also be used as a template to update previous entries.

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