

Giving Up the Dead: The Impact and Effectiveness of the Human Tissue Act and the Guidance for the Care of Human Remains in English Museums

Liz White

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**School of Arts and Cultures, Newcastle University,
Newcastle upon Tyne, UK
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Abstract

This thesis explores the impact and effectiveness of *Human Tissue Act 2004 (HTAct)* and the *Guidance for the Care of Human Remains in Museums (Guidance)* upon museums in England and the human remains housed within those museums. Whilst the *HTAct* is a piece of legislation targeted primarily at the medical profession, two sections are pertinent to museums. Firstly, Section 16 legislates for the establishment of mandatory licensing for various activities involving human remains; including the storage and display of human remains under 100 years old. Secondly, Section 47 gives nine national museums previously bound by the British Museum Act 1963, the power to de-accession human remains under 1000 years old from their collections. Conversely, the *Guidance* is a document developed by the Department of Culture, Media and Sport in order to guide Section 47 affected museums and other institutions holding human remains through the growing number of requests to repatriate human remains and to offer a set of best practice recommendations relating more generally to the treatment of human remains. In order to understand the impact and effectiveness of the *HTAct* and the *Guidance*, an England-wide museum survey was undertaken; the results of which form the basis of this research. Museum responses to this survey would seem to indicate that, other than financially, the *HTAct* has had little impact upon museums and that, two years after the publication of the *Guidance*, many museums had still not implemented its best practice recommendations. Indeed, despite the *HTAct* and the *Guidance*, results indicate that there are still a number of unresolved issues relating to the treatment of human remains in English museums.

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Table of Contents

Abstract	i
Acknowledgements	ii
List of Figures	viii
List of Tables.....	x
List of Acronyms	xiii
List of Appendices	xv
List of Supplementary Documents on disk	xvi
Chapter 1: Introduction	1
1.1 Introduction.....	1
1.2 The origins of an ethical dilemma	2
1.3 Research context	5
1.4 Data collection and sources consulted	6
1.5 Research question	7
1.6 Aims and objectives	7
1.7 Organization of thesis	8
Chapter 2: Methodology	10
2.1 Introduction.....	10
2.2 Quantitative versus qualitative methodologies	10
2.3 Phase I: Interviews.....	12
2.4 Phase II: Initial data collection and contact	14
2.4.1 Initial museum contact	15
2.5 Phase III: <i>The Guidance</i> questionnaire (White Survey I)	16
2.6 Phase IV: Human Tissue Authority Public Display survey (White Survey II)	21
2.7 Phase V: Analysis of data	23
2.8 Research limitations	24

Chapter 3: International responses to indigenous concern	26
3.1 Introduction.....	26
3.2 Battle for the bones.....	27
3.3 Legislation.....	29
3.4 Changes in archaeological practice.....	33
3.5 Indigenous human remains in museums	35
3.6 Repatriation.....	37
3.6.1 International repatriation of human remains.....	40
3.7 Conclusions.....	43
Chapter 4: Human remains in England – changing attitudes and responses	45
4.1 Introduction.....	45
4.2 Different values	46
4.2.1 Religious and spiritual beliefs	46
4.3 Different treatments.....	49
4.3.1 The Hunterian Museum.....	49
4.3.2 Body Worlds	51
4.4 Responses to concerns for the dead.....	55
4.4.1 Archaeology and the law	59
4.4.2 Human remains in English archaeology	61
4.4.3 Guidance for Best Practice for treatment of human remains excavated from Christian burial grounds in England.....	61
4.5 The Human Tissue Act 2004 (HTAct)	64
4.5.1 Museum responses to Human Tissue Authority Public Display licensing	66
4.6 The Department of Culture, Media and Sport (DCMS)	71
4.6.1 Scoping Survey of Historic Human Remains in English Museums	72
4.6.2 The Working Group on Human Remains in Museum Collections (WGHR)	73
4.6.3 The Report on the Working Group on Human Remains	76
4.6.4 Guidance for the Care of Human Remains in Museums	77
4.6.5 Review of the Guidance for the Care of Human Remains in Museums	80
4.7 Discussion	84

Chapter 5: The number and provenance of human remains in museum collections	87
5.1 Introduction.....	87
5.2 White Survey I	88
5.3 The transient nature of data.....	90
5.3.1 The British Museum.....	90
5.3.2 The Manchester Museum.....	93
5.3.3 The Pitt Rivers Museum.....	94
5.3.4 Conclusions.....	95
5.4 The number of human remains in museum collections.....	96
5.5 Known versus estimated counts	99
5.6 The extent of human remains within English museums	101
5.6.1 Non-UK holdings.....	102
5.6.2 African provenance	102
5.6.3 Americas provenance	105
5.6.4 Asian provenance	107
5.6.5 Australian/Tasmanian provenance.....	108
5.6.6 European provenance	110
5.6.7 Greenland provenance	112
5.6.8 Middle Eastern provenance.....	113
5.6.9 New Zealand provenance	114
5.6.10 Pacific provenance	115
5.6.11 UK provenance	116
5.6.12 Individuals of unknown provenance	122
5.7 Non-respondents.....	123
5.7.1 Museums that did not reply to the original request for information (Phase II)	124
5.7.2 Museums that did not take part in White Survey I.....	125
5.7.3 Museums that failed to return a completed.....	128
5.7.4 The Natural History Museum	130
5.7.5 Impact of non-respondents	132
5.8 Conclusions	133

Chapter 6: The Guidance for the Care of Human Remains in Museums.....	135
6.1 Introduction.....	135
6.2 Policy and guidance	136
6.3 Has policy and/or guidance changed.....	137
6.3.1 Museums that have changed their policy and/or guidance	138
6.3.2 Museums that will change their policy and/or guidance.....	141
6.3.3 Museums undecided about changing their policy and/or guidance.....	139
6.3.4 Museums that will not change their policy and/or guidance	143
6.3.5 Museums that did not respond regarding policy and/or guidance changes.....	144
6.4 Access	145
6.5 Repatriation	146
6.5.1 Policy and guidance	146
6.5.2 Claims for the repatriation of human remains	147
6.5.3 Claims for the repatriation of associated funerary objects.....	149
6.5.4 Advisory frameworks.....	150
6.6 Consent.....	151
6.7 Display	153
6.8 Education.....	155
6.9 Research	157
6.10 Storage	161
6.11 Is the Guidance satisfactory?.....	162
6.12 Conclusions.....	165
Chapter 7: An ethical issue resolved?	169
7.1 Introduction.....	169
7.2 The MNI and provenance of human remains in museum collections	170
7.3 The impact and effectiveness of the Human Tissue Act 2004	172
7.3.1 Section 47 and the power to de-accession.....	172
7.3.2 Human Tissue Authority Public Display licensing	174
7.4 The impact and effectiveness of the Guidance	176
7.4.1 The Guidance review	176
7.4.2 Policy and guidance	179
7.4.3 Repatriation – non-UK human remains	182

7.4.4 Repatriation - UK human remains	186
7.4.5 Is the Guidance satisfactory? A museum perspective	194
7.5 Conclusion	196
Chapter 8: Conclusions and recommendations	198
8.1 Introduction.....	198
8.2 Overview of research aims and general research findings	198
8.3 Contextualizing the Guidance and the Human Tissue Act (Aim 1).....	199
8.3.1 The impact of the Human Tissue Act 2004 upon museums in England and their collections (Aim 2).....	201
8.3.2 The impact and effectiveness of the Guidance upon the treatment of human remains in museums (Aim 3)	201
8.3.3 Does legislation and guidance address ongoing concerns relating to the treatment of human remains in museums? (Aim 4).....	204
8.4 Recommendations: Future research.....	207
8.5 Recommendations: Future treatment of human remains	208
8.6 Importance of research	210
Bibliography	211
Unpublished work	230
Appendix 1 : List of interviewees.....	231
Appendix 2 : List of core interview questions	232
Appendix 3 : List of 806 museums in England contacted for the purpose of White Survey I	234
Appendix 4 : Initial museum contact email or letter.....	253
Appendix 5 : White Survey I questionnaire	254
Appendix 6 : White Survey I covering letter	259
Appendix 7: Human Tissue Authority Public Display Licence questionnaire	260
Appendix 8: Human Tissue Authority Licence fee changes letter to Licence holders	262
Appendix 9: List of museums contacted that were part of a larger organisation	265

List of Figures

	<u>Page</u>
Figure 2.1 The five phases of data collection and analysis employed during research. Interview and survey (Phases I to IV) provide the data for analysis during the final phase (Phase V).	11
Figure 4.1 Headline from 2 October 2010 Mail Online sensationalising the establishment of a website selling plastinated human remains.	54
Figure 5.1 The number of museums in England holding human remains.	97
Figure 5.2 Distribution of human remains by provenance. No museums reported Individuals provenanced to Greenland.	98
Figure 5.3 The minimum number of UK, non-UK and unknown individuals in White Survey I museums.	98
Figure 5.4 Breakdown of individuals in the 157 English museums assigned a non-UK provenance.	102
Figure 5.5 Breakdown of the total number of UK holdings held by 142 White Survey I museums.	117
Figure 5.6 Breakdown of unknown individuals.	123
Figure 6.1 Responses from museums when questioned whether they had changed, or would change, their policy and/or guidance following <i>Guidance</i> recommendations.	138
Figure 6.2 Number of repatriation requests relating to individuals from each geographical area.	149
Figure 6.3 Responses from museums when asked whether, following <i>Guidance</i> recommendations, they had changed or planned to change the way in which human remains were displayed.	154
Figure 6.4 Museums using human remains for osteological/medical based training.	155

Figure 6.5	Museums using human remains for outreach and other educational Programmes.	156
Figure 6.6	Responses from museums when asked if they would use replica human remains.	157
Figure 6.7	Museum responses when questioned what proportion of human remains were used for research purposes.	158
Figure 6.8:	Museum responses when questioned whether a storage policy was in place relating to human remains.	161
Figure 7.1	Screenshot of the DCMS notice regarding the change in definition of human remains.	195

List of Tables

		<u>Page</u>
Table 2.1	The five different phases of research linked to research aims and objectives.	12
Table 2.2	List of White Survey I questions linked to research aims and objectives.	19
Table 2.3	List of survey questions relating to the impact and effectiveness of Human Tissue Authority Public Display licensing linked to research aims and objectives.	22
Table 3.1	International comparison of treatments toward of Indigenous human remains.	30
Table 4.1	The MNI and place of origin of human remains under 100 years old held by White Survey II museum.	68
Table 4.2	List of the 17 museums asked to take part in the 2006 <i>Guidance</i> review along with details of the provenance of their holdings.	82
Table 5.1	Number of individuals in the British Museum collection based on online documents in comparison with the number of individuals reported during the 2003 DCMS <i>Scoping Survey</i> .	91
Table 5.2	Number of individuals in the Manchester Museum collection according to White Survey I, the museum's online PDF document dated 11 February 2008 and the 2003 DCMS <i>Scoping Survey</i> .	93
Table 5.3	Individuals reported on the Pitt Rivers Museum online collections Database during March 2008 in comparison to White Survey I and 2003 DCMS <i>Scoping Survey</i> results.	94
Table 5.4	Total number and percentages of individuals in each category and from each geographical area.	100
Table 5.5	English museums holding individuals of African provenance.	103
Table 5.6	English museums holding individuals of American provenance.	106
Table 5.7	English museums holding individuals of Asian provenance.	107

Table 5.8	English museums holding individuals of Australian/Tasmanian provenance.	109
Table 5.9	English museums holding individuals of European provenance.	111
Table 5.10	English museums holding individuals of Greenland provenance. No individuals were reported during White Survey I.	112
Table 5.11	English museums holding individuals of Middle Eastern provenance.	113
Table 5.12	English museums holding individuals of New Zealand provenance.	114
Table 5.13	English museums holding individuals of Pacific provenance.	116
Table 5.14	English museums holding individuals of UK provenance.	117
Table 5.15	English museums holding unprovenanced individuals.	122
Table 5.16	Possible individuals in museums that failed to respond to the initial request for information, but that took part in the <i>Scoping Survey</i> .	124
Table 5.17	<i>Scoping Survey</i> and secondary source data from museums that declined the invitation to take part in White Survey I.	125
Table 5.18	Description of holdings from non-participants of White Survey I.	128
Table 5.19	Number of individuals at museums that did not take part in the White Survey I, according to the <i>Scoping Survey</i> .	129
Table 5.20	Confirmed UCL holdings from the Grant Museum and Petrie Museum. Only individuals with associated provenance or ethnic provenance information are included.	130
Table 5.21	<i>Scoping Survey</i> results for the Natural History Museum.	131
Table 5.22	Number of individuals held by museums that did not take part in White Survey I.	133
Table 6.1	Number of museum that have human remains specific policy and/or Guidance.	137
Table 6.2	Policy and guidance relating to human remains at museums that stated they had already changed their policy and/or guidance.	139

Table 6.3	Policy and guidance relating to human remains at museums that stated they would change their policy and/or guidance.	140
Table 6.4	Policy and guidance relating to human remains at museums that stated they had not yet decided whether they would change their policy and/or guidance.	141
Table 6.5	Policy and guidance relating to human remains at museums that stated they would not change their policy and/or guidance.	143
Table 6.6	Policy and guidance relating to human remains at museums that did not answer whether they intended to change their policy and/or guidance.	145
Table 6.7	Repatriation claims received by museums who took part in White Survey I.	148
Table 6.8	Museums who have set up an advisory framework for dealing with repatriation requests. The second column details which of those museums had received repatriation requests.	151
Table 6.9	Museums that have a research register along with details of whether that research register was publicly accessible.	160
Table 6.10	White Survey I museums that have policy and guidance for all areas recommended by the <i>Guidance</i> .	166
Table 6.11	White Survey I museums that do not have any human remains specific policy or guidance in place for any area recommended by the <i>Guidance</i> .	167
Table 8.1	The four aims of research into the impact and effectiveness of the <i>Human Tissue Act (HTAct)</i> and the <i>Guidance for the Care of Human Remains in Museums (Guidance)</i> mapped against broad research findings.	199

List of Acronyms

APABE	Advisory Panel on the Archaeology of Burials in England
APACBE	Advisory Panel on the Archaeology of Christian Burials in England
ATSIC	Aboriginal and Torres Strait Islander Commission
BODIES	British and Irish On-line Database Index to Excavated Skeletons
CAHRWG	Church Archaeology and Human Remains Working Group
CoBDO	Council of British Druid Orders
CoE	Church of England
DCMS	Department of Culture, Media and Sport
EH	English Heritage
ENIAR	European Network for Indigenous Australian Rights
HAD	Honouring the Ancient Dead
HRAS	Human Remains Advisory Service
HTAct	Human Tissue Act
HTAuth	Human Tissue Authority
IFA	Institute for Field Archaeologists
IRAC	International Repatriation Advisory Committee
MET	Mokomaoka Educational Trust
MLA	Museums, Libraries and Archives Council
MNI	Minimum Number of Individuals
MoJ	Ministry of Justice
NAGPRA	Native American Graves Protection and Repatriation Act
NMAI	National Museum of the American Indian
NT	National Trust
NZHPT	New Zealand Historic Places Trust
OIPC	Office of Indigenous Policy Coordination

PAS	Portable Antiquities Scheme
PFA	Pagans for Archaeology
PPG16	Planning Policy Guidance 16
SAA	Society of American Archaeology
SSN	Subject Specialist Network
TAC	Tasmanian Aboriginal Centre
V&A	Victoria and Albert Museum
WGHR	Working Group on Human Remains in Museum Collections
WORD	Wellcome Osteological Research Database

List of Appendices

	<u>Page</u>
Appendix 1: List of interviewees	231
Appendix 2: List of core interview questions	232
Appendix 3: List of 806 museums in England contacted for the purpose of White Survey I	234
Appendix 4: Initial museum contact email or letter	253
Appendix 5: White Survey I questionnaire	254
Appendix 6: White Survey I covering letter	259
Appendix 7: White Survey II questionnaire	260
Appendix 8: Human Tissue Authority Licence Fee Changes Notice	262
Appendix 9: List of 71 museums contacted that were part of a larger organisation	265

List of Supplementary Documents (SD) on disk

- SD1 Human Tissue Act (2004)
- SD2 Guidance for the Care of Human Remains in Museums (2005)
- SD3 Scoping Survey of Historic Human Remains in English Museums undertaken on behalf of the Ministerial Group on Human Remains (2003)
- SD4 Human Tissue Authority Guidance – Public Display (2006)
- SD5 Human Tissue Authority Code of Practice 7 – Public Display (2009)
- SD6 New Zealand Historic Places Trust *ouhere Taonga*, Archaeological Guidelines Series No. 8 – *koiwi tangata/human remains* (2008)
- SD7 Guidance for the best practice for the treatment of human remains excavated from Christian Burial Grounds (2005)

CHAPTER 1: INTRODUCTION

1.1 Introduction

In July 2000, the Australian and British Prime Ministers issued a joint declaration to increase efforts in repatriating human remains to Australian Indigenous communities (Butler 2001, DCMS 2005a). Although, some UK museums had repatriated human remains previously, efforts to repatriate human remains from prominent museums such as the British Museum and the Natural History Museum had repeatedly failed as the British Museum Act (1963) legally prohibited the de-accessioning of any items from their collections (Weeks and Bott 2003).

Shortly after the Prime Ministerial declaration, a Working Group on Human Remains in Museum Collections (WGHR) was established to examine the status of human remains within publicly-funded museum and gallery collections in the UK and to consider the desirability and possible form of legislative change (DCMS 2005a: 5). Following recommendations made by the WGHR to remove the legal impediment to de-accession, Section 47 of the *Human Tissue Act 2004* (hereafter referred to as the *HTAct*) gave the nine affected national museums power to de-accession human remains less than 1000 years old. In 2005, after a period of consultation, the Department of Culture, Media and Sport (DCMS) published the *Guidance for the Care of Human Remains in Museums* (hereafter referred to as the *Guidance*). The *Guidance* is a set of best practice recommendations for the treatment of human remains to be used by *HTAct* affected and any other institution holding human remains in England, Wales and Northern Ireland. It is the impact and effectiveness of the *HTAct* and the *Guidance* that forms the basis of this research.

The remainder of this chapter is divided into five sections. The first (Section 1.2) will discuss the events that led to the Prime Ministerial joint declaration in 2000 by briefly outlining how and why human remains came to reside in museum collections and the origins of Indigenous concerns. Subsequent sections will outline the focus of research:

data collected and sources consulted (Section 1.3); the research question (Section 1.4); the aims and objectives of this research (Section 1.5); and finally, the organisation of this thesis (Section 1.6).

1.2 The origins of an ethical dilemma

Indigenous concerns over the treatment of their ancestors have their roots in the Colonial period, when Indigenous human remains were systematically collected because of their importance in helping to substantiate evolutionary theories prevalent at the time. Some were found by chance, others taken from graves; battlefields; caves; trees and even mortuaries and hospitals if the opportunity arose (Fforde 1997, Legassick and Rassool 2000, Mihesuah 2000, Urry 1989).

Fforde (2002: 25) succinctly places the collection of human remains into an historical context by stating that:

[I]ndigenous human remains were widely procured during the colonial era for scientific research conducted within the race paradigm. Research was undertaken by phrenologists, comparative anatomists and, later, physical anthropologists, by those advocating monogenism, polygenism and Darwinian evolutionary theory. Fundamental to the analysis of human remains was the assumption that race could be distinguished and identified through quantitative measurement of skeletal (and, later, soft tissue) material. Until the mid-twentieth century, each approach always assumed a fundamental connection between biology and culture, and this adherence to the concept of biological determinism helped to attach what was perceived as human 'worth' to physical characteristics.

Simply put, human bodies were required in order to conduct scientific enquiry and to substantiate various theories. There are a myriad of examples from all over the world as to what are now deemed questionable methods of obtaining human remains (Fforde 2004, Holmes 2007, Legassick and Rassool 2000, Richardson 1988). Associated documentation, in some instances, allows the identification of named individuals that have been or still are, held in museum collections. For example, a Khoisan woman named Saartjie Baartman, otherwise known as the *Hottentot Venus* (1789-1815), was taken from South Africa to Paris, where she was displayed as a freak because of her unusual physical

characteristics (Holmes 2007). When she died in 1815, a cast was made of her body and her brain and genitals were stored in jars and displayed at the Musée de l'Homme in Paris. Although Baartman's remains were removed from display in the mid 1970s, it was not until 2002 they were reburied in South Africa during a state funeral (Holmes 2007). Similarly, Fforde (2004: 44-50) documents the mutilation of the bodies of two Aboriginal men, William Lanne and Tommy Walker in Australian hospital morgues and the subsequent outcry when the public discovered that the bodies had not been buried intact.

The body of an unnamed individual from Botswana given the nickname of El Negro was stolen from his grave somewhere between 1829 and 1831 by French natural scientists. In 1916, his body was placed on display in the Darder Museum in Spain (Davies 2003, Parsons and Segobye 2002). It was only in 2000 that the body of El Negro was finally repatriated, after a decade of heated exchanges regarding his fate (Davies 2003).

The taking of human remains without permission is not only a Colonial phenomenon. Indigenous burials and other sacred sites have been excavated without any form of consultation taking place until relatively recently. Zimmerman (1994) first became aware of the concerns of the Native American community in the 1970s following the discovery of a Native American skeleton on the edge of a white pioneer cemetery in Iowa. The bones were removed and sent away for study whilst the bones of the white pioneers were immediately reburied.

As Bahn (1984: 132) states, "early investigators seem to have taken it for granted that Christianity was the one true religion, or at least the only one that mattered". However, even Christian burial grounds were not always safe. During the mid 19th to mid 20th centuries in Norway, the plundering of Sámi graves and churchyards (both pre Christian and Christian) in order to further the theory that the earliest populations of Scandinavia were ancestors of the Sámi was commonplace (Schanche 2002: 48).

Although the examples cited are of individuals who belonged to Indigenous communities, interest in collecting the dead was by no means restricted to such individuals. The body of

Charles Byrne, otherwise known as the Irish Giant was obtained by anatomist John Hunter despite Byrne's wish to be buried at sea (Urry 1989: 12). To this day, Byrne's skeleton is still on display in the Hunterian Museum in London. Further details pertaining to the recent treatment of Byrne's skeleton by the Hunterian Museum is located in Section 4.3.1.

Conflicting views as to the interpretation of what is ethical and respectful when it comes to the treatment of human remains have led to over three decades of ethical and moral debate regarding their treatment; a debate that has become widely known as the 'reburial' issue. Layton's (1994) collection of papers published as the book *Conflict in the Archaeology of Living Traditions* goes a long way to explain the origin of Indigenous concerns in a US context. Hammil and Cruz (1994: 195-96) write:

Any disruption, delay or halt in that journey (the afterlife) is a violation of personal religious beliefs to that individual, to his descendants who incorporate and are responsible for his spirit in their daily lives, religious ceremonies, and to those of the present and the future who will embark on that journey. Therefore when we find our ancestors bodies and graves desecrated by the hundreds of thousands, we consider this is an intolerable violation of religious freedom which must be addressed and must be resolved.

The desecration referred to in the above quotation is in fact the actions of the archaeologists, scientists, anthropologists and museums that excavated, collected, studied and displayed Native American human remains without any thought for the wishes and beliefs of the dead or their present day descendants.

Presently, there is still no agreement over what is ethical or respectful when it comes to the treatment of human remains. It should be noted that treatment, for the purpose of this research, is meant in its broadest sense to mean any archaeological and museological treatment of human remains, be it excavation; storage; study; retention; display; repatriation and so on.

Bahn's 1984 paper attempted to open up debate on the 'reburial issue' but unfortunately fell short. It asked whether deliberately disturbing the remains of the dead of any culture

is respectful and what right we have to disturb the dead when we either do not or cannot know what their religious or spiritual beliefs would have been. Nevertheless, even when we do know these beliefs there is an abundance of examples of human remains still being disturbed (e.g. Schanche 2002, Zimmerman 1994).

1.3 Research context

This research focuses upon the impact and effectiveness of recent human remains specific legislation and guidance, the origins of which can be traced to ethical concerns relating to the treatment of non-UK human remains. Although not the subject of this research, it is worth noting that there is a much wider interest in, and body of literature relating to, human remains. Whatever the ethical issues involved in dealing with human remains, they are a rich and valuable source of information. Human remains can be analysed to obtain information about an individual, such as age, sex, or whether there was any disease or injury present, or they can be analysed on a larger scale, which might tell us something about the society in which an individual or group lived or allow for comparisons to be made (Mays 1998, Roberts 2009). Smith and Mays (2007: 18) write:

Research is an ongoing process in which old conclusions are re-evaluated and new techniques are applied...re-analysing and building upon the work of past scholars gives us a more complete understanding of our past.

The long-term importance of work on human remains alluded to in this quotation is illustrated by Mays' (2010) work on the origins of Paget's disease of the Bone (PDB). He was able to analyse published work on the disease dating from 1889 to the present, allowing him to conclude that PDB originated in Northwest Europe and spread throughout the world. Conversely, Redfern and Walker (2009) analysed the skeletons of 1022 children buried at St Mary Spital in order to document changing patterns of health in medieval children.

It is not only older human remains that are subject to research. Human remains belonging to individuals that have died recently are also the subject of interest. For instance, forensic archaeology deals with human remains that are part of criminal investigations (e.g. Hunter and Cox 2005, Rhine 1998), whilst in 2011 an individual from Torquay who

lost his battle to cancer donated his body for use in what appears to be an extremely successful groundbreaking mummification experiment using 18th Dynasty Egyptian mummification techniques (Channel 4 2011).

Human remains also make a valuable contribution to modern studies of medicine. For example, Jones and Whitaker (2009) discuss the biological and medical treatment of human remains, whilst addressing many of the ethical issues now facing those in the medical profession who deal with human bodies and/or body parts. Finally, human remains can be an indispensable teaching aid for those who study both the living and the dead, as well as a source of engagement for those who view human remains as part of museum displays.

The different values placed on human remains and their different treatments are still very much debated today although there have been attempts to placate ethical concerns. Chapter 3 will analyse these attempts from an international perspective with emphasis on Australia/Tasmania, New Zealand and the United States (US), whilst Chapter 4 will focus on the changing treatment of human remains in the UK.

1.4 Data collection and sources consulted

Museums in England were selected as the dataset to be studied for this research as work previously undertaken on the number of human remains in museum and other institution collections (Weeks and Bott 2003) clearly indicated that there was a great deal of research potential. There is undoubtedly a need for both geographical and comparative expansion to include Wales and Northern Ireland. However, with some 806 museums and museum authorities, England clearly provided sufficient data for the purpose of this research.

The issues discussed within this research impact Indigenous communities throughout the world. However, the majority of non-UK repatriation requests for human remains held by English museums originate from Australia/Tasmania, New Zealand and the US (Weeks and

Bott 2003). For this reason, the main emphasis of international investigation and discussion will focus upon these three areas.

1.5 Research question

How do the *HTAct* and the *Guidance* impact upon the treatment of human remains in English museums and are they effective in satisfactorily addressing ongoing concerns relating to the treatment of human remains in museums?

1.6 Aims and objectives

Aim 1: Put the passing of recent legislation and guidance into context

Objectives:

- 1.1 from the 1970s to the 1990s, delineate the worldwide progression of growing concern over the treatment of human remains by archaeologists, anthropologists and museums;
- 1.2 appraise the current viewpoints and opinions of Indigenous representatives throughout the world (with specific emphasis on Australia/Tasmania, New Zealand and the US) regarding the treatment of Indigenous human remains and attempts to placate ethical concerns;
- 1.3 from the 1990s, outline changing attitudes relating to the treatment of human remains in England and investigate how such changes have altered the way in which human remains are treated; and
- 1.4 evaluate the current viewpoints of museum professionals, Indigenous representatives and other interest groups regarding the changing treatment of human remains in England.

Aim 2: Investigate the impact and effectiveness of the *HTAct* upon museums in England

Objectives:

- 2.1 establish the origin and number of human remains that date to less than 100 years old;
- 2.2 investigate the viewpoints of museum personnel as to the effectiveness of the *HTAct*; and

- 2.3 assess the impact of the *HTAct* on all affected museums and on the human remains housed within those museums.

Aim 3: Explore the impact and effectiveness of the *Guidance* upon the treatment of human remains in museums

Objectives:

- 3.1 investigate the work of the DCMS WGHR, its report, consultation process and the final DCMS document, the *Guidance*;
- 3.2 ascertain which museums in England hold human remains;
- 3.3 determine the number and origin of human remains held by each individual museum within England;
- 3.4 assess the impact and effectiveness of the *Guidance* for museums in England that hold human remains;
- 3.5 gauge the opinions of museum personnel regarding the impact and effectiveness of the *Guidance* in relation to museum collections and the future treatment of human remains in museums; and
- 3.6 critically appraise changing attitudes towards human remains and the current opinions of museum staff, WGHR members, claimants and other interested parties regarding the effectiveness of the *Guidance*.

Aim 4: Assess whether the *Guidance* and the *HTAct* address ongoing concerns relating to the treatment of human remains in museums

Objectives:

- 4.1 gauge opinion regarding whether legislation and guidance addresses the concerns of current interest groups;
- 4.2 assess whether ethical concerns are addressed by the *HTAct* and the *Guidance*; and
- 4.3 make recommendations as to the future treatment of human remains and any future guidance and legislation governing their treatment.

1.7 Organization of thesis

Chapter 2 will set out the methodology used throughout this research and discuss the various phases implemented in order to collect data. Chapter 3 will discuss international

responses to challenges for the control of Indigenous human remains. The main emphasis of this chapter will be responses from: Australia/Tasmania; New Zealand and the US. These areas will be discussed in terms of their legislation and policies relating to the treatment of Indigenous human remains at home as well as legislation and policies that they have concerning the repatriation of Indigenous human remains from UK museums.

Chapter 4 will focus upon changing attitudes towards human remains in England. It will discuss religious and spiritual beliefs, different treatments of human remains in museum settings and responses to concerns for the dead before briefly investigating recent changes in the archaeological treatment of human remains. The remainder of Chapter 4 will focus upon the development and implementation of the *HTAct* and the efforts the DCMS, which culminated in the production of the *Guidance*.

Chapter 5 presents numerical data obtained during an England-wide museum survey undertaken for the purpose of this research. Firstly, this chapter will identify the number of museums that hold human remains. Secondly, it will identify the minimum number of individuals (MNI) held within each of those museums, in terms of both overall MNI and the MNI originating from defined geographical areas. This chapter will also draw attention to the various difficulties encountered in obtaining accurate data from some museums.

Chapter 6 will report on data obtained during this research. This chapter will make specific reference to the recommendations outlined in the *Guidance* in order to assess its impact and effectiveness. It will focus upon museum implementation of human remains specific policy and/or guidance, the number of repatriation requests received and discuss museum comments made regarding the satisfactory nature of the *Guidance*.

Chapter 7 will consider the data discussed in previous chapters in order to discuss the impact and effectiveness of the *HTAct* and the *Guidance* with specific reference to the growing contentious interest in the fate of UK human remains. Finally, Chapter 8 will revisit the aims and objectives of this research and make recommendations relating to the future study and future treatment of human remains before providing concluding comments on the importance of this research.

CHAPTER 2: METHODOLOGY

2.1 Introduction

As the previous chapter presented, the overall aim of this research is to investigate the impact and effectiveness of the *HTAct* and the *Guidance* in relation to the treatment of human remains in English museums. The aim of this chapter is to set out the methodology used to answer the research question and how the research aims and objectives set out in the previous chapter were fulfilled.

With this in mind, Chapter 2 will outline each of the five different phases of research and map them against the original research aims and objectives. Section 2.2 will begin by discussing the methodology employed, whilst Section 2.3 will discuss the use of interviews (Phase I) as a means of obtaining information from a variety of individuals who played a role in the development of the *Guidance* or who had firsthand experience of the *Guidance*. The collation of museum contact information and initial introductions between the researcher and museums (Phase II) is discussed in Section 2.4. Section 2.5 will discuss the *Guidance* questionnaire (White Survey I Phase III) from its inception to its completion by museums and similarly, Section 2.6 will discuss the Human Tissue Authority Public Display Licence (HTAuth PDL) questionnaire (White Survey II) (Phase IV). Section 2.7 will discuss the methods employed in analysing the data obtained during all of the above phases (Phase V) before concluding with a brief discussion on research limitations (Section 2.8).

2.2 Quantitative versus qualitative methodologies

According to Blaxter, Hughes and Tight (2006: 62) “research is a systematic investigation to find answers to a problem”. In relation to this particular piece of research, the ‘problem’ is twofold. Although the aim of this research is to evaluate the impact and effectiveness of the *HTAct* and the *Guidance* upon the treatment of human remains in

English museums, such an evaluation cannot be undertaken without first understanding the extent of human remains in museum collections; a subject on which little research has been undertaken. On the one hand, there is a need to gather qualitative data relating to museum experiences in relation to the human remains in their collections in order to answer the research question. On the other hand, there is a need to gather quantitative data relating to the provenance and number of individuals in museum collections in order to place the research question into context. It is impossible to provide a reliable evaluation using a single methodological approach; thus, a combination of mixed quantitative/qualitative survey and interview has been employed in order to achieve what Coombes (2001: 29) calls a “well balanced and meaningful conclusion.”

Figure 2.1 outlines these five phases of research, whilst Table 2.1 links the various phases of research to the research aims and objectives that were set out in the previous chapter. Subsequent sections will discuss at length these various stages.

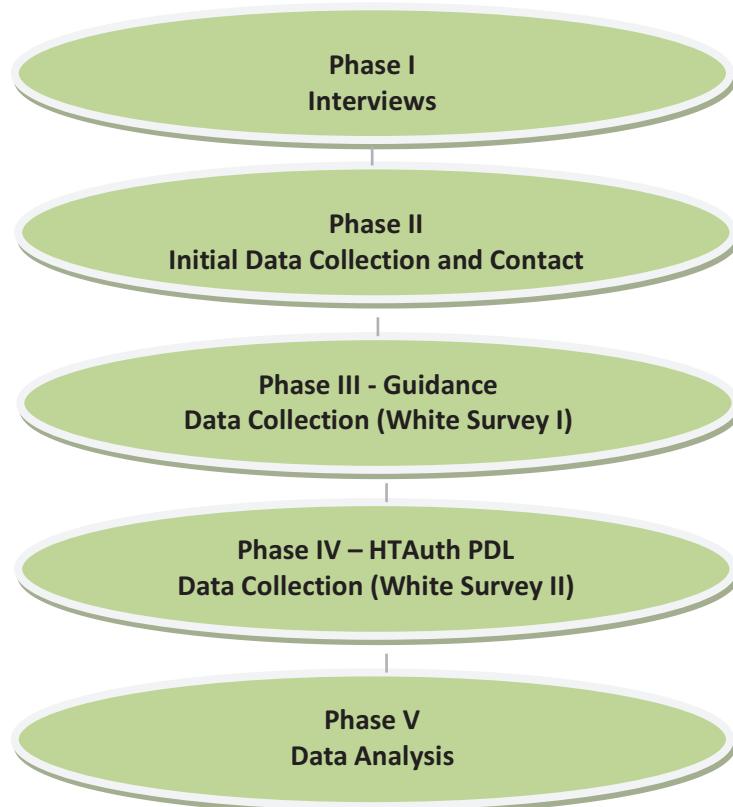


Figure 2.1: The five phases of data collection and analysis employed during research. Interview and survey (Phases I to IV) provide the data for analysis during the final phase (Phase V).

Table 2.1: The five different phases of research linked to research aims and objectives.

Phase	Description	Research Aims	Research Objectives
I	Interviews (April-July 2006)	1, 3	1.1-1.4, 3.1
II	Museum data collection and initial contact (August-December 2006).	2, 3	2.1, 3.2-3.4
III	White Survey I distributed, followed up and processed (January- December 2007)	2, 3	2.1, 3.2-3.6
IV	White Survey II distributed, followed up and processed (June-September 2008)	2	2.1-2.3
V	Data analysis (September 2008-March 2009)	1, 2, 3, 4	1.1-1.4, 2.1-2.6, 3.1-3.3, 4.1-4.3

2.3 Phase I: Interviews

Interviews, the first phase of this research, took place between April and July 2006. The aim of conducting interviews was to obtain a selection of personal viewpoints regarding the recent work of the DCMS and first impressions of the *Guidance* from various individuals who had played a significant role in its development or who had firsthand experience of the *Guidance*. These individuals included museum professionals, a DCMS Working Group member, a DCMS Drafting Group member and an Australian government official. These interviews were conducted face-to-face by the researcher. A full list of people interviewed is located in Appendix 1.

To this end, both structured and unstructured interviews were considered. As Bryman (2004: 319) points out, the aim of structured interviews is to “maximise the reliability and validity of key concepts”. However, asking all interviewees the same question would not result in the kind of qualitative, experience driven data that were sought. Interviewees originated from different backgrounds from which they were expected to have a wide range of experiences and viewpoints. Some were interviewed because they dealt with human remains in their museum, others because they were involved in the work of the DCMS and another was an Australian government representative. For this reason, questions could not be uniform in nature. Thus the use of a structured interview was discounted as this type of questioning does not allow for much flexibility in the way questions are either asked or answered (Fontana and Frey 2008: 124, Gillham 2000: 6).

Any answers given by respondents would not reflect the true diversity of opinion and their experiences.

Conversely, unstructured or semi-structured interviewing, or what Bryman (2004: 319) terms qualitative research interviewing, would allow a much greater breadth of questioning. Structured interviews aim at capturing precise data which can be coded whilst unstructured or semi-structured interviews attempt to “understand the complex behaviour of members of society without imposing any a priori categorization that may limit the field of enquiry” (Fontana and Frey 2008: 129). Each respondent could be asked different questions and new questions could be asked dependent on the previous answer of the respondent.

As the general topic was common to all interviewees, it seemed unnecessary to hold unstructured interviews, where the researcher goes into an interview without any pre-determined questions (Bryman 2004: 320). A semi-structured interview method was chosen above others because of its flexibility in allowing additional comments to be noted and other avenues to be explored (Coombes 2001: 98). As interviewees came from various backgrounds, three sets of questions that revolved around their own background and experience were designed. A list of these core questions can be found in Appendix 2. In order to avoid distraction all interviews were recorded by means of a digital voice recorder and with the permission of the interviewee.

It should be noted that the *Guidance* was published in October 2005, only a few months prior to interviews taking place during April to June 2006; therefore, it would have been impossible to assess accurately its impact and effectiveness. For this reason, questioning related specifically to the deliberations of the DMCS prior to the publishing of the *Guidance* and to first impressions of the *Guidance*. Some of the interviews failed to contribute in fulfilling the aims and objects of this research, thus they have been omitted.

2.4 Phase II: Initial data collection and contact

It became clear at an early stage in this research that a large-scale investigation was necessary. Such an investigation would provide, for the first time, a detailed account of the extent of human remains holdings in English museums and allow for a comprehensive understanding as to the impact and effectiveness of the *Guidance*. Although a number of small-scale investigations have taken place in the past (e.g. Fforde 2005, Simpson 1994, Weeks and Bott 2003), systematic England-wide data collection pertaining to human remains holdings in museums has never been undertaken.

With this in mind, Phase II of this research had two very basic goals. The first was to ascertain which museums in England held human remains. The second was to establish whether those museums that did hold human remains would be willing to take part in a survey.

In September 2006, the author undertook an investigation in order to develop a sampling frame that would provide a reliable, consolidated list of all museums in England. Initially it appeared that the DCMS sponsored website *24 Hour Museum* (24 Hour Museum 2006) would be most suitable as a source of museum contact information. This decision was based on a statement contained therein that the site was updated frequently. However, almost immediately it became apparent that the site was not kept as up-to-date as one was led to believe and that it only included the details of publicly funded and not-for-profit organisations. A second source, the *Museums and Galleries Yearbook* (Museums Association 2006), which is updated annually and which boasts being the largest catalogue of museums and galleries within the UK, was therefore also used in order to compile as comprehensive a list of English museums as possible.

In the first instance, all institutions (not just museums) with mainland England addresses were collated. This initial list totalled 1086 institutions. However, further investigation revealed that the sampling frame contained 248 of 'ineligibles'. Czaja and Blair (2005: 137) define *ineligibles* as "units that are not members of the defined population": the defined population in this instance being museums in England. Some institutions listed

within the sampling frame were in fact not museums. These included archaeological resource centres; archaeological stores; art galleries; planetariums; libraries; railways; and heritage centres. Other institutions were no longer open for business and some were managed as part of a regional museum service thus requiring only a single point of contact. For example, the Museum of Archaeology, Southampton Maritime Museum and Tudor House Museum were all listed separately but fell under the remit of Southampton City Museums. It was also clear that toy museums, railway museums and museums of childhood, were extremely unlikely to hold human remains and could therefore be excluded from further investigations. Museums of this type numbered 32; four museums of childhood, six toy museums, and 22 railway museums. Thus, with all ineligibles considered, the final list of museums numbered 806. Clearly, the only feasible way of obtaining information from such a large dataset was to undertake a questionnaire based survey. A full list of the 806 museums contacted can be found in Appendix 3.

It should be noted that the *Guidance* definition of museum “refers to all museums and any other institution permanently holding remains as collections...” (DCMS 2005a: 10). This differs somewhat in that for the purpose of this research, the term museum incorporates both individual museums and museum authorities whether publicly, privately or volunteer run. It does not include any other institution that permanently holds human remains as collections. The methodology used prior to contact and in corresponding with these museums is discussed in the following section.

2.4.1 Initial museum contact

The retention and use of human remains by museums continues to be an extremely sensitive issue (Heal 2008, Henderson 2006); so sensitive that the author had some concerns as to whether museums would be willing to respond to questions relating to their holdings. In an attempt to obtain a high response rate, each museum was sent a general courtesy email/letter in order to introduce the researcher, the research topic, ask whether the museum held human remains and if so, whether a representative would be willing to take part in a survey. A copy of this letter can be found in Appendix 4.

Due to the large sample size, internet contact was perceived as the most effective method to address all participants. Although Sheehan and Hoy (1999) suggest that unfamiliarity of technology may result in lower email responses than postal surveys, Coombes (2001: 39) has demonstrated that a high response rate has been obtained in various studies that have employed the use of email surveys, especially if an initial email is sent requesting participation in the study. Interactions with museums were separated into three components; contact, response and follow up (Shonlau, Fricker and Elliott 2002: 7). Although it is possible that each of these components can be conducted by different modes, email contact remained the most efficient mode throughout with postal contact being initiated only when an email address was not available. In an attempt to establish which museums did and did not hold human remains, initial email contact was designed in such a way that even if a museum was not willing to participate in the survey, it would confirm whether or not it held human remains.

This contact process took place over a period of approximately four months (August-December 2006). In an attempt to achieve a better response rate, the name of the individual responsible for the human remains in each museum collection was requested. If a museum did not provide a response within six weeks of initial contact, two further reminders were sent at monthly intervals followed by a final postal request, in the event of previous email correspondence not reaching its intended recipient. Museums that could not be reached by email were similarly contacted and all were provided with a stamped addressed envelope for returning their response. At the end of that period, 764 (95%) of the 806 museums contacted had provided a response.

2.5 Phase III: The *Guidance* questionnaire (White Survey I)

This section will discuss the development and distribution of the questionnaire intended to elicit pertinent information from those museums that agreed to take part in a survey relating to the human remains in their collections and the *Guidance*.

Phase III of this research was designed in order to fulfil five basic goals. These were to:

1. gather viewpoints on the impact and effectiveness of the *Guidance* in relation to the (then) current standards of care and curation in individual museums and in museum perceptions of the impact and effectiveness of the *Guidance*;
2. determine the extent of human remains holdings in terms of origin and minimum number of individuals (MNI);
3. establish how many museums hold human remains dating to less than 100 years old;
4. ascertain how many museums have received requests for the repatriation of human remains; and
5. establish the origin and number of human remains that have been at the centre of repatriation requests.

Although internet communication with museums had already proved itself to be an efficient form of contact during Phase II, there were still various forms of internet surveys that could be employed: web surveys; email contact involving embedding a questionnaire within the email; or email contact which included an attached questionnaire. According to Bryman (2004: 481), the use of web surveys brings with it three important advantages. Firstly, they provide a much wider variety of stylisation in terms of appearance than email surveys. Secondly, if any questions are not applicable to the respondent they can be filtered dependent on response and thirdly, that in many cases the data collected can be automatically downloaded into a database thus removing the need for coding of responses.

Although the web survey option initially seemed appealing, the researcher felt that some respondents might be put off completing a very detailed and specific questionnaire that would require full completion and immediate submission. Some of the questions asked would require investigation before an answer could be provided and if respondents did not have the chance to partially complete and save a questionnaire at leisure, a low response rate might ensue.

Discounting the use of a web survey left two choices, both of them involving the use of email. The first, which involved embedding a questionnaire in the body of an email, would not allow for either sufficient author control or even the most basic of formatting (Best and Krueger 2004: 39, Moore 2000: 116), therefore it was discounted. The second option

of developing a questionnaire and sending it as an email attachment, although slightly more complicated for the recipient, proved to be a much more appealing option. It was expected that the recipient would find this option more attractive as the attached questionnaire could be partially completed and saved without the need for immediate return. Opting for an email attachment also meant that the same questionnaire could be posted to museums where an email address was unavailable; thus providing a consistent approach.

With this in mind, an easy to use questionnaire was designed using Microsoft Word, as it seemed probable that few barriers preventing completion would be encountered if a standard piece of software were used (Best and Krueger 2004: 39). The questionnaire was write protected so that respondents could not change the questionnaire itself but they could tick boxes and add comments in pre-designated expandable areas.

Twenty questions were split over three A4 pages that included numerous tick box questions so that the prospect of completing the questionnaire was not so daunting as to put off respondents (Buckingham and Saunders 2004: 71, Czaja and Blair 2005: 99). A free text section was also included at the end of the questionnaire to allow respondents to comment on any subject. A copy of this (White Survey I) questionnaire is located in Appendix 5 and a copy of the survey covering letter is located in Appendix 6. A copy of the White Survey II questionnaire is located in Appendix 7.

The questionnaire was designed to relate specifically to the *Guidance* in terms of both the recommendations it makes and its impact and effectiveness. Policy; display; research; consent; education; storage; and repatriation were all covered within the questionnaire. Museums were also asked to indicate whether they had, or intended to, put into place, human remains specific policy and/or guidance relating to each aspect of treatment covered by the *Guidance*. A single question enquiring whether human remains dating to less than 100 years old were held was included within the questionnaire in order to determine which museums were HTAuth PDL affected (see Section 2.6). Table 2.2 outlines the questions asked, linking them to the research aims and objectives.

Table 2.2: List of White Survey I questions linked to research aims and objectives. *denotes questions that did not allow for comments to be made as further explanation was not required.

Question Number	Question	Aim Mapping	Objective Mapping
1	Is your museum aware of the full extent of its human remains holdings?*	3	3.3
2	Please identify the origin and number of human remains.	3	3.3
3	Does your museum control human remains under 100 years old?	2	2.1
4	Please identify whether your museum has its own policy or guidance that specifically references human remains with regards to the following: access, acquisition, claims for return, conservation treatment, de-accessioning, display, educational use, loans, research, storage, other.	3	3.4
5	Has your museum changed, or will it change its policy or guidance documents regarding the treatment of human remains due to the issuance of the <i>Guidance for the Care of Human Remains in Museums</i> ?	3	3.4
6	Does your museum display human remains, whether on a temporary or permanent basis?	3	3.4
7	Following the issuing of the <i>Guidance for the Care of Human Remains in Museums</i> has your museum changed, or does it plan to change, the way in which human remains are displayed?	3	3.4
8	Are human remains controlled by your museum used for research purposes? *	3	3.4
9	Does your museum keep a human remains research register? *	3	3.4
10	Is this research register accessible to the public?	3	3.4
11	Does your museum seek permission from source communities to display, retain, or conduct research on human remains?	3	3.4
12	Do students taking osteological or medical based training handle human remains? *	3	3.4
13	Are human remains used as part of other educational or outreach programmes?	3	3.4
14	Does your museum use, or would it consider using, replica human remains for educational purposes? *	3	3.4
15	Does your museum have a dedicated area or designated shelving for the storage of human remains? *	3	3.4
16	Are human remains accessible to all members of staff?	3	3.4
17	Has your museum received any requests for the repatriation of human remains? *	3	3.4
18	Has your museum received any requests for the repatriation of associated funerary objects?	3	3.4
19	Has your museum set up its own advisory framework for processing repatriation requests? *	3	3.4
20	Does your museum feel that the <i>Guidance for the Care of Human Remains in Museums</i> is satisfactory?	3, 4	3.5-3.6, 4.1
	Further comment	3, 4	3.1-3-6, 4.1

It should be noted that for the purpose of consistency, the term repatriation, which normally is defined as 'the return or restoration of a person to his or her native country' (OED 2011a) is applied in relation to both non-UK and UK human remains. It is

acknowledged that the term reburial, defined as 'a second burial or interment' (OED 2011b) is widely used elsewhere in relation to UK human remains.

Museums were also asked to divulge the country of origin and MNI within their collections. As there was some doubt as to whether museums would be either willing or able to devote the resources required in order to give a detailed account of their holdings, it seemed prudent that such questioning stay within parameters familiar to the museum sector. For this reason and to keep data comparable, the geographical areas set out in the 2003 *Scoping Survey of Historic Human Remains in English Museums undertaken on behalf of the Ministerial Working Group on Human Remains* (hereby referred to as the *Scoping Survey*) were adhered to in White Survey I. In addition, the 'Americas' was split into 'North America' and 'South America' in an attempt to obtain more geographically specific data. Unlike the *Scoping Survey*, respondents were given the opportunity to present both estimated (in terms of number) and unknown (in terms of provenance) holdings in order that all individuals, rather than simply known individuals, be disclosed. Although White Survey I data are comparable with *Scoping Survey* data, it allows for a much more detailed insight into the actual number of human remains in English museum collections.

White Survey I number ranges for MNI were much more specific than those used in the *Scoping Survey*. The *Scoping Survey* intended only to give a rough account of the number of human remains in museums so it utilised broad numerical parameters (1-9, 10-49, 50-99, 100-249, 250-499 and 500+). The White Survey I questionnaire was designed so that detailed data could be obtained, thus museums were asked to quote their exact holdings wherever possible.

Similarly, the *Scoping Survey* used the term 'item' rather than individual. Included in the term is "an uncatalogued/untaxed assemblage of bones from a single excavation/exhumation" and "one histological slide if on its own, or a box/drawer or cabinet of slides" (Weeks and Bott 2003: 40). Both of these inclusions under the term 'item' could relate to more than one individual therefore the *Scoping Survey* may not reflect the actual MNI in collections. The *Scoping Survey* definition of human remains also

includes hair and nails, whereas White Survey I and II defines human remains as *excluding* hair and nails as per the original *Guidance* definition. The full *Scoping Survey* definition of human remains can be found within Supplementary Document 3.

Although the *Scoping Survey* focus was on numerical data, it also addressed the issue of repatriation, which was the main impetus behind the deliberations of the DCMS, and investigated generally the use of human remains. It asked museums to:

- confirm whether human remains were stored unused
- used only for research
- used in learning programmes and research
- kept in conditions agreed with the originating community
- on long-term public display; or on temporary exhibition

(Weeks and Bott 2003: 26).

Whilst the White Survey I questionnaire does address similar questions, it was intended to develop a greater understanding of the current treatment of human remains by museums and whether this treatment has been affected by the *Guidance*. The results of White Survey I are presented in Chapters 5 and 6.

It should be noted that two of the 157 museums that took part in White Survey I agreed to do so only if they could remain anonymous. These museums are identified as 'an undisclosed museum in Dorset' and 'an undisclosed Museum Service in West Yorkshire' throughout this research.

2.6 Phase IV: Human Tissue Authority Public Display Questionnaire (White Survey II)

The Human Tissue Authority (HTAuth) was set up as part of the *HTAct* to regulate the removal, storage, use and disposal of human bodies, organs and tissue (*HTAct* 2004: Part 13-15). Institutions are forbidden from carrying out activities such as anatomical and post-mortem examination or the removal and storage of body parts, without first obtaining a licence from the HTAuth. Public display of human remains under 100 years

old is one of those activities requiring a licence, thus some museums that responded to White Survey I are affected by legislation.

White Survey I (Phase III) intentionally does not address questions relating to HTAuth Public Display Licensing (HTAuth PDL) due to its expected limited impact. HTAuth PDL affects few museums because it relates specifically to human remains less than 100 years old. However, it was initially unclear how many museums held human remains under 100 years old and the impact licensing and the imposition of a licensing fee would have on already strained museum resources. Table 2.3 outlines the six questions put to affected museums, mapping them against the aims and objectives of this research.

Table 2.3: List of survey questions relating to the impact and effectiveness of Human Tissue Authority Public Display licensing linked to research aims and objectives. *denotes questions that did not allow for comments to be made as further explanation was not required.

Question Number	Question	Aim Mapping	Objective Mapping
1	Is your museum aware that all human remains belonging to a person who died less than 100 years ago require a licence for storage and display?	2	2.3
2	Does your museum hold a Human Tissue Authority Public Display licence? *	2	2.3
3	If your museum does hold a licence, what was the cost? *	2	2.3
4	Do you agree it is reasonable that museums must be in a possession of a licence to store and display human remains belonging to a person who died less than 100 years ago?	2, 4	2.2-2.3 4.1-4.2
5	Please identify the origin and number of human remains (minimum number of individuals (MNI)) under the control of your museum that are under 100 years old. Please type 'E' next to any estimated counts given. *	2	2.1
6	What impact has licensing had on your museum?	2, 4	2.2-2.3 4.1-4.2
7	Further comment	2, 4	2.1-2.3, 4.1

This questionnaire was sent only to museums that, as part of White Survey I, had stated that they held human remains under 100 years old and to museums named on the HTAuth website as already holding a Public Display licence. Of the 23 questionnaires sent out, 12 (52%) were returned. Surprisingly, some of the museums who answered positively to holding such human remains were not at that time in possession of an HTAuth Public Display Licence. As some museums were unlicensed, it seemed prudent to offer anonymity so potential respondents would not be deterred from taking part in the

survey. Therefore, unlike White Survey I, the HTAuth PDL survey remains completely anonymous. Chapter 4 will present the analysis of responses.

2.7 Phase V: Analysis of data

All data collected for the purpose of this research have been analyzed with the aim of evaluating the impact and effectiveness of the *HTAct* and the *Guidance*. Data collected during Phase I interviews are used throughout this research in order to inform investigations and analysis relating to the changing treatment of human remains and the *HTAct* and the *Guidance*.

It was impossible to interpret these data and apply it to the wider museum environment without first understanding the extent of human remains holdings. Once this information had been obtained, the main aim of analysis then became a development of an appreciation of the treatment of human remains in museums, and whether that treatment has changed or would change due to the *HTAct* and/or the *Guidance* and to assess the impact of changing attitudes towards human remains.

White Survey I questionnaire responses were input into a bespoke Access database and analyzed by creating various queries to obtain specific sets of data, such as how many individuals each museum holds or how many museums have specific guidance and/or policy in place. Various queries were also run to establish whether there were any correlations between specific datasets. Any instances where questions were not answered have been noted in order to avoid confusion. All qualitative data was coded as it was input into the Access database for ease of analysis (Boeije 2010: 94-118, Bryman 2004: 408).

Data obtained during White Survey I were also cross referenced with the *Scoping Survey* and other secondary source data such as individual museum listings or audits and databases in order to investigate whether museum understanding of the MNI in their collections had changed. The data obtained through the HTAuth PDL questionnaire

(White Survey II) is presented in Chapters 4, whilst data obtained through the *Guidance* questionnaire (White Survey I) is presented in Chapters 5 and 6.

2.8 Research limitations

Although this research provides the first widespread and most accurate insight into the extent of human remains collections in English museums and into the impact and effectiveness of the *HTAct* and the *Guidance*, its scope is limited both geographically and in terms of the type of institutions surveyed. Whilst museums in England are the focus of this research, the *HTAct* and the *Guidance* extend to Wales and Northern Ireland. Similarly, the *Guidance* and the sections of the *HTAct* relevant to this research extend to all institutions holding human remains; not just museums. Further research is required to broaden understanding both geographically and in terms of the types of institutions surveyed.

It should also be noted that, as will be illustrated in Chapter 5 (Section 5.3), whilst some museums endeavor to better understand the human remains in their collections, it is likely that final counts of MNI will fluctuate. This makes it difficult to be confident regarding the accuracy of the disclosed MNI and provenance of human remains in museum collections. White Survey I was conducted at a time when some museums did not fully appreciate the extent of the human remains in their collections, thus both numerical data and provenance data may have undergone revision since the White Survey I was undertaken in 2007.

Indeed, it is possible that some museums may still not appreciate the extent of the human remains in collections and it would be insightful to know whether museums have undertaken physical audits of their collections and to see how much numerical and provenancing data has been revised since White Survey I was undertaken. Similarly, a change in the *Guidance* definition of human remains in 2008 means that any holdings of hair and nails were not included in the numerical data quoted throughout this research as White Survey I asked museums to exclude hair and nails from the MNI they reported as per the original *Guidance* definition of human remains.

The aim of the next chapter is to investigate the origin of concerns that led to the development of the *HTAct* and the *Guidance*.

CHAPTER 3: INTERNATIONAL RESPONSES TO INDIGENOUS CONCERN

3.1 Introduction

Chapter 1 introduced the research topic and briefly examined how human remains came to reside in museum collections in England; introducing the idea that growing concern for Indigenous human remains developed in many parts of the world in response to increasing disquiet from Indigenous groups regarding the fate of their ancestors. Chapter 2 then went on to outline the methodologies utilised throughout this research.

Prior to investigating the impact and effectiveness of the *HTAct* and the *Guidance*, which is the main focus of this research, it is first necessary to examine the international expansion of concern for Indigenous human remains to provide context. Without such an investigation, it is impossible to understand the chain of events that led to changes in the treatment of human remains within English museums and more widely within the UK.

With this in mind, Chapter 3 will elucidate further as to the development of, and responses to, growing concern for Indigenous human remains from an international perspective. The focus will be the three areas most closely linked to museums in England because of repatriation requests: Australia/Tasmania, New Zealand and the US. Such an investigation will allow also, in subsequent chapters, for a comparison between some of the frameworks adopted internationally for dealing with Indigenous human remains and the frameworks adopted in England.

Section 3.2 will explore documented accounts of when and why Indigenous groups began to question the ownership and control of the physical remains of their ancestors and how, in many instances, that ownership and control has been transferred to Indigenous groups. Section 3.3 will discuss the archaeological and museological regulation of Indigenous human

remains. Section 3.4 will review recent changes in archaeological practice. Section 3.5 will investigate the current treatment of Indigenous human remains in museums and Section 3.6 will discuss the different approaches adopted for the repatriation of Indigenous human remains. Section 3.7 will conclude by evaluating and comparing the approaches implemented in each of the areas discussed in this chapter; Australia/Tasmania, New Zealand and the US.

3.2 Battle for the bones

As Chapter 1 intimated, the actions of 19th and 20th century anatomists and later anthropologists, scientists, archaeologists and museums who dug up, studied, stored and displayed human remains led to growing disquiet in countries with Indigenous populations. Although unease began in the 1960s, it was from the 1970s that a battle ensued which focused on whether scientific value should outweigh other considerations; both in terms of the acquisition methods used to procure human remains and the religious and/or spiritual significance placed on human remains by Indigenous groups (Layton 1994, Mihesuah 2000). Initially, many of those opposed to the idea of repatriation dismissed Indigenous concerns as spurious, preferring to advocate the increasing Indigenous voice as nothing more than part of the wider political activism that was taking place concurrently to assert Indigenous rights (Fine-Dare 2002, Zimmerman 1997). As this chapter will illustrate, this activism has today resulted in some Indigenous groups being recognized as controlling their own heritage as well as them being given land rights, and most recently water rights (Lilley 2000, Mercer 2010).

In Australia, the first request for reburial came in 1950 from the Archdeacon of Launceston, who found a letter from his father outlining the final wishes of Truganini, thought to be the last Tasmanian (Fforde 2004: 98). Although this was one of several unsuccessful attempts to have Truganini reburied (some of which originated with non-Indigenous individuals), Cove (1995: 162) believes that:

the Aboriginal demand for the return of Truganini's remains [which began in the 1960s and ended in 1974 when Truganini was cremated] began a political process which ultimately led to Aboriginal control over future research concerning them.

It was not until the end of the 1980s that the majority of Australian museums responded positively to repatriation requests (Fforde 2004: 112). However, the intended repatriation of a collection of prehistoric human remains, known as the Kow Swamp collection, in 1990, led Australian prehistorian John Mulvaney to wage a campaign to save "perhaps the largest skeletal collection ever recovered from a single Pleistocene context" (Mulvaney 1991: 12).

The analogous case of Spirit Cave Man, found in Nevada, US was no less controversial. Spirit Cave Man dates to c. 9500 years old and to this day remains at the centre of a legal case that attempts to decide whether the remains should be repatriated (Edgar et al. 2007). These two examples undoubtedly illustrate that older human remains that are difficult to associate with current day Indigenous groups are, as Watkins (2007: 56) describes "a philosophical sticking point". Similarly, Benson and Stangroom (2006: 133), assert that associations with older human remains "rely on 'faith' or belief, a myth or story or narrative..." as the truth cannot be established through facts. However, in such instances, all available evidence should be considered and a case-by-case judgment made based upon that evidence.

Such concerns relating to older human remains are not currently an issue in England. As Chapter 4 will illustrate, museums affected by the *HTAct* are legally able only to repatriate human remains less than 1000 years. Similarly, the *Guidance* suggests it would be very unlikely that human remains less than 500 years old will be repatriated because of difficulties establishing links with present day populations (see discussion in Chapters 4 and 6).

Similar to the situation in Australia, it was from the 1960s that Native American groups sought to gain control of their ancestors' skeletons from archaeologists (Zimmerman 1994: 21). As late as 1986, the Society of American Archaeology (SAA) passed a resolution opposing reburial except possibly in the case of named individuals with traceable biological

descendants (Hammil and Cruz 1994: 199), but within a few years support for Indigenous concerns widened. Weiss (2008: 35) writes that:

[R]ight before NAGPRA [see Section 3.3] was passed [1990], some museums and universities felt the pressure to repatriate human remains and artifacts to local Indian tribes...Harvard also caved into the political atmosphere and repatriated human remains and artifacts. Arizona State Museum and Santa Fe's Museum drafted their own repatriation policies and gave away a great deal of data.

Weiss's anti-repatriation stance is apparent from her choice of language, but such opposition did not halt the passage of legislation. The National Museum of the American Indian Act (NMAI Act) was passed in 1989, requiring the Smithsonian Institution to identify, inventory and make available for repatriation its holdings of Native American, Alaska Native and Native Hawaiian human remains and funerary objects. The following year saw the passage of NAGPRA: what Fforde (2004: 92) calls "landmark legislation as for the first time anywhere in the world a nation's Indigenous population(s) have been recognized in law as the rightful owners of their ancestors' remains". The recognition given to Indigenous groups that came with the passing of NAGPRA in turn could be seen to strengthen the standing of Indigenous groups throughout the world.

This section has briefly illustrated how and when Indigenous groups became more vocal in questioning the treatment of their ancestors. It has demonstrated that although not unanimous, as time passed support grew for their concerns and that this resulted in various changes to the ways in which Indigenous human remains are treated. The next section will go on to discuss the legislation that now protects indigenous human remains in Australia/Tasmania, New Zealand and the US.

3.3 Legislation

In some countries, the museological and archaeological treatment of Indigenous human remains is strictly regulated, although the mechanisms in place to protect human remains do

vary from country to country. Table 3.1 amalgamates information relating to the ownership, disturbance, curation and repatriation of indigenous human remains in the geographical areas noted at the end of the previous section. All topics will be discussed in more detail within the next few sections and although not discussed until the Chapter 4, the UK has been included for comparative purposes.

Table 3.1: International comparison of the treatment of Indigenous human remains

	Australia	New Zealand	US	UK
Ownership	Controlled by relevant Indigenous group(s).	Controlled by relevant Indigenous group(s).	Controlled by relevant Indigenous group(s).	Human remains cannot be legally owned. They are simply held in custodianship.
Legislation governing disturbance	Governed by a combination of Federal and State law.	<i>Kiowi Tangata</i> (human remains guidelines) produced in 2008 by New Zealand Historic Places Trust <i>Pouhere Taonga</i> . In addition, the Coroners Act 2006; Burial and Cremation Act 1954; Historic Places Act 1993; The Protected Objects Act 1975; and <i>Te Ture Whenua Maori Act</i> 1991.	Federal (NAGPRA) and State law; National Historic Preservation Act 1966; Archaeological and Historic Preservation Act 1974; Archaeological Resources Protection Act 1979.	Burial Act 1857. Disused Burial Grounds (Amendment) Act 1981. Ministry of Justice Section 25 burial licence required.
Curation	Museum specific policy and in consultation with relevant Indigenous group(s).	Museum specific policy and in consultation with relevant Indigenous group(s).	Federal (NAGPRA) and State law. Museum specific policy and in consultation with relevant Indigenous group(s).	Museum specific policy and/or guidance and the <i>Guidance for the Care of Human Remains in Museums</i> .
Domestic Repatriation from museums	Museum specific policy and in consultation with relevant Indigenous group(s).	Undertaken by Te Papa in consultation with relevant Indigenous group(s).	Federal (NAGPRA) and State law. Museum specific policy and in consultation with relevant Indigenous group(s). NMAI Act.	Museum specific policy and/or guidance and the <i>Guidance for the Care of Human Remains in Museums</i> .
Repatriation from UK museums	Undertaken by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) on behalf of the Australian government.	Undertaken by Te Papa in consultation with relevant Indigenous group(s).	No policy relating to the repatriation of Native American human remains from institutions abroad.	See Domestic repatriation above.

In New Zealand, four main pieces of federal legislation govern the archaeological disturbance of human remains. These are the *Coroner's Act 2006*; the *Burial and Cremation Act 2006*; the *Historic Places Act 1993*; and the *Te Ture Whenua Maori (Land) Act 1991*. To assist further with the practicalities of dealing with human remains, in 2008 the New Zealand Historic Places Trust (NZHPT), which is the main organization dealing with historical and cultural heritage in New Zealand, produced the *Archaeological Guidelines Series No. 8: Koiwi Tangata/Human Remains* (Supplementary Document 6). The guidelines aim to assist those "involved in the discovery, excavation, exhumation, storage, re-interment or repatriation of koiwi tangata/human remains" (NZHPT 2008: 1). It provides specific practical advice for the public, police, developers, consultant archaeologists, NZHPT archaeologists, conservation staff and Tangata Whenua (People of the Land), should they encounter human remains.

In contrast, both Australia and the US employ a combination of federal and state legislation to govern the treatment of Indigenous human remains, meaning that they are legally afforded the same level of protection as non-Indigenous human remains. In Australia, the *Heritage Act 1977* and the *National Parks and Wildlife Act 1974* are the relevant federal laws used in conjunction with individual state laws. In the US, individual state legislation exists to govern the treatment of Indigenous human remains, as well as a combination of compliance and enforcement federal legislation (Hutt and Riddle 2007: 232). Most state laws will allow for the scientific study of human remains if those human remains are of state or country-wide importance, although this is usually for a very limited period and may require that consultation takes place with the relevant Native American group (Weiss 2008: 45).

The key federal US laws covering the archaeological disturbance of human remains are the *Antiquities Act 1906*; the *National Historic Preservation Act 1966*; the *Archeological and Historic Preservation Act 1974* and *NAGPRA 1990* (National Park Service c.2007). Of these, NAGPRA is the key piece of legislation that applies to Native American human remains. As well as protecting human remains discovered on federal and tribal lands, NAGPRA (USC 3002(a)) provides a process for museums and federal agencies to return certain Native

American cultural items to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations. NAGPRA (25 USC 3003) requires that Federal agencies and museums must:

- identify cultural items in their collections that are subject to NAGPRA, and prepare inventories and summaries of the items;
- consult with lineal descendants, Indian tribes, and Native Hawaiian organizations regarding the identification and cultural affiliation of the cultural items listed in their NAGPRA inventories and summaries; and
- send notices to lineal descendants, Indian tribes, and Native Hawaiian organizations describing cultural items and lineal descendancy or cultural affiliation, and stating that the cultural items may be repatriated.

It should be noted that non-federally recognized tribes do not have any standing to make claims under NAGPRA, although changes in 2010 mean that non-federally recognized tribes can claim culturally unidentifiable human remains. Federally recognized tribes are defined as “[Any] tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians” (NAGPRA 25 USC 3001 (7)). However, if a museum or Federal agency does wish to repatriate human remains or cultural items to a non-Federally recognized tribe it can request that the NAGPRA Review Committee. This committee was set up “to monitor and review the implementation of the inventory and identification process and repatriation activities” (NAGPRA 25 USC 3006(a)), provide a recommendation on whether human remains should be repatriated to a non-Federally recognized tribe.

NAGPRA is not without criticism. Some people believe that NAGPRA goes too far, others believe that it does not go far enough (Ousley, Billbeck and Hollinger 2005: 28). Weiss (2008: 96) writes that:

NAGPRA has been bad for science. It deters people from working on Native American remains, it cost millions of dollars and it consumes millions of hours that could be devoted to understanding the past better. A huge number of

skeletal remains have been reburied; these are no longer available for study. Another large amount has been repatriated, but still is off limits for scientists. Then, there are those that are in the process of being removed, which makes them unavailable for study as well.

Comments made by Weiss reflect the fears and comments made by other archaeologists, anthropologists and museum staff during the early stages of the reburial issue; that the scientific importance of human remains is pre-eminent and that science will suffer due to repatriation (e.g. Meighan 1984, 1992). Weiss (2008) shows that almost 20 years after its passing, that there is still opposition to NAGPRA. Conversely, Sadongei and Cash Cash (2007) believe that even post NAGPRA a set of minimum ethical norms for the treatment of institutionalized human remains should be developed that take into account the aspirations and rights of descendant populations. Others have mixed feelings about NAGPRA. For example, although Rose, Green and Green (1996) believe that NAGPRA is detrimental to North American osteology, they believe that an increase in the study of skeletons from around 30% to almost 100% and that the inventory process requirement that has led to gaps in knowledge being filled regarding specific time periods and geographic areas are positive.

This section has briefly outlined some of the main pieces of legislation in Australia, New Zealand and the US and the responses to them from those whose ancestors are at the centre of repatriation processes. The aim of the next section is to understand how these various pieces of legislation manifest themselves in archaeological practice.

3.4 Changes in archaeological practice

It is reasonable to assert that in some countries with Indigenous populations, the practice of archaeology has undergone a significant transformation over the last three decades, coinciding with other developments relating to Indigenous rights (Lilley 2000). Lilley (2000: 1) writes that:

[T]he closing decades of the 20th century saw major changes surrounding long-standing claims for Indigenous rights to land and cultural heritage and in

postcolonial societies. These changes have dramatically affected the way(s) in which archaeology is conducted in those countries. Accelerating developments...have forced archaeologists and bureaucracies which govern their work to become increasingly aware of Indigenous people's sensitivities about archaeological activities, particularly but increasingly less-exclusively those concerning human skeletal remains.

One example of this is the *Archaeological Guidelines Series No. 8: Koiwi Tangata/Human Remains* (NZHPT 2008: 25), which offers the following cultural considerations for any parties involved in the discovery of human remains:

- give sufficient time to allow for *karakia* (prayer) and *tauparapara* (incantations);
- refrain from eating and carrying food, within the proximity to works or activities associated with the remains;
- use appropriate tools, i.e. not home gardening implements; and
- use appropriate containers and receptacles, i.e. nothing currently or previously used for containing food.

The most perceptible development in the practice of Indigenous archaeology within the last few decades, not just in relation to human remains, is the level of consultation with Indigenous communities prior to and during excavations. Colley (2002: 77) states in relation to Australian archaeology that “[A]rchaeologists must consult with [I]ndigenous communities before government agencies will issue requisite excavation and fieldwork permits” and that “[C]onsultation is also necessary when archaeologists seek access to places on land legally owned by [I]ndigenous people”. Written express permission may be a requirement in order to proceed with archaeological research, as may be the physical participation of appropriate Aboriginal people (Lilley 2000: 2) or some other tangible benefit to the community (Colley 2002: 78).

Similarly, NAGPRA (25 USC 3002(c)) requires that consultation must take place prior to removal of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony from tribal or Federal lands. NAGPRA has however been problematic for some of those who study human remains (Larsen and Walker 2005, Ousley, Billbeck and

Hollinger 2005, Walker 2008). Larsen and Walker (2005: 113) write in relation to bioarchaeological ethics:

The study of ancient remains is not motivated by idle scientific curiosity. Rather, professional bioarchaeologists, skeletal biologists, palaeopathologists, and others who study ancient remains believe that the information contained in the skeletons of our ancestors is of great potential significance for living people.

Thus, NAGPRA and similar legislation that is in place throughout the world might not allow those who study human remains to fulfill their own discipline objectives. Conversely, NAGPRA has brought with it some positive impacts. These include increased communication between Native Americans and scientists and the examination of previously unstudied archeological collections (Larsen and Walker 2005: 112, Ousley, Billbeck and Hollinger 2005: 2). Furthermore, NAGPRA has not prevented the excavation of all Native American human remains, as many of those opposed to NAGPRA suggested that it would (Ferguson 1996). Many Native American graves and cemeteries are still investigated when they are threatened by development and a positive impact is that the participation of Native Americans in archaeological activities has greatly increased over the last two decades (Colwell-Chanthaphonh and Ferguson 2007, Ferguson 1996: 68-69).

The next two sections will look at how legislation has affected the retention and use of human remains within a museum context. Section 3.5 will look generally at the treatment of Indigenous human remains in museums, whilst Section 3.6 will investigate both domestic and overseas repatriation processes.

3.5 Indigenous human remains in museums

In Australia, individual museum policy rather than state law governs the museological treatment of Indigenous human remains. In 2005, Museums Australia, the national professional body which represents the museums and gallery sector, published a guidance document for institutions which deal with Aboriginal and Torres Strait Islander heritage. The

document, entitled *Continuous Cultures, Ongoing Responsibility*, offers guidance on acquisition; repatriation; custodianship; storage, access and display; and scientific and cultural significance for all Aboriginal and Torres Strait Islander ancestral remains (Museums Australia 2005). The recommendations made in *Continuous Cultures, Ongoing Responsibility* are borne out in national museum policy throughout Australia (e.g. *National Museums Australia Aboriginal and Torres Strait Islander Policy 2005*), all of which reflect the spirit of cooperation and consent. Indigenous human remains are not placed on display and research cannot be undertaken without the agreement of “traditional custodians” (Museums Australia 2005).

Similar treatments also can be seen in museum policy in both New Zealand and the US. In relation to New Zealand, Butts (2002: 225) believes that since Te Maori, the first international exhibition of *taonga* (treasured things) Maori, which opened in 1984

most museums have worked constructively to build better relationships with Maori people, not only because elements of Maori heritage form a large part of museum collections, but also because museum credibility depends to a large extent on those collections.

For instance, *The Museum of New Zealand Te Papa Tongarewa Koiwi Tangata* (hereafter referred to as Te Papa) *Policy* (2008) states *koiwi tangata*, or human remains, that are to be repatriated are not considered part of the museum’s collection, rather they are the remains of ancestors to be treated appropriately at all times. The *Human Remains Governance Policy* of the Auckland War Memorial Museum states the Board must seek advice from the *Taumata-a-iwi*, or Maori Committee, before it makes any recommendations relating to the acquisition of non-Maori human remains (Auckland War Memorial Museum 2008). There is no law or overarching policy governing the use of human remains in US museums (McManamon 2006: 48), although they are mostly afforded a similar level of treatment as in Australia and New Zealand. In 2007, the Advisory Council on Historic Preservation issued the *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects*. This document is aimed at assisting federal agencies in decision making processes relating to

human remains, although it is not specific to Indigenous human remains. Specifically in relation to human remains, the National Museum of the American Indian (NMAI) acknowledge themselves as 'stewards' rather than 'owners of human remains', recognizing that "its Native constituents have an absolute interest in the management, interpretation, and disposition of collections associated with their respective communities" (NMAI n.d.).

3.6 Repatriation

The repatriation of human remains has been taking place in Australia/Tasmania, New Zealand and the US for around 20 years. In May 2007, the Australian Minister for the Arts and Sport, the Hon. George Brandis, S.C., confirmed more than 1475 individuals and 603 secret sacred objects had been repatriated to Australian Aboriginal communities since 1999 (Brandis 2007). Although there is no central repatriation database in the US, NAGPRA does require that museums publish a Notice of Inventory relating to the human remains in their collections. Although no record is available as to the total number of individuals reported during inventory completion, as of 30 September 2009, the National Park Service website recorded that 38,617 such notices had been published (National Park Service 2009).

It was not until 1999 that the Australian government formalized its domestic repatriation policy, by creating the *Return of Indigenous Cultural Property Program*. This venture, jointly funded by the Australian government and Northern Territory governments, originally provided \$3 million (Australian dollars) to help government funded museums to:

- identify the origins of all ancestral remains and secret sacred objects held in the museums where possible;
- notify all communities who have ancestral remains and secret sacred objects held in the museums;
- appropriately store ancestral remains and secret sacred objects held in the museum at the request of the relevant community; and
- arrange for repatriation where and when it is requested.

(Australian Government 2009)

In 2007, a further \$4.67 million (currently approximately £2.6 million) in funding over four years was pledged by the Australian government to continue with the *Return of Indigenous Cultural Property Program* (Brandis 2007). However, bearing in mind that an estimated 7,070 human remains and 11,448 sacred secret objects are still housed in the eight museums participating in the program (Brandis 2007) it can be expected that it will take a great deal longer than four years to repatriate all relevant material.

Te Papa oversees both domestic and overseas repatriation in New Zealand. Te Papa is government funded and since 1992 has undertaken 45 repatriation projects; 24 of those being with UK institutions. Te Papa are interested in repatriating only human remains with clear provenance, describing itself as a guardian for human remains to be cared for in a "culturally appropriate manner until such a time as matters relating to their long-term care are resolved with iwi" (Museum of New Zealand Te Papa Tongarewa 2001). To this end, Te Papa has two consecrated repositories where human remains are stored and given the same level of respect as a grave or burial site.

Despite many countries having a repatriation programme in place, some problems are still apparent. The exception to this rule appears to be New Zealand. Hole (2007) writes that:

The repatriation and reburial of Indigenous human remains is a contentious and often highly antagonistically debated subject in most colonial countries today. New Zealand, however, is a clear exception to this rule, where the issue is generally characterized by co-operation, respect and consensus, and is largely under the control of the Indigenous people themselves.

In Australia, Hanchant (2002) worries that many Australian Aboriginal human remains are being or already have been provenanced incorrectly and therefore may be repatriated to the wrong cultural descendants. She was part of the National Skeletal Provenancing Project, which ran in the late 1990s with the purpose of locating the original provenance of Aboriginal and Torres Strait Islander human remains held in Australian museums. Archival work led to the provenancing of many human remains but also led to the unprovenancing of human remains previously thought to be correctly provenanced (Hanchant 2002: 312). A

Department of the Environment and Heritage (2006) report supports this claim more recently, noting that issues such as location, certainty of origin and storage of human remains continues to be a concern for Indigenous groups. Section 3.6.1 also will show that some Indigenous groups are dissatisfied with the way the Australian government are handling the repatriation of Australian Aboriginal human remains from overseas.

Problems relating to provenance are likely to be encountered in museums throughout the world. For example, Clegg (2009) documents an investigation into the provenance of an individual held by the Natural History Museum in London, whom records showed was a Tasmanian male. Upon further, more detailed investigation, it was established that the remains were those of an English woman named Louisa Ferris, who had been transported to Australia after being found guilty of manslaughter (Clegg 2009: 121). Similarly, O'Sullivan (2006) believes that provenancing is also an issue for human remains held in the Science Museum on behalf of the Wellcome Trust.

In the US, issues in provenancing ancient human remains to present day tribes led to attempts to pass an amendment to NAGPRA to change the definition of 'Native American' so that the study of similar human remains would not be possible in the future (Weiss 2008: 34). One such example is Spirit Cave Man, the oldest of four skeletons excavated from caves in Nevada in August 1940 (Edgar et al. 2007: 103). Little research was undertaken on the remains until 1994, when carbon dating established Spirit Cave Man to be the oldest known North American mummy at around 9400 years old (Edgar et al. 2007: 104). Despite these attempts, NAGPRA was revised in 2010 so that any similar culturally unidentifiable human remains would, if claimed, be transferred to present day inhabitants of the area in which they were found (NAGPRA 2010).

3.6.1 International repatriation of human remains

Both the Australian and New Zealand governments have a pro-active policy of repatriation of Indigenous human remains from overseas institutions. This is currently not the case in relation to the US, where no centralized effort exists. Nor is it likely to happen in the foreseeable future.

Following a joint declaration between the UK and Australian Prime Ministers in July 2000 to increase repatriation efforts between the two countries, the Australian government has proactively sought the repatriation of Aboriginal/Tasmanian human remains held in overseas collections through its International Repatriation Program (FaHCSIA 2010a). Investigations by the Australian Office of Indigenous Policy Co-ordination (OIPC) estimate that 600 individuals (150 or 25% of them unprovenanced) from various communities are held by around 20 museums in the UK: approximately 450 of those being held by the Natural History Museum (Galt-Smith 2007). The programme is able to offer funding for research on provenancing and establishing inventories, consultation with traditional custodians, assisting with land access and short-term care and management of human remains (FaHCSIA 2010a).

However, informal discussions between the researcher and some Indigenous representatives at the July 2005 *Meanings and Values of Repatriation* conference in Canberra indicated that not all Indigenous communities were happy with the way in which the Australian government handle requests for repatriation as these require little Indigenous involvement. In 2004, the Australian government abolished the Aboriginal and Torres Strait Islander Commission (ATSIC), the body that previously dealt with Indigenous issues, and replaced it with OIPC. Informal discussions with a few individuals suggest that they believe that this change led to unhappiness within Aboriginal communities (ENIAR 2006a). Galt-Smith (2006) stated in an interview with the researcher that he believes this disillusionment came from a government change that led to a re-allocation of funding; with monies focusing entirely on domestic costs rather than also providing for the overseas travel of Indigenous representatives.

Further comments relating to funding issues were made in the *First report of the Senate Select Committee on Regional and Remote Indigenous Communities* (2008). The report states that:

While visiting KALACC [Kimberley Aboriginal Law and Cultural Centre] in Fitzroy Crossing the committee was shown a shipping container on their premises that contained hundreds of human remains and sacred objects that were actively sought and repatriated mainly from Swedish museums. The committee heard that KALACC's support was actively sought by the Commonwealth government in order to repatriate these remains and items however since the demise of the Aboriginal and Torres Strait Islander Commission the Commonwealth government has provided insufficient funding or assistance to return the remains to country, and that as a consequence, the remains and other objects had been left in the container for several years.

(Parliament of Australia Senate 2008)

KALACC has since received funding to continue repatriation activities up until 30 June 2009 (Parliament of Australia Senate 2008). A further factor leading to discontent within Indigenous communities appears to relate to the issue of control. Firstly, OIPC does not comprise elected Indigenous representatives, as had been the case with ATSIC; OIPC represents the Australian government rather than the Indigenous communities to which the human remains belong. Secondly, the European Network for Indigenous Australian Rights (ENIAR) whose aim is to promote awareness of Indigenous issues, reported that fewer Aboriginal people are employed by OIPC than ATSIC (ENIAR 2005). Finally, in September 2006, Michael Mansell of the Tasmanian Aboriginal Centre stated:

we have continually told OIPC... the Federal government replacement for ATSIC, that it should only become involved when we request them to do so. We now are told by museums in England that OIPC have been to see them in advance of our delegates and have told the museums they should be dealing with OIPC.

(ENIAR 2006b)

However, more recently, the Australian government has attempted to address Indigenous concern. In 2008, the International Repatriation Advisory Committee (IRAC) was set up with the aim of helping to develop repatriation processes that are relevant to, and with the involvement of, Indigenous communities (FaHCSIA 2010b). In March 2010, IRAC released a discussion paper with the aim of reviewing current processes (FaHCSIA 2010c). As of December 2010, the outcome of this consultation is still awaited.

In New Zealand, it was not until 2003 that Te Papa, on behalf of the government, developed a formal programme, known as the *Karanga Aotearoa* Repatriation Program, for the repatriation of human remains from overseas. The objectives of the program include:

- carrying out quality research with appropriate *tikanga* (customs);
- bringing *kōiwi/koimi tangata* (human remains) home from overseas institutions and museums;
- facilitating their final resting place through engagement with *iwi* (tribal groups);
- maintaining close communication with *iwi* (tribal groups); and
- working under the guidance and advice of experts in the form of a Repatriation Advisory Panel.

(Te Papa n.d.)

However, Hole (2007: 18) believes the way Te Papa has pursued its bicultural strategy in the past has led to difficulties in repatriating human remains obtained from overseas to source communities. He suggests that a combination of three factors has led to Te Papa being unable to repatriate a significant number human remains to source communities. Firstly, there is no legislative requirement that Te Papa should employ or have as a governing body tangata whenua (people of the land). Secondly, a purpose built community meeting space causes visiting Maori anxiety as it has no attachment to the tangata whenua. Finally, that tribal group involvement has been minimal and inconsistent (Hole 2007: 19).

The US government does not have a pro-active overseas repatriation policy, such as that of Australia or New Zealand, although various repatriations have occurred through tribal initiatives. In September 2007, the first repatriation of Maori human remains from a museum in the US took place (Science Daily 2007). Less than a year later, the somewhat less successful first repatriation of Australian Aboriginal human remains occurred. In July 2008, ENIAR

reported that the US had repatriated its first Australian Aboriginal human remains from the Smithsonian Institution (ENIAR 2008). The human remains, thought to date to no older than 200 years and in some instances within living memory, were taken during a joint Australian/US expedition to Arnhem Land in the Northern Territory 60 years ago (Science Daily 2007).

However, in August 2008 ABC Local Radio reported that the Smithsonian Institution (ABC 2008) had retained a collection of skulls, some of them possibly belonging to the individuals repatriated the previous month. It appears that the Smithsonian Institution had simply acted upon and adhered to the stipulations contained in a letter presented to them that had been written by one of the men involved in the expedition. The letter stated that two-thirds of the bones would be repatriated once Australia built a national museum (ABC 2008). The Australian Federal Government has been in further contact with the Smithsonian Institution in an attempt to secure the release of the skulls (ABC 2008). However, this example seems to indicate that despite the fact that NAGPRA has protected Native American human remains for almost two decades; museums may still be reluctant to relinquish control of Indigenous human remains from other countries.

3.7 Conclusions

Archaeological and museum practices have developed and evolved to meet both legislative needs and in many cases the expectations of Indigenous groups. These developments have in turn resulted in both advantages and disadvantages for those who study human remains. In terms of the archaeological disturbance of human remains, and indeed the discipline of archaeology as a whole, some countries require consultation with and approval from relevant Indigenous communities before any work can be undertaken. Similarly, many museums have developed their own policies and procedures to deal with human remains in a much more culturally sensitive manner.

However, it would seem that the repatriation of human remains is still a contentious issue in the countries evaluated, even though repatriations have been occurring for over two decades. This comment is particularly pertinent to the situation in both Australia and the US. In Australia, Aboriginal groups have been unhappy about their lack of control in the government repatriation programme. In the US, the battle for control of remains such as Spirit Cave Man (Edgar et al. 2007) suggests there is still uneasiness in repatriating human remains that cannot be directly linked with present day Indigenous groups. Despite this, amendments to NAGPRA in 2010 mean that in the future human remains of similar antiquity are likely to be repatriated to Indigenous groups who live in the same area. However, as the next chapter also will illustrate, with such emotive issues as human remains and repatriation, it is unlikely that there will ever be a single viewpoint or a single course of action that receives universal approval.

CHAPTER 4: HUMAN REMAINS IN ENGLAND – CHANGING ATTITUDES AND RESPONSES

4.1 Introduction

The preceding chapter illustrated that in other countries documented concern over the treatment of human remains began around four decades ago. Law and policy now regulate the treatment of human remains in each of the areas that were subject to investigation (Australia/Tasmania, New Zealand and the US). This has helped alleviate many of the concerns that Indigenous communities have regarding the treatment of their ancestors, although as has been illustrated, each country is not without its problems.

This chapter will investigate the different attitudes towards and the various treatments of human remains in England in order to contextualize further the results of White Survey I presented in Chapters 5 and 6. Human remains have been and still are subject to a variety of treatments that in turn attract a multiplicity of responses; for that reason, this chapter covers a diverse array of topics. Indeed, the treatment of human remains continues to evolve as both museums and the human remains within those museums come under increasing scrutiny from a growing number of interested parties.

Section 4.2 will examine the different values placed on human remains in England by briefly discussing some of the spiritual and religious beliefs associated with death and the dead. With the aim of illustrating that not all human remains are subject to the same treatment, Section 4.3 will provide examples of some of the different ways in which human remains are utilized and viewed in museums/institutions. Sections 4.4 to 4.6 will investigate recent changes in the archaeological (Section 4.4) and museological (Sections 4.5 and 4.6) treatment of human remains. This chapter will conclude (Section 4.7) with a discussion on the impact of changing attitudes on human remains within English museums.

4.2 Different values

The aim of this discussion is to investigate *some* of the values placed upon and *some* of the treatments of human remains in England. No attempt is made to discuss all existing values or treatments. Rather this section attempts to introduce some of the ideas that may provide an answer as to why there are such diverse attitudes relating to what is ethically correct in relation to the treatment of human remains. After briefly discussing some of the religious and spiritual beliefs associated with human remains (Section 4.2.1), the focus of this section will turn to some of the different ways human remains are treated (Section 4.3) by discussing two examples: the Hunterian Museum (Section 4.3.1) and the Body Worlds exhibitions (Section 4.3.2).

4.2.1 Religious and spiritual beliefs

Investigations by Jupp and Gittings (1999: 264) reveal that “[I]n 1919, 99% of English funerals were burials”. By 1967, after both the Church of England and the Catholic Church accepted cremation, this rate had reduced drastically, with the cremation rate reaching 50% (Jupp and Gittings 1999: 265). In 2002, after years of steady decline in the number of burials taking place, approximately 70% of people who died in England were cremated (Davies 2002: 141). According to Jupp and Gittings (1999: 269), this increase in the number of cremations illustrates a decline in belief in a physical resurrection of the body.

Swain (2002: 17) suggests that in England, “the Christian faith does not have strong views on the sanctity of the dead body once the soul has departed”. This view also is possibly supported by the popularity of television programmes like *Meet the Ancestors*, *Secrets of the Dead* and *Time Team*, all of which regularly show the excavation and interpretation of human remains.

Although the importance of the sanctity of the body after death might have declined, its importance in relation to its connection with the living has not. Numerous studies have investigated the relationship between the dead and the living, the social status of human remains, and the importance of memory in relation to death, grief and mourning (e.g.

Davies 2002, Hallam 2001, Hallam 2007, Robben 2004, Tarlow 1999). For example, Hallam (2007), postulates that the social status of human remains transformed in the context of the University of Aberdeen's Department of Anatomy due to changes in the way cadavers were obtained (now by donation rather than being unclaimed bodies). These changes have resulted in cadavers no longer being viewed as 'socially disconnected' but as 'deceased persons that are enmeshed in ongoing social relationships' (Hallam 2007: 96). The cadaver arrives at the Department as an individual but is immediately depersonalised, prior to student contact, by being allocated a number in place of a name. This depersonalisation allows students to concentrate on forming memories of the anatomical body, rather than memories relating to the individual (Hallam 2007: 287). When the cadaver leaves the Department of Anatomy, its number is replaced with its name, which 'reconstitutes the cadaver as a person to be remembered' (Hallam 2007: 296). Thus, the individual social status of the person continues.

Bienkowski (2006) prefers to use philosophical concepts of body/mind relations to explain differing attitudes towards human remains. He cites three relevant concepts that might shape the way individuals view human remains. Firstly is materialism, where both the body and the mind die at death. Where "the death of a human being is the end of the human being: it is absolute nothingness..." (Bienkowski 2006: 7). Secondly is dualism, where the body dies at death but the mind survives. According to Bienkowski, "[A]rchaeology, as an archetypal dualist/materialistic practice, treats dead bodies as 'things', for its own ends. And so, on the whole, do museums". Thirdly is panpsychism or animism, where the body and mind are integrated in both life and death. "When a person dies, part of the community dies, but not all of it. The dead body is still integrated, still a person" (Bienkowski 2006: 7). Thus, with materialism and dualism, the dead body holds no meaning, but with animism, it stays connected to the living and to the land.

Therefore, if a philosophical approach is adopted in order to explain why there are different attitudes towards human remains, materialism and dualism stand in direct opposition to animism: an opposition that is reflected in the ongoing debate surrounding the treatment of human remains. If, as Bienkowski (2006: 8) suggests, archaeological and

museological practices conform to a dualistic/materialistic approach, then the Indigenous groups discussed in Chapter 3 can, generally speaking, be seen to conform to an animistic philosophy. Fowler (2004) also addresses such body-mind relations in his research on the archaeology of personhood, a subject area that has developed relatively recently. He explains that 'personhood is attained and maintained through relationships with other human beings, but with things, places and the spiritual features of the cosmos' (Fowler 2004: 7).

In England, ongoing conflicts between museums, archaeologists and some groups and individuals describing themselves as Pagan exemplify these contradictory concepts. Elements of the Pagan community have actively opposed the disturbance and development of archaeological sites such as Avebury and Stonehenge because of their sacred status. Blain and Wallis (2007, 2011) describe the spiritual nature of relationships between pagans and the environment and the sacredness of sites such as Avebury and Stonehenge and the tensions that these relationships can cause, concluding that archaeologists, anthropologists and heritage managers should "engage proactively with pagans and take their perspectives seriously" (Wallis and Blain 2011: 40). More recently, this opposition has focused upon the disturbance and retention of human remains (Bristol Evening Post 2008, Randerson 2007, Thackray and Payne 2009, Wallis and Blain 2011). In a paper given at the *Respect for Ancient British Human Remains: Philosophy and Practice* conference, held at Manchester Museum on 17 November 2006, Restall-Orr (2006) commented that:

Pagans acknowledge nature to be sacred. Nature is the nonhuman environment, the wind and the oceans, the mud and forest, the moors, every animal, each element and natural force, from gravity to germination. Yet nature also includes human nature: blood, flesh and bones, love, lust and fear, instinct, emotion and reason. History, heritage, memory are also an integral part of our human nature, our ancestry its genes and epigenes, its weaknesses and lessons learned, all of which goes into what makes an individual.

Restall-Orr is a Druid priest and writer who founded Honouring the Ancient Dead (HAD) in 2003 during the public enquiry into the Stonehenge A303 development (Restall-Orr 2006). HAD describes itself a British network organisation that advocates respect for

ancient Pagan human remains and related artefacts (Honouring the Ancient Dead n.d.): a “non confrontational organisation, utterly determined, yet believing that discussion through sound relationships is the most productive course to inspire the necessary progressive action” (Restall-Orr 2006: 5). HAD does not represent all Pagans however, although Restall-Orr believes that it is a “sound representative of mainstream Paganism, speaking out for the care of British human remains” (Restall-Orr 2006: 5). Some Pagans, whether groups or individuals, take a more confrontational approach in their campaigning for the reburial of human remains, as is the case with the Council of British Druid Orders (CoBDO), which has recently unsuccessfully campaigned for the reburial of human remains held by the Alexander Keiller Museum in Avebury (Thackray and Payne 2009, 2010).

4.3 Different treatments

This section highlights two examples of differing treatments towards human remains. The first relates to the Hunterian Museum in London, a medical museum that holds human remains of various origins. The second, Gunther von Hagens' Body Worlds, is an exhibition of real human bodies that first came to England in 2002 amid controversy; yet has recently exhibited in both London and Manchester without any of the controversy originally courted.

4.3.1 The Hunterian Museum

The Royal College of Surgeons Hunterian Museum in London houses the collection of John Hunter (1728-1793), the famous 18th century anatomist. The collection comprises the remains of animals, surgical instruments and the remains of numerous human individuals (Royal College of Surgeons 2010).

In 2004, BBC News reported that a woman named Linda Nessworthy had been lobbying the Royal College of Surgeons for five years to release the remains of William Corder, who had been hanged and dissected following the murder of his lover in 1827. Nessworthy, a

descendant of Corder, was aware that Corder had been a villain, but commented “at the end of the day he was a human being and had a right to be buried and laid to rest” (BBC News 2004). Nessworthy did succeed in her fight to have Corder reburied. The Hunterian Museum organised his cremation and invited Nessworthy to be present.

The skeleton of Charles Byrne also resides at the Hunterian Museum. In life, Byrne used his large stature to his own advantage by parading himself in order to make money. He knew that his body would be sought following his death, and made arrangements to be buried at sea (Urry 1989: 12). Sources suggest that eminent anatomist of the day, John Hunter, placed a bribe that secured Byrne’s body before his sea burial was complete (Moore 2005: 424, Richardson 1988: 57-58, Urry 1989: 12). The skeleton, along with the rest of Hunter’s private collection, was transferred to the Company of Surgeon’s (later Royal College of Surgeon’s) Hunterian Museum in London in 1799 (Royal College of Surgeons 2010).

Early in 2005, The Hunterian Museum re-opened its doors after a multi million-pound redevelopment. Byrne’s skeleton had been on display prior to this redevelopment, but somewhat surprisingly in light of the ongoing debate surrounding the ethical treatment of human remains, his skeleton remains on display. Byrne is currently displayed together with another skeleton in order to demonstrate osteological anomalies and there is a full account of how his body came to reside in the collection. The fact that Byrne’s skeleton was re-displayed indicates that the Hunterian Museum does not view retention or display to be ethically questionable; even though there is evidence to support the fact that Byrne’s body was obtained against his wishes.

In 2005, Stella Mason, Keeper of the College Collections, confirmed that the Hunterian Museum was in talks with someone claiming to be a relative of Byrne’s and that DNA testing may be required to substantiate or disprove their claim (Mason 2005). The subject of reburial was broached with this person and they did confirm that they would be happy to have Byrne’s skeleton remain on display (Mason 2005). However, in a further

communication, Mason confirmed that the relationship was not “close or direct enough for DNA to help establish a relationship” (Mason 2005) thus any claim would be impossible to substantiate.

The Byrne example differs from other sensitive human remains, such as those of Australian Aboriginal or Maori origin discussed in Chapter 3, and even that of Corder. Firstly, because evidence exists to show Byrne had explicit wishes for his body in death, and secondly, because Byrne has no descendants requesting his reburial. Using the Hunterian Museum as an example illustrates that human remains of various origin that are held by a single institution can attract diverse attitudes towards what is ethical and respectful, thus impacting upon their final treatment. The fact that Byrne’s skeleton is retained and displayed when Indigenous human remains are repatriated and Corder is cremated would seem to reinforce comments made by Bahn and Paterson (1986: 268) and Cox (1996: 10) that the wishes and needs of the living outweigh the wishes and needs of the dead.

4.3.2 Body Worlds

Gunther von Hagens’ Body Worlds exhibition has attracted over 26 million visitors worldwide (Body Worlds 2008). Despite its popularity, Body Worlds courted controversy when it arrived in London for a 21 May 2002 to 9 February 2003 exhibition (see Chrisafis 2002). Body Worlds comprises of human bodies and body parts preserved by means of plastination, a technique in which the body is skinned and chemicals replace body fluids and fats (Body Worlds n.d.). During the process, bodies are manipulated; some may be sliced, others exploded into several different sections; blood vessel systems can be displayed in their original form and, as von Hagens chooses to do with his whole body plastinates, they can be posed artistically.

Though von Hagens invented plastination, today many institutions throughout the world use this method as a means to preserve human remains. Von Hagens states that the main aim of his exhibition is “to inform visitors and to open up the opportunity particularly to

medical laymen to better understand the body and its functions" (Body Worlds 2002). Some people have found the idea of such an exhibition extremely offensive. One man voiced his concern by attempting to pour paint on one body and trying to cover up another, whilst a different man attacked a body with a hammer causing thousands of pounds worth of damage (BBC News 2002a).

Body Worlds created two major causes for concern when it first arrived in the UK. The first concern was that many of the bodies were displayed in artistic poses (Mayes 2002); a person on a horse; someone playing chess; and another man playing basketball to name just a few examples. It has been argued that displaying human remains in such a way blurs the boundaries between art and anatomy, as did the choice of an art venue in which to stage the original exhibition. However, more recently artists such as Damien Hirst (O'Hagan 2006) and Steven Gregory (Higgins 2008) have incorporated human remains, specifically skulls, into their own projects with little cause for concern.

The second and seemingly key cause for concern relating to Body Worlds was the inclusion of numerous embryos and foetuses alongside a pregnant woman posed lying sideways with her unborn baby in full view. Yet in 1998, the Museum of London displayed the skeletons of a mother and child whom had died during the birth of the child, without any such offence (Swain 2002). It remains unclear why Body Worlds has caused such controversy when other displays of human remains have not. The death of children and babies is always an emotive issue, even more so in light of then recent organ retention scandals such as at the Royal Liverpool Children's NHS Trust, commonly known as Alder Hey (HTAuth 2005).

Some people also may have viewed the embryos and foetuses as the product of abortion rather than the product of natural causes, although interpretation panels at the latest Body Worlds exhibitions in Manchester and London are careful to state that this is not the case. Bodies preserved by means of plastination are not just bones. They have eyes and facial features, sometimes even hair and tattoos. Similarly, embryos and foetuses look like real babies and not just like replicas. People are brought involuntarily closer to death

because the process of plastination means that a body can be instantly recognised as a once living person. However, each one of von Hagens full body plastinates has donated their body and given permission for it to be exhibited after death, so if the dead do not mind, why should the living?

Surprisingly, possibly the most ethically questionable element of the exhibition received relatively little media attention at the time of the exhibition compared to the two concerns mentioned previously. There were rumors that some of the part body plastinates may have come from previous medical collections; prisoners; mentally ill; homeless; and those residing in poor houses in Russia (e.g. BBC 2002b, Guardian 2003, O'Rorke 2001). If this was true, then von Hagens may not have had explicit permission for the remains to be displayed in the exhibition.

Indeed, von Hagens has since stated that he has never claimed that all of the human remains used in Body Worlds belonged to donors. Some of the individual specimens, including embryos and foetuses, were part of anatomical collections given to his Institute of Plastination with the intention of “saving these old anatomical cultural assets from destruction” (Body Worlds 2003). Von Hagens also received a shipment of anatomical specimens from Russia, including unclaimed corpses, but commented that the use of unclaimed corpses for anatomical purposes is still common practice in some countries today, including Russia (Body Worlds 2003).

Furthermore, in 2004, The Guardian (Harding 2004) reported that von Hagens had agreed to return corpses obtained by an agent to China after it became known that they might have belonged to executed prisoners. It would seem that von Hagens did not unlawfully obtain human remains, but as changes in the law illustrate (see Section 4.9) his use of human remains without express permission is ethically questionable to English society today.

Despite the furore over the original exhibition in 2002, a Human Tissue Authority Public Display Licence (HTAuth PDL) (see section 4.9) was issued for two venues that recently

hosted Body Worlds exhibitions: The Museum of Science and Industry in Manchester and the O2 Arena in London (HTA 2008). Within the last few years, there appears to have been little further media controversy relating to Body Worlds, although numerous ethical, sociological, legal and religious concerns recently have received academic consideration (Jespersen, Rodriguez and Starr 2009). For example, Nevarez (2009) asserts that, despite the educational aim of the exhibition, Body Worlds visitors do not view the exhibits as former persons, but rather as representational art forms, whilst Ponce (2009) argues that Body Worlds continues in the tradition of the freak show.

Von Hagens does continue to attract media attention however. In February 2008, the Daily Mail reported that von Hagens was investigating the possibility of selling plastinated bodies to private individuals for large sums of money; from £200 for a slice of stomach to £45,000 for a whole body (Gavaghan 2008). In October 2010, von Hagens' website (www.plastination-products.com) began selling plastinated bodies, causing further controversial headlines as illustrated in Figure 4.2.



Figure 4.1: Headline from 2 October 2010 Mail Online sensationalising the establishment of a website selling plastinated human remains.

Although human remains are for sale to individuals as well as institutions, they are only available to those termed “qualified users”. These users are defined as “institutions or individuals which use sales restricted specimens exclusively for research and educational purposes or for medical, diagnostical and therapeutic education such as universities, hospitals, schools and museums or medical scientists, professors, assistant lecturer[s] and others who work on medical and education[e]l research projects” (Plastination-Products.com 2010). Members of the public are able to buy only plastinated plant and animal products (Plastination-Products.com 2010).

Although the online sale of plastinated human remains may be somewhat less controversial than newspaper headlines suggested, it seems that the controversy surrounding von Hagens and Body Worlds will continue. In June 2010, a pop star reported to have displayed an interest in collaborating with von Hagens by including some of his plastinates within her tour; an opportunity that von Hagens is delighted to embrace (Body Worlds 2010). It can be expected that if the collaboration does take place, it will court at least some controversy, as once again von Hagens’ actions are likely to be interpreted as using human remains for artistic, rather than educational, purposes.

The example of Gunther von Hagens and Body Worlds is somewhat different to the other examples and issues discussed in this chapter, as it deals with human remains where the person whom has been plastinated gave permission to use their body whilst still living. The following section will look more generally at recent responses within England for dealing with a growing concern for the dead.

4.4 Responses to concerns for the dead

The different attitudes and treatments mentioned in the previous chapter and in Sections 4.2 and 4.3 have resulted in various attempts by governments and museums to placate concerns relating to the treatment of human remains. Sections 4.4 to 4.6 will discuss the resultant developments in the treatment of human remains: however, the process that

has led to these developments has not been simple due to ongoing divergences in opinion.

As early as 1984, Bahn (1984: 127) tried to open up debate regarding the treatment of human remains, writing that “the ethics involved in any archaeological disturbance of the dead rarely attract much discussion”. He asked whether the wishes of the dead could be justifiably overridden in the name of science, concluding that “the only significant remaining fragments of the dead are their descendants” (Bahn 1986: 268). Despite Bahn’s attempts to generate a debate the issue of repatriation did not receive serious attention in the UK until the 1990s. In 1993, Jones (1993: 24) wrote “whether they like it or not, museum staff are at the centre of the debate about the politics of culture” and that the “challenge in post-colonial Britain is to come to terms with present-day circumstances”. At this time, discourse revolved around the repatriation of Indigenous human remains from abroad. English museums/institutions holding non-domestic human remains received repatriation requests from the early 1980s, although the first repatriation of Australian Aboriginal human remains did not take place until 1989 (Fforde 2004: 124).

For a long period, it appears that few museums responded positively to repatriation requests and England became the focus of criticism regarding its failure to satisfactorily address the issue. However, in 1994, Simpson reported that survey responses indicated “contrary to the reputation of British museums abroad, many curators and their institutions are sympathetic to requests for repatriation of human remains” (Simpson 1994: 28). Numerous institutions already had agreed to repatriate human remains to their country of origin, such as The Manchester Museum (1990) and the Pitt Rivers Museum (1990). But others, such as the Museum of the Royal College of Surgeons (1991, 1992 and 1997) and the University of Cambridge Duckworth Laboratory (1990 and 1994), refused repatriation requests (Weeks and Bott 2003: 30).

Some museums, the British Museum and the Natural History Museum amongst them, were able to argue that they were bound by legislation (The British Museum Act 1963)

and therefore *could not* release human remains from their collections (Fforde 2004: 124). Some went even further by refusing to release information pertaining to the human remains in their collections. For instance, in 1996, the British Museum, [which until 2005 refused to release any of its human remains because of their inalienable status], refused to provide information pertaining to its collections for Museums Association sponsored research (Butler 2001).

Similarly, in 2000, the Natural History Museum refused the Foundation for Aboriginal and Islander Research Action (FAIRA) access to its archives; firstly because the information had been published elsewhere and secondly because some of the collections were not documented (Heywood 2000). It appears that Britain may have unjustly received criticism because of the various unsuccessful repatriation requests targeted at institutions holding “larger, more significant research collections” (Simpson 1994: 28); some of which were at the time bound by legislation disallowing them from considering repatriation requests.

In 2000, the Australian and British governments agreed to increase efforts to repatriate human remains to Australian Indigenous communities (Butler 2001). Shortly afterwards the Department of Culture, Media and Sport (DCMS) set up the *Working Group on Human Remains in Museum Collections* (WGHR) which set in motion a chain of events leading to the publication of the *Guidance* (see Section 4.6). In 2004, the *HTAct* came into force, which amongst other things, allowed nine national museums to de-accession human remains from their collections for the first time. These museums were the Armouries; the British Museum; the Imperial War Museum; the Museum of London; the National Maritime Museum; National Museums and Galleries on Merseyside; the Natural History Museum; the Science Museum; and the Victoria and Albert Museum.

The passing of the *HTAct* and the work of the DCMS have led museums to become more receptive to the idea of repatriation. The Pitt Rivers Museum, for example, has been repatriating human remains since the 1990s but now takes a pro-active approach in repatriating human remains to their country of origin. However, repatriation at the museum is still not without problems. In March 2010, it was reported that the

Ngaarindjeri community in Australia had been requesting the repatriation of some of their ancestors since 1998 without success (Elliott 2010). However, in a response to the report a representative of the museum advised that although representatives of the Ngaarindjeri community had been in touch, the museum had not received a formal repatriation request (Elliott 2010).

A successful example of repatriation comes from the Royal College of Surgeons, which repatriated all of its Tasmanian human remains in 2003 and has responded to requests relating to the repatriation of Maori remains (Chaplin 2006) despite previously refusing repatriation requests in 1997 (Heywood 2002). Similarly, National Museums Liverpool has successfully repatriated Maori and Torres Strait Islander individuals since 2009 and has recently implemented a repatriation policy (Ewing 2010).

Repatriation from English museums has certainly not been without its problems. During 2006/2007, the Tasmanian Aboriginal Council (TAC) initiated legal proceedings against the Natural History Museum because, in an attempt to balance the needs of both parties (NHM 2007a), the museum opted to undertake scientific analysis on 17 Tasmanian skeletons prior to their already agreed repatriation (Heywood 2007a). The British Museum controversially refused a repatriation request from Te Papa to repatriate seven shrunken heads because of uncertainty as to whether they were intended for mortuary disposal (Besterman 2008; Burnett 2008).

In the last few years, the emphasis of concern for the fate human remains has broadened, both geographically and thematically, to encompass the retention and curation of *all* human remains in museums in England. Cambridgeshire Archaeology Historic Environment Record undertook a survey of the public relating to the retention and use of human remains (Carroll 2005: 10-15). Although, interestingly, the questionnaire did not ask whether it is appropriate to excavate human remains, results show that of 220 respondents, 33 (15%) did not realize that skeletons were retained after excavation. One hundred and forty-four (70%) respondents thought that skeletons should be reburied, but over two thirds of those thought that reburial should only take place “when

archaeologists decide the skeletons have no further scientific or research use" (Carroll 2005: 10-15). It is unclear whether the public are aware that human remains are retained for very long periods. Only 7% (approximately 15) of the respondents believed that human remains should be immediately reburied (Carroll 2005: 10-15.). Overall survey results indicate that the excavation of human remains is not the cause of concern, but that their continued retention is more the concern.

Also within the last few years, the Pagan organisation HAD has shown an interest in the treatment of UK human remains, whilst CoBDO has recently failed in its demands for the reburial of a child skeleton from the Alexander Keiller Museum (Thackray and Payne 2010). Bahn's (1986: 269) conviction that the answer to growing concern over the treatment of the dead lies in compromise, has been borne out in recent years in relation to non-UK human remains, but whether the museum and archaeological community is willing to compromise over UK human remains is yet to be seen.

4.4.1 Archaeology and the law

Up until March 2010, *Planning Policy Guidance 16 (PPG16)* governed archaeological excavation in advance of development within England. This document set out the Secretary of State's policy on archaeological remains, and how they should be preserved and recorded and provides advice on the handling of archaeological matters in the planning process (HMSO 1990). In March 2010, *PPG16* was replaced with *Planning Policy Statement 5: Planning for the Historic Environment (PPS5)*.

Although *PPS5* makes little mention of human remains, a strict legislative framework does govern their archaeological excavation. If human remains are to be excavated from a burial ground in the care of the Church of England (CoE) then permission must be sought from the CoE as well as obtaining a [Burial Act 1857] Section 25 licence, which grants permission to remove or disturb human remains. Disused burial grounds are governed by the Disused Burial Grounds (Amendment) Act 1981. The *Burial Act 1857* is the main, or what Roberts (2009: 24) calls "default legislation"

governing the archaeological excavation of human remains. It requires that a Section 25 licence be obtained prior to any archaeological excavation.

In 2007, responsibility for the issuing of Section 25 licences was transferred from the Home Office to the Ministry of Justice (MoJ) as the first stage of a review of the licensing system. This caused a great deal of concern within the archaeological community. It appears that a reinterpretation by the MoJ of Section 25 meant that no licences were issued because no differentiation was being made between archaeological and more recent human remains. Gallagher (2008) states that this reinterpretation “effectively removes the statutory regulation of exhumation for many “finds” of human remains by archaeologists and developers.”

Holst (2007) first became aware of this issue when one of her clients who was excavating a cemetery site was forced to excavate without a licence as metal detectorists were raiding the site. Similarly, Groves (2007) found that a licence to excavate an Anglo-Saxon cemetery in Bamburgh that had been excavated for the preceding nine years was delayed. According to Powers (2007), Museum of London Archaeology (previously MOLAS) received advice directly from the MoJ Burials team via their Regional Science Advisor. This advice led them to believe that they could only be prosecuted by close relatives of the deceased or by the police, thus the local police station was contacted in each case and they in turn forwarded information to the Coroners Officer who responded positively (Powers 2007).

The Chief Executive of the Institute for Field Archaeologists (IFA) took up the issue by writing to the Minister of State on 7 June 2007, asking for “the need for a speedy resolution” (Hinton 2007). On the same date, EH issued a statement attempting to clarify the situation, recommending that archaeologists should continue to consult the MoJ until the situation was resolved (Payne 2007).

However, it was not until April 2008 that the MoJ provided a definitive response, which reversed its interim advice. Their statement confirmed that the *Burial Act 1857*

“will be considered whenever human remains are buried in sites to which the *Disused Burial Grounds (Amendment) Act 1981* or other burial ground legislation does not apply” (MoJ 2008). As Gallagher (2008) puts it, “[A]fter reinterpretation and reversal the law at present is, almost, as it was”. The only significant change is that “[W]hen licences are issued, a time limit, normally of up to two years, will be set for re-interment of human remains”, although it will be possible to apply for an extension when circumstances justify this (MoJ 2008). However, as Gallagher (2008) states, the location at which human remains should be re-interred after the given time period has not been determined. The MoJ (2008) have confirmed that this question will be considered as part of the second stage of reform set out in *Burial Law and Policy in the 21st Century: The Way Forward* (MoJ 2007).

4.4.2 Human remains in English archaeology

According to Cox (1996: 8), the archaeological excavation of human remains, both ancient and modern, has been commonplace since the early 1970s with increasing frequency during the decades that followed. She writes that:

Crypts and cemeteries are being cleared because both ecclesiastical and secular burial authorities place current needs of living populations ahead of any possible right of the dead to eternal undisturbed peace. The ever-increasing mass of the deceased is taking up valuable space (particularly urban) on an island where open space, increasingly precious, is being conserved. Exhumation is facilitated by the Christian move away from belief in the resurrection of intact physical remains as a pre-requisite to eternal life.

Although many of the human remains excavated belong to people who died within living memory, there appears to be little objection to their disturbance (Carroll 2005). It seems likely the main reason for this lack of opposition is that the laws regulating the disturbance of human remains already are very prescriptive. Archaeologists must follow strict regulations regarding informing any living relatives and in the period they can retain the bodies of individuals before they are reburied.

However, occasionally, cause for concern does arise (Hubert 1994: 131-137). For example, Rahtz (1985) documents opposition to the disturbance of a 12th century Jewish cemetery in York, which resulted in reburial. Whilst during 2002-03 various complaints arose regarding the treatment of human remains buried in the St Pancras Old Church cemetery, which was being cleared in advance of development. The Church of England (CoE); EH; the Council for British Archaeology (CBA); Rescue; and the public all complained because a graveyard clearance contractor undertook many of the exhumations mechanically (Emery 2006). It is worth emphasizing that complaints related to the exhumation methods used rather than to the actual disturbance of the dead.

Not all concerns relate to the excavation of graveyards however. In August 2008, Druids and Pagans confronted archeologists over human remains being excavated at Stonehenge as part of the Stonehenge Riverside Project. Protestors apparently concerned that the human remains were to be removed and never returned to the site (Bristol Evening Post 2008).

The previous two sections have briefly discussed human remains in archaeology and the laws relating to the excavation of human remains. The next section will look at a recent guidance document relating to the excavation of human remains from Christian burial grounds in England.

4.4.3 Guidance for Best Practice for treatment of human remains excavated from Christian burial grounds in England

In 2001, EH and the CoE convened a working group (the Church Archaeology and Human Remains Working Group) in order to address the need for clear guidance relating to 7-19th century burials from Christian contexts. The working group deliberated over legal issues; theology and ethics; and scientific and technical matters. In 2005, after a period of consultation, working group published the *Guidance for Best Practice for treatment of human remains excavated from Christian burial grounds in England (Best Practice)* was published.

According to this *Best Practice* (2005), three out of four skeletons excavated on archaeological sites in England come from Christian burial grounds. The document includes recommendations pertaining to continuing burial; development of burial grounds; research; excavation, study and publication; reburial and deposition; and the establishment of an advisory committee. It also outlines minimum standards for site assessment, evaluation and mitigation; archaeological excavation; and post-excavation procedures.

As part of the *Best Practice*, the Advisory Panel on the Archaeology of Christian Burials in England (APACBE) was established. The aim of APACBE, which consisted of CoE, EH and MoJ representatives, was to provide advice and to liaise with other human remains advisory committees. APACBE was been approached on several occasions since its inaugural meeting on 21 October 2005, including a request for advice from the Museum of London Archaeology Service relating to a 3rd century Roman skeleton excavated 10 years ago (Britarch 2006). Although possibly outside the remit of APACBE due to unclear religious affiliation, the group offered four possible solutions: inclusion into the Museum of London collections; reinterment in a municipal cemetery; reinterment in the closest churchyard; and reinterment on plot where excavated with discreet marker (Britarch 2006).

In February 2009, APACBE underwent a period of consultation that resulted in them being dissolved and replaced with a new Advisory Panel on the Archaeology of Burials in England (APABE) in February 2010. The CoE, EH and the MoJ believed the creation of this new panel to be appropriate and timely in light of the past success and consistent approach offered by APACBE (English Heritage 2009). The aim of APABE is to “support curators, practitioners and others in interpreting the guidance documents issued in 2005 by the DCMS and by EH and the CoE, and produce more guidance where necessary” (English Heritage 2009). APABE also aims to offer advice or refer those seeking advice to the relevant expert.

Thus, it seems that in many ways APABE will replace the rather more unsuccessful DCMS Human Remains Advisory Service (HRAS). Mark Caldon (2009) of the DCMS did confirm that APABE would “go some way to replacing the advice of the HRAS”, which was decommissioned after its failure to offer unanimous advice to Cambridgeshire Archaeology (Bienkowski 2007). However, it remains to be seen how successful APABE will be in becoming a single source of advice for human remains related issues. The following sections (Sections 4.5 and 4.6) will go on to look at changes that have affected the treatment of human remains in English museums.

4.5 The Human Tissue Act 2004 (*HTAct*)

In 1999, it was reported that the Alder Hey Hospital in Liverpool had retained hundreds of child organs taken during postmortem examinations without parental consent. In one specific case, a six year-old boy had his heart, lungs and trachea removed despite a request from his parents that his body should remain intact (Guardian 2002). Although the Alder Hey scandal is probably the best-known example, numerous organ retention scandals emerged during the 1990s (HTAuth 2005). As recently as May 2003, newspapers reported that between 1970 and 1999 some 20,000 human brains had been retained during systematic extractions at hospitals throughout the UK without either the knowledge or consent of relatives (McKie 2003).

Such abuses by the medical profession understandably caused public outcry. A review of these hospital practices led to the passing of the *HTAct*, which came into force on 3 October 2005 and applies to England, Wales and Northern Ireland. The purpose of the *HTAct* is to provide a consistent legislative consent based framework for issues relating to whole body donation and the taking, storage and use of human organs and tissue (HTAct 2004). Although the majority of the *HTAct* relates to the medical usage of human remains, there are three sections relevant to human remains held in museum and other institution collections: Section 13, Section 16 (2E and 2F) and Section 47.

Firstly, Section 13 of the Act established the HTAuth, the remit of which is to regulate the removal use and storage of human remains under 100 years old for a set of scheduled purposes, one of which is public display. Peter Lemmey, Co-Chair of the HTA Public Display Working Group and Director of Policy at the HTAuth, confirmed that “public display had been included in the HT Act because of the controversy surrounding the v[a]n Hagens exhibition” (HTAuth 2006). This comment relates to the Body Worlds exhibition, which was discussed in section 4.3.2. Section 16 of the *HTAct* also requires that the HTAuth issue a licence to institutions for both the storage (Section 16, 2E) and the public display (Section 16, 2F) of “the body of a deceased person” or “relevant material which has come from the body of the deceased”. Under the terms of the *HTAct*, relevant material is defined as “material other than gametes, which consist of or includes human cells”. Only hair and nails from the body of a living person is excluded from this definition.

The requirement to obtain a licence for public display came into force on 1 September 2006. Originally, the HTAuth had set a licence fee of £6,000 per year for any institution storing and displaying human remains under 100 years old; the fee income being determined by the work required to licence a sector (HTAuth 2007). However, following concern from the museum community (Steel 2006) a consultation was launched which led to a reduction in the licence fee to £250 per year for museums storing and displaying less than 20 items and £3,600 per year for museums storing and displaying over 20 items (HTAuth 2008).

In January 2009, the HTAuth launched a further consultation on a proposed new licence fee structure, proposing an increase from £3,600 to £3,750 for institutions storing or displaying 20 items or more and an increase from £250 to £1,000 for institutions storing or displaying less than 20 items. The rationale behind proposed licence fee increases included an underestimation of establishments requiring licensing, increasing workload and a widening remit (HTAuth 2009). The consultation period closed on 5 March 2009 and later that month the HTAuth contacted all licence holders confirming the revised fee structure for 2009/10 was as proposed during the consultation (see Appendix 8). Although the HTAuth accepted that increases were not appreciated, they believed

increases were necessary and the HTAuth modified fee structure reflects the original proposed increases for public display licensing except for a 5% decrease in the proposed increases for satellite sites (not the main licensed site) storing and displaying human remains.

The final relevant section of the *HTAct* is Section 47, which gave nine national museums previously forbidden by the British Museum Act 1963, the power if appropriate, to de-accession human remains under 1000 years old from their collections. In a 2006 interview with the researcher, Brett Galt-Smith, who for a period oversaw the repatriation of Australian/Tasmanian human remains from UK museums, commented that the *HTAct* has been 'crucial' in getting Indigenous human remains out of UK museums. The affected museums are the Armouries; the British Museum; the Imperial War Museum; the Museum of London; the National Maritime Museum; National Museums and Galleries on Merseyside; the Natural History Museum; the Science Museum; and the Victoria and Albert Museum. In a personal interview with the researcher that was conducted as part of Phase I of this research, Sir Neil Chalmers (2006), who was Director of the Natural History Museum for 16 years, stated that the museum was continually being approached regarding repatriation. He also stated that he was happy that there is more openness in relation to information and access, adding that it is "ethically and scientifically undefendable to have a blanket prohibition".

The following section discusses White Survey II museum responses regarding the impact of HTAuth PDL. This survey was undertaken in 2008, prior to the January 2009 announcement by the HTAuth, which is mentioned in the preceding paragraph.

4.5.1 Museum responses to HTAuth Public Display Licensing

As of October 2008, the time when White Survey II was undertaken, 11 museums held or were in the process of obtaining HTAuth licences for public display (HTAuth 2008). These are: the Gordon Museum; the Museum of Science and Industry; National Museums Liverpool; the Natural History Museum; Reading Museum Service; the Science Museum;

The Old Operating Theatre Museum; The Royal College of Surgeons of England; The Royal Institution of Great Britain; Thinktank, Birmingham's Science Museum; and the Wellcome Trust.

Only five of these museums (National Museums Liverpool; Natural History Museum; Reading Museums; Science Museum and the Wellcome Collection) took part in the White Survey I, which is discussed in Chapters 5 and 6. As part of that survey a further 12 museums stated that they hold human remains under 100 years old but were not registered as either holding or having applied, for a licence. One of these museums later reported that an erroneous questionnaire response was provided.

In 2008, White Survey II was sent to those museums already in possession of a HTAuth PDL and to those museums that did not have a licence but answered positively during White Survey I to holding human remains less than 100 years old. The aim of the questionnaire was to gauge whether museums knew about HTAuth PDL and what they thought of it. Due to the nature of the questionnaire, museum identities remain anonymous, with each museum being randomly allocated a letter of the alphabet to replace its name. Of the 23 questionnaires sent out, 12 (50%) were returned. One museum confirmed that upon the introduction of a licence fee they had transferred all human remains under 100 years old out of their own collection to the pathology collection, although they did complete the remainder of the questionnaire and thus have been included in the results below.

Each museum was asked to identify the Minimum Number of Individuals (MNI) and provenance of human remains in their collections dating to less than 100 years old; see Table 4.1 for a breakdown of these numbers. Only one of the 12 survey respondents (Museum L) holds more than 20 items, thus is subject to the higher licensing fee. Whilst Museum G holds only one item, it is part of a larger organization that does hold more than 20 items, so is also subject to the higher licensing fee. Conversely, as mentioned above, one museum (Museum H) no longer holds human remains less than 100 years old in its collections.

Table 4.1: The MNI and place of origin of human remains under 100 years old held by White Survey II museums. n = 12 museums.

Origin	MNI	%
Africa	8	>1%
Asia	22	3%
Europe	3	>1%
North America	1	>1%
Pacific	35	5%
South America	4	>1%
UK	612	87%
Unknown	23	3%
Total	708	100%

Three of the 12 respondents were not aware than human remains under 100 years old required a licence. Museum K noted that “we were aware that display required a licence but not storage. As a direct result of this survey, we are making investigations into licensing options”. Museum F noted that they were “aware that there might be some legislation simply because of medical research and the problems hospitals faced a few years back over retention of human tissue” and that they “didn't really take on board the implications”. Museum C also hints at poor publicity, stating it had “only just been made aware” of the existence of public display licensing due to being approached to take part in White Survey II. Indeed, the HTAuth was subject to criticism in 2006 for failing to communicate satisfactorily, especially with smaller museums (Steel 2006).

Despite being aware of the need for a licence, only four out of nine museums answered positively to actually holding a licence, whilst one answered that its application was in process. Due to anonymity being guaranteed, the names of these museums cannot be disclosed. Museum J commented that “items apart from teeth in our dentists surgery are not on display”, which may indicate that the museum is not aware that it should still obtain a licence for storage or it believes that teeth do not require a licence. Such confusion is not unexpected, as the *Guidance* previously excluded teeth and nails from its definition of human remains.

As mentioned in the previous section, a public consultation led to a reduction of annual licensing fees for display to £250 for fewer than 20 items and £3,600 for 20 items or

more. However, 10 out of 12 respondents believe that there should be no licensing fee. Two respondents specifically state that the fee should not be charged retrospectively, one of them commenting they believe that “most museum staff will be caring for items collected number of years ago, we are responsible for them, but should not be retrospectively taxed for holding them”. Another museum (that did not know about the need to obtain a licence and did not believe there should be a fee) commented “that all of our displays are for the public benefit. We do not charge for anything”, indicating that because human remains are held for the public benefit there should not be a fee.

Despite the huge reduction in licensing fees for museums holding under 20 items, respondents still expressed concern as to whether small museums or those with little or no funding could afford to pay £250. Museum D commented that it cannot justify paying for a licence for a single item, stating:

Where does the money to pay for a licence come from when councils are frequently trying to reduce their expenditure. The storage of human remains will not be high on their agenda and they will most likely encourage the disposal of remains. This does not encourage curatorial responsibility and professional conduct. The licence could easily discourage museums from maintaining the responsibility for ethically storing/displaying remains by transferring such material to the larger licence holders.

Unpublished minutes from the Human Remains Subject Specialist Network (2009) confirms that both the St John’s Ambulance Museum and the Red Cross Museum decided to transfer material to the Royal College of Surgeons rather than register with the HTAuth. However, not all such cases mean the transfer of human remains to larger institutions. The London Ambulance Service Museum is an example of a museum forced into the position of disposing of human remains that were under 100 years old because they could not afford the licence fee. In a personal communication, Riccard Parsonson, Honorary Keeper of the Document and Photographic Archive advised that six human remains were disposed of by means of cremation because the museum was unable to afford the original £6,000 per year licensing fee (Parsonson 2007). Although these remains were disposed of prior to

the licence fee reduction, Parsonson confirms that even if there had been a licence fee reduction it would have been equally prohibitive as the museum is funded only by public donations (Parsonson 2007).

Only one museum (Museum B) believes that it is reasonable to charge a licence fee, although it still has reservations concerning cost, stating that:

Holding human remains in museums is a potentially sensitive issue and it seems reasonable that museums should require a licence in common with other organisations that hold human tissue. As an independent museum and registered educational charity, the cost of the licence is an issue and we were pleased when the reduced rate for museums holding fewer than 20 specimens was introduced. The licence is however still expensive in comparison to our Museum Firearms Licence, which costs £300 for 3 years and covers an unlimited number of firearms on the premises.

As White Survey II was undertaken prior to the HTAuth announcement in January 2009 of its intention to increase licence fees, comments relating to potential monetary increases do not exist. However, after voicing its concerns publicly regarding the proposed increase, Museum B made the following comments for the purpose of inclusion into this research.

Regarding the HTA's [HTAuth] proposed fee levels, we object to the fourfold increase in the level for organisations displaying fewer than 20 items. We understand the HTA's argument that the cost of inspections is not proportionately reduced by fewer items being held, but feel that at the very least the increase should be phased over two or three years rather than being applied in one go.

We note the Department for Business Enterprise & Regulatory Reform states that the principles of good regulation include that regulation should be proportionate and targeted at cases where action is needed. The 2005 Hampton review on regulatory inspections and enforcement, while not covering regulation by the HTA, nevertheless proposed the general principle that regulation should be on the basis of a clear and comprehensive risk assessment, and that inspections should be reduced where risks are low.

This does not remove the need for phase 2 inspections of museums holding fewer than 20 items, but does suggest that the frequency and therefore cost of this type of regulation might be reduced, given that permanent holders of fewer than 20 items are unlikely to be involved in the higher risk areas of acquiring and moving specimens. We understand the HTA's need to set individual fees for temporary exhibitions and can see that these might well involve more work than a largely static collection.

As the increase proposed by the HTAuth was £150, it would seem that the potential impact upon museums holding more than 20 items will be minimal. However, for 2009/10 the HTAuth quadrupled the licence fee for museums holding less than 20 items from £250 to £1000 (HTAuth 2009b). It can be expected that this increase will have a negative impact upon relevant museums and the human remains in their collections based on comments already made by respondents regarding the 2008/09 licence fee of £250. The next section will discuss the work of the DCMS, leading up to the publication of the *Guidance*.

4.6 The Department of Culture, Media and Sport

Continuous pressure was placed on both British institutions and the government to release Indigenous human remains, particularly from Australia. The 2000 *Prime Ministerial Joint Statement on Aboriginal Remains* was issued stating that efforts would be increased to repatriate human remains to Australia's Indigenous communities and that both the British and Australian governments endorsed the repatriation of human remains from public and private collections (Prime Minister's Office 2000). Soon afterwards, in May 2001, and also partly due to recommendations made in the *Cultural Property: Return and Illicit Trade* report, a Government Select Committee (the Working Group on Human Remains in Museum Collections (WGHR)) was set up by the DCMS.

The aim of the WGHR was to consider issues relating to human remains held in state funded collections, with specific emphasis on non-UK human remains. The fundamental responsibilities of museums identified by the WGHR bear a great similarity to those set down by the Vermillion Accord on Human Remains (World Archaeological Congress 1989); that of respect for human remains, respect for beliefs, and respect for scientific value. The remainder of this section will discuss the work undertaken and guidance offered by the DCMS.

4.6.1 Scoping Survey of Historic Human Remains in English Museums

The WGHR (see Section 4.6.2) sponsored a *Scoping Survey* in order to understand further the scope of human remains in English museums and university collections and to record information relating to requests for repatriation. The survey, which took place during March and April 2002, should be seen as an overview of human remains held by English institutions rather than a full inventory. The questionnaire was sent to 164 institutions thought the most likely to hold historic human remains dating from 1500-1947 within their collections (Weeks and Bott 2003: 3).

The parameters given to museums and institutions in terms of confirming actual numbers of human remains were purposefully broad, resulting in reporting units too broad to give accurate figures. For example, the band descriptors were 1-9, 50-99, 250-499 and 500+, with the 25 museums holding over 500 human remains being provided with further options of 500-999, 1000-4999, 5000-9999, 10,000-19,999, 20,000-49,999 and 50,000+. Only five of the 25 museums/institutions holding over 500 human remains were able to confirm the exact number of human remains in their collections (Weeks and Bott 2003: 58). However, it remains unclear whether the totals provided by museums were reported broadly out of convenience or the exact number was unattainable at the time.

The *Scoping Survey* established that in 2003 at least 61,000 human remains were held by 132 museums/institutions with less than half of the respondents holding non-UK human remains (Weeks & Bott 2003: 11). Thirty-five (26.5%) respondents confirmed that the majority of their collections were in storage and unused. The majority (60%) of human remains in this category were of UK origin (Weeks & Bott 2003: 26). However, the majority of museums/institutions confirmed that their human remains were used for research and/or learning programmes. Nine (6.8%) museums/institutions confirmed that at least some of the human remains within their collections were already stored in conditions agreed with the originating community (Weeks & Bott 2003: 27). Unfortunately, further information regarding these nine museums/institutions and their relationships with originating communities was not presented within the *Scoping Survey*.

Unsurprisingly, the *Scoping Survey* indicated that the British Museum and the Natural History Museum held the largest collections of human remains in England. The British Museum did not disclose its total holdings to the *Scoping Survey*, but confirmed during White Survey I (see Chapter 5) that it holds 5714 human remains, 95% of which are over 1000 years old. The Natural History Museum stated it holds over 50,000 human remains in the *Scoping Survey*, however according to a press statement issued by the Natural History Museum on 3 October 2005, their total number of holdings is given as 19,950: vastly less than quoted in the *Scoping Survey*. In a personal communication, Bott (2006) suggested the discrepancy may have arisen as a result of dealing with more than one member of staff and there being some confusion over what constitutes human remains. As of January 2009, the Natural History Museum does not appear to have divulged any further information pertaining to its collections other than those of Australian Aboriginal origin, although it did complete a White Survey I questionnaire excluding this information. A final approach from the researcher in November 2010 for this information remains unanswered.

4.6.2 The Working Group on Human Remains in Museum Collections (WGHR)

In May 2001, the WGHR was established by the then Minister for the Arts, the Right Honourable Alan Howarth CBE MP (DMCS 2003: 1). The WGHR was Chaired by Professor Norman Palmer and was made up of the following members:

- Mr Tristram Besterman, Director of the Manchester Museum and former convener of the Museums Association Ethics Committee;
- Sir Neil Chalmers, Director of the Natural History Museum;
- Dr Maurice Davies, Deputy Director of the Museums Association;
- Mrs Hetty Gleave, Solicitor at Hunters and Chair of ArtResolve;
- Sally MacDonald, Manager of the Petrie Museum of Egyptian Archaeology of University College, London (UCL);
- Dr John Mack, Keeper of Ethnography, The British Museum;
- Professor Sir Peter Morris, Nuffield Professor of Surgery at the University of Oxford and President of the Royal College of Surgeons;
- Professor Patrick O'Keefe, Adjunct Professor in the Research School of Asian and Pacific Studies, Australian National University;
- Dr Laura Peers, Lecturer in Ethnology and Curator of the Pitt Rivers Museum, University of Oxford; and

- Professor Dame Marilyn Strathern, Professor of Social Anthropology at the University of Cambridge.

(DCMS 2003: 3-4)

The group was dissolved in 2003, on publication of its report. The lack of Indigenous representatives on the WGHR led to some criticism (Butler 2001). The WGHR was aware of this criticism but the Chair felt that the group composition was justified as similarly there were no representatives from stakeholder groups on the other side of the repatriation debate (DCMS 2001b).

The WGHR were provided with the following terms of reference by the DCMS:

- to examine the current legal status of human remains within the collections of publicly funded museums and galleries in the United Kingdom
- to examine the powers of museums and galleries governed by statute to de-accession, or otherwise release from their possession, human remains within their collections and to consider the desirability and possible form of legislative change in this area
- to consider the circumstances in which material other than, but associated with, human remains might properly be included within any proposed legislative change in respect of human remains
- to take advice from interested parties as necessary
- to consider the desirability of a statement of principles (and supporting guidance) relating to the care and safe keeping of human remains and to the handling of requests for return; if the Working Group considers appropriate, to draw up the terms of such a statement and guidance
- to prepare a report for the Minister for the Arts and make recommendations as to proposals which might form the basis for a consultation document (to be used for consultation under the Regulatory Reform Bill)

(DCMS 2003: 1-2)

In total, 47 groups and individuals gave evidence; the vast majority of who were in favour of repatriation. Amongst those who gave oral evidence were Australian Aboriginal, Tasmanian Aboriginal and Maori representatives. During the oral presentations of all three Australian/Tasmanian representative groups it became apparent that there was no unanimity in viewpoints over the treatment of the dead prior to their release from museums; a fact not evident in written submissions (DCMS 2002b, TAC 2001). Upon

further questioning by WGHR members it became apparent that all groups were looking for mandatory de-accessioning legislation but that there was some question as to whether the retention of small samples would be acceptable. Tony Brown of the TAC believed that as long as the body was repatriated, TAC would not mind if a small sample was taken whilst Jeanette James, also representing TAC, believed that some discussion would have to take place before a decision on the retention of samples could be made (DCMS 2002a). Similarly, the Mokomaoka Educational Trust International (MET) confirmed that the younger generation of Maori wanted to know about their past and were happy for DNA testing to take place. Unfortunately, Maoridom, an organization that is made up of older generation Maori, does not condone any DNA testing (DCMS 2002b).

WGHR members split into five sub groups in order to undertake research on key areas that would assist in the production of the final report and draft code of practice. Unfortunately, none of the reports from individual sub groups have been made public. These sub groups were

- information and other gains from the retention of human remains
- arguments for and circumstances favoring restitution and relocation
- UK institutional treatment of contemporary human remains
- alternatives to compelled physical relocation
- and volume of collections and resource implications

(DCMS 2001a)

Although the WGHR had no formal evidence as to what the government expected of their deliberations, Alex Stewart, Director of the Arts and Culture Directorate at DCMS sent a letter to the WGHR in early 2002. He advised that the proposals presented by the group "seemed to be rather elaborate with resource consequences that could be impossible to justify" (DCMS 2002c). However, the WGHR minutes indicate that members felt that the letter could be construed as showing insufficient regard for their independence and integrity in investigating the various issues (DCMS 2002c). Stewart's comments appear to have had little effect on the final WGHR report, which is discussed in the following section. However, the *Guidance* bears little resemblance to recommendations made by the Working Group.

4.6.3 The Report of the Working Group on Human Remains

The WGHR report was published by the DCMS in November 2003. The main recommendations of the WGHR were that:

- the law be changed to allow for de-accession. Mandatory repatriation of human remains not to be introduced but that the situation is to be kept under review
- all museums must have an externally approved procedure for determination of claims
- a national advisory panel should be set up
- a licensing system be introduced whereby institutions would be required to adhere to a Code of Practice as a condition of licensing
- consent should be sought in order to retain or perform any other act in relation to human remains

(DCMS 2003: 161-176)

The group was not unanimous in its findings however. Sir Neil Chalmers, then Director of the Natural History Museum, failed to reach agreement with the group on several points and his 'minority report' or 'statement of dissent', saw its way into the final published version of the report (DCMS 2003). Although Chalmers was the only person to put his name to the minority report, he indicated in a personal interview with the researcher that he was not the only person in the group to disagree with some of the final recommendations (Chalmers 2006). He states that he made clear from an early stage that he would not agree to any measures that interfered with the power of museum trustees or any recommendations that involved complicated processes that would drain resources. He therefore felt compelled when presented with a final draft that did not consider these comments, to respond (Chalmers 2006). Chalmers reasons for disagreement were that:

- an improper balance between public benefit and the wishes of claimant communities
- some recommendations complicated and cumbersome; some even unworkable
- the introduction of some measures would effectively introduce a mandatory regime
- dispute resolution complicated, poorly designed and over-burdensome
- no role for a human remains advisory panel
- working on the basis of consent would halt all research on human remains, severely damaging the public benefit

(DCMS 2003: 177-184)

Indeed, the majority of Chalmers concerns appear to have been viewed as legitimate by the group given responsibility for drafting the *Guidance*, as the final document differs greatly from recommendations made by the WGHR *Report of the Working Group on Human Remains* (2003). Despite Chalmers condemnation of some of the recommendations, he believes that the final document, the *Guidance*, which is discussed in the following section, is “broadly quite reasonable”, although it is much less stringent than he was expecting (Chalmers 2006).

A summary document entitled *Care of Historic Human Remains: a Consultation on the Report of the Working Group on Human Remains* was produced in July 2004. A set of 19 questions relating to the findings of the WGHR report was sent out by the DCMS to 266 interested individuals and groups. Those consulted included numerous museums, the Australian government, the Council for British Archaeology, ICOM and UNESCO; thus a wide range of responses was received. Honouring the Ancient Dead were also approached following a request from HAD to contribute to the consultation. At the end of the consultation period (29 October 2004), 47 (18%) responses had been received. In March 2005, a ten strong drafting group of museum specialists, headed by Hedley Swain, then of the Museum of London, was set up by the DCMS; in October 2005, the *Guidance* was published. The next two sections will briefly discuss this document (Section 4.6.4) and a DCMS review of its usefulness (Section 4.6.5).

4.6.4 Guidance for the Care of Human Remains in Museums

The *Guidance* is less prescriptive than had been recommended in the WGHR report and is aimed at all museums/institutions permanently holding human remains. From the outset, drafting group members were advised that any Code of Practice (the *Guidance*) would not be statutory (DCMS 2005b), despite WGHR recommendations that a Code of Practice should be linked to a licensing system which would effectively make the Code of Practice compulsory if an institution wished to retain human remains. The drafting group also decided against a consent-based model, despite appeals from the Australian government,

amongst others, to include retrospective consent for the continued retention and use of Indigenous human remains. This decision was based upon the potential difficulties and controversy that would surround such a decision (DCMS 2005c). Thus, the *Guidance* does not represent a statutory requirement; nor is it linked to museum registration as the WGHR Report had suggested; rather it represents what the drafting group calls ‘good practice’. It simply recommends that institutions use the *Guidance* as a starting point and that it should be developed and adapted to individual museum needs.

Although the original remit of the WGHR was to focus specifically on human remains in England, the *Guidance* was drafted for application in England, Wales and Northern Ireland. The *Guidance* does not apply in Scotland, which in 2006 amended its own *Human Tissue (Scotland) Act 2006* (OPSI 2006).

The *Guidance* recommends that when museums/institutions develop their own policies they should be guided by a set procedural responsibilities and ethical principles. Firstly, the *Guidance* states that both museums and those individuals representing museums should demonstrate procedural responsibilities (rigor; honesty and integrity; sensitivity and cultural understanding; respect for persons and communities; responsible communication; and fairness). Secondly, a set of ethical principles (non-malfeasance; respect for diversity of belief; respect for the value of science; solidarity; and beneficence) are designed to guide museums/institutions in their decision making and this serve as a starting point for museums/institutions developing their own policies.

The *Guidance* emphasizes that claims for repatriation should be considered on a case-by-case basis and that each case should be judged on its own merits. It suggests that any claim should be considered using the following criteria;

- the status of those making the request and continuity with remains
- the cultural and religious significance of the remains
- the age of remains
- how the remains were originally acquired
- the status of the remains within the museum/legal status of institution

- the scientific, educational and historic value of the remains to the museum and the public
- how the remains have been used in the past

There is no inference that museums/institutions should repatriate all Indigenous human remains. Indeed, *HTAct* affected museums may by law only repatriate human remains which are less than one thousand years old from the date that the *HTAct* came into force (November 2005). Furthermore, the *Guidance* recommends that the status and relationship of the remains with the claimants, with the museum/institution and with the public should all be assessed before a final decision is made by the museum/institution. The *Guidance* also makes clear that requests for the repatriation of older human remains, between 300-500 years old, are unlikely to be successful due to problems in establishing genealogical, cultural or ethnic continuity. Thus, claims for the repatriation of human remains over 300 years old are unlikely to be successful and claims for human remains over 500 years old are unlikely to even be considered unless very close geographical, religious and cultural links can be demonstrated (DCMS 2005a: 26).

As Chapter 3 demonstrated, this approach is somewhat different to those adopted in countries such as Australia and the US, where demonstrable cultural links are the most significant factor for the repatriation of Indigenous human remains. Despite these limitations, Galt-Smith (2006), who for a period oversaw the international repatriation of Australian/Tasmanian human remains, confirmed that “more museums have agreed to return human remains since the *Guidance* than in the preceding decade”.

The handling of requests for repatriation is but one aspect of the *Guidance*. The document also looks much more generally at the handling and care of human remains held in collections and suggests that museums/institutions holding human remains should develop their own human remains policy which should include advice on acquisition; loans; de-accessioning; claims for return (repatriation); storage; conservation and collections management; display; access and educational use; and research. Guidance given on the display of human remains is an extremely interesting issue for museums. It is suggested that “as a general principle, human remains should be displayed in such a

way as to avoid people coming across them unawares" (DCMS 2005a). In other words, to warn visitors in case they do not wish to see human remains on display.

This will be something completely different for the majority of museums/institutions that choose to display human remains, as generally the English general public show little concern over the display of human remains (Carroll 2005, Swain 2002). Even within the *Guidance* Drafting Group, there was a divergence of opinion relating to display. The minutes of the Drafting Group (DCMS 2005d) reveal that the draft *Guidance* included a sentence stating that named individuals should only be displayed if prior consent was received from any known relatives. However, this wording was excluded from the final version of the *Guidance* (DCMS 2005a). At this time, there is no consensus as to whether human remains should continue to be displayed (Alberti et al., Hughes 2009, Kennedy 2008, Museums Journal 2005). The *Guidance* simply states that "human remains should be displayed only if the museum believes that it makes a material contribution to a particular interpretation; and that contribution could not be made equally effectively in another way" (DCMS 2005a: 20).

The following section will discuss a review of the *Guidance*, which took place in 2006. However, as this section will note, this review was of an extremely limited nature, therefore its results cannot be generalized to all museums in England that hold human remains.

4.6.5 Review of the Guidance for the Care of Human Remains in Museums

In November 2006, the DCMS undertook a brief review of the *Guidance*. Seventeen institutions holding human remains were asked to complete a questionnaire relating to its effectiveness and six key stakeholders were asked for comments. Of the 17 institutions sent a questionnaire, 10 responded, eight of which took part in White Survey I (see Chapter 5). The DCMS review was broken down into two sections. The first section related to curation, care and the use of human remains. The second section related to

claims for the return of human remains (DCMS 2006). In relation to the first section, museums/institutions were asked:

- whether they had installed systems or policies specifically for the care of human remains. If not, whether a time scale was in place for doing so and if yes, whether any such details had been published on a website or elsewhere;
- whether collections of human remains are listed and catalogued. If not, whether a time scale was in place for doing so or if yes, whether a public inventory had been issued; and
- which recommendations relating to the curation, care and use of human remains have been the most difficult to apply and why.

(DCMS 2006)

Of the 10 respondents, seven advised that they had human remains specific systems or policies in place, whilst three were in the process of developing them. All museums/institutions stated that they either had or would publish details of these systems or policies on their website. Similarly, all museums/institutions stated that they were undertaking or had completed listing and cataloguing their human remains. Nine institutions answered positively that they either had or would publish a public inventory on their web site, whilst one did not respond to this part of the question. Only four museums/institutions supplied comments relating to difficulties in applying the *Guidance* to the curation, care and use of human remains and one of those simply stated that there were currently no areas for concern. Remaining comments related to the planning and funding required to redisplay human remains, staff time and finally issues more specific to inconsistencies with the *HTAct* (DCMS 2007).

In response to section two, nine of the 10 respondents confirmed they had repatriated human remains, with five of them repatriating before the publication of the *Guidance*. Of those which discussed the usefulness of the *Guidance*, feedback was mostly positive in that museums/institutions thought that the *Guidance* would have been (if the repatriation had taken place prior to the *Guidance*) or had been helpful in handling repatriation requests. Only two museums/institutions commented on negative aspects of the *Guidance*. The first negative response, which is now incorporated into the *Guidance*, was that hair and nails should have been included under the definition of human remains

as is the case with the *HTAct*. The second is that the *Guidance* does not address issues relating to British human remains.

Only two of the six key stakeholders contacted sent responses to the DCMS request for comments; HAD and the Australian High Commission. HAD felt that neither the *Guidance* nor the *Best Practice* address issues relating to British human remains, stating that:

Without clearer guidance within the document about the nature of British Pagan traditions, or heritage and cultural groups for whom British ancestral remains are important, there will continue to be profound doubt as to the ethical base or relevance of the *Guidance*.

(DCMS 2007)

Table 4.2 lists the 17 museums asked to take place in the *Guidance* review along with details of the provenance of their holdings.

Table 4.2: List of the 17 museums asked to take part in the *Guidance* review along with details of the provenance of their holdings. ✓ = yes, U = unknown and - = no known holdings of a specific provenance. * denotes museums that responded to the *Guidance* review (DCMS 2006).

Museum Name	Africa	Americas	Asia	Australia/Tasmania	Europe	Greenland	Middle East	New Zealand	Pacific	UK	Unknown
Alexander Keiller Museum	-	-	-	-	-	-	-	-	-	✓	-
Bexhill Museum	U	U	U	U	U	U	U	U	U	U	U
Bristol City Museum	✓	✓	✓	-	✓	-	-	✓	✓	✓	-
British Museum*	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓
Exeter Museum*	✓	✓	✓	✓	-	-	-	-	✓	-	-
Horniman Museum*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-
Manchester Museum*	✓	✓	✓	-	✓	-	-	✓	✓	✓	✓
Museums of Liverpool	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓
Museum of London*	-	-	-	-	-	-	-	-	-	✓	-
Natural History Museum	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	-
Pitt Rivers Museum*	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓
Royal College of Surgeons*	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	-
Royal Cornwall Museum*	✓	-	✓	-	✓	-	-	-	-	✓	-
Science Museum*	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓
Wellcome Trust*	✓	✓	✓	-	✓	-	✓	-	-	✓	-
University of Cambridge	U	U	U	U	U	U	U	U	U	U	U
University College London	✓	✓	✓	✓	-	-	-	✓	-	-	-

Indeed, as Chapter 6 will illustrate, many museum staff believe that the *Guidance* does not sufficiently address concerns relating to British human remains, although it will be shown that there is much less sympathy towards Pagan beliefs than those of other interest groups.

The Australian High Commission highlighted four areas in which they felt the *Guidance* could be improved. They believe that:

- intermediate processes such as mediation or appeal mechanisms should be put forward as an alternative to litigation in disputed cases
- the unique circumstances of Australian Indigenous communities should be recognised within the *Guidance*
- the counter-posing of science and cultural values is likely to lead to continued conflict
- the strong emphasis on proving cultural continuity links makes the process more challenging for Indigenous groups

(DCMS 2007)

Comments contained within the Australian High Commission response relating to intermediate processes being put forward in disputed cases relate to a then ongoing legal battle that saw the Natural History Museum go to court in an unsuccessful attempt to carry out DNA testing on Aboriginal human remains prior to their repatriation (Heywood 2007).

In a personal communication, Mark Caldon (2008) of the DCMS Cultural Property Unit advised that the general view is that the *Guidance* has been a helpful tool in assisting museums to establish systems and catalogue their human remains. He also stated that the repatriation section of the *Guidance* had been widely endorsed by museums (Caldon 2008). Although data collected as part of this thesis does concur with the former statement, it does not concur that most museums have completed the task of installing systems and cataloguing their human remains collections. Chapter 6 will show that many museums have still not implemented *Guidance* recommendations.

Caldon's (2008) DCMS response is based solely on questionnaires returned from ten museums/institutions, when over 260 museums in England are known to hold human

remains (see Chapter 5). Of the 10 respondents, nine have received repatriation requests; including at least one request each relating to Australian Aboriginal remains. Thus, it is reasonable to assume that these museums, having had some experience of repatriation, would have rationalized their human remains policies. The Museum of London is the only museum not to have received a repatriation request. However, Hedley Swain, who led the *Guidance* Drafting Group, was up until recently Head of Early London History and Collections of the Museum of London, therefore, it seems reasonable to assume that this issue would be high on the museum agenda.

Although applicable to only a small number of museums/institutions, comments made by Caldron (2009) in relation to the *Guidance* cannot be generalized to all English museums holding human remains. As Chapter 5 will illustrate, some museums are still unaware of the full extent of their holdings, whilst Chapter 6 will illustrate a diverse variance in *Guidance* implementation by museums.

4.7 Discussion

The aim of this chapter has been to contextualize the current treatment of human remains in England, thus setting a platform for interpreting the data presented in Chapter 5 and the in depth *Guidance* discussion in Chapter 6. It has outlined some of the religious and spiritual beliefs that might account for a divergence in views of what is ethically correct in the treatment of human remains. This chapter has also given examples of some of the different treatments of human remains, investigated responses to those treatments and discussed current human remains legislation and guidance relating to both archaeology and museums.

As has been demonstrated, the archaeological excavation of human remains in England is strictly regulated and the level of concern over the disturbance of the dead appears to be limited in comparison to the museological treatment of human remains. Despite this, the MoJ is in the process of undertaking a review of current burial law that has already included the establishment of a two-year timeline for the reburial of excavated human

remains. Similarly, the retention of English (and other UK) human remains by museums has until recently raised little concern. However, the fact that Pagan communities are now taking an active interest in the treatment of human remains has begun to cause anxiety within the museum community and it is expected that this will eventually lead to additional guidance regarding the reburial of UK human remains.

In relation to the *HTAct*, it would seem that affected museums do not object to the requirement for a licence, but that the majority do find the fee too great a strain on resources; a situation that would have been exacerbated when the new licensing fee structure outlined in January 2009 by the HTAuth was put in place. The setting of such a high fee does not encourage curatorial responsibility, any could force museums to dispose of any human remains under 100 years old by means of transfer to a larger institution or by having them destroyed. Another possibility, as voiced by one White Survey II respondent (Museum B), is that museums will simply not disclose the fact that they hold human remains under 100 years old. As it stands, the *Guidance* has proven to be an extremely useful tool that has assisted some museums in implementing their own human remains policies. However, the fact that it is discretionary rather than a statutory requirement means that the extent to which museums are either willing or able to implement its recommendations is variable.

Bahn (1984: 138) wrote “[it] is clear that there is no simple answer. Each set of circumstances needs to be evaluated by the protagonists involved – the archaeologists, their conscience and beliefs, and any living objectors – and a suitable compromise reached”. Although Bahn’s discussion relates to the actions of archaeologists, his comments also hold resonance for museums and other institutions holding human remains. It has taken almost three decades since Bahn’s comments for the museum community to implement changes to assuage ethical concerns relating to the treatment of Indigenous human remains, but it is the influence of the living, not the wishes of the dead, that has led to these changes. The cultural descendants of the dead initially raised concern regarding the treatment of their ancestors; William Corder was cremated only because a present day descendant fought for his release; and conversely, Charles Byrne is

still on display in the Hunterian Museum, despite his own wishes, because he has no known descendants fighting for his wishes. It seems then, to a great extent, that Cox's observation (1996: 10), "[i]f one accepts the premise that the needs of the living are more important than those of the dead maybe an acceptable compromise is to satisfy the former while having regard to the aspirations of the latter?", is correct.

CHAPTER 5: THE NUMBER AND PROVENANCE OF HUMAN REMAINS IN MUSEUM COLLECTIONS

5.1 Introduction

Chapter 4 provided a detailed investigation into the origins of the *HTAct* and the *Guidance*. It demonstrated that concerns relating to the treatment of human remains, and in particular Indigenous human remains, were the causal factor and that more recently there has also been a general increase in concern relating to the retention and treatment of UK human remains by museums.

The aim of this chapter is to consider the Minimum Number of Individuals (MNI) and provenance of human remains held in English museum collections. Such an investigation is integral to this research for two reasons. Firstly, understanding the MNI and provenance of human remains will allow for a better understanding of both the current impact and the potential future impact of the *HTAct* and the *Guidance*. Secondly, individual museum responses to White Survey I questions relating to the MNI and provenance of human remains help ascertain the effectiveness of the *Guidance*. As part of its basic checklist for actions, the *Guidance* recommends that museums/institutions “review catalogue/inventory information and whether improvements are needed” and if human remains are to be retained that museums “make appropriate catalogue/inventory information accessible” (DMCS 2005a: 22). By analyzing museum responses relating to the MNI and provenance of individuals in their collections, this research can begin to assess whether the *Guidance* has been effective.

Detailed description pertaining to the methodology undertaken in order to acquire White Survey I data has been presented in Chapter 2, therefore it will not be considered here. Section 5.2 provides an overview of White Survey I. In order to illustrate the transient nature of data, Section 5.3 explores shifting data and changing perceptions of collections at the British Museum, The Manchester Museum and the Pitt Rivers Museum. Sections 5.4 to 5.6 report on

the MNI and provenance of individuals in museum collections. Finally, this chapter will assess the impact of non-respondents on the data collected (Section 5.7) before drawing conclusions (Section 5.8).

5.2 White Survey I

It became apparent at an early stage in this research that it would not be possible to ascertain the impact and effectiveness of the *Guidance* and the *HTAct* without first understanding the full extent of human remains holdings in museums in England. As mentioned in Chapter 4, relatively little was known about human remains in English museums, both in terms of which museums held human remains and in terms of the MNI and provenance. Various limited investigations of human remains collections have taken place in the past (Fforde 2005, Simpson 1994); the most comprehensive of these being the *Scoping Survey* which surveyed 148 institutions. However, four main factors led to the conclusion that *Scoping Survey* data would not suffice for the purpose of this research.

Firstly, the *Scoping Survey* was not designed to identify institutions that might hold human remains. Rather a “list of museums and university departments thought likely to have collections of historic human remains was assembled by the steering group and the consultants” (Weeks and Bott 2003: 5); therefore a broad design was needed to include all potential museums in England.

Secondly, the *Scoping Survey* intended only to “map the broad scope of human remains held in English museums” (Weeks and Bott 2003: 5). As mentioned in Section 2.5, the parameters used to categorize the number of human remains in each museum was purposefully broad, with numerical categories of 1-9, 10-49, 50-99, 100-249, 250-499 and 500+ being utilised. Only with holdings of 500+ did some museums confirm the exact number of human remains in their collections (Weeks and Bott 2003: 58). Thus, because broad numerical parameters gave

museums greater flexibility of response, any account given might not accurately reflect the number of human remains held by individual museums.

Thirdly, is the contradictory nature of terminology. For example, the *Scoping Survey* employs the term 'item' rather than 'individual' or 'MNI', which, as discussed in Chapter 2, form the basis of White Survey 1 data. The definition of the term 'item' includes "an uncatalogued/unsorted assemblage of bones from a 'single excavation/exhumation'" and "one single histological slide if on its own, or a box/drawer or cabinet of slides belonging to a single collection" (Weeks and Bott 2003: 40). Thus, one 'item' may not necessarily reflect one 'individual'. The definition of human remains used in the *Scoping Survey* is also contradictory to the original *Guidance* definition as it includes hair and nails (although the *Guidance* definition of human remains has since been changed to incorporate hair and nails).

Finally, several years have passed since the *Scoping Survey* was undertaken and it seems that some changes likely are to have occurred since the *Guidance* was published. It is realistic to assume that museums now have a better understanding of their collections. A combination of these four factors led to the assumption that it would not be possible to assess accurately the impact and effectiveness of the *HTAct* and the *Guidance* without undertaking a comprehensive survey. Therefore, an in-depth England-wide exploration was instigated; giving a much broader range of museums the chance to provide an accurate and up-to-date account of their holdings.

The reader should note that this is necessarily a data rich chapter. The 22 tables and six figures dispersed throughout convey data which allow the reader to develop a detailed insight into the MNI and provenance of human remains in English museum collections. This research has built upon the work of the *Scoping Survey*; using it as a baseline both to broaden knowledge in relation to human remains in museums and to help evaluate whether museums' understanding of their own collections has evolved. Thus, comparative analysis with the *Scoping Survey* will take place throughout this chapter.

5.3 The transient nature of data

All data reported by museums during White Survey I (2007) are time specific and a presumption exists that at that time data reported were perceived to be correct. However, human remains collections, and understanding of these collections, are by no means static. To exemplify the transient state of what is reported by museums, the British Museum, The Manchester Museum and the Pitt Rivers Museum are considered in light of their published online inventories. Sections 5.3.1 to 5.3.3 detail three very different instances where museums have made their inventories available online but where numerical and provenance data reported during White Survey I has since been revised by the museums concerned. Section 5.3.4 will conclude by discussing briefly the reasons behind the transience of these data.

5.3.1 The British Museum

Since at least 2005, the British Museum has permanently displayed on its website a full list of the 8663 individuals believed to be in its collections (British Museum n.d.). Although the museum did take part in the White Survey I, it agreed to do so only following negotiations that ended in an arrangement that the researcher would calculate and complete information relating to the number and provenance of individuals based on the museum's Adobe PDF web document. Although viewable, Adobe PDF documents are impossible to manipulate or alter; therefore, all calculations required manual re-working. Although the original Adobe PDF web document stated that the British Museum holds 8663 individuals, from manual calculations of this it was determined that 9154 individuals were listed; 491 more than quoted by the museum.

Duplicated entries relating to UK human remains became immediately apparent because of the repetition of a large number of datasets. For example, duplications seemed to exist for listings containing 43, 162, 208 and 1008 individuals. Based on the incongruous total number of individuals and apparent duplications, the author contacted the British Museum for confirmation that this was incorrect. In a personal communication Dr J D Hill, Research Manager advised that the museum had not been aware of any inconsistencies prior the

notification by the researcher (Hill 2008). He then carried out a re-edit of the listings, removing the majority of entries he could be sure were duplicates, and forwarded an updated version of the spreadsheet to the researcher on 12 February 2008.

Table 5.1 details the number of individuals reported in the pre 2008 list and the February 2008 list in comparison to information provided in 2003 for the purpose of the *Scoping Survey*. Interestingly, the British Museum did not disclose any individuals of Australian/Tasmanian, European or Middle Eastern provenance at the time of the *Scoping Survey* and underestimated its holdings in the majority of instances. In four instances provenance does not fall under the defined geographical parameters of this research therefore separate entries of Australia/Other, Latin America, Middle East/Asia and UK? are noted.

Table 5.1: Number of individuals in the British Museum collection based on online documents in comparison with the number of individuals reported during the 2003 DCMS *Scoping Survey*.

*represents the total number of individuals provenanced to both North and South America.

	No. of individuals cited pre 2008	No. of individuals cited in February 2008	No. of individuals cited in April 08 web PDF	Overall Numerical difference	% difference	No. of individuals reported during the Scoping Survey
Africa	912	949	949	+37	+4%	10-49
America (North)	177	179	179	+2	+1%	100-249*
America (South)	68	69	69	+1	+1.5%	*
Asia	671	644	644	-27	-4%	10-49
Australia	13	13	13	0	-	-
Australia/Other	1	1	1	0	-	-
Europe	22	106	106	+84	+380%	-
Latin America	1	1	1	0	-	*
Middle East	49	49	49	0	-	-
Middle East/Asia	1	1	1	0	-	-
New Zealand	33	33	33	0	-	1-9
Pacific	161	164	164	+3	+2%	50-99
UK	7020	4313	3480	-3540	-50.5%	500+
UK?	4	4	4	0	-	-
Unknown/Other	21	21	21	0	-	-
Total	9154	6547	5714	-3440		

Substantial revisions had clearly taken place to create the February 2008 list, as the total number of individuals had reduced from 9154 to 6547 – a reduction of 2607 (28%). The most

striking difference noted in the new listing relates to individuals of UK provenance, which reduces from 7020 to 4313 – a difference of 2707 (38). Individuals originating from Asia also had reduced from 671 to 644. In a personal communication with Dr Hill (2008) he noted that there were a number of duplicated UK and Asian entries. However, when comparing data in both documents, the author noticed that individuals originating from Africa, Europe, New Zealand, the Pacific and South America had increased, which resulted in 127 new entries. This suggested that Dr Hill might have been working from a different or updated document to that displayed on the museum's website.

Although these new entries relate to the five different geographical areas noted above, on the British Museum spreadsheet, each runs alphabetically in order of country of provenance rather than the defined geographical area being utilised in this research. These countries are Egypt, El Salvador, Ecuador, Equatorial Guinea, Ethiopia, Fiji, France, Germany, Ghana, Gibraltar, Gibraltar (UK) and one entry for Hawaii. It therefore appears that information had simply been omitted from the pre 2008 PDF web document. Further inspection of the updated spreadsheet sent by Dr Hill suggested duplicated entries totalling at least a further 500 individuals (including a single entry for 393 Anglo-Saxon skeletons excavated at St Peters Tip).

In April 2008, a new list was posted online that included a further reduction from 4313 to 3480 UK individuals. This third reduction in the number of UK individuals in the British Museum collection resulted in an overall reduction from 7020 to 3480 UK individuals; an overall difference of 3540 individuals or just over 50%. There have been no further changes to the British Museum Adobe PDF web document since April 2008 and the document does now carry a notice stating that some of the information is likely to change because of ongoing research (British Museum 2008). Bearing in mind some of the changes that had occurred between the *Scoping Survey* and *White Survey I*, it can be expected that these data will again undergo revisions at some point in the future.

5.3.2 The Manchester Museum

A similar comparison was made in February 2008, when The Manchester Museum (2008) published its human remains holdings in a PDF document. Table 5.2 shows that 1343 individuals were reported in the PDF document (excluding 54 hair only entries that are not relevant to this research) and that 1558 individuals were reported during the White Survey I. Not only is there less individuals reported in the more recent document, but these new data would suggest that the numbers reported during White Survey I did erroneously include hair and nails although at the time of the White Survey I, the *Guidance* definition of human remains excluded hair and nails.

Table 5.2: Number of individuals in The Manchester Museum collection according to White Survey I, the museum's online PDF document dated 11 February 2008 and the 2003 DCMS *Scoping Survey*.
 *represents the total number of individuals provenanced to both North and South America.

	White Survey I	Web entries (excluding hair only)	Web entries (hair only)	Total web entries	Numerical difference	% difference	No. of individuals reported during the Scoping Survey
Africa	525	233	13	246	-292	-56%	1-9
America (North)	9	9	0	9	0	0	1-9*
America (South)	5	7	0	7	+2	+40%	*
Asia	21	20	2	22	-1	-5%	1-9
Australia	12	3	9	12	-9	-75%	1-9
Europe	33	39	0	39	+6	+18%	10-49
New Zealand	3	4	0	4	+1	+33%	-
Pacific	75	62	13	75	-13	-17%	1-9
UK	511	558	0	558	+47	+9%	100-249
Unknown	364	408	17	425	+44	+12%	-
Total	1558	1343	54	1397	-215		

In a personal communication, Mr Malcolm Chapman (2008), Head of Collections Development confirmed there had been two separate events that had led to revisions. Firstly, the museum had undertaken an audit of some of its collections and secondly it had recently transferred of a large number of African individuals to another University unit, the KNH Centre for Biomedical Egyptology. Thus, although hair entries erroneously were included as the White Survey I requested the MNI excluding hair and nails, this error actually illustrates that under the revised

Guidance definition of human remains which does include hair and nails, the MNI in museum collections is likely to increase.

5.3.3 The Pitt Rivers Museum

The Pitt Rivers Museum is the final example used to demonstrate the transient nature of data. As with previous examples, several mismatches of information became immediately apparent following an audit by the author of the human remains listed on the Pitt Rivers Museum website. Table 5.3 gives full details of the numbers reported in both the online collections database and the White questionnaire. As is illustrated, White Survey I data also differ significantly from *Scoping Survey* data.

Table 5.3: Individuals reported on the Pitt Rivers Museum online collections database during March 2008 in comparison to White Survey I and 2003 DCMS *Scoping Survey* results. *represents the total number of individuals provenanced to both North and South America.

	White Survey I	Collections Database	Difference	% Difference	No. of individuals reported during the Scoping Survey
Africa	29	73	+44	+ 151%	250-499
Asia	29	29	0	0	250-499
America (North)	6	9	+3	+50%	100-249*
America (South)	8	8	0	0	*
Australia	8	8	0	0	100-249
Europe	143	61	-82	-57%	50-99
New Zealand	21	10	-11	-47%	50-99
Pacific	0	11	+11	+100%	250-499
UK	108	82	-26	-24%	50-99
Unknown	0	19	+19	+100%	-
Total	352	310	- 42	-	

The author did not report the discrepancies to the Pitt Rivers Museum; however, it appears as though some differences occur because of database peculiarities not identified when the original White Survey I questionnaire was completed. The first of these relates to three extra entries for North America. When searching the online collections database the researcher has to pick the geographical area from a drop-down list. However, as well as North and South America there is an option for choosing Meso-America, and the three extra entries appear to

relate specifically to this location which would indicate this option was not investigated at the time the questionnaire was completed as the White Survey I questionnaire specifically stated only North America and South America. Conversely, when the collections database searches for European human remains it includes those of UK provenance. Thus, as data in Table 5.3 would suggest, UK human remains are not discounted from European search results thereby resulting in inflated figures. Finally, it appears that Oceania may have been the criteria used to search for human remains of New Zealand/Pacific provenance when the total number of each area is available separately. In conclusion, it would appear that because the geographical area utilised within this research did not match the online collections database, errors have occurred. Unfortunately, no further practical information is available as to why the MNI of African individuals differs so greatly.

5.3.4 Conclusions

These three very different examples indicate that data reported during White Survey I might have since undergone revision. However, this was expected due to the rapidly changing environment. As with any survey, White Survey I provides only a snapshot of what was known at the time it was conducted. Indeed, all three of these museums took part in the *Scoping Survey* in 2003 and as Tables 5.1-5.3 illustrate, there are substantial differences between the MNI reported during each survey, despite them being undertaken within only four years of each other.

Numerical and provenancing fluctuations will persist until museums fully understand their collections and then changes will occur depending on decisions to accession or de-accession. These examples also illustrate that it is possible for human error to play a role in reporting the MNI, however, it is presumed that all data reported at the time of White Survey I, were correct. The examples demonstrate that data are changing and the assumption is that revised data implied a more accurate representation of museum holdings. Despite such limitations, White

Survey I data remain robust and relevant by providing the most widespread, in-depth and up-to-date information available to relating to human remains in English museum collections.

It is clear that paper records and physical records at some museums are contradictory. This is certainly the case for The Manchester Museum (Chapman 2008) and the Science Museum (O'Sullivan 2008), where recent internal physical audits of human remains have led to a greater understanding of collections. It also seems probable that the British Museum and other museums with larger collections will be in a similar position should they undertake physical audits.

The next section presents information about the English museums contacted for White Survey I and then presents the MNI and provenance of individuals held in them.

5.4 The number of human remains in museum collections

As mentioned in Section 2.4, 877 museums were contacted during White Survey I to establish if they held human remains and if so, whether they would be willing to take part in a survey pertaining to those human remains. When initiating first contact, the researcher observed that a number of e-mail addresses, although showing different contact names, gave an identical contact organisation. Further investigation determined that 71 museums were part of a larger organisation, thus resulting in a reduction in the total number of museums/museum authorities relevant to this study from 877 to 806. A full list of these 71 museums is located in Appendix 9.

Figure 5.1 illustrates the 806 museum responses when questioned whether they held human remains. A majority of 500 (62%) museums confirmed they held no human remains whilst 264 (33%) museums answered positively to holding human remains. Only 42 (5%) museums failed to respond to the initial request for information (Phase II). As a result of non-respondents, it is uncertain whether these museums hold human remains as part of their collections. Further information pertaining to all non-respondents is located in Section 5.7.

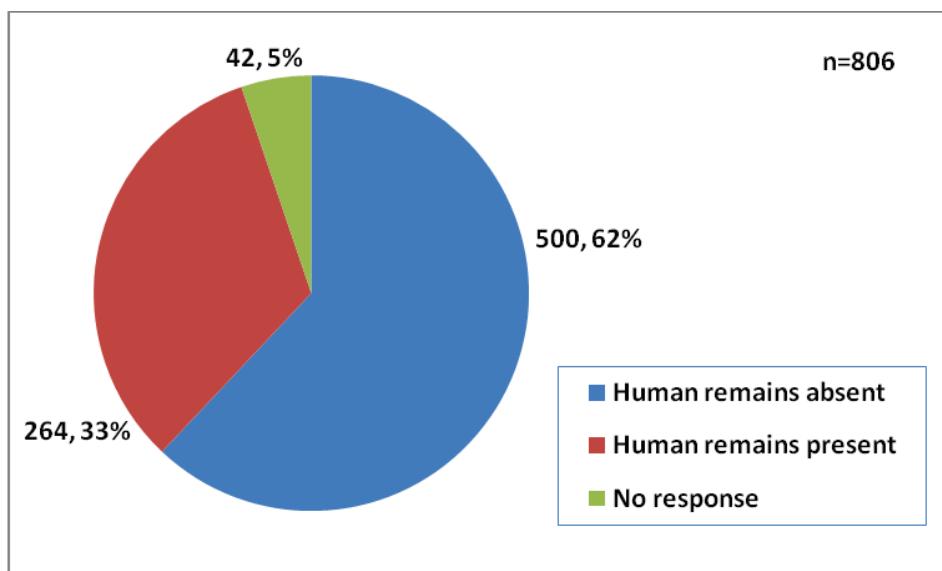


Figure 5.1: The number of museums in England holding human remains.

Of the 264 museums holding human remains, 190 (72%) agreed to take part in White Survey I, although ultimately only 157 (59%) returned a completed questionnaire. The remaining 74 (28%) museums holding human remains declined to participate in the survey. The majority of the museums who declined to participate quoted either a lack of resources or a belief that they held too few human remains to be of assistance. The author contacted all 74 museums in an attempt to persuade them to complete a questionnaire. Thirty-five of the 74 gave a rough account of their holdings within their initial response. A detailed description of these holdings is located in Section 5.7.2, which will discuss the impact of non-respondents in this category.

Obtaining numerical data on human remains from museums allows for interpretation on three levels: scope and breadth of museums holdings; the extent and provenance of museum holdings; and, thirdly comparisons with the *Scoping Survey*. Figure 5.2 illustrates that of the 157 museums, the number of museums holding non-UK and unknown individuals is relatively low (10-31), whilst 142 museums hold UK individuals. These results show that relatively few White Survey I museums hold non-UK individuals but the majority do hold UK individuals. This statement is also reflected in the overall number of individuals in English museums.

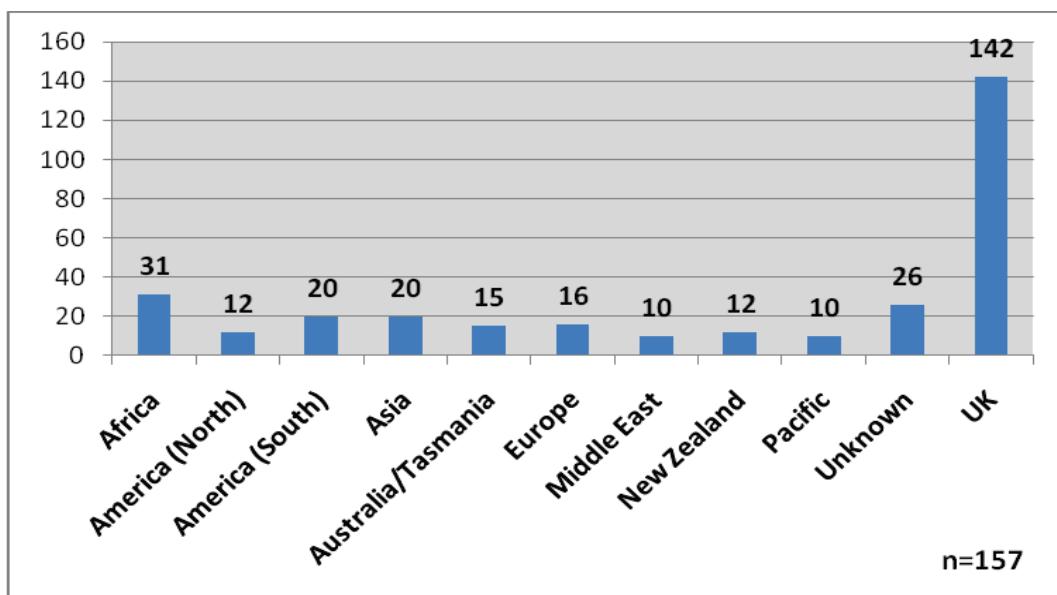


Figure 5.2: Distribution of human remains by provenance. No museums reported individuals provenanced to Greenland.

Figure 5.3 illustrates that of the 49,068 individuals reported in the 157 museums, 90% of all individuals originate in the UK. Only 8% originate from overseas, while the origin of the remaining 2% of individuals is unknown. As subsequent sections will illustrate, these figures represent the MNI in White Survey I museums. The actual number of individuals in these museums is undoubtedly much higher.

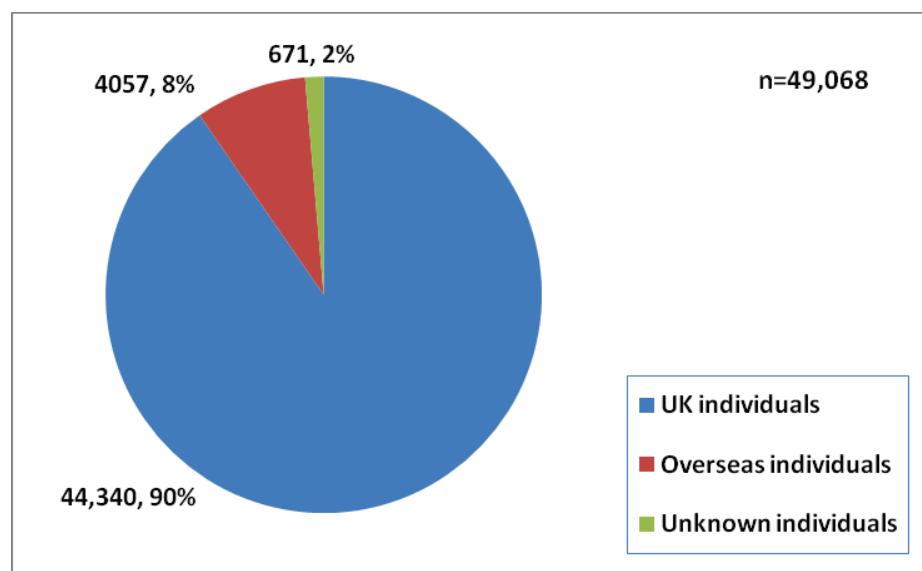


Figure 5.3: The minimum number of UK, non-UK and unknown individuals in White Survey I museums.

Detailed listings of which museums hold individuals provenanced to each of the geographical areas utilised throughout this research can be found in Sections 5.6.2 to 5.6.12. All values reported hereafter for the British Museum; The Manchester Museum; the Science Museum; and the Pitt Rivers Museum reflect updated data as discussed in Section 5.3, rather than original White Survey I responses.

5.5 Known versus estimated counts

Of the 157 White Survey I museums, 29 (18%) answered that they were unaware of the extent of their holdings. Seven of those museums were unable to give an accurate account of any holdings. Four of those (Greenwich Heritage Centre; Lancaster City Museums; Rotherham MBC Museums, Galleries and Heritage Services; and an undisclosed museum in Dorset) hold only individuals of UK origin but of unknown quantity. The Wells and Mendip Museum also hold only UK individuals of unknown quantity, commenting that they hold “many hundred”. The Royal Cornwall Museum holds individuals of various provenances and is aware of the extent of non-UK holdings but could not confirm the extent of UK holdings. The Collection: Art and Archaeology in Lincolnshire, reported ‘unknown’ in terms of both provenance and number. Estimated counts provided during White Survey I for each of the remaining 22 museums range between one to 1200 individuals.

When asked directly as part of White Survey I, 128 (82%) museums claimed to be aware of the full extent of their holdings; however, numerical data disclosed by museums does not concur. Museums were asked to identify the MNI and provenance of individuals under their control in terms of the MNI. They were asked to place an ‘E’ next to any value where the value was an estimation or write ‘unknown’ if no count could be provided. Information pertaining to MNI by provenance from all 157 White Survey I museums is located in Table 5.4.

Table 5.4: Total number and percentages of individuals in each category and from each geographical area. n=157.

	Archaeological known	Archaeological estimated	Ethnographic known	Ethnographic estimated	Medical known	Medical estimated	Unspecified known	Unspecified estimated	Total known and estimated holdings
Africa	336 24%	6 0%	42 3%	9 1%	-	-	999 71%	17 1%	1409
America (North)	9 4%	-	22 10%	1 0%	-	-	193 86%	-	225
America (South)	30 13%	-	15 6%	6 3%	-	2 1%	134 58%	44 19%	231
America (Unknown)	-	-	35 100%	-	-	-	-	-	35
Asia	30 4%	-	55 7%	15 2%	1 0%	-	721 85%	19 2%	841
Australia/Tasmania	10 14%	-	36 53%	2 3%	-	-	21 30%	-	69
Europe	142 22%	24 4%	34 5%	-	2 0%	2 0%	453 69%	-	657
Middle East	5 4%	20 14%	-	1 1%	-	-	54 39%	59 42%	139
New Zealand	10 12%	-	19 22%	1 1%	-	-	56 65%	-	86
Pacific	11 3%	-	107 29%	3 1%	-	-	206 57%	38 10%	365
UK	4095 9%	32911 75%	3 0%	10 0%	1370 3%	506 1%	5268 12%	177 0%	44340
Unknown	436 66%	14 2%	20 3%	19 3%	20 3%	35 5%	103 16%	15 2%	662
Total	5114 10%	32975 67%	388 1%	67 0%	1393 3%	545 1%	8208 17%	369 1%	49059

Interestingly, 40 of the 128 museums who confirmed they were aware of the full extent of their holdings gave at least one estimated reading. Although the majority of these estimated readings related to individuals of UK provenance, a small amount related to non-UK individuals. Dartford Borough Museum confirmed in relation to its UK holdings that it has four collections of 17th century plague burials without confirming the actual MNI and therefore was categorised as an estimated count. Conversely, some museums (i.e. Cheltenham Art Gallery and Museum and Reading Museums) knew how many individuals were in their collections but could not confirm the provenance.

Questionnaire responses thus seem to indicate that confusion existed amongst respondents about the terms 'known' and 'estimated', with some museums answering positively to knowing the full extent of their holdings when *either* the MNI or provenance was apparent, but not necessarily *both* the MNI and provenance. Based on these results, it would seem that the actual number of museums aware of the full extent of their holdings is 86 (55%) rather than the 128 (82%) that stated they were, and those not aware of the full extent of their holdings is 71 (45%) rather than the 29 (18%) that stated they were not.

5.6 The extent of human remains within English museums

This section discusses the extent of human remains within English museums in terms of non-UK holdings (Sections 5.6.1-5.6.10), UK holdings (Section 5.6.11) and unknown holdings (Section 5.6.12). Unless otherwise stated, all findings relate specifically to primary data provided by the 157 museums that took part in White Survey I except in relation to the British Museum, The Manchester Museum and the Pitt Rivers Museum (see Section 5.3). Discussion regarding the impact of non-respondents, both in terms of the number of museums holding human remains and the MNI in those museums, will take place under Section 5.7.

The reader should note that Exeter City Museums and Art Gallery took part in White Survey I, but that the *Scoping Survey* approached only the Royal Albert Memorial Museum, which is part

of Exeter City Museums and Art Gallery. Although Exeter City Museums and Art Gallery consists of various establishments, only the Royal Albert Memorial Museum holds human remains. Therefore, whenever White Survey I discusses Exeter City Museums and Art Gallery it draws direct comparison with Scoping Survey results for the Royal Albert Memorial Museum.

5.6.1 Non-UK Holdings

Figure 5.4 illustrates that White Survey I museums hold between them 4057 non-UK individuals, which is only 8% of the MNI in English museum collections. Sections 5.6.1.2 to 5.6.1.10 present data pertaining to each of the non-UK areas.

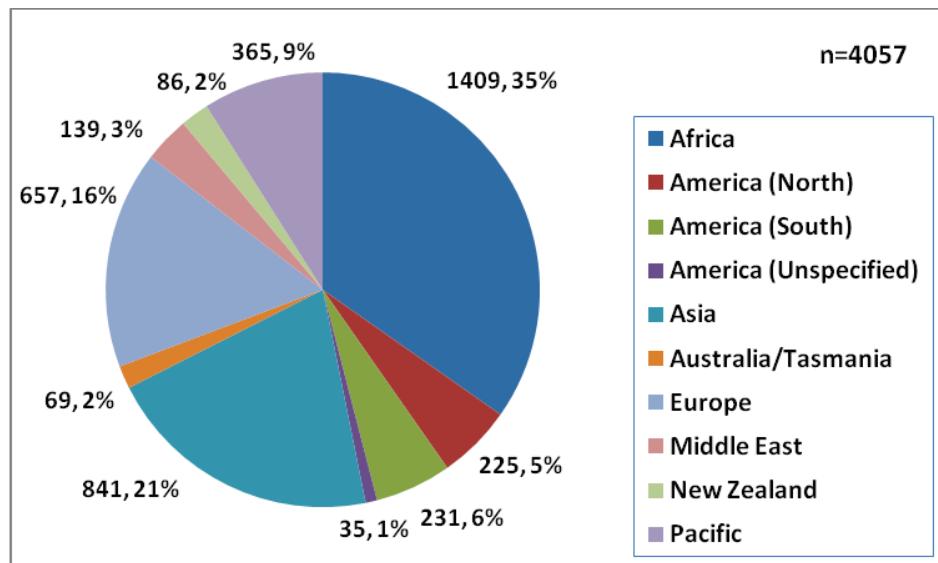


Figure 5.4: Breakdown of individuals in the 157 English museums assigned a non-UK provenance.

5.6.2 African Provenance

Results confirm that 31 of the 157 museums hold between them 1409 (35%) individuals of African provenance; the largest proportion of non-UK individuals at any English museum. Table 5.5 demonstrates that data obtained during White Survey I falls within the broad numerical parameters of the *Scoping Survey*.

Table 5.5: English museums holding individuals of African provenance.
(X) = did not take part, (-) = none reported, (E) = estimate

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Army Medical Services Museum	-	1
Bedford Museum	1-9	-
Birmingham Museum	1-9	X
Blackburn Museum and Art Gallery	-	2
Borough of Poole Museum Service	-	3
Bradford Museums, Galleries and Heritage	-	3
Brighton Royal Pavilion and Museums	10-49	9(E)
Bristol's Museums, Galleries and Archive	10-49	11
British Museum	10-49	949
Bucks County Museum	-	4
Colchester Museums	-	1
Cuming Museum	1-9	3
Derby Museums and Art Gallery	1-9	X
Exeter City Museums and Art Gallery	1-9	6
Fitzwilliam Museum	X	3
Grantham Museum	1-9	X
Harris Museum	-	1
Hartlepool Arts and Museum Service	X	1
Hastings Museum and Art Gallery	-	1
History Shop	X	1
Horniman Museum	1-9	X
Horsham Museum	X	1
Imperial War Museum	1-9	X
Ipswich Museum	1-9	X
Leicester Museums and Galleries	-	6(E)
Macclesfield Museums	-	6
Maidstone Museum and Bentlif Art Gallery	X	1
The Manchester Museum	1-9	233
National Army Museum	1-9	X
National Museums Liverpool	10-49	17(E)
Natural History Museum	500+	X
Nuneaton Museum	1-9	X
Pitt Rivers Museum	250-499	73
Reading Museums	1-9	6
Royal College of Surgeons	10-49	X
Royal Cornwall Museum	-	7
Russell Cotes Art Gallery and Museum	-	3
Science Museum	10-49	50
Somerset County Museums	1-9	X
Stockport Heritage Services	1-9	-
Torquay Museum	1-9	X
Towneley Hall Museum	1-9	1
Tyne and Wear Archives and Museums	1-9	2
UCL, Petrie Museum	10-49	X

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Undisclosed Museum Service in West Yorkshire	-	3
University of Oxford, Ashmolean Museum	1-9	X
University of Reading, Cole Museum	1-9	X
Warrington Museum	1-9	X
Wellcome Collection	X	1
Total	841-1531	1409

However if *Scoping Survey* data for the Natural History Museum are taken into account the final number of individuals may be much higher. Numerous inconsistencies between White Survey I and the *Scoping Survey* were observed. Thirteen museums that took part in both surveys reported between them 41 individuals in White Survey I but did not report any African individuals in the *Scoping Survey*. Conversely, two museums (Bedford Museum and Stockport Heritage Services) indicated in the *Scoping Survey* that they held individuals of African provenance within the 1-9 reporting band, but reported no individuals of African provenance in White Survey I. Additionally, according to their White Survey I responses, neither had reported any repatriation requests. A third museum, the Imperial War Museum, did not take part in White Survey I as it reported it did not hold human remains yet it reported in the 1-9 band during *Scoping Survey*.

The British Museum and The Manchester Museum significantly underestimated their holdings, with both museums stating in the *Scoping Survey* that they held 10-49 African individuals when White Survey I results show 949 and 233 respectively. Conversely, the Pitt Rivers Museum overestimated its holdings in the *Scoping Survey* at 250-499 African individuals, when their White Survey I results indicate only 73 individuals.

The *Scoping Survey* results show between 841-1531 African individuals housed in 30 museums. However, these museums do not correspond directly with the 31 museums housing the 1409 African individuals reported during White Survey I. Six museums that took part only in White Survey I hold between them eight African individuals, which would increase the total number of *Scoping Survey* individuals to between 849-1539; still in line with the 1409 reported in White

Survey I. Data provided by the 16 museums that took part only in the *Scoping Survey* could indicate a further 533-724 African individuals on top of those reported in White Survey I.

5.6.3 Americas provenance

Eleven museums hold between them 225 (5% of non-UK holdings) North American individuals and 19 museums hold between them 231 (6% of non-UK holdings) South American individuals. Bristol's Museums, Galleries and Archive were able only to confirm that they hold 35 individuals from the Americas; thus giving 491 (12% of non-UK holdings) individuals. A breakdown of all Americas holdings is located in Table 5.6.

White Survey I results do not correspond with *Scoping Survey* results, which place between 914 and 1717 Americas individuals in museum collections. As can be seen in Table 5.6, nine museums that took part in the *Scoping Survey* did not take part in White Survey I, and this could account for an extra 625-892 individuals. The incorporation of this data into White Survey I results would suggest between 1116-1383 individuals: which falls in line with *Scoping Survey* results.

Four museums that took part only in White Survey I account for an extra nine individuals. The Pitt Rivers Museum again significantly overestimated its holdings at 100-249 in the *Scoping Survey*; confirming in White Survey I that it holds only 17 individuals and that it has not repatriated Americas individuals. The British Museum is the only museum to take part in White Survey I that has received a request to repatriate a (North) American individual. However, this request was received before the *HTAct* came into force and was therefore denied because at that time the museum was bound by the British Museum Act 1963, which did not allow for the de-accessioning of any items in the museum collections. The British Museum has not received any further requests to repatriate this individual since the passing of the *HTAct* (British Museum 2007).

Table 5.6: English museums holding individuals of American provenance. (X) = did not take part, (-) = none reported, (E) = estimate *Bristol's Museums, Galleries and Archive were able only to give an overall count of their Americas holdings

Museum	Total no. of individuals (Scoping Survey)	North American individuals (White Survey I)	South American individuals (White Survey I)	Total no. of individuals (White Survey I)
Birmingham Museum	1-9	X	X	X
Blackburn Museum	1-9	-	-	-
Bradford Museums, Galleries and Heritage	-		1	1
Brighton Royal Pavilion and Museums	10-49	1	5(E)	6(E)
Bristol's Museums, Galleries and Archive	10-49	*	*	35*
British Dental Association Museum	X	-	1	1
British Museum	100-249	179	69	248
Bromley Museum	X	4	-	4
Cuming Museum	1-9	1	-	1
Derby Museums and Art Gallery	1-9	X	X	X
Exeter City Museums and Art Gallery	1-9	4	1	5
Haslemere Museum	-	1(E)	2(E)	3(E)
Horniman Museum	10-49	X	X	X
Leeds Museums and Galleries	1-9	-	1	1
Maidstone Museum and Bentlif Art Gallery	X	2	-	2
The Manchester Museum	1-9	9	7	14
National Museums Liverpool	10-49	-	44(E)	44(E)
Natural History Museum	500+	X	X	X
Pitt Rivers Museum	100-249	9	8	17
Plymouth City Museum and Art Gallery	1-9	-	1	1
Reading Museums	1-9	-	3	3
Rossendale Museum	1-9	-	1	1
Royal College of Surgeons	10-49	X	X	X
Saffron Walden Museums	1-9	X	X	X
Salisbury and South Wiltshire Museum	-	-	1(E)	1(E)
Science Museum	50-99	14	65	79
Somerset County Museums	1-9	X	X	X
Torquay Museum	1-9	X	X	X
Towneley Hall Museum	1-9	-	17	17
University of Oxford, Museum of Natural History	100-249	X	X	X
Warwickshire Museum Service	-	-	2	2
Wellcome Collection	X	1	1	2
Winchester Museums Service	-	-	1	1
Total	914-1717	225	231	491

5.6.4 Asian Provenance

White Survey I results show that 20 museums hold between them 841 (21% of non-UK holdings) individuals of Asian provenance. Table 5.7 demonstrates that this figure falls below *Scoping Survey* results of 907-1692 individuals.

Table 5.7: English museums holding individuals of Asian provenance. (X) = did not take part, (-) = none reported, (E) = estimate

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Bankfield Museum	-	1
Birmingham Museum	1-9	X
Brighton Royal Pavilion and Museums	10-49	10(E)
Bristol's Museums, Galleries and Archives	10-49	8
British Empire and Commonwealth Museum	1-9	X
British Museum	1-9	644
Butcher's Row Museum	X	1
Exeter City Museums and Art Gallery	10-49	3
Haslemere Museum	-	2(E)
Horniman Museum	10-49	X
Leeds Museums and Galleries	1-9	4
The Manchester Museum	1-9	20
National Army Museum	1-9	X
National Museums Liverpool	10-49	19(E)
Natural History Museum	500+	X
Nottingham City Museums and Art Galleries	1-9	5
Nuneaton Museum	10-49	X
Nursing History Museum	1-9	X
Pitt Rivers Museum	250-499	29
Reading Museums	1-9	6
Royal College of Surgeons	50-99	X
Royal Cornwall Museum	-	1(E)
Royal Engineers Museum	X	1
Russell Cotes Art Gallery and Museum	1-9	5
Saffron Walden Museum	1-9	X
Science Museum	10-49	77
Somerset County Museums	1-9	X
Torquay Museum	1-9	X
Tyne and Wear Archives and Museums	1-9	2(E)
University of Oxford, Ashmolean Museum	10-49	X
University of Oxford, Museum of Natural History	10-49	X
Wellcome Collection	X	2
Whitby Museum	1-9	X
Wisbech and Fenland Museum	1-9	1
Worcester City Museum	1-9	-
Total	907-1692	841

The majority of museums that took part in both surveys did report similar holdings; however, some inconsistencies do occur. Both the British Museum and the Science Museum underestimated their holdings in the *Scoping Survey*, reporting 644 individuals rather than the 1-9 band and 77 individuals rather than the 10-49 band, respectively during White Survey I. The Pitt Rivers Museum significantly overestimated its holdings in the 250-499 band in the *Scoping Survey* but confirmed in White Survey I that it holds 29 individuals. The British Empire and Commonwealth Museum stated in the *Scoping Survey* that it held Asian individuals in the 1-9 band, but disclosed no such individuals when approached during White Survey I.

Three museums (Bankfield Museum, Haslemere Museum and Royal Cornwall Museum) that took part in both surveys reported in the *Scoping Survey* they did not hold Asian individuals but reported holding between them four individuals during White Survey I. Fourteen museums that took part in the *Scoping Survey* did not take part in White Survey I and this is likely to account for some of the divergence as Scoping Survey data suggests a further 598-867 individuals could be in these museums. This could potentially increase the total number of Asian individuals from 841 to 1439-1278.

5.6.5 Australian/Tasmanian Provenance

Of the 157 White Survey I museums, 15 hold between them 69 (2% of non-UK holdings) Australian/Tasmanian individuals. The results of the *Scoping Survey* and White Survey I are available in Table 5.8. Again, White Survey I data does not correspond with *Scoping Survey* data, which reported 423-1013 individuals. There are some obvious reasons why these numbers do not correspond. For instance, seven *Scoping Survey* museums did not take part in White Survey I and this could account for a further 305-643 individuals. Brighton Royal Pavilion and Museums, which stated it held individuals in the 10-49 band as part of the *Scoping Survey*, now confirm it holds only four individuals, having repatriated one individual of Australian/Tasmanian provenance. The Pitt Rivers Museum stated in the *Scoping Survey* that it held individuals in the 100-249 band when in fact it holds only eight.

Table 5.8: English museums holding individuals of Australian/Tasmanian provenance.
(X) = did not take part, (-) = none reported, (E) = estimate

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Birmingham Museum	1-9	X
Blake Museum	X	1
Brighton Royal Pavilion and Museums	10-49	4
Bristol's Museums, Galleries and Archives	1-9	-
British Dental Association Museum	X	21
British Museum	-	13
Cheltenham Art Gallery and Museum	1-9	1
Exeter City Museums and Art Gallery	1-9	2
Hampshire County Museums Service	-	1
Haslemere Museum	-	1(E)
Hastings Museum and Art Gallery	-	4
Horniman Museum	1-9	X
The Manchester Museum	1-9	3
Middlesbrough Museums and Galleries	X	1
National Museums Liverpool	1-9	3
Natural History Museum	250-499	X
Pitt Rivers Museum	100-249	8
Royal College of Surgeons	50-99	X
Royal Cornwall Museum	1-9	-
Salisbury and South Wiltshire Museum	-	1(E)
Science Museum	1-9	5
Torquay Museum	1-9	X
Tyne and Wear Archives and Museums	1-9	-
University of Oxford, Museum of Natural History	1-9	X
University of Reading, Cole Museum	1-9	X
Total	423-1013	69

In March 2007, Brett Galt-Smith (2007), then overseeing the repatriation of Australian/Tasmanian individuals from British museums on behalf of the Australian Office on Indigenous Policy Co-ordination (OIPC), suggested that 21 British institutions held between them around 600 individuals. Of those, Galt-Smith suggests that 16 are located in England. They are: Booth Museum; Brighton Museum, Bristol City Museum; the British Museum; The Manchester Museum; the Museum of Natural History, Oxford; the Natural History Museum, the Pitt Rivers Museum; the Royal Albert Memorial Museum; the Royal Cornwall Museum; Torquay Museum; Tyne and Wear Archives and Museums; the University of Cambridge; University College London (UCL); the Wellcome Trust and World Museum Liverpool. Approximately 50 of the 600 individuals cited by Galt-Smith are housed in five Scottish

institutions, while approximately 400 individuals are housed in the Natural History Museum. This, according to Galt-Smith, leaves only 150 individuals that can be attributed to being held by the remaining 19 British museums. White Survey I results confirms that a minimum of 21 English museums hold individuals of Australian/Tasmanian provenance as well as the five Scottish institutions cited by Galt-Smith. Based on White Survey I data, it therefore seems likely that the total number of Australian/Tasmanian individuals in English museums could exceed 600.

Bristol's Museums, Galleries and Archives, Royal Cornwall Museums and Tyne and Wear Archives and Museums all stated that they held Australian/Tasmanian individuals in the 1-9 band during the *Scoping Survey*. However, these museums have now repatriated all individuals from Australia/Tasmania hence they did not report any such individuals during White Survey I. Similarly, Brighton Royal Pavilion and Museums, Exeter City Museums and Art Gallery and Hampshire County Museums Service all had one repatriation request pending for Australian/Tasmanian individuals.

5.6.6 European Provenance

Table 5.9 demonstrates that 16 of the 157 White Survey I museums held between them 657 (16% of non-UK holdings) individuals of European provenance. Various inconsistencies between survey results were observed. Table 5.9 shows that thirteen museums that took part in the *Scoping Survey* did not take part in White Survey I.

This does account partially for the incongruous MNI, as *Scoping Survey* data suggests these museums hold between them 548-768 individuals, with one museum (the Natural History Museum) holding the majority. Conversely, three museums that took part in White Survey I did not take part in the *Scoping Survey*, accounting for a difference of 20 individuals. Taking these differences into account, research suggests that museum holdings fall within *Scoping Survey* results by suggesting between 1205 and 1425 individuals.

Table 5.9: English museums holding individuals of European provenance. (X) = did not take part, (-) = none reported, (E) = estimate

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Army Medical Services Museum	1-9	1
Bolton Museum and Art Gallery	1-9	X
Bourne Hall Museum	1-9	X
Bradford Museums, Galleries and Heritage	-	1
Brighton Royal Pavilion and Museums	1-9	2(E)
Bristol's Museums, Galleries and Archive	10-49	24
British Museum	-	106
Chelmsford Museums	100-249	-
Cuming Museum	1-9	1
Freud Museum	1-9	X
Grantham Museum	10-49	X
Haslemere Museum	-	13(E)
Horniman Museum	1-9	X
Imperial War Museum	1-9	X
Ipswich Museum	10-49	X
Leeds Museums and Galleries	-	40
The Manchester Museum	10-49	39
Mary Rose Museum	X	11(E)
National Army Museum	1-9	X
Natural History Museum	500+	X
Norfolk Museums and Archaeology Service	10-49	-
Nuneaton Museum	1-9	X
Pitt Rivers Museum	50-99	61
Plymouth City Museum	50-99	-
Royal College of Physicians Museum	X	6
Royal Cornwall Museum	-	1
Rugby Art Gallery and Museum	1-9	-
Saffron Walden Museum	1-9	X
Science Museum	100-249	347
Stockport Heritage Services	1-9	-
Torquay Museum	10-49	X
Towneley Hall Museum	1-9	-
Tyne and Wear Archives and Museums	-	2
Museum of Natural History, University of Oxford	10-49	X
Wellcome Collection	X	3
Worcester City Museums	50-99	-
Total	934-1764	657

Three museums (Bourne Hall Museum, the Freud Museum and the Imperial War Museum) did not take part in White Survey I as they stated they do not hold any human remains yet it is stated in the *Scoping Survey* that they held European individuals in the 1-9 band. A further seven museums failed to disclose details of European individuals in White Survey I when

Scoping Survey data suggests 213-523 individuals. All seven of these museums reported information relating to individuals of other provenances, which may suggest better provenance information was available at the time of White Survey I. One possibility for the mismatch in data is that some museums may have mistakenly included UK individuals in their European holdings. This was certainly the case during White Survey I in relation to the Pitt Rivers Museum, which originally quoted 143 European individuals but upon investigation into their collections database, it became apparent that this figure included 82 UK individuals. Bristol's Museums, Galleries and Archives count of 24 European individuals does include some of UK provenance; however, no supplementary information is available.

5.6.7 Greenland Provenance

None of the 157 museums that took part in White Survey I reported that they held individuals provenanced to Greenland. Table 5.10 does illustrate that at the time of the *Scoping Survey* four museums confirmed they held Greenland Provenance individuals. Three of these museums did not take part in White Survey I. The Pitt Rivers Museum did take part in the White Survey but did not report holding nor repatriating Greenland individuals. This would suggest that information obtained at the time of the *Scoping Survey* might have been erroneous.

Table 5.10: English museums holding individuals of Greenland provenance. No individuals were reported during White Survey I.

Museum	No. of individuals (<i>Scoping Survey</i>)
Horniman Museum	1-9
Natural History Museum	10-49
Royal College of Surgeons	1-9
Pitt Rivers Museum	1-9
Total	13-76

5.6.8 Middle Eastern Provenance

Ten of the 157 White Survey I museums hold between them 139 (3% of non-UK holdings) individuals of Middle Eastern provenance. Nine museums took part in both the *Scoping Survey* and White Survey I, yet at the time of the *Scoping Survey* none of the nine reported that they held any Middle Eastern individuals.

Table 5.11: English museums holding individuals of Middle Eastern provenance.
(X) = did not take part, (-) = none reported, (E) = estimate.

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Birmingham Museum	1-9	X
British Museum	-	49
Brighton Royal Pavilion and Museums	-	3(E)
Cheltenham Art Gallery and Museum	-	1
Horniman Museum	1-9	X
Leeds Museums and Galleries	-	10(E)
Museum of Farnham	-	1
National Museums Liverpool	-	59(E)
Natural History Museum	-	X
Royal Air Force Museum	1-9	X
Royal College of Surgeons	10-49	X
Science Museum	-	5
Tyne and Wear Archives and Museums	-	8(E)
UCL, Institute of Archaeology	10-49	X
University of Oxford, Museum of Natural History	1-9	X
Wisbech and Fenland Museum	-	2
Wellcome Collection	X	1
Total	24-134	139

Six museums took part only in the *Scoping Survey*, which could account for a further 24-134 individuals thus the final number of Middle Eastern individuals could be in the region of 163-273; which is much higher than suggested by the *Scoping Survey*. One museum took part only in White Survey I; however, it holds one individual therefore has minimum impact upon overall values.

5.6.9 New Zealand Provenance

Survey results demonstrate that 12 of the 157 White Survey I museums hold 86 (2% of non-UK holdings) Maori individuals. Table 5.12 shows that this total falls well below *Scoping Survey* data for New Zealand, which estimated 177-550 Maori individuals. Six museums took part in the *Scoping Survey* but did not take part in White Survey I, which could account for a further 265-593 individuals, taking White Survey I results to a similar level as the *Scoping Survey* results. One museum took part only in White Survey I accounting for a single individual.

Table 5.12: English museums holding individuals of New Zealand provenance.
(X) = did not take part, (-) = none reported, (E) = estimate.

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Brighton Royal Pavilion and Museums	1-9	2
Bristol's Museums, Galleries and Archive	1-9	9
British Museum	1-9	33
Bromley Museum	X	1
Cuming Museum	1-9	1
Exeter City Museums and Art Gallery	1-9	-
Haslemere Museum	-	1(E)
Horniman Museum	1-9	X
Hull and East Riding Museum	1-9	-
Leeds Museum Resource Centre (part of Leeds Museums and Galleries)	1-9	-
The Manchester Museum	-	4
National Museums Liverpool	1-9	5
Natural History Museum	100-249	X
Pitt Rivers Museum	50-99	10
Royal College of Surgeons	10-49	X
Saffron Walden Museum	1-9	X
Science Museum	1-9	18
Torquay Museum	1-9	X
Tyne and Wear Archives and Museums	1-9	1
Undisclosed Museum Service in West Yorkshire	1-9	-
University of Oxford, Museum of Natural History	1-9	X
Warrington Museum	1-9	X
Worcester City Museums	1-9	1
Total	177-550	86

Exeter City Museums; Hull and East Riding Museum; Leeds Museum Resource Centre (which is part of Leeds Museums and Galleries); and an undisclosed Museum Service in West Yorkshire

reported no Maori individuals within their collections in White Survey I but reported individuals in the 1-9 band in the *Scoping Survey*. However, Exeter City Museums and Leeds Museums and Galleries have repatriated at least one Maori individual in the period between the *Scoping Survey* and White Survey I. As of January 2008, Bristol's Museums, Galleries and Archive; the British Museum; and Tyne and Wear Archives and Museums all had one pending repatriation request for Maori human remains. Haslemere Museum and The Manchester Museum reported no Maori individuals during the *Scoping Survey* but reported between them four individuals during White Survey I.

5.6.10 Pacific Provenance

Ten of the 157 White Survey I museums hold between them 365 (9% of non-UK holdings) individuals provenanced to the Pacific region.

The total figure falls below the *Scoping Survey* total, which reported 522-1348 individuals. Nine museums who took part in the *Scoping Survey* did not take part in White Survey I, and this could account for a further 285-691 individuals. If *Scoping Survey* results were accurate, this would result in similar counts for of both surveys. Table 5.13 presents a full breakdown of museums that hold individuals provenanced to the Pacific.

Although Worcester City Museum confirmed that they have Pacific individuals in the 1-9 band within their collections during the *Scoping Survey*, personal communications with Deborah Fox, a member of museum staff at the museum, confirmed that the museum currently is not aware of any individuals from the Pacific in their collections (Fox 2008).

Table 5.13: English museums holding individuals of Pacific provenance. (X) = did not take part, (-) = none reported, (E) = estimate.

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Birmingham Museum	1-9	X
British Museum	50-99	164
Bristol's Museums, Galleries and Archive	10-49	11
Bucks County Museum	1-9	1
Exeter City Museums and Art Gallery	10-49	22
Harris Museum	1-9	-
Horniman Museum	10-49	X
Ipswich Museum	1-9	X
The Manchester Museum	1-9	62
Natural History Museum	100-249	X
National Museums Liverpool	50-99	38(E)
Nuneaton Museum	1-9	X
Pitt Rivers Museum	250-499	11
Plymouth City Museum	1-9	12
Royal College of Surgeons	10-49	X
Science Museum	10-49	42
The Collection: Art and Archaeology in Lincolnshire	1-9	'unknown'
Torquay Museum	1-9	X
Tyne and Wear Archives and Museums	1-9	2(E)
University of Oxford, Museum of Natural History	10-49	X
Whitby Museum	1-9	X
Worcester City Museum	1-9	-
Total	522-1348	365

5.6.11 UK provenance

One hundred and forty two of the 157 White Survey I museums hold between them 44,340 (91% of all holdings) individuals. Figure 5.5 shows the breakdown of UK individuals into archaeological, ethnographic, medical and unspecified categories.

Only ten museums do not hold any individuals provenanced to the UK. A further four museums (Kent Police Museum; North East Lincolnshire Libraries and Museums Service; The Collection: Art and Archaeology in Lincolnshire; and the Museum of the Royal Pharmaceutical Society) were unable to confirm the provenance of any of their human remains, therefore it is possible that these museums may hold some UK individuals.

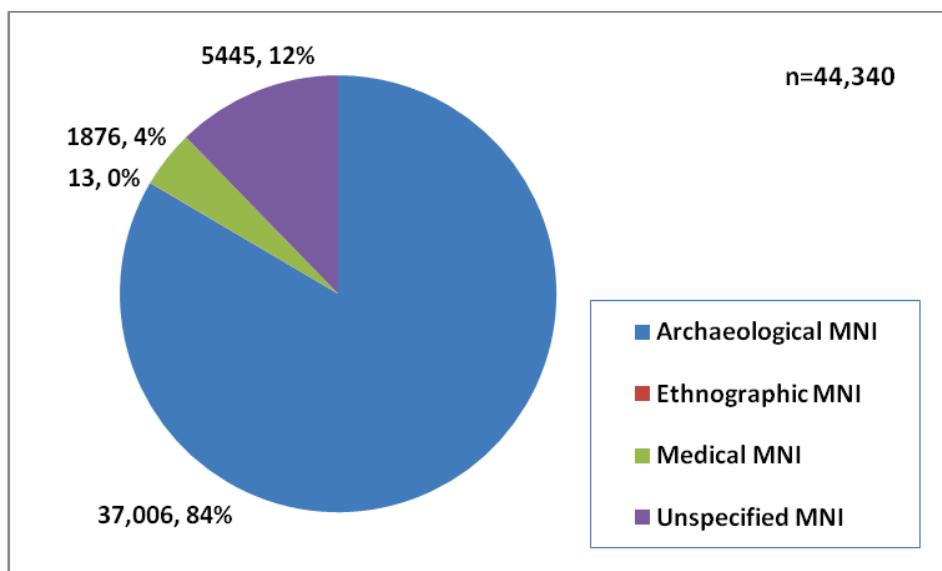


Figure 5.5: Breakdown of the total number of UK holdings held by 142 White Survey I museums.

The 84 museums that took part only in White Survey I hold between them 6263 individuals of UK provenance. This includes four museums who stated 'unknown' holdings. Wells and Mendip Museum, who stated they hold "many hundred" UK individuals, is included within these four museums. The Natural History Museum is the only museum not to provide numerical/provenance data relating to the human remains in its collections during White Survey I, though if *Scoping Survey* figures are accurate the museum holds in excess of 500 individuals. The remaining 57 museums took part in both surveys so direct comparison is possible. Two museums (Science Museum and University of Nottingham Department of Archaeology Museum) did not report any holdings during the *Scoping Survey* but according to White Survey I results hold between them 409 individuals. Table 5.14 gives a detailed breakdown of the number of individuals of UK provenance reported in each survey.

Table 5.14: English museums holding individuals of UK provenance. (X) = did not take part, (-) = none reported, (E) = estimate.

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Army Medical Services Museum	1-9	1
Bankfield Museum	1-9	2
Bassetlaw Museum	X	13

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Beamish, The North of England Open Air Museum	X	7
Bedford Museum	250-499	37(E)
Berwick upon Tweed Borough Museum	X	4
Bethlem Royal Hospital Museum	X	3
Blake Museum	X	12
Bodmin Museum	X	1
Borough of Poole Museum Service	10-49	30(E)
Bradford Museums, Galleries and Heritage	1-9	11
Braintree District Museum	X	3
Brent Museum	X	2
Bridport Museum	X	1
Brighton Royal Pavilion and Museums	100-249	195(E)
Bristol's Museums, Galleries and Archives	100-249	250(E)
British Dental Association Museum	X	106
British Museum	500+	4313
Bromley Museum	X	85(E)
Bucks County Museum	100-249	100(E)
Bury Art Gallery, Museum and Archive	X	2
Buxton Museum and Art Gallery	X	12(E)
Canterbury City Council Museums and Galleries	10-49	35
Carlisle Cathedral Treasury Museum	X	33
Chamberlain Museum of Pathology	X	450(E)
Chelmsford Museums	100-249	120(E)
Cheltenham Art Gallery and Museum	100-249	50(E)
Colchester Museums	500+	400
Cotswold Museum Services	X	1000(E)
Craven Museum	X	15(E)
Cricklade Museum	X	1
Cuming Museum	10-49	13(E)
Dartford Borough Museum	X	26(E)
Dock Museum	X	13
East Riding Museums Service	X	50(E)
East Surrey Museum	X	17
Elmbridge Museum	X	9
Ely Museum	X	3
Epping Forest District Museum	X	9
Exeter City Museums and Art Gallery	110-298	-
Eyam Museum	X	1
Forge Mill Needle Museum & Bordesley Abbey Visitor Centre	X	170
Frome Museum	X	1
George Marshall Medical Museum	X	8
Gloucester City Museum and Art Gallery	500+	1000(E)
Greenwich Heritage Centre	10-49	unknown
Guildford Museum	1-9	6(E)
Guildhall Museum	X	11
Hadrian's Wall Museums	X	4

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Hampshire County Council Museums Service	500+	2500(E)
Harris Museum	10-49	23
Harrogate Museums and Arts	X	65(E)
Hartlepool Arts and Museum Service	X	100(E)
Haslemere Museum	2-18	50(E)
Hastings Museum and Art Gallery	100-249	50(E)
Herbert Art Gallery and Museum	50-99	50(E)
Hereford Museum and Art Gallery	10-49	25
Hertford Museum	X	30-50(E)
Horsham Museum	X	3
Hull and East Riding Museum	500+	1200(E)
Jorvik Viking Centre/York Archaeological Trust	500+	1100(E)
Lancashire County Museums Service	10-49	20(E)
Lancaster City Museums	X	unknown
Leeds Museums and Galleries	10-49	90
Leicester Museums and Galleries	50-99	110(E)
Leicestershire County Council Environmental and Heritage Services	X	500(E)
Leominster Folk Museum	X	1
Littlehampton Museum	X	2
Ludlow Museum	X	8
Luton Museum Service	50-99	200(E)
Maidstone Museum and Bentlif Art Gallery	X	49(E)
The Manchester Museum	100-249	558
Manor House Museum	X	4
Margate Museum	X	1
Marlipins Museum	X	1
Mary Rose Museum	X	168
Mere Museum	X	1
Mersea Museum	X	4(E)
Middlesbrough Museums and Galleries	X	11
Minster Abbey Gatehouse Museum	X	4
Museum of Antiquities	10-49	26(E)
Museum of Farnham	1-9	1
Museum of London	500+	17,000(E)
Museum of South Somerset	X	3
National Museums Liverpool	51-108	964E
Natural History Museum	500+	X
Newark Museum Service	X	20-30(E)
Norfolk Museums and Archaeology Service	250-499	2400(E)
Normanton Church Museum	X	1
Nottingham City Museums and Art Galleries	100-249	65(E)
Old Guildhall Museum	X	1
Otley Museum	X	1
Oxfordshire Museum Service	250-499	462(E)
Pitt Rivers Museum	50-99	82

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Plymouth City Museum and Art Gallery	51-108	65(E)
Priest's House Museum	1-9	10(E)
Reading Museums	100-249	200(E)
Redbridge Museum	X	10(E)
Rochdale Arts and Heritage Service	X	2
Roman Baths Museum	X	263
Rotherham MBC Museums, Galleries and Heritage	X	unknown
Royal Cornwall Museum	10-49	unknown
Royal London Hospital Archives and Museum	X	1175
Royal Marines Museum	X	2
Rugby Art Gallery and Museum	1-9	15(E)
Russell Cotes Art Gallery and Museum	X	8
Rutland County Museum and Visitor Centre	X	5(E)
Salisbury and South Wiltshire Museum	250-499	211(E)
Scarborough Museums and Galleries	X	40(E)
Science Museum	-	84
Shropshire County Museum Service	X	10
Snodland Millennium Museum	X	1
Southampton Museums	250-499	120(E)
Southend Museum Service	X	30(E)
St Albans Museums	X	25(E)
St Augustine's Abbey Museum	X	142
St John Medieval Museum and Chapel	X	1
St Neot's Museum	X	3
Steyning Museum	X	2
Stockport Heritage Services	10-49	6(E)
Stroud District Council Museum Service	10-49	14(E)
The Collection: Art and Archaeology in Lincolnshire	500+	unknown
Thirsk Museum	X	9
Totnes Elizabethan Museum	X	1
Tullie House Museum	10-49	237
Tunbridge Wells Museum and Art Gallery	X	3
Tyne and Wear Archives and Museums	50-99	64
Undisclosed museum in Dorset	X	unknown
Undisclosed Museum Service in West Yorkshire	1-9	10(E)
University of Nottingham, Dept of Archaeology Museum	-	325(E)
Valence House Museum	X	2
Walsall Museum	X	1
Wareham Museum	X	3
Warwickshire Museum Service	100-249	100
Wellcome Collection	X	2
Wells and Mendip Museum	X	unknown
West Berkshire Museum	X	30(E)
Weymouth Museum	X	2
Wiltshire Heritage Museum	100-249	330(E)
Winchester Museums Service	500+	2675(E)

Museum	No. of individuals (Scoping Survey)	No. of individuals (White Survey I)
Windsor and Royal Borough Museum	X	1
Wisbech and Fenland Museum	1-9	1
Worcester City Museums	50-99	51
Worcestershire County Museums	50-99	20
York Museums Trust	X	1440
Total	8053-12177	44340(E)

Results from White Survey I show more than three times as many individuals (38,077) of UK provenance than the 8053 to 12,177 individuals reported in the *Scoping Survey*. Three museums (Greenwich Heritage Centre, Royal Cornwall Museum and The Collection: Art and Archaeology in Lincolnshire) took part in both surveys but answered 'unknown' during White Survey I. *Scoping Survey* results show that both Greenwich Heritage Centre (formerly Greenwich Borough Museum) and Royal Cornwall Museum confirmed they hold individuals in the 10-49 band, whilst The Collection: Art and Archaeology in Lincolnshire (formerly City and County Museum, Lincoln) confirmed it holds individuals in the 500+ band. If these counts are correct, then a further 520-598 UK individuals, above the 44,340 individuals reported during White Survey I, may be present in English museums. Whilst some museums may have accessioned more individuals into their collections following archaeological excavations that took place after 2003, differences in reported counts illustrate that museums are now more likely to have a better understanding of their collections.

A greater level of detail also is available for museums who stated during the *Scoping Survey* that they held 500+ UK individuals. The Museum of London is the only museum in this category able to confirm the exact number of individuals in its collections (18,500) at the time of the *Scoping Survey*, but at the time of White Survey I all but one museum (The Collection: Art and Archaeology in Lincolnshire) were able to confirm the number of individuals in their collections. The *Scoping Survey* results show that 11 museums from the 500+ individuals band hold between them 23,500 individuals (18,500 for the Museum of London plus 10 further museums holding 500+ individuals), however White Survey I results confirm that 50,933 individuals are present in these museums.

5.6.12 Individuals of unknown provenance

The integration of an ‘unknown’ provenance option within White Survey I allowed museums to report *all* holdings rather than simply provenanced holdings. As the *Scoping Survey* did not include an ‘unknown’ option, comparative analysis is not possible. Twenty-six museums reported holding between them 671 individuals of unknown provenance. Table 5.15 gives a full list of these values by museum; whilst Figure 5.6 displays these date using archaeological, ethnographic, medical and unspecified categories.

Twenty-four of the 26 museums were able to confirm the number of individuals in their collections. North East Lincolnshire Libraries and Museum Service was unable to confirm the MNI or provenance of any human remains in its collections.

Table 5.15: English museums holding unprovenanced individuals. (E) = estimate.

Museum	No. of individuals
Army Medical Services Museum	1
Beamish, The North of England Open Air Museum	1
Bradford Museums, Galleries and Heritage	4
Brighton Royal Pavilion and Museums	20E
British Museum	28
Bromley Museum	4
Cheltenham Art Gallery and Museum	9
Ely Museum	1
Hampshire County Museums Service	1
Haslemere Museum	19E
Kent Police Museum	1
Leicester Museums and Galleries	1
The Manchester Museum	417
Museum of the Royal Pharmaceutical Society	6
National Museums Liverpool	15E
North East Lincolnshire Libraries and Museums	Unknown
Pitt Rivers Museum	19
Reading Museums	8
Rochdale Arts and Heritage Service	2
Science Museum	71
Stroud District Council Museum Service	14E
The Collection: Art and Archaeology in Lincolnshire	Unknown
Tunbridge Wells Museum and Art Gallery	1
Tyne and Wear Archives and Museums	10
Undisclosed Museum Service in West Yorkshire	15E
Warwickshire Museum Service	3
Total	671

Similarly, The Collection: Art and Archaeology in Lincolnshire could not confirm any holdings but took part in the *Scoping Survey* prior to re-branding as City and County Museum, Lincoln when it stated its total holdings to be Pacific individuals in the 1-9 band and over UK individuals in the 500+ band. Thus, the final number of unknown individuals is likely to be much higher.

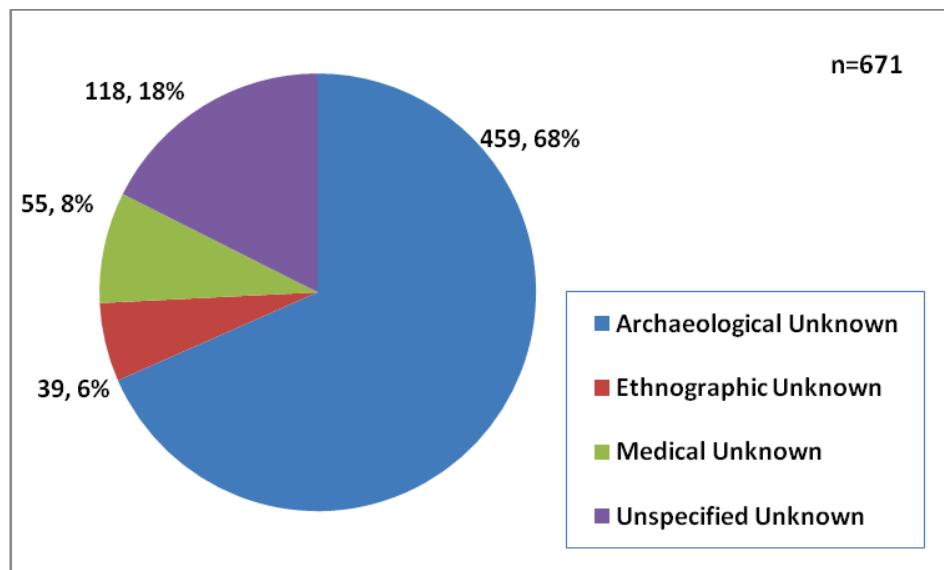


Figure 5.6: Breakdown of unknown individuals.

5.7 Non-respondents

Non-respondents fall into three main categories: those who did not respond to the original request for information; those who declined the invitation to take part in White Survey I; and those who said that they would take part in White Survey I but failed to return a questionnaire. However, The Natural History Museum falls into a separate category of its own because it failed to provide numerical and provenancing data even though it completed a questionnaire. Through secondary sources, it is possible to glean some information relating to the holdings of many non-respondent museums. Information pertaining to these holdings is contained in Sections 5.7.1 to 5.7.4, whilst Section 5.7.5 will discuss the impact of non-respondents.

5.7.1 Museums that did not respond to the original request for information (Phase II)

Forty-two (5%) of the 806 museums contacted failed to respond to the initial request for information pertaining to whether they held human remains and if so, whether they would be willing to take part in a survey. As a result, it is impossible to confirm whether these museums hold human remains. Five of these museums took part in the *Scoping Survey*; therefore, some data are available. However, as can be seen from the previous sections, museums are revising their counts and in some case with dramatic increases or significant reductions. Table 5.16 illustrates that at the time of the *Scoping Survey* these five museums held individuals provenanced to the UK. The Nursing History Museum also held Asian provenance individuals whilst Durham County Council and Northampton Museums also held unknown individuals.

Table 5.16: Possible individuals in museums that failed to respond to the initial request for information, but that took part in the *Scoping Survey*.

Museum	Africa	Asia	Australia/ Tasmania	Europe	Greenland	Middle East	New Zealand	Americas	Pacific	UK	Unknown	Totals
Alexander Keiller Museum	-	-	-	-	-	-	-	-	-	10-49	-	10-49
Durham County Council	-	-	-	-	-	-	-	-	-	100- 249	1-9	100-249
Northampton Museums	-	-	-	-	-	-	-	-	-	50-99	1-9	50-99
Nursing History Museum	-	1-9	-	-	-	-	-	-	-	1-9	-	1-9
Shrewsbury Museum Service	-	-	-	-	-	-	-	-	-	1-9	-	1-9
Total		1-9								162- 415	2-18	162-415

One further source of information pertaining to museums who did not reply to the original request for information comes from the Victoria and Albert Museum (V&A). In 2005, the researcher requested a list of human remains from the museum, as at that time HTAct amendments allowed it to de-accession human remains for the first time. Although the majority of holdings are human hair and were not relevant under the original *Guidance* definition of human remains, there are some relevant holdings. Approximately twenty of these

are Tibetan religious items, a further 20+ items are reliquaries that *may* include human remains and the final item is a sculpture that *may* include a few human bones.

Based on these data, it can be surmised that the following holdings may still exist in these six museums:

- Approximately 21-29 individuals of Asian provenance
- Between 162-415 individuals of UK provenance
- Approximately 21 individuals of unknown provenance

No information is available pertaining to the holdings of the remaining 36 museums that did not respond to the original request for information. However, all are small local museums rather than large museums or regional museum authorities, therefore, it is likely that each holds only a small number of individuals, if any.

5.7.2 Museums that did not take part in the White Survey I

Information pertaining to the holdings of 58 (78%) of the 74 museums which declined to participate in White Survey I is available from secondary sources. Twenty-four museums took part in the *Scoping Survey* and 22 museums confirmed the age and provenance of their holdings as part of initial contact (Phase II). A further 12 museums gave an indication of their holdings during e-mail correspondence, although they did not give specific numerical and provenancing data. Table 5.17 gives an account of the MNI based upon the secondary sources mentioned above and *Scoping Survey* data, whilst Table 5.18 provides museum descriptive related to the MNI and/or provenancing data. It is possible to discern that they hold some human remains though the quantity and provenance is uncertain

Table 5.17: Scoping Survey and secondary source data from museums that declined the invitation to take part in White Survey I. * denotes information obtained from the *Scoping Survey*.

Museum	Africa	Americas	Asia	Australia/ Tasmania	Europe	Greenland	Middle East	New Zealand	Pacific	UK	Unknown	Totals
Athelstan Museum	-	-	-	-	-	-	-	-	-	-	1	1

Museum	Africa	Americas	Asia	Australia/ Tasmania	Europe	Greenland	Middle East	New Zealand	Pacific	UK	Unknown	Totals
Bacup Natural History Museum	-	-	-	-	-	-	-	-	-	1	-	1
Barbican House Museum*	-	-	-	-	-	-	-	-	-	50-99	-	50-99
Birmingham Museum & Art Gallery*	1-9	1-9	1-9	1-9	-	-	1-9	-	1-9	1-9	-	50-99
Bishop's Stortford Museum	-	-	-	-	-	-	-	-	-	-	1	1
Chatteris Museum	-	-	-	-	-	-	-	-	-	1	-	1
Faraday Museum	-	-	-	-	-	-	-	-	-	-	1	1
Filey Museum	-	-	-	-	-	-	-	-	-	-	1	1
Gillingham Museum	-	-	-	-	-	-	-	-	-	-	1	1
Godalming Museum	-	-	-	-	-	-	-	-	-	-	1	1
Grantham Museum*	1-9	-	-	-	10- 49	-	-	-	-	10-49	-	10-49
Grosvenor Museum*	-	-	-	-	-	-	-	-	-	10-49	-	10-49
Ilfracombe Museum	-	-	-	-	-	-	-	-	-	-	2	2
Ipswich Museums Service*	1-9	-	-	-	10- 49	-	-	-	1-9	10-49	-	10-49
Kent County Council Arts & Music	-	-	-	-	-	-	-	-	-	-	2	2
Lawrence House Museum	-	-	-	-	-	-	-	-	-	-	1	1
Leamington Spa Art Gallery & Museum*	-	-	-	-	-	-	-	-	-	1-9	-	1-9
March & District Museum	-	-	-	-	-	-	-	-	-	-	2	2
Millom Folk Museum	-	-	-	-	-	-	-	-	-	-	1	1
Museum of Archaeology	-	-	-	-	-	-	-	-	-	-	1	1
Museum of Fulham Place	-	-	-	-	-	-	-	-	-	1	-	1
Museum of the Queen's Royal Lancers	-	-	-	-	-	-	-	-	-	-	1	1
Myers Museum of Egyptian Art*	1-9	-	-	-	-	-	-	-	-	-	-	1-9
Nantwich Museum	-	-	-	-	-	-	-	-	-	-	1	1
National Army Museum*	1-9	-	1-9	-	1-9	-	-	-	-	-	-	10-49
North Somerset Museum Service*	-	-	-	-	-	-	-	-	-	100- 249	-	100- 249
Peterborough Museum*	-	-	-	-	-	-	-	-	-	100- 249	-	100- 249
Portsmouth City Museums**	-	-	-	-	-	-	-	-	-	100- 249	1-9	100- 249
Royal College of	10-	1-9	50-	50-	-	1-9	1-9	1-9	1-9	750-	-	36,471

Museum	Africa	Americas	Asia	Australia/ Tasmania	Europe	Greenland	Middle East	New Zealand	Pacific	UK	Unknown	Totals
Surgeons*	49		99	99						999		
Seaford Museum & Heritage Society	-	-	-	-	-	-	-	-	-	2	-	2
Sheffield Museums & Galleries*	-	-	-	-	-	-	-	-	-	-	1-9	1-9
Sir John Soane's Museum*	1-9	-	-	-	-	-	-	-	-	-	1-9	1-9
Somerset County Museums*	1-9	1-9	1-9	-	-	-	-	-	-	500+		799
Swindon Museum Services*	-	-	-	-	-	-	-	-	-	10-49	1-9	10-49
Torquay Museum*	1-9	1-9	1-9	1-9	10- 49	-	-	1-9	1-9	10-49	-	10-49
Torre Abbey*	-	-	-	-	-	-	-	-	-	-	1-9	1-9
University of Reading, Cole Museum*	1-9	-	-	1-9	-	-	-	-	-	10-49	-	10-49
University of Birmingham Archaeology Museum*	1-9	-	-	-	-	-	-	-	-	-	-	1-9
University of Cambridge Museum of Zoology*	-	-	-	-	10- 49	-	-	-	-	-	-	10-49
University of Liverpool, Museum of Archaeology	-	-	-	-	-	-	-	-	-	-	1-9	1-9
Ware Museum	-	-	-	-	-	-	-	-	-	-	2	2
Warrington Museum*	1-9	-	-	-	-	-	-	1-9	-	10-49	-	10-49
Whitby Museum*	-	1-9	-	-	-	-	-	-	1-9	500+		1550
Whittlesey Museum	-	-	-	-	-	-	-	-	-	-	1	1
Winchcombe Folk and Police Museum	-	-	-	-	-	-	-	-	-	-	1	1
Worthing Museum*	-	-	-	-	-	-	-	-	-	50-99	-	50-99
Total	21- 148	5- 45	54- 135	53- 126	41- 205	1-9	2- 18	3- 27	5- 45	2227- 3310	27- 75	39,393 - 40,394

Results obtained from *Scoping Survey* data fall broadly in line with results obtained from museums that took part in White Survey I, with the number of museums holding non-UK individuals relatively low in comparison to those holding UK individuals. The somewhat higher percentage of unknown individuals supports comments made by the majority of museums that did not take part in White Survey I museums, that they did not have the resources; likewise, it

can be assumed that they did not have the resources to provenance individuals. The holdings of the Royal College of Surgeons account for 82%-86% of the total number of individuals. The remaining 45 museums listed in Table 5.17 hold between them only 2922-3923 individuals.

Table 5.18 Description of holdings from non-participants of White Survey I.

Museum	Holdings
Astley Hall Museum	Bronze Age burial remains.
Bishop's Waltham Museum	A few human bones donated in the 19 th century.
Cheshire Museums Service	Small bone fragments, most of them animal.
Clun Local History Museum	Small fragments of burnt bone.
Creswell Crags Museum and Education Centre	Only a small amount of human remains.
Lyme Regis Museum	Cranium and small fragments only.
Museum of the History of Science	Little from long ago.
Piddington Roman Villa Museum	A few Anglo-Saxon burials.
Portsmouth Natural History Museum	Some local material and a mummy leg.
Sevenoaks Museum and Gallery	A few archaeological human remains.
Spelthorne Museum	A small amount of Roman and Saxon material.
Town House Museum	A few archaeological skeletal remains.

5.7.3 Museums that failed to return a completed questionnaire

The *Scoping Survey* provides extensive information pertaining to holdings at 12 (35%) of the 34 museums who agreed to take part in White Survey I, but failed to return a completed questionnaire. Table 5.19 gives a detailed account of their holdings. Cambridge University Museum of Archaeology and Anthropology did not report any holdings during the *Scoping Survey* yet stated during initial contact prior to White Survey I that it did not want to take part because it was in the process of surveying its holdings. In a personal communication, Wendy Brown, Museum Administrator, did state that the museum does not hold a significant number of individuals (Brown 2007). As with White Survey I results, museums holding non-UK and unknown individuals are much fewer in comparison to those holding UK individuals.

Table 5.19: Number of individuals at museums that did not take part in White Survey I, according to the *Scoping Survey*.

Museum	Africa	Americas	Asia	Australia/ Tasmania	Europe	Greenland	Middle East	New Zealand	Pacific	UK	Unknown	Totals
Ashmolean Museum	1-9	-	1-9	-	-	-	-	-	-	100- 249	-	100- 249
Bolton Museum and Art Gallery	-	-	-	-	1-9	-	-	-	-	1-9	-	1-9
Cambridge University Museum of Archaeology & Anthropology	-	-	-	-	-	-	-	-	-	-	-	-
Chichester District Museum Service	-	-	-	-	-	-	-	-	-	1050	-	1050
Derby City Museums	1-9	-	-	-	-	-	-	-	-	51-108	-	50-99
Doncaster Museum	-	-	-	-	-	-	-	-	-	250- 499	-	250- 499
Dorset County Museum	-	-	-	-	-	-	-	-	-	500+	-	500+
Horniman Museum	1-9	10- 49	10- 49	1-9	1-9	1-9	1-9	1-9	10- 49	1-9	-	100- 249
Kendal Museum	-	-	-	-	-	-	-	-	-	1-9	1-9	1-9
Nuneaton Museum and Art Gallery	1-9	-	1-9	-	1-9	-	-	-	1-9	1-9	-	10-49
Saffron Walden Museum	-	1-9	1-9	-	1-9	-	-	1-9	-	250- 499	-	250- 499
UCL Museums and Collections	-	1-9	-	-	500 +		10- 49	-	-	250- 499	-	500+
Total	4-36	12- 67	13- 76	1-9	504- 536	1-9	11- 58	2-18	11- 58	2455- 3440	1-9	2812- 3712

In 2004, University College London (UCL) carried out an audit of its human remains (Fforde 2005) displacing some of the *Scoping Survey* data reported by them in 2003. UCL comprises 10 different entities which hold human remains, only two of which are museums (the Grant Museum and the Petrie Museum), and thus have direct relevance to this research. Holdings quoted in the *Scoping Survey* by UCL for Europe, the Middle East and the UK are discounted for

the purpose of this research as neither museum holds individuals provenanced to these areas. The Grant Museum and the Petrie Museum hold between them only 138 of the now confirmed 725 individuals in UCL collections; reducing the total number of individuals from 2812-3712 to 2450-3350.

Of 89 database entries associated with the Grant Museum, only 12 have some provenance or ethnic provenance information, whilst 49 of the 52 database entries for the Petrie Museum have provenance or ethnic provenance information. Table 5.20 details this MNI and provenance information. It is worth noting that even after the completion of Fforde's research only 234 of 725 entries for all human remains on the UCL database could be assigned associated provenance or ethnic provenance (Fforde 2005: 3) without more detailed research being undertaken.

Table 5.20: Confirmed UCL holdings from the Grant Museum and Petrie Museum. Only individuals with associated provenance or ethnic provenance information are included.

Provenance	Grant Museum	Petrie Museum
Africa	4	49
America (North)	1	0
America (South)	1	0
Asia	1	0
Australia	4	0
New Zealand	1	0
Total	12	49

5.7.4 The Natural History Museum

The Natural History Museum does not fall into any of the aforementioned non-respondent categories because the museum did actually take part in White Survey I; it simply did not provide numerical and provenancing data.

The museum did originally agree to take part in White Survey I, but despite reminders did not return a completed questionnaire. Some months later, the researcher became aware of a staff change so again asked if the museum would be willing to complete a questionnaire. A

positive response was received and shortly afterwards a partially completed questionnaire was returned with confirmation that the museum could provide estimated numbers immediately or within a short period as its new online database would allow for an accurate report of its holdings.

Issues relating to human remains at the Natural History Museum have been contentious for many years (Heywood 2000) and the museum has never been transparent about its holdings, therefore, it seemed prudent to wait a short period in order to obtain precise data. Unfortunately, the database was not ready on time and despite a request that the museum provide estimated figures, further information has not been forthcoming. A final attempt to collect these data was made via email in November 2010, but unfortunately, as of December 2010 no response has been received.

Little secondary data relating to Natural History Museum holdings exists. The museum did however take part in the 2003 *Scoping Survey*. Table 5.21 gives a full breakdown of holdings reported as part of the *Scoping Survey* by geographical area. Because the only data available originates from the *Scoping Survey*, unknown individuals and a breakdown of North and South American individuals is unavailable.

Table 5:21: Scoping Survey results for the Natural History Museum.

Africa	500+
Americas	500+
Asia	500+
Australia	250-499
Europe	500+
Greenland	10-49
New Zealand	100-249
Pacific	100-249
UK	1000+
Total	50,000+

In 2003, as part of the *Scoping Survey* the Natural History Museum reported holding in excess of 50,000 human remains (Weeks and Bott 2003: 58). However, shortly afterwards, in 2004, the museum confirmed it held only 19,950 human remains (Natural History Museum 2004). The researcher contacted Val Bott, one of the *Scoping Survey* authors, in February 2006 to ask if she

could clarify why after such a short period, the Natural History Museum was quoting substantially fewer holdings. She felt that the “director gave evidence which suggested a particular quantity which differed from the quantity suggested in a discussion with one of his specialist staff” (Bott 2006). Although overall *Scoping Survey* figures are clearly overestimated it still expected that many of the numbers reported for each of the individual geographical areas are correct.

The only other secondary evidence from the Natural History museum are two documents relating to Australian/Tasmanian holdings. The first, an internal document produced in relation to requests for repatriation, confirms the museum holds 24 Tasmanian individuals (Natural History Museum n.d.) The second, a written account given by a representative of the Australian government overseeing repatriation from overseas, suggests that the museum holds 400 Australian human remains plus hair samples (Galt-Smith 2007). This secondary evidence supports the estimation of 250-499 Australian/Tasmanian individuals reported in the *Scoping Survey*.

5.7.5 Impact of non-respondents

Sections 5.7.1 to 5.7.4 give an insight into the number of individuals held by museums that did not take part in White Survey I. Table 5.22 amalgamates all information. Based on secondary sources it is reasonable to surmise that 61,997-64,159 individuals may be held in these museums; above the 49,068 individuals reported during White Survey I.

However, the Royal College of Surgeons holds 36,471 (59%) of those individuals and the Natural History Museum hold 19,950 (32%) individuals. This would suggest that only 5576-7738 (9%-12%) individuals are in all other non-respondent museums.

Table 5.22: Number of individuals held by museums that did not take part in White Survey I. *Figures relate only to museums where secondary sources gave an indication of holdings. Individual geographical totals may include entries for 500+ individuals, therefore the overall total exceeds the total sum of individual entries

Africa	525-684
Americas	517-612
Asia	588-740
Australia/Tasmania	304-634
Europe	545-741
Greenland	12-67
Middle East	3-27
New Zealand	105-294
Pacific	116-352
UK	5594-7666
Unknown	49-105
Total	61997-64159

5.8 Conclusions

Results obtained through White Survey I demonstrates that surveyed museums hold between them an estimated 49,068 human remains, the vast majority being of UK provenance. Secondary sources indicate that other museums hold between them 61,997 and 64,149 human remains, with two museums (the Royal College of Surgeons and the Natural History Museum) holding over 90% of this amount. The majority of secondary source data originates from *Scoping Survey* results, and much of this data does concur White Survey I results, especially in relation to museums holding small numbers of human remains. However, it would seem that where larger collections are concerned data are more likely to be inaccurate.

This chapter represents the most comprehensive investigation into human remains holdings in English museums. Despite this, much work is required if museums are to fully understand the human remains in their collections and it would seem that physical audits are essential if data are to be accurate. Unfortunately, many museums simply do not have the available resources to devote to such tasks thus it will be a long time before they are able to report confidently their holdings. Numerical and provenancing data are not however the only human remains related issue that require more attention. As the next chapter will illustrate, a high proportion

of museums have yet to put into place many of the ‘good practice’ recommendations made in the *Guidance*.

CHAPTER 6: THE GUIDANCE FOR THE CARE OF HUMAN REMAINS IN MUSEUMS

6.1 Introduction

Chapter 4 put the *Guidance* into context and briefly detailed the main recommendations contained therein. Chapter 5 then went on to outline the provenance and Minimum Number of Individuals (MNI) in English museums by analysing White Survey I responses. Such an investigation into the provenance and MNI was intended to help establish whether museums had undertaken an inventory of the human remains in their collections, as the *Guidance* recommends, and helps to facilitate a better understanding of the potential impact of the *Guidance*.

The results of this analysis clearly demonstrated that many museums have not undertaken comprehensive inventories of the human remains in their collections; thus, even the most basic of *Guidance* recommendations has not been implemented widely. Whilst Chapter 5 represents the most comprehensive investigation of the MNI and provenance of human remains in English museum collections, this chapter represents the very first investigation of museum responses to recommendations made in the *Guidance* concerning policy and/or guidance implementation.

The *Guidance* recommends that all museums/institutions permanently holding human remains have human remains specific policy and/or guidance in place relating to access, acquisition, claims for return (repatriation), conservation treatment, de-accessioning, display, educational use, loans, research and storage. Section 6.2 identifies how many museums have human remains specific policy and/or guidance in relation to each of the aforementioned areas. Section 6.3 investigates whether museums had changed or intended to change their policy and/or guidance post *Guidance*. Sections 6.4 to 6.10 will discuss specific issues relating to recommendations made in terms of access (Section 6.4), repatriation (Section 6.5) consent (Section 6.6), display (Section 6.7), education (Section 6.8), research (Section 6.9) and storage (Section 6.10). Section 6.11 will investigate

whether museums believe the *Guidance* is satisfactory (Section 6.11) and finally, Section 6.12 will provide discussion and conclusions relating to the overall implementation of policy and/or guidance.

The reader should note that, as with the previous chapter, much of this chapter is necessarily data rich and descriptive in nature. Analysis and discussion relating to human remains specific policy and/or guidance implementation will take place in Section 6.12, whilst discussion relating more generally to White Survey I results will take place in the subsequent chapter.

6.2 Policy and Guidance

The main purpose of White Survey I was to investigate whether museums had followed *Guidance* recommendations by developing human remains specific procedures for all of the areas listed in Section 6.1. It was expected that not all museums would have formal procedures in place, but that they may be guided by informal procedures. Therefore, for the purpose of this research, policy has been defined as mandatory and guidance has been defined as discretionary; a description was included in the White Survey I questionnaire to enable museums to respond accordingly.

In numerous instances, museums stated they had both policy and guidance in place for a given area, and this factor is represented within the analysis. Table 6.1 illustrates that out of 157 White Survey I museums, a maximum of 55 (35%) museums had human remains specific policy in place for a defined area, with the minimum falling to 18 (11%). Similarly, a maximum of 29 (19%) of museums had human remains specific guidance in place for a defined area, with the minimum falling to 17 (11%). Only two museums made further reference to the guidance they had in place. Exeter City Museums and Art Gallery commented that “institutional policy is currently being written, which will cover all of these aspects creating a mandatory policy”, whilst Lancashire County Museums Service advised that “we would refer to DCMS guidance in all the above instances, but do not have a separate formal policy”.

Table 6.1: Number of museums that have human remains specific policy and/or guidance.

Areas	Policy Only		Guidance Only		Both Policy And Guidance		Total	
	n	%	n	%	n	%	n	%
Access	22	14	21	13	3	2	46	29
Acquisition	50	32	19	12	5	3	74	47
Claims for return	39	25	13	8	4	3	56	36
Conservation	18	11	23	15	1	1	42	27
De-accessioning	39	25	14	9	6	4	59	40
Display	21	14	27	17	2	1	50	33
Education	17	11	26	16	1	1	44	28
Loans	21	13	21	13	2	1	44	28
Research	18	11	23	15	2	1	43	27
Storage	28	18	22	14	3	2	53	34
Other	4	3	4	3	1	1	9	7

The ‘other’ category is incorporated into White Survey I to cover any existing policy and/or guidance that does not fall within the areas specified by the *Guidance*. Unsurprisingly, few museums confirm having ‘other’ policy or ‘other’ guidance’. Five museums stated that they have ‘other’ policy; however only two made specific comment. Leicester Museums and Galleries stated that ‘other areas covered by policy include staff with responsibilities, why we hold human remains, handling and photography of remains’. Reading Museums noted that the “policy for deposit of archaeological archives is also being amended at present to include treatment of human remains”. Similarly, five museums stated that they have ‘other’ guidance, although no further comment is made regarding the nature of this guidance. Only Cotswold Museum Service falls within both categories, having ‘other’ policy and guidance.

6.3 Has policy/guidance changed?

Museums were asked, whether, post *Guidance*, they had changed or intended to change their policy and/or guidance relating to human remains. Four response options were given: policy and/or guidance has changed; policy and/or guidance will change; not yet decided and no. Figure 6.1 illustrates that 24 (15%) museums have changed their policy and/or guidance since the *Guidance* was published. Thirty-nine (25%) museums stated they will change their policy and/or guidance, 65 (41%) have not yet decided and 25 (16%) will not change their policy and/or guidance. Only four (3%) museums did not

respond to this question. Sections 6.3.1 to 6.3.4 will discuss responses from each of the categories.

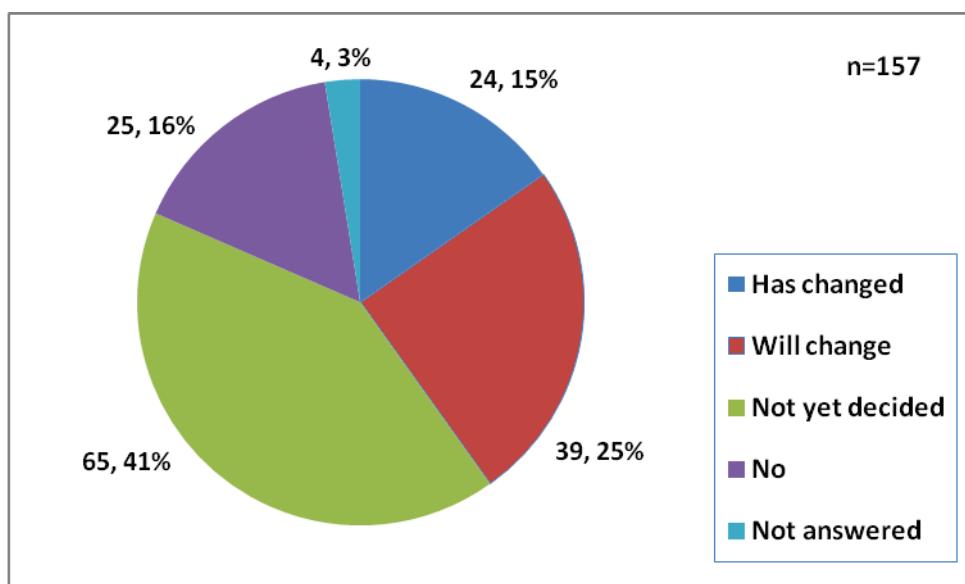


Figure 6.1: Responses from museums when questioned whether they had changed, or would change, their policy and/or guidance following *Guidance* recommendations.

6.3.1 Museums that have changed their policy and/or guidance

Twenty-four (15%) museums confirm having changed their policy and/or guidance. Museums made numerous comments regarding the areas of policy and/or guidance affected by these changes. Bedford Museum commented that “access has been tightened up, and storage brought into line with recommendations outlined in the DCMS/MLA guidelines, and consultation with local religions/ethnic groups”. Forge Mill Needle Museum and Bordesley Abbey Visitor Centre have now “put warning notices up” to advise that human remains are on display. Reading Museums commented that “storage arrangements have been changed as a result of the *Guidance*”; a change reflected by the museum now providing a designated storage area/designated shelving to house human remains. The Museum of the Royal Pharmaceutical Society and National Museums Liverpool commented that they did not have a human remains policy prior to the issuance of the *Guidance*.

Although all museums have at least one area covered by policy and/or guidance, Table 6.2 illustrates that many museums still do not cover all areas recommended by the *Guidance*. Seven museums have policy covering all areas recommended by the *Guidance* and two museums have guidance covering all areas.

Table 6.2: Policy and guidance relating to human remains at museums that stated they had already changed their policy and/or guidance. P = policy; G = guidance; B = both.

Museum	Access	Acquisition	Claims for return	Conservation	De-accessioning	Display	Education	Loans	Research	Storage	Other
Bedford Museum	P	P	P	P	P	P	G	P	G	P	-
Brighton Royal Pavilion and Museums	P	P	P	P	P	P	P	P	P	P	P
British Museum	P	G	P	P	P	P	G	P	P	P	-
Cotswold Museum Service	B	B	B	B	B	B	B	B	B	B	B
Forge Mill Needle Museum and Bordesley Abbey Visitor Centre	G	-	-	-	-	G	-	-	-	G	-
Harris Museum	-	-	P	-	-	-	-	-	-	-	-
Hartlepool Arts and Museum Service	-	B	-	-	-	-	-	-	-	-	-
Herbert Art Gallery and Museum	-	P	-	-	-	-	-	-	-	-	-
Hereford Museum and Art Gallery	G	G	G	G	G	G	G	G	G	G	-
Leeds Museums and Galleries	P	P	P	G	B	G	G	G	G	P	-
Leicester Museums and Galleries	P	P	P	P	P	P	P	P	P	P	P
Manchester Museum	P	P	P	G	P	P	P	P	P	P	-
Museum of Farnham	-	P	P	-	P	-	-	-	-	-	-
Museum of London	P	P	P	P	P	P	P	P	P	P	-
Museum of the Royal Pharmaceutical Society	G	G	-	G	-	G	-	G	-	G	-
National Museums Liverpool	G	G	-	G	G	G	G	G	G	G	-
Natural History Museum	P	P	P	P	P	P	P	P	P	P	-
Reading Museums	-	P	P	-	P	-	-	-	-	P	P
Roman Baths Museum	G	-	-	-	-	-	G	-	G	G	-
Royal Cornwall Museum	P	P	P	P	P	P	P	P	P	P	-
Science Museum	G	G	G	G	G	G	G	G	G	-	-
Shropshire County Museum Service	-	P	P	-	B	-	-	-	-	-	-
Towneley Hall Museum	P	P	P	P	P	P	P	P	P	P	-
Wiltshire Heritage Museum	G	G	P	-	P	-	G	-	P	P	-

6.3.2 Museums that will change their policy and/or guidance

Table 6.3 illustrates that 39 (25%) museums report that they intended to change their policy and/or guidance.

Table 6.3: Policy and guidance relating to human remains at museums that stated they would change their policy and guidance. P = policy; G = guidance; B = both

Museum	Access	Acquisition	Claims for return	Conservation	De-accessioning	Display	Education	Loans	Research	Storage	Other
Army Medical Services Museum	-	-	-	-	-	-	-	-	-	-	-
Blackburn Museum and Art Gallery	G	B	B	G	B	G	G	G	G	G	-
Bristol's Museums, Galleries and Archives	-	P	P	-	P	G	-	-	-	-	-
Bromley Museum	-	-	-	-	-	-	-	-	-	-	-
Bucks County Museum	-	P	-	-	-	-	-	-	-	-	-
Chamberlain Museum of Pathology	P	-	-	P	-	P	P	-	-	P	-
Chelmsford Museums	-	-	P	-	P	-	-	-	-	-	-
Cheltenham Art Gallery and Museum	-	P	P	-	P	-	-	-	G	B	-
Craven Museum	-	-	-	-	-	-	-	-	-	-	-
Department of Archaeology Museum (U of Nottingham)	-	-	-	-	-	-	-	-	-	-	-
Elmsbridge Museum	-	-	-	-	-	-	-	-	-	-	-
Fitzwilliam Museum	G	G	G	G	G	G	G	G	G	G	-
Hampshire County Museums Service	G	G	G	G	G	G	G	G	G	G	-
Jorvik Viking Centre/York Archaeological Trust	B	P	G	G	-	G	G	G	B	G	-
Lancaster City Museums	-	-	-	-	-	-	-	-	-	-	-
Leicestershire County Council Environmental and Heritage Services	-	-	-	-	-	-	-	-	-	-	-
Luton Museum Service	-	P	P	-	P	-	-	G	-	-	-
Maidstone Museum and Bentlif Art Gallery	-	-	-	-	-	-	-	-	-	-	-
Manor House Museum	-	-	-	-	-	-	-	-	-	-	-
Museum of South Somerset	-	-	-	-	-	-	-	-	-	-	-
Nottingham City Museums and Art Galleries	-	-	-	-	-	-	-	-	-	-	-
Old Guildhall Museum	P	-	-	P	P	P	P	-	-	P	-
Otley Museum	-	-	-	-	-	-	-	-	-	-	-
Oxfordshire Museums Service	-	-	-	-	-	-	-	-	-	-	-
Plymouth City Museum and Art Gallery	-	P	P	-	-	-	-	-	-	-	-
Priest's House Museum	-	G	-	-	-	-	G	G	G	P	-
Redbridge Museum	P	P	-	-	P	-	-	-	-	-	-
Rotherham MBC Museums Galleries and Heritage Service	-	-	P	-	-	-	-	-	-	-	-
Russell Cotes Art Gallery and Museum	G	G	G	G	G	G	G	G	G	G	G
Rutland County Museum and Visitor Centre	-	-	-	-	-	-	-	-	-	-	-
Southampton Museums	G	P	-	G	P	G	G	G	G	P	-
Southend Museum Services	-	G	-	G	G	G	G	-	G	G	-
St Augustine's Abbey Museum	P	P	P	G	P	G	G	P	P	P	-
Stockport Heritage Services	-	-	-	-	-	-	-	-	-	-	-
Stroud District Council Museum Service	-	-	P	-	-	-	-	-	-	-	-
The Collection: Art and Archaeology in Lincolnshire	-	P	-	-	-	-	-	-	-	G	-
Warwickshire Museum Service	-	P	-	-	-	-	-	-	-	-	-
Windsor and Royal Borough Museum	-	P	P	-	P	-	-	-	-	-	-
Worcester City Museums	-	-	-	-	-	-	-	-	-	-	-

At the time of White Survey I, 16 of those had no policy or guidance in place for any of the areas addressed by the *Guidance*. Four museums (Blackburn Museum and Art Gallery; the Fitzwilliam Museum; Hampshire County Museums Service; and the Russell Cotes Art Gallery and Museum) have guidance in place covering all areas recommended by the *Guidance*.

6.3.3 Museums undecided about changing their policy and/or guidance

Sixty-five (41%) museums stated that they have not yet decided whether to change their policy and/or guidance. Twenty-four museums answered negatively to having any policy and/or guidance in place, with a further five failing to respond. Other than a few general statements indicating that policy and/or guidance changes are under consideration, museums within this category declined making further comment.

Table 6.4: Policy and guidance relating to human remains at museums that stated they had not decided whether to change their policy and/or guidance. P = policy; G = guidance; B = both.

Museum	Access	Acquisition	Claims for return	Conservation	De-accessioning	Display	Education	Loans	Research	Storage	Other
Beamish	-	-	-	-	-	-	G	-	-	-	-
Blake Museum	-	-	-	-	-	-	-	-	-	-	-
Bodmin Town Museum	-	-	-	-	-	-	P	-	-	-	-
Borough of Poole Museum Service	-	-	-	-	P	-	-	-	-	-	-
Bradford Museums, Galleries and Heritage	-	P	P	-	-	P	-	-	P	P	-
Braintree District Museum	-	P	P	-	P	-	-	-	-	-	-
Brent Museum	-	P	-	-	P	-	-	-	-	G	-
Bridport Museum	-	-	-	-	-	-	-	-	-	-	-
British Dental Association Museum	-	P	-	-	-	-	-	-	-	-	-
Bury Art Gallery, Museum and Archives	-	-	-	-	-	-	-	-	-	-	-
Butcher's Row Museum	P	P	P	P	P	P	P	P	P	P	-
Buxton Museum and Art Gallery	-	-	P	-	-	-	-	-	-	-	-
Carlisle Cathedral Treasury Museum	-	-	-	-	-	-	-	-	-	-	-
Colchester Museums	P	P	P	P	P	-	P	P	P	P	-
Cricklade Museum	-	-	-	-	-	-	-	-	-	-	-
Cuming Museum	-	-	-	-	-	-	-	-	-	-	-
Dartford Borough Museum	-	-	-	-	-	-	-	-	-	-	-
Dock Museum	P	P	-	-	-	-	G	G	P	P	P
East Riding Museums Service	-	-	-	-	-	-	-	-	-	-	-

Museum	Access	Acquisition	Claims for return	Conservation	De-accessioning	Display	Education	Loans	Research	Storage	Other
East Surrey Museum	-	-	-	-	-	-	-	-	-	-	-
Ely Museum	-	-	P	-	-	-	-	-	-	-	-
Epping Forest District Museum	-	P	-	-	P	-	-	P	-	-	-
Frome Museum	G	-	-	G	-	-	-	-	-	G	-
Gloucester City Museum and Art Gallery	-	-	-	-	-	-	-	-	-	-	-
Greenwich Heritage Centre	-	-	-	-	-	-	-	-	-	-	-
Guildford Museum	-	-	-	-	-	-	-	-	-	-	-
Guildhall Museum	G	G	G	-	-	G	G	G	G	-	-
Hadrian's Wall Museums	G	G	-	G	-	G	G	G	G	G	-
Harrogate Museums and Arts	-	-	-	-	-	-	-	-	-	-	-
Haslemere Museum	-	P	B	-	P	-	-	-	-	-	-
Hastings Museum and Art Gallery	-	-	P	-	P	-	-	-	-	-	-
Hertford Museum	-	-	-	-	-	-	-	-	-	-	-
Horsham Museum	-	-	-	-	-	-	-	-	-	-	-
Hull and East Riding Museum	P	P	P	-	-	-	-	-	-	-	-
Kent Police Museum	-	-	-	-	-	-	-	-	-	-	-
Lancashire County Museums Service	-	-	-	-	-	-	-	-	-	-	G
Leominster Folk Museum	-	-	-	-	-	P	-	P	-	P	-
Littlehampton Museum	-	-	-	G	P	G	-	-	-	G	-
Macclesfield Museums	-	-	-	-	-	-	-	-	-	-	-
Mersea Museum	-	-	-	-	-	-	-	-	-	-	-
Middlesbrough Museums and Galleries	-	-	-	-	-	-	-	-	-	-	-
Museum of Antiquities	B	G	-	-	G	G	G	G	G	-	-
Newark Museum Service	-	P	-	-	-	-	-	-	-	-	-
Norfolk Museums and Archaeology Service	-	-	-	P	-	-	-	-	-	P	-
Normanton Church Museum	-	-	-	-	-	-	-	-	-	-	-
North East Lincolnshire Libraries and Museums Service	-	-	-	-	-	-	-	-	-	-	-
Rochdale Arts & Heritage Service	-	-	-	-	-	-	-	-	-	-	-
Royal College of Physicians Museum	-	P	-	G	-	-	-	-	-	-	-
Rugby Art Gallery and Museum	-	P	-	-	-	P	-	-	-	-	-
Salisbury and South Wiltshire Museum	-	-	-	-	-	-	-	-	-	-	-
Scarborough Museums and Galleries	-	-	-	-	-	-	-	-	-	-	-
St Albans Museums	P	P	-	-	P	P	P	P	P	P	-
St John Medieval Museum and Chapel	G	-	-	G	-	G	-	-	-	-	-
St Neot's Museum	-	P	-	-	-	P	-	-	-	-	-
Totnes Elizabethan Museum	-	P	P	-	-	-	-	-	-	-	-
Tullie House Museum	-	-	-	-	-	G	-	-	-	-	-
Tunbridge Wells Museum and Art Gallery	-	-	P	-	P	-	-	-	-	-	-
Tyne and Wear Archives and Museums	-	-	-	-	-	-	-	-	-	-	-
Undisclosed museum in Dorset	-	G	-	-	G	-	-	-	-	-	-
Walsall Museum	-	-	-	-	-	-	-	-	-	-	-
Wareham Museum	-	-	-	-	-	-	-	-	-	-	-
Wells and Mendip Museum	-	-	-	-	-	-	-	-	-	-	-
Weymouth Museum	G	G	G	-	G	G	-	G	G	G	-
Winchester Museums Service	-	-	-	-	-	-	-	-	-	-	-
Wisbech and Fenland Museum	-	G	-	-	G	-	-	-	-	-	-

6.3.4 Museums that will not change their policy and/or guidance

Table 6.5 illustrates which museums do and do not have policy and/or guidance in place for each of the areas recommended in the *Guidance*.

Table 6.5: Policy and guidance relating to human remains at museums that stated they would not change their policy and/or guidance. P = policy; G = guidance; B = both.

Museum	Access	Acquisition	Claims for return	Conservation	De-accessioning	Display	Education	Loans	Research	Storage	Other
Bankfield Museum	-	P	G	-	-	-	-	-	-	-	-
Bassetlaw Museum	-	-	-	-	-	-	-	-	-	-	-
Berwick upon Tweed Borough Museum	-	-	-	-	-	-	-	-	-	-	-
Bethlem Royal Hospital Museum	-	P	-	-	-	-	-	-	-	-	-
Canterbury City Council Museums and Galleries Service	G	P	G	G	G	G	G	G	G	G	-
Exeter City Museums and Art Gallery	G	G	G	G	G	G	G	G	G	G	G
Eyam Museum	-	-	-	-	-	G	-	-	G	G	-
George Marshall Medical Museum	P	P	G	P	P	P	P	P	-	P	-
Ludlow Museum	-	P	P	-	-	-	-	-	-	-	-
Margate Museum	-	-	-	-	-	P	-	-	-	-	-
Marlipins Museum	G	G	G	G	G	G	G	G	G	G	G
Mary Rose Museum	P	P	P	P	P	P	P	P	P	P	-
Mere Museum	-	-	-	P	P	-	-	P	-	-	-
Minster Abbey Gatehouse Museum	-	-	-	-	-	-	-	-	-	-	-
Royal Engineers Museum	-	-	-	-	-	-	-	-	-	-	-
Royal London Hospital Archives and Museum	-	P	-	-	P	-	P	P	-	-	-
Royal Marines Museum	-	-	-	-	P	-	-	-	-	-	-
Snodland Millennium Museum	-	-	-	-	-	-	-	-	-	-	-
Steyning Museum	-	-	-	-	-	-	-	-	-	-	-
Thirsk Museum	G	B	-	G	B	G	G	B	G	G	G
Undisclosed Museum Service in West Yorkshire	-	-	P	-	-	-	-	-	-	-	-
Valence House Museum	-	-	-	-	-	-	-	-	-	-	-
Wellcome Collection	-	B	B	P	B	B	-	P	P	B	-
Worcestershire County Museums	-	-	-	-	-	-	-	-	-	P	-
York Museums Trust	P	P	P	P	P	P	P	P	P	P	-

Of the 25 (16%) museums that stated they will not change their policy and/or guidance, Snodland Millennium Museum, which has only one UK individual and no policy or guidance in place, stated that it is “unlikely that any other remains would come to us”. The Wellcome Collection, which has 11 individuals from various locales and policy and/or guidance in place for all areas except access and education, stated that “our policy was

developed in accordance with this *Guidance*”. Finally, Exeter City Museums, which has 38 individuals from various locales and guidance in place for all areas, advise that “treatment of human remains utilised earlier guidelines set out first by MEG [Museum Ethnographers Group], which is now covered by DMCS guidelines”.

Four museums (Bassetlaw Museum; Berwick upon Tweed Borough Museum; Minster Abbey Gatehouse Museum; and the Royal Engineers Museum) answer negatively to having any policy or guidance in place. Snodland Millennium Museum, Steyning Museum and Valence House Museum did not confirm details of any policy and/guidance. All of the aforementioned museums, except the Royal Engineers Museum, hold between one and 13 individuals of UK provenance. Only the Mary Rose Museum, which holds 179 individuals of European provenance and individuals of UK provenance and York Museums Trust, which holds 1440 individuals of UK provenance, have policy covering the full range of areas. Similarly, Exeter City Museums and Art Gallery, which holds 38 individuals from various non-UK locales and Marlipins Museum, which holds one individual of UK provenance, have guidance covering the full range of areas.

6.3.5 Museums that did not respond regarding policy and/or guidance changes

Table 6.6 shows that four (3%) museums did not respond when asked whether they intended to change their policy and/or guidance. The History Shop, which holds one individual of African provenance and has no policy or guidance in place, did not make any further comment. The Pitt Rivers Museum, which has 310 individuals provenanced from various areas stated that the “PRM [Pitt Rivers Museum] is part of the University of Oxford Museums which have a joint human remains policy (hence we do not have [our] own policy on claims for return). We don’t reference human remains specifically in policies; all policies must work for all situations and objects”. Rossendale Museum, which has one individual provenanced to South America, and has policy that covers acquisition, repatriation and de-accessioning, stated it “will adhere to MA [Museums Association] code of ethics and professional guidelines at all times”. Finally, West Berkshire Museum,

which has an estimated 30 UK individuals, stated that it “shall use the publication to inform our policy/guidance documents”.

Table 6.6: Policy and guidance relating to human remains at museums that did not answer whether they intended to change their policy and/or guidance. P = policy; G = guidance; B = both

Museum	Access	Acquisition	Claims for return	Conservation	De-accessioning	Display	Education	Loans	Research	Storage	Other
History Shop	-	-	-	-	-	-	-	-	-	-	-
Pitt Rivers Museum	-	-	-	-	-	-	-	-	-	-	-
Rossendale Museum	-	P	P	-	P	-	-	-	-	-	-
West Berkshire Museum	-	-	-	-	-	-	-	-	-	-	-

6.4 Access

The *Guidance* recommends that access to human remains be limited to authorised staff and visitors who have been given specific permission (DCMS 2005a: 19). With this in mind, White Survey I museums were asked whether access to the human remains in their care were restricted. Eighty-six (55%) museums stated that access to human remains was restricted. Those mentioned as being able to gain access to human remains are curatorial staff, conservation and management staff. Of the five (3%) museums who did not answer the question, Rossendale Museum confirm that their human remains are “currently on display”, whilst Steyning Museum confirm their human remains are “accessible in the sense of visible. Not accessible in handling terms”. Hereford Museum answered both yes and no to the question, but commented that “whilst they are easily accessible, they are stored in our main archaeological collections facility, which is only accessed by curatorial staff, and in most circumstances they would only be accessed by the archaeology curator”.

Sixty-six (42%) museums confirm that the area in which human remains are stored is accessible to all members of staff. However, Cuming Museum commented that access to a (now repatriated) Maori skull was limited. This is the only comment made in relation to

restricted access being due to ethical considerations. Other comments indicate either insufficient storage to allow restricted access to human remains, such as at Leicestershire County Council Environmental and Heritage Services, or all staff members being competent in the handing of human remains, such as at Bassetlaw Museum.

6.5 Repatriation

A substantial proportion of the *Guidance* is dedicated to claims for return, otherwise known as repatriation, including a set of procedures for dealing with such claims (DCMS 2005a: 23-30). Section 6.5 is divided into various sections in order to assess both policy and/or guidance, to discuss repatriation claims received by White Survey I museums and to assess if other *Guidance* recommendations relating to repatriation have been implemented. With this in mind, Section 6.5.1 will investigate repatriation policy and/or guidance. Claims for the repatriation of human remains (Section 6.5.2) and claims for the repatriation of associated funerary objects (Section 6.5.3) will then be discussed before investigating whether museums have set up and advisory frameworks to assist in the decision making process if/when repatriation claims are received (Section 6.5.4).

6.5.1 Policy and Guidance

As repatriation was the main impetus behind the inclusion of Section 47 into the *HTAct* and the *Guidance*, it can be argued that that this is one of the most important areas for policy and/or guidance to be in place; especially if museums hold human remains likely to be subject to repatriation requests. With this in mind, museums were asked whether they had any such policy and/or guidance in place.

Fifty-seven (36%) of the 157 White Survey I museums answered negatively to having either policy or guidance in place relating to repatriation, what the *Guidance* terms 'claims for return'. Thirty-nine (25%) museums confirmed having policy relating to repatriation, 76 (49%) confirmed they have no policy, whilst 38 (24%) museums did not respond. Similarly, 13 (8%) museums confirmed having guidance relating to repatriation,

71 (45%) confirmed they have no guidance whilst 69 (44%) museums did not respond. Four (3%) museums (Blackburn Museum; Cotswold Museum Service; Haslemere Museum; and the Wellcome Collection) have both policy and guidance in place, taking the total number of museums with repatriation policy and/or guidance to 56.

Four museums (Bromley Museum; Cuming Museum; National Museums Liverpool; and Worcester City Museums) that have no policy or guidance relating to repatriation hold Australian/Tasmanian human remains. Similarly, three museums (the Blake Museum; Middlesbrough Museums and Galleries; and National Museums Liverpool) hold human remains from New Zealand and have no relevant policy and/or guidance in place.

Both Cuming Museum and National Museums Liverpool have been subject to repatriation claims. National Museums Liverpool stated that “we do not have specific guidance on claims for return as we follow the DCMS document, on a case by case basis”. Salisbury and South Wiltshire Museum, which has received repatriation claims for UK human remains, also has no policy or guidance in place. However, it commented that “the museum at present does not single out human remains in any of its policies. However the agreed policy of the British Museum has been adopted by the Museums Board of Trustees and would be consulted, along with the DCMS Guidance for the Care of Human Remains in Museums, as matters arose”.

6.5.2 Claims for the repatriation of human remains

Table 6.7 illustrated that 21 museums had received repatriation claims, while 20 had been able to consider these requests. Bedford Museum noted that although it had received repatriation claims relating to human remains from South Africa, Australia and New Zealand, it did not hold any “ethnographic material”. In fact, the White Survey I Response from Bedford Museum confirms that it holds only individuals of UK origin. For this reason, the three Bedford Museum repatriation claims have not been included in Table 6.7.

Table 6.7: Repatriation claims received by museums who took part in White Survey I. P = pending and U = unsuccessful

Museum	Asia	Australia/ Tasmania	North America	New Zealand	UK	Total Requests
Brighton Royal Pavilion and Museums		1(P)				1(P)
Bristol's Museums, Galleries and Archive		1		1(P)		2(1P)
British Museum		1	1(P)	1(P)		3(2P)
Cuming Museum				1	1	2
Exeter City Museums and Art Gallery		3 (1P)	1	2		6(1P)
Hampshire County Museums Service		1(P)				1(1P)
Jorvik Viking Centre/York Archaeological Trust					2	2
Leeds Museums and Galleries				unknown		unknown
Manchester Museum	1(P)	2		1	1	5(1P)
National Museums Liverpool		1		1		2
Natural History Museum		2 (1P)	2(P)			4(3P)
Pitt Rivers Museum		1				1
Plymouth City Museum and Art Gallery				1(P)		1(P)
Royal Cornwall Museum		2				2
Salisbury and South Wiltshire Museum					1(P)	1(P)
Science Museum		1				1
Tyne and Wear Archives and Museums		1		1(P)		2(1P)
Wellcome Collection		1		1(P)		2(1P)
Wiltshire Heritage Museum					2(1U)	2(1U)
York Museums Trust					1(1P)	1(1P)
Total	1(P)	18 (4P)	4 (3P)	10(5P)	8 (2P) (1U)	41(15P) (1U)

Repatriation claims originate from five geographical areas: Asia; Australia/Tasmania; North America; New Zealand; and the UK. At the time of White Survey I, there had been 41 repatriation claims with only one claim (relating to UK human remains at Wiltshire Heritage Museum) being unsuccessful. There also were at that time 15 pending claims. Figure 6.2 illustrates that the majority of repatriation claims relate to Australian/Tasmanian human remains; unsurprising in light of the pro-active approach taken by some Aboriginal communities and the Australian government in securing the return of human remains (Galt-Smith 2007). More surprisingly is the fact that UK human remains have been subject to eight repatriation requests. However, recent developments surrounding archaeological and museological treatment clearly indicate that there is growing concern over the excavation and retention of UK human remains (Carroll 2005, Restall-Orr 2006).

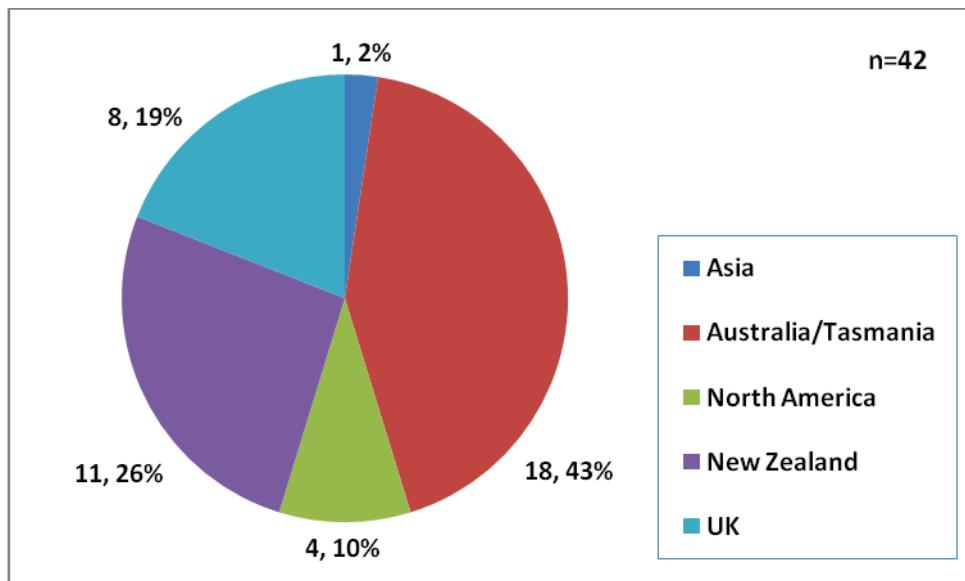


Figure 6.2: Number of repatriation requests relating to individuals from each geographical area.

6.5.3 Claims for the repatriation of associated funerary objects

Museums were asked whether they had been subject to any repatriation claims relating to associated funerary objects. Only four (3%) museums answer positively, with 151 (96%) museums answering negatively and 2 (1%) museums failing to respond.

Exeter City Museums and Art Gallery advised that:

on August 13th 1996 a "war feather box" belonging to a chief of the Rangiteria tribe was taken to the New Zealand High Commission for repatriation. The box measured 220 x 70 x 100mm and was deposited at the RAMM [Royal Albert Memorial Museum] in 1877 by the donor. It contained a single human bone, which was found in a cave at Panmure (Mokoika), an Auckland suburb. The box was wooden (the wood was not identified). The curator in charge at that time, John Allan, did not receive a request for its return as he understood the Maori viewpoint about remains being held elsewhere. It was John who approached the High Commission and Rota Waipara of the Museum of New Zealand in March 1994. The RAMM has had a very positive relationship with Te Papa and have since repatriated all Maori remains, the last transfer of koiwi tangata from the RAMM to Te Papa via the High Commission was 18 November 2005.

Two of the four claims relating to associated funerary objects originate in the UK. Jorvik Viking Centre and the Museum of London have been subject to claims for the return of

UK provenanced associated funerary objects. Both museums confirm that coffin fittings have been repatriated. Jorvik Viking Centre advise that:

these were coffin plates and nails associated with skeletons returned to St Helen's Church, Skipwith. I would need to check if we did the same for the Beverley Minster skeletons which were returned to the church authorities but which will be kept above ground and available for study (I believe) at some point. We will be returning the stone coffins to Beverley at some point these will probably go to the Minster, but if not to the local museum (East Riding of Yorkshire Museum). The other re-interment (from the medieval cemetery at Jewbury) was undertaken by the rabbinical authorities who did not wish for the coffin nails. In the case of the Museum of London, the request related to 'coffin fittings from the coffins in the crypt of Christ Church, Spitalfields' but unfortunately the museum could not recall where the request originated.

The request made to Wiltshire Heritage Museum for the return of associated funerary objects was unsuccessful, but no supplementary information was forthcoming. However, the museum reported holding only individuals provenanced to the UK during White Survey I, so the presumption is that the claim related to associated funerary objects of UK origin.

6.5.4 Advisory frameworks

The *Guidance* recommends that museums "may consider establishing an advisory framework for dealing with repatriation claims, such as a panel of their own, or, for smaller institutions, one that is supported by a number of institutions" (DCMS 2005a: 17).

Table 6.8 shows that only 12 (8%) museums have chosen to do so.

Of the remaining museums, 139 (88%) said they had not set up an advisory framework, five museums (3%) did not answer the question and one (1%) museum answer that the question was not applicable to them. Only seven (60%) of the museums that responded positively to this question have actually received claims for return. Littlehampton Museums; Old Guildhall Museum; and Royal London Hospital and Archives Museum do not have policy or guidance specifically relating to claims for return; despite setting up an advisory framework for dealing with claims for return.

Table 6.8: Museums that have set up an advisory framework for dealing with repatriation requests. The second column details which of those museums had received repatriation claims.

Museum	Repatriation Requests
Brighton Royal Pavilion and Museum	Yes
Exeter City Museums and Art Gallery	Yes
Leeds Museums and Galleries	Yes
Leicester Museums and Galleries	No
Littlehampton Museum	No
Manchester Museum	Yes
Natural History Museum	Yes
Old Guildhall Museum	No
Royal Cornwall Museum	Yes
Royal London Hospital Archives and Museum	No
Towneley Hall Museum	No
Wellcome Collection	Yes

6.6 Consent

The *Guidance* recommends that museums should “where reasonably practicable...involve communities in discussions about how a museum stores, researches, presents or otherwise uses collections and information about them” (DCMS 2005a: 16). With this in mind, White Survey I respondents were asked if they sought consent to display, retain or conduct research on the human remains in their collections. Only five (3%) White Survey I museums stated that they have sought consent. These museums are Bedford Museum; Exeter City Museums and Art Gallery; Manchester Museum; National Museums Liverpool and the Pitt Rivers Museum. Bedford Museum interprets consent in terms of obtaining the appropriate permissions, commenting that “basically as they are excavated prehistoric remains this is done in accordance with legislation and guidelines”. Exeter City Museums obtained consent due to “prior communication with communities via Te Papa and the National Museum of Australia”.

Manchester Museum stated that:

Currently no scientific research is taking place on human remains other than ancient Egyptian mummies. All requests for sampling and research require approval by an internal human remains panel, which checks consent has been sought and given. Where a research request has been unable to contact a community of origin the request is denied.

National Museums Liverpool attempts to seek consent whenever possible, but comments that:

The numbers of communities represented and lack of curatorial time mean that source communities may only be consulted when research is requested or new displays are planned.

Finally, the Pitt Rivers Museum stated that it does not systematically seek consent, "but during fieldwork and source community visits we do ask about sensitive material and their display and curation".

One hundred and forty-two (91%) museums stated that they do not seek consent from source communities, whilst 10 (6%) museums did not give an answer. Comments from those museums that do not seek consent mostly relate to the source community being unidentifiable or that due to the provenance of the remains consent is not sought. For instance, in relation to the source community being unidentifiable, the Army Medical Services Museum (which holds African, European, UK and unknown provenanced individuals) stated that "we cannot identify any persons or source community pertaining to the items held by the museum". Haslemere Museum stated that:

All of our human remains are undated and vaguely sourced eg very broad descriptions have been recorded in our catalogue records, such as 'possibly Peru' or 'Indian on label' - this would not be enough to identify it with a particular community/ tribe/ancestral group.

The British Museum, which holds human remains from all defined geographical locales, stated that "the simple answer is 'no' for display or research, but in situations where there are known sensitivities, these issues are considered and appropriate consultation with source community representatives takes place". Guildford Museum stated that "bones are archaeological and English", implying that because of the origin and date of the remains consent is not required. Similarly, Guildhall Museum write that "there are no source communities for archaeological material".

6.7 Display

White Survey I museums were asked whether, post *Guidance*, they had changed, or planned to change, the way in which human remains are displayed. This question was asked in order to ascertain whether museums are following the *Guidance* recommendations for the display of human remains, which are that:

- Human remains should be displayed only if the museum believes that it makes a material contribution to a particular interpretation; and that contribution could not be made equally effectively in another way. Displays should always be accompanied by sufficient explanatory material
- Those planning displays should consider how best to prepare visitors to view them respectfully, or to warn those who may not wish to see them at all. As a general principle, human remains should be displayed in such a way as to avoid people coming across them unawares. This might be in a specially partitioned or alcoved part of a gallery
- Display conditions, like storage conditions, should be safe, secure and with stable, monitored environments, which are kept clean and regularly checked for pests and other potential threats. Appropriate health and safety regulations must be complied with. Organic materials are light sensitive, and light levels should be maintained in accordance with recognised standards, with UV light excluded as far as possible

(DCMS 2005a)

One-hundred and twenty (76%) museums confirm they display human remains. Twenty-two museums confirm having policy and 23 (15%) confirm they have guidance specific to the display of human remains. Included in these totals are two museums that have both policy and guidance in place. Forty-nine (31%) museums stated that they do not have any policy or guidance relating to display. A further 28 (18%) museums did not respond to this question, so it is unclear as to whether they have any policy and/or guidance in place. Of the 37 museums that do not display human remains, six (16%) confirmed they have guidance and one (1%) confirms it has policy. Sixteen (43%) museums confirmed they had neither policy nor guidance in place.

The White Survey I questionnaire did not request that museums confirm the provenance of the human remains they display, although responses do indicate that the majority of human remains displayed are of African (Egypt) or UK origin. East Riding Museum Service comment they have displayed human remains for the past ten years and received “one comment/complaint... received on this subject (relating to a child burial)”.

The remaining 37 (24%) of the 157 White Survey I museums that reported they do not display human remains also hold a majority of UK individuals, with only a small number of unknown and non-UK individuals. Although most comments did not give specific reasons for not incorporating human remains into displays, a few responses were very specific. Southampton Museums is the only institution to give ethical issues as the reason for their choice, stating that they chose not to display human remains because of “ethical issues and general feeling against making a spectacle of dead people”. Worcester City Museums commented that it “will not display any remains until our policy has been finished”, whilst Canterbury City Council Museums and Galleries believe that “stories can be told with replicas and it is unnecessary to display actual remains”.

Figure 6.3 illustrates that four (3%) museums have changed their display policy/guidance, 15 (13%) museums will change their policy/guidance; 57 (47%) museums had not yet decided whether to change their policy/guidance; 20 (17%) will not change their policy/guidance; and two museums (2%) did not respond. Twenty-two museums (18%) advised that the human remains in their collections are already displayed as recommended in the *Guidance*, however, only sixteen of these museums have their own guidance and/or policy in place for display.

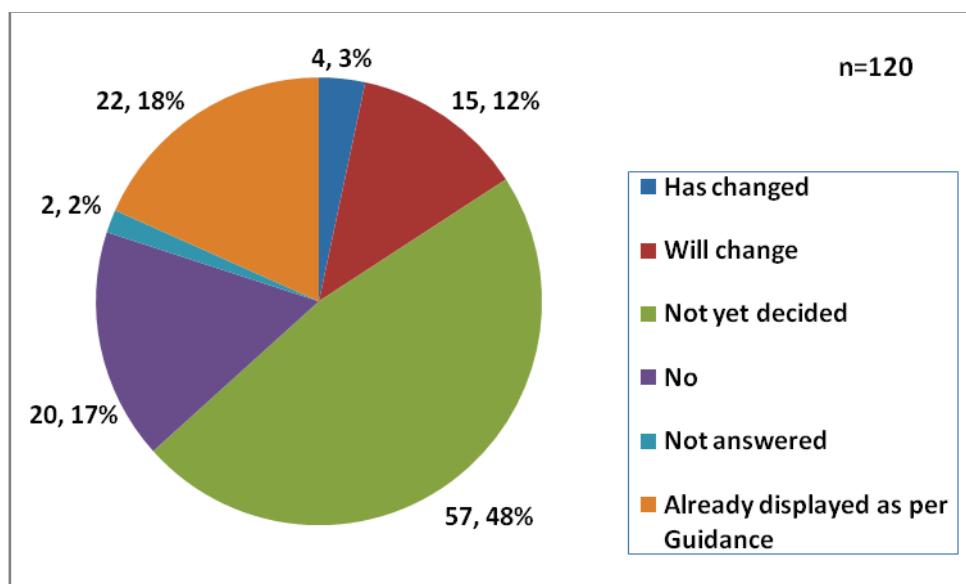


Figure 6.3: Responses from museums when asked whether, following *Guidance* recommendations, they had changed or planned to change the way in which human remains were displayed.

6.8 Education

The *Guidance* recognises that human remains play a vital role within education, particularly in the case of medical or osteological training but it recommends that museums considering general handling sessions of human remains need to carefully weigh up the risks and benefits (DCMS 2005a: 20). Eighteen museums (11%) confirm they have an educational policy relating to human remains, whilst 27 (17%) confirm they have educational guidance. One (1%) museum (Cotswold Museum Service) has both policy and guidance in place. Sixty-seven (43%) museums answer negatively to having either educational policy or guidance in place.

Figure 6.4 illustrates how many museums use human remains for osteological or medical based training. Figure 6.5 illustrates how many museums use human remains for other educational and/or outreach programmes.

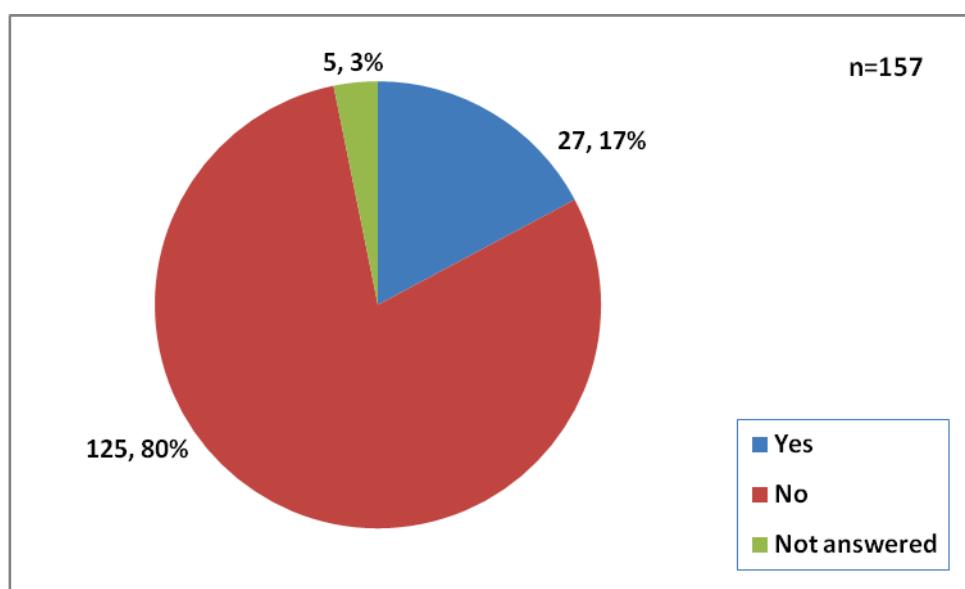


Figure 6.4: Museums using human remains for osteological/medical based training.

Twenty-seven (17%) museums confirm that students taking osteological or medical based training handle the human remains in their collections. One hundred and twenty-five (80%) museums answer negatively to this question whilst five (3%) museums did not respond. Nine museums who use human remains for osteological or medical based training confirm having no policy or guidance in place.

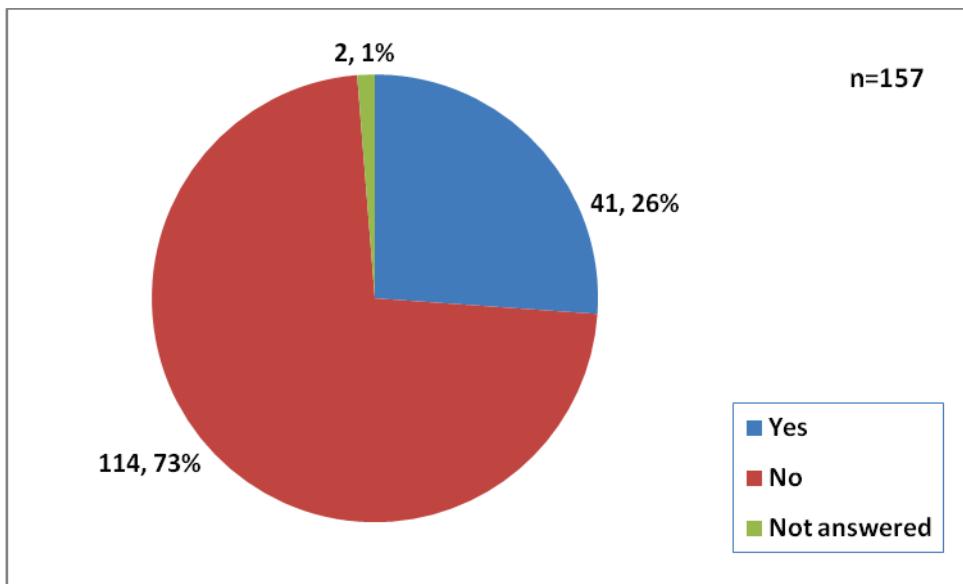


Figure 6.5: Museums using human remains for outreach and other educational programmes.

Forty-one (26%) museums use human remains as part of other educational or outreach programmes. One hundred and fourteen (90%) museums answer negatively to using human remains for other educational and programmes, whilst two (1%) museums did not respond. Fourteen museums that use human remains for other educational or outreach programmes have no policy or guidance in place; three of the 14 museums that have no policy or guidance in place for osteological or medical based training. Only nine museums confirm using their human remains for both medical and osteological based training and other educational or outreach programmes.

The majority of museums who answer positively gave details of the educational and/or outreach programmes in which human remains are used; from primary school groups to the Young Archaeologists Club, right up to university and lifelong learning groups. Dartford Borough Museum comments that “there are a human skull and 2 jawbones in our School Loans Box of skull material relating to various species”.

Gloucester City Museum stated that “human remains have been used for one off taught sessions at schools (without handling)”. Scarborough Borough Museum “have used human bones in children’s archaeology sessions, a notice asking the children to be respectful was displayed and the children did not handle the bones”. The Manchester

Museum and the Museum of Antiquities, which are both attached to universities, note that human remains are used in a variety of undergraduate and postgraduate teaching. Bradford Museums, Galleries and Heritage commented that: “The use of an Egyptian mummified foot to stimulate debate about the ethics of retaining human remains has been considered for some educational workshops. As yet this has not happened but may do in the future”. Conversely, Cuming Museum noted that “we used to use a Roman skull in our “Romans” schools session but it was removed from the session a few years ago after staff discussion, for conservation and ethical reasons”.

Museums were asked, in light of current concerns over the retention of human remains, whether they would consider using replicas. Figure 6.6 illustrates that thirty-seven (24%) museums stated that they already use replicas, 40 (25%) museums stated that they would not, 76 (48%) museums stated they would consider using replicas and four (3%) museums did not respond. Museums that use none, some and all of their human remains for research purposes are represented within all of these categories.

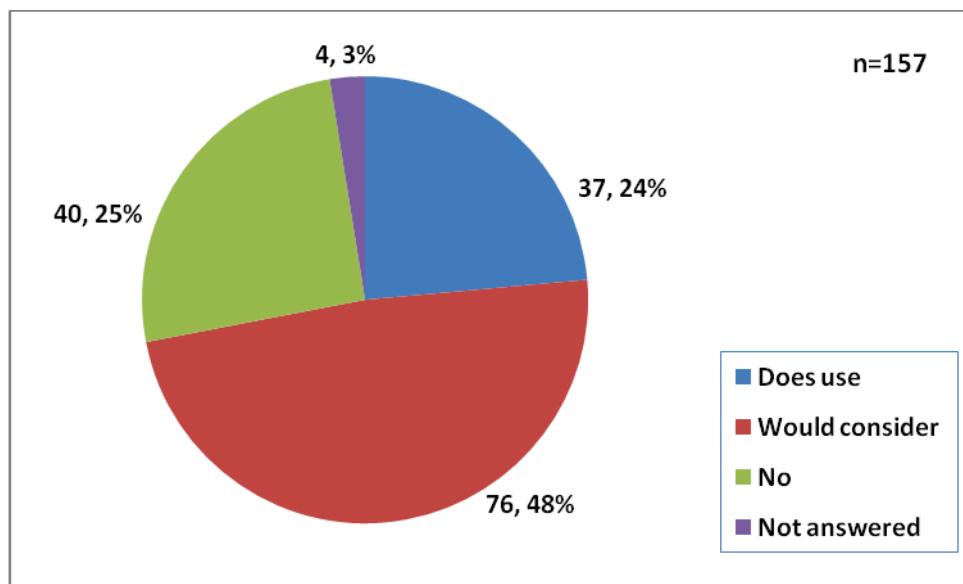


Figure 6.6: Responses from museums when asked if they would use replica human remains.

6.9 Research

The *Guidance* recommends that any museum holding human remains for the purpose of research should construct and make public a clear research framework for their use, or

show how remains relate to an existing research framework (DCMS 2005a: 21). Only twenty (13%) museums have a research policy in place and twenty-five (16%) museums have guidance. Sixty-five (41%) museums answer negatively to having either policy or guidance. Two (1%) museums, Cotswold Museum Service and Jorvik Viking Centre, confirm having both policy and guidance in place. Of the 65 museums that have no policy and/or guidance in place; nine stated that all human remains are used for research purposes; 22 stated that some human remains are used for research purposes; and 34 stated that no human remains are used for research purposes.

As one of the arguments used against reburial in the past has been the scientific value of human remains (Bahn 1984, Weiss 2008), museums were asked whether the human remains within their collections are used for research purposes. Figure 6.7 demonstrates that 69 (44%) museums confirm that no research is undertaken on the human remains in their collections. The majority of human remains held by these museums are UK in origin and range anywhere between one and 120 individuals. The size of collection at museums that stated some or all of their human remains are used for research purposes is greatly increased compared to those museums that stated research is not undertaken on any human remains, hence there does appear to be a clear link between the size of the collection and the amount of research being undertaken.

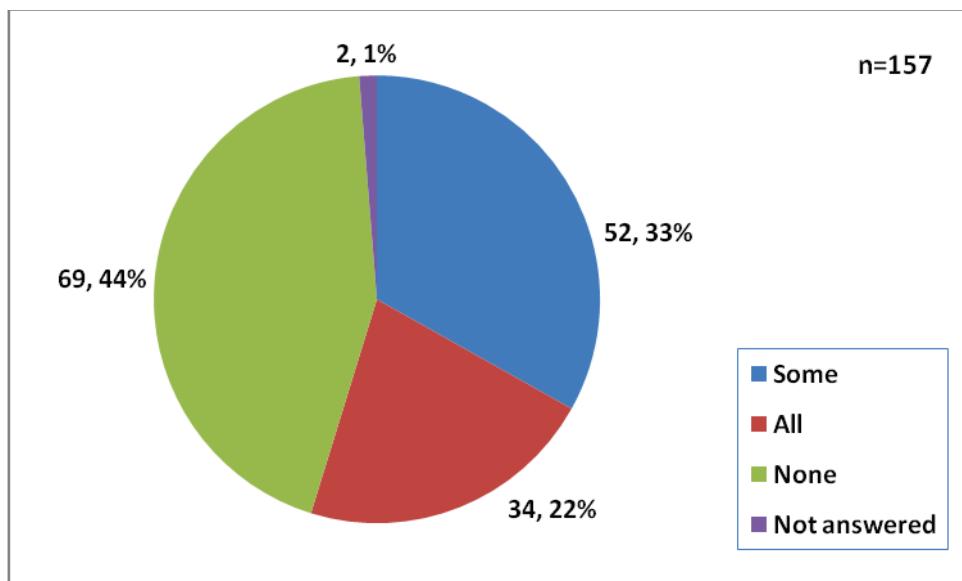


Figure 6.7: Museum responses when questioned what proportion of human remains were used for research purposes.

Just over half (55%) of White Survey I museums confirm that research is undertaken on the human remains in their collections. Fifty-two (33%) museums stated that some of their human remains are used for research purposes. Thirty-four (22%) museums stated that all of their human remains are used for research purposes. Once again, the majority of human remains held by these museums are of UK origin. The average holding is 1188 individuals per museum, although this does not take into account Natural History Museum holdings of 19,500 “specimens”. The Collection: Art and Archaeology in Lincolnshire and Wells and Mendip Museum stated that research is undertaken on all of the human remains in their collection, despite having stated unknown in relation to the origin and number of all of their holdings. Similarly, Hampshire County Museums Service; Manchester Museum; and Salisbury and South Wiltshire Museum stated that research is undertaken on all of their human remains, which includes individuals from Australia and New Zealand. However, it is possible that some museums misinterpreted the question as meaning that human remains were available for research rather than actively being used for research.

Few museums make specific comment relating to the reasons why their human remains are not used for research purposes. Bassetlaw Museum stated that “not using human remains for research has more to do with the tiny size of the collection rather than an ethical decision”. The Roman Baths Museum stated that “in 9 years [I] have had only 2 people looking at human remains” and Buxton Museum and Art Gallery stated that “human remains could be used for research purposes but no recent requests”. St Albans Museums confirm that “some of our human remains are no longer accessible due to the conditions in which they have been stored in the past causing them to suffer dry rot”. Finally, St Neot’s Museum suggests that they “have never received research enquiries which would involve access to human remains but would give access if needed for bona fide research”.

Museums also were also asked whether they keep a publicly accessible research register; a recommendation made by the *Guidance* (DCMS 2005a: 22). Of the 34 (22%) museums that use all of their human remains for research purposes, 20 answered that they do not keep a research register.

Table 6.9: Museums that have a research register along with details of whether that research register was publicly accessible.

Museum name	Human remains used for research purposes	Human remains register publicly accessible?
Cotswold Museum Service	Some	Yes
Frome Museum	None	Yes
Gloucester City Museum and Art Gallery	All	Yes
Hampshire County Museums Service	All	No
Hull and East Riding Museum	All	Yes
Jorvik Viking Centre/York Archaeological Trust	All	No
Leeds Museums and Galleries	All	No
Manchester Museum	All	Yes
Mary Rose Museum	All	No
Museum of London	All	Yes
Natural History Museum	All	Yes
Royal Cornwall Museum	All	Yes
Royal London Hospital Archives and Museum	All	Yes
Royal Marines Museum	None	No
St Augustine's Abbey Museum	Some	Yes
Towneley Hall Museum	All	Yes
West Berkshire Museum	Some	No
Worcester City Museums	All	No
York Museums Trust	All	Yes

Of the 52 (33%) museums that use some of their human remains for research purposes, 49 answer that they do not keep a research register. Table 6.9 illustrates that in total, only 17 out of the 86 museums that use human remains for research purposes confirm they keep a research register. Two further museums, Frome Museum and the Royal Marines Museum, keep a research register but none of their human remains are used for research purposes.

Of the 18 museums that keep a human remains research register, 10 (56%) allow public access, whilst eight (44%) do not. Of the two museums that keep a research register, no research is conducted on the human remains in their collections; Frome Museum stating it would allow public access to its research register, and the Royal Marines Museum stating it would not allow public access to its research register.

6.10 Storage

The *Guidance* suggests that “museums with collections of human remains of a significant size should create a dedicated storage area in order to provide the best possible conditions and that those with smaller collections should identify designated shelves away from the main activity of the store on which human remains should be housed” (DCMS 2005a, 18). Although the *Guidance* does not define a ‘significant size’, survey results indicate that much variation exists in the way museums store human remains. Neither does the number of museums with storage policy and/or guidance in place correspond to museum responses as to whether human remains are stored in a dedicated area or designated shelving.

Figures 6.8 illustrates that of the 157 White Survey I museums, 28 (18%) confirm they have storage policies relating to human remains, whilst 22 (14%) have guidance. Three museums (2%), Cotswold Museum Service; Cheltenham Art Gallery and Museum; and the Wellcome Collection have both policy and guidance in place. Sixty-one (39%) museums answer negatively to having either policy and/or guidance in place. The remaining 43 (27%) museums did not answer the question.

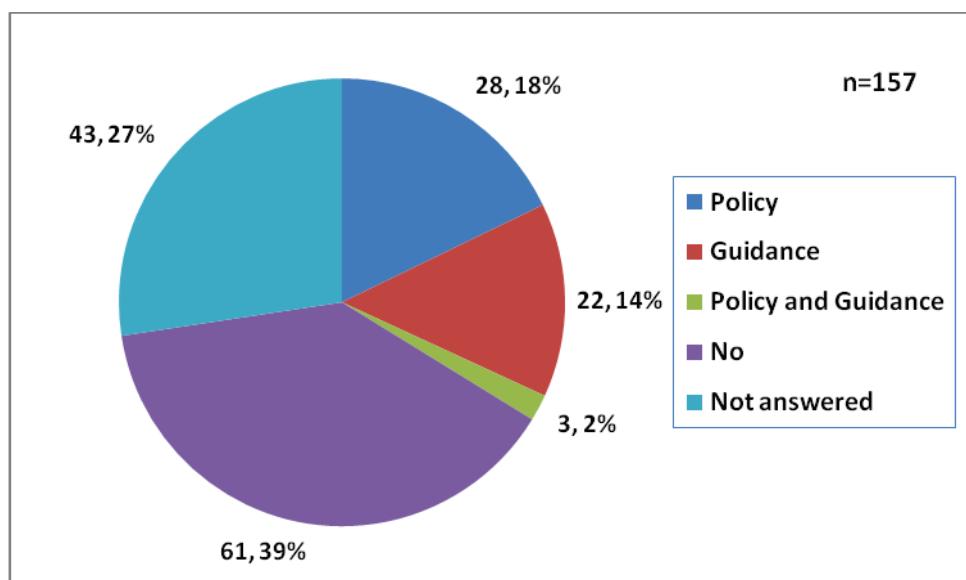


Figure 6.8: Museum responses when questioned whether a storage policy was in place relating to the human remains.

Fifty-six (36%) museums have a dedicated storage area or designated shelving for human remains. Ninety-eight (62%) museums indicated they do not have a dedicated storage area or designated shelving, whilst three (2%) museums did not respond. Thirteen of the 56 museums who do have a dedicated storage area or designated shelving have neither policy nor guidance in place.

Museums with a dedicated storage area or designated shelving hold between them 40,044 individuals. This total excludes the Natural History Museum, which did not disclose its holdings as part of White Survey I. However, if one assumes the 19,950 individuals the museum itself confirms it holds is correct, this results in an increase to 59,994 individuals; an average of 1071 individuals per museum. All but one museum (the Royal Cornwall Museum) were able to provide numerical data pertaining to the extent of their holdings.

Museums without a dedicated storage area or designated shelving hold between them 8758 human remains. However, the margin for error within these museums is greater as seven of the 98 museums could not confirm the full extent of their holdings. Only three of these museums hold over 1000 human remains.

Survey results could indicate that there is a correlation between the number of human remains within a museum collection and the storage facilities provided for those human remains. For example, 11 museums that hold over 1000 human remains have a dedicated storage area or designated shelving, whilst only three museums that hold over 1000 human remains do not. However, external factors such as spatial constraints are also likely to play a role. This is demonstrated by the fact that museums holding only one human remains are able to provide dedicated storage or designated shelving and museums with as many as over 1000 human remains do not.

6.11 Is the Guidance satisfactory? (Question 20)

Key to addressing Aim 3 of this research was to ask White Survey I museums whether they felt the *Guidance* was satisfactory. One hundred and twenty-three (78%) museums

replied to this question by stating that the *Guidance* was satisfactory, whilst only four (3%) museums answer negatively to this question. Thirty (19%) museums did not respond to this question so it is unclear whether they have an opinion either way or whether their experiences do not yet allow them to make an informed judgement.

Only 10 (8%) of the museums that thought the *Guidance* satisfactory made further comment on the issue; some of those comments positive, others pinpointing negative aspects of the *Guidance*. Bromley Museum Service, for example, commented that “for a small museum the *Guidance* is perfectly adequate – and very useful since we don’t have our own policies in place”. Stroud District Council Museum Service commented “we have no particular expertise to form a critical view – we rely on expertise of those who produced the *Guidance* to guide us”.

Other museums were slightly more critical of the *Guidance*, despite commenting that it is satisfactory. Warwickshire Museum Service commented that “it is tailored more to institutions with larger non-British collections/human remains than Warwickshire Museum has and therefore a good deal of the 'Guidance' is not relevant to us”. Exeter City Museum and Art Gallery believe that the “content needs clarification and a section on how the Human Tissue Act will affect curatorial work”. Leicester Museums and Galleries believe that the *Guidance* is satisfactory “except that it needs to look in more detail at UK human remains”. Finally, Lancashire County Museums Service believe that it provides:

a satisfactory theoretical framework, and makes useful reference to existing acts, precedents and good practice. It does not explain where the resources needed to 'create dedicated storage', improve conservation etc are to come from. It is of limited application to archaeological material more than 1000 years old .

Fifteen of the 30 museums that did not give a response made no further comment on the issue of satisfaction. Of those museums that did choose to comment further, Nottingham City Museums and Art Galleries and St John’s Medieval Museum and Chapel both stated that they are unsure whether the *Guidance* is satisfactory. East Surrey Museum believes that “due to the limited number of objects of this kind within my care I feel I can’t really

comment". Reading Museums commented that "this is a complex and sensitive issue and it seems a bit facile to mark policy or guidance as 'satisfactory' or 'unsatisfactory'".

Finally, Snodland Millennium Museum makes various assertions regarding the *Guidance*.

Although the museum stated it welcomes the *Guidance*, it:

Found that [it] related to World Culture collections rather than British Archaeological or Egyptian collections and, given that we have repatriated World Cultures human remains, an archaeological bias would have been more useful. The meaning of 'bound up' or 'associated' material is still not very clear and seems to have different meanings depending on whether the object is world cultures, Egyptian or British Archaeology'. Hair and nails should be included in the definition of human remains and that there is more guidance on the issue of reburial and ceremonies for pagan British remains would be useful to have, in future.

Three of the remaining ten museums stated that they had not read the *Guidance* and a further seven museums stated that they had not seen the *Guidance*. One museum requested that a copy of the *Guidance* be sent to them. Two regional museum authorities are included in those museums that either had not read or had not seen the *Guidance*. All but one of the museums that had not read or seen the *Guidance* holds only a small number of human remains. Gloucester City Museum however, which stated "that there is no curator in post at the moment so this document has not been studied", holds over 1000 individuals provenanced to the UK. Middlesbrough Museums and Galleries, which stated that they have "not yet had time to consider the *Guidance*", hold 12 individuals; 11 of those being of UK origin and a single Australian/Tasmanian individual.

Bristol's Museums and Galleries; The Manchester Museum; Royal London Hospital Archives and Museum; and Rugby Art Gallery and Museum are the four museums that do not believe the *Guidance* to be satisfactory, with all quoting different rationales. Bristol's Museums and Galleries believed that the *Guidance* "is very thorough in its approach particularly relating to issues around ethnographic material - would have welcomed a more detailed section on museum display and suggested protocols". The Royal London Hospital Archives and Museum believed that "where original documentation has not survived/was not created it is unrealistic to expect the records one would create today to

be created retrospectively". Rugby Art Gallery and Museum quoted a different reason again, stating that the *Guidance* is "too over complicated for small museums who only have a limited number of bodies which primarily relate to archaeological excavations".

The Manchester Museum believed that problems with the *Guidance* originate with its focus on non-UK human remains, stating that "repatriation and consultation aspects of guidance are based on issues coming from non-UK sources. This aspect works, however, the Guidance does not make reference to community and faith groups within the UK for where the human remains come from a non Christian context (which is the context of most human remains of UK origin in museums)". The museum also believed that "the definition of human remains in the Guidance is not broad enough - it avoids human hair for example".

6.12 Conclusions

White Survey I results demonstrate that two years after its publication, around a third of museums, and in the majority of instances considerably fewer, have implemented human remains specific policy and/or guidance for the areas recommended by the *Guidance*. Whilst it is reasonable to assume that not all museums will require policy and/or guidance for all areas, every museum would require a minimum of acquisition and de-accessioning policy and/or guidance. It is of course possible, as a few respondents have indicated, that general museum policy and/or guidance are applied to human remains.

Table 6.10 and 6.11 collate the information gathered in order to illustrate which museums have policy *and* guidance in place for all areas recommended by the *Guidance* (Table 6.10) and which museums do not have any policy *or* guidance in place for any of the areas recommended by the *Guidance* (Table 6.11). These results indicate that the *Guidance* has not been widely implemented throughout museums in England. This statement also is supported by the fact that only 24 (15%) museums have changed their policy and/or guidance in light of *Guidance* recommendations. Perhaps more telling are responses from the 65 (41%) museums that have not yet decided whether they would

change their policy and/or guidance and the 39 (25%) museums that say they will change their policy and/or guidance in light of *Guidance* recommendations, but which, after two years, have still not done so. This would seem to suggest that the implementation of *Guidance* recommendations is not a priority for many museums.

Table 6.10: White Survey I museums that have policy and guidance for all areas recommended by the *Guidance*. P=Policy, G=Guidance and B=Both Policy and Guidance.

	Access	Acquisition	Claims for return	Conservation	De-Accessioning	Display	Education	Loans	Research	Storage
Bedford Museum	P	P	P	P	P	P	G	P	G	P
Blackburn Museum and Art Gallery	G	B	B	G	B	G	G	G	G	G
Brighton Royal Pavilion and Museums	P	P	P	P	P	P	P	P	P	P
British Museum	P	G	P	P	P	P	G	P	P	P
Butcher's Row Museum	P	P	P	P	P	P	P	P	P	P
Canterbury City Council Museums & Galleries Service	G	P	G	G	G	G	G	G	G	G
Cotswold Museum Service	B	B	B	B	B	B	B	B	B	B
Exeter City Museum and Art Gallery	G	G	G	G	G	G	G	G	G	G
Fitzwilliam Museum	G	G	G	G	G	G	G	G	G	G
Hampshire County Museum Service	G	G	G	G	G	G	G	G	G	G
Hereford Museum and Art Gallery	G	G	G	G	G	G	G	G	G	G
Leeds Museums and Galleries	P	P	P	G	B	G	G	G	G	P
Leicester Museums and Galleries	P	P	P	P	P	P	P	P	P	P
Marlipins Museum	G	G	G	G	G	G	G	G	G	G
Manchester Museum	P	P	P	G	P	P	P	P	P	P
Mary Rose Museum	P	P	P	P	P	P	P	P	P	P
Museum of London	P	P	P	P	P	P	P	P	P	P
Natural History Museum	P	P	P	P	P	P	P	P	P	P
Royal Cornwall Museum	P	P	P	P	P	P	P	P	P	P
Russell Cotes Art Gallery and Museum	G	G	G	G	G	G	G	G	G	G
St Augustine's Abbey Museum	P	P	P	G	P	G	G	P	P	P
Towneley Hall Museum	P	P	P	P	P	P	P	P	P	P
York Museums Trust	P	P	P	P	P	P	P	P	P	P

Whilst only 20 (13%) museums have been subject to repatriation claims, 56 (36%) museums have policy and/or guidance in place, indicating that some, but by no means, the majority of museums have pro-actively implemented this guidance recommendation and are not simply reacting to repatriation claims at their own museum. The fact that so few museums have implemented policy and/or guidance on repatriation; the need for which was the main impetus behind the *Guidance* could support the assumption the

Guidance has had little widespread impact as the main impetus behind the *Guidance* was repatriation.

Table 6.11: White Survey I museums that do not have any human remains specific policy or guidance in place for any area recommended by the *Guidance*.

Museum Name	
Army Medical Services Museum	Manor House Museum
Bassetlaw Museum	Mersea Museum
Berwick upon Tweed Borough Museum	Middlesbrough Museums and Galleries
Blake Museum	Minster Abbey Gatehouse Museum
Bridport Museum	Museum of South Somerset
Bromley Museum	Normanton Church Museum
Bury Art Gallery, Museum and Archives	North East Lincolnshire Libraries and Museums Service
Carlisle Cathedral Treasury Museum	Nottingham City Museums and Art Galleries
Craven Museum	Otley Museum
Cricklade Museum	Oxfordshire Museum Service
Cuming Museum	Pitt Rivers Museum
Dartford Borough Museum	Rochdale Arts & Heritage Service
Department of Archaeology Museum (University of Nottingham)	Royal Engineers Museum
East Riding Museums Service	Rutland County Museum and Visitor Centre
East Surrey Museum	Salisbury and South Wiltshire Museum
Elmbridge Museum	Scarborough Museums and Galleries
Gloucester City Museum and Art Gallery	Snodland Millennium Museum
Greenwich Heritage Centre	Steyning Museum
Guildford Museum	Stockport Heritage Services
Harrogate Museums and Arts	Tyne and Wear Archives and Museums
Hertford Museum	Valence House Museum
History Shop	Walsall Museum
Horsham Museum	Wareham Museum
Kent Police Museum	Wells and Mendip Museum
Lancaster City Museums	West Berkshire Museum
Leicestershire County Council Environmental and Heritage Services	Winchester Museums Service
Macclesfield Museums	Worcester City Museums
Maidstone Museum and Bentlif Art Gallery	

Repatriation also differs from other areas of policy and/or guidance recommended by the *Guidance* as this area is human remains specific. Whilst other areas recommended by the guidance, such as access or research, could be covered in general museum policy and/or guidance, there is no possibility that repatriation is simply already incorporated into overarching museum policy and/or guidance because it is human remains specific. This

means that 101 (64%) of the 157 White Survey I museums are without any form of policy and/or guidance on repatriation.

Despite relatively low implementation of policy and/or guidance recommendations, 123 museums (78%) answered that the *Guidance* is satisfactory. This could suggest that museums have simply implemented the parts of the *Guidance* that they feel are of use to them, or that the *Guidance* is useful as a reference document in lieu of policy and/or guidance. Whatever the case, White Survey I responses regarding policy and/or guidance implementation would indicate the contrary for many museums. That the *Guidance* has had negligible impact and that it has not been effective in persuading the majority of museums to implement human remains specific policy and/or guidance.

Possible reasons why museums have chosen not to implement *Guidance* recommendations will be discussed in the next chapter, which consists of a wider discussion regarding the impact and effectiveness of both the *Guidance* and the *HTAct*.

CHAPTER 7: AN ETHICAL ISSUE RESOLVED?

7.1 Introduction

Chapter 3 contextualised the current UK situation relating to the treatment of human remains by examining changes in the treatment of Indigenous human remains from an international perspective. Chapter 4 (Section 4.5) then went on to consider White Survey I results in relation to the impact of the *HTAct* upon a small number of affected museums and Chapter 5 drew on the same survey results in order to demonstrate the Minimum Number of Individuals (MNI) and provenance of human remains in English museum collections. Chapter 6 went on to evaluate whether museums had implemented or intended to implement recommendations made in the *Guidance* in relation to human remains specific policy and guidance and to establish whether museums felt the *Guidance* to be satisfactory. The aim of this chapter is to analyse and discuss these results before concluding this research by summarising the main research findings by specifically framing them within the original aims and objectives of this research and making recommendations for future research and the future treatment of human remains (Chapter 8).

After briefly revisiting the problems associated with understanding the MNI and provenance of human remains in museum collections (Section 7.2), this chapter will evaluate the impact and effectiveness of both the *HTAct* (Aim 2) and the *Guidance* (Aim 3). Section 7.3 will discuss the impact and effectiveness of the *HTAct* in terms of powers to de-accession (Section 7.3.1) and HTAuth Public Display Licensing (HTAuth PDL) (Section 7.3.2). Section 7.4 will examine the impact and effectiveness of the *Guidance* by investigating whether, from the perspective of White Survey I museums, the *Guidance* is satisfactory (Section 7.4.1) and by analysing policy and/or guidance implementation (Section 7.4.2). Section 7.4.3 will analyse the impact of non-UK repatriation claims and Section 7.4.4 will consider in general terms whether the *Guidance* is satisfactory for application to UK human remains. Finally, Section 7.5 will offer conclusions.

7.2 The MNI and provenance of human remains in museum collections

A major part of this research has been to investigate the impact and effectiveness of the *HTAct* and the *Guidance* upon museums in England (Chapter 1, Section 3.1, Aim 2 and Aim 3). In order to understand this impact, it was first necessary to understand the extent of human remains collections in English museums, both in terms of which museums hold human remains and in terms of the MNI and provenance of individuals within those museum collections.

Chapter 5 demonstrated that at least 264 museums in England hold human remains. Of those, 157 museums hold between them a minimum of 49,059 individuals; 44,340 (90%) of which are of UK provenance. However, many survey participants were able to provide only estimates for the MNI in their collections, whilst others were unable to confirm any holdings; therefore, it is certain that many hundreds or even thousands more individuals are held by museums.

Anomalous data provided by some survey participants in relation to holdings were particularly interesting. Only 29 (18%) museums stated that they were unaware of the full extent of their holding when asked directly, yet 71 (45%) could give only estimated figures when asked to identify the MNI in their collections. These conflicting responses may indicate that museums believe they know the provenance of their holdings, but not necessarily the MNI. Whatever the case, it is apparent from this lack of consistency in museum responses that some museums have not followed advice given in the *Guidance* relating to inventory improvements and accessibility (see Section 5.5). Section 7.3 will develop this statement further by discussing the potential reasons why museums have failed to act on *Guidance* recommendations.

Similarly, erroneous data received from the British Museum and The Manchester Museum, which are discussed in Sections 5.3.1 and 5.3.2 respectively, further supports the fact that many museums may still not understand fully their collections. Whilst some of the data provided publicly by the British Museum were either duplicated or missing, a physical audit of human remains was necessary for Manchester Museum to provide accurate data. It is expected that, in light of such occurrences and based on investigations

by Hanchant (2002) and Fforde (2005), archival and provenancing work will continue to uncover discrepancies resulting in the re-provenancing of some individuals and the uncovering of others. Similarly, O'Sullivan (2006) also noted during an interview with the researcher that poor provenancing of human remains held in the Science Museum (most of which were held on behalf of the Wellcome Trust) was an issue.

Whilst in small museums with few individuals, this may result in negligible numerical and provenancing revisions, it is possible that for museums with larger collections these revisions could be substantial. This could result in a much larger MNI being held by English museums. Physical audits undertaken by The Manchester Museum, which are discussed in Section 5.3.2, resulted in the MNI reported during White Survey I to be reduced by approximately 14%. Although this relates to an individual museum, it clearly demonstrates the potential for inventory adjustments if and when physical audits are undertaken.

An investigation of secondary sources (summarized in Table 5.22, Chapter 5) indicates that a further 76 (51% of the 149 non-respondents) museums hold between them 61,997 to 64,159 human remains (rather than individuals). Although this number is substantial, two museums, the Natural History Museum and the Royal College of Surgeons, hold 56,421 (88-91%) human remains, leaving only 5576-7738 (9-12%) held by other non-respondent museums. These non-respondents comprise 42 (5%) museums that did not reply to any requests for information and 107 (41%) museums that confirmed they hold human remains but declined the invitation to take part in White Survey I.

As discussed previously (Section 2.5), it is unclear whether secondary source data obtained from the *Scoping Survey* relate to the MNI or simply the number of individual skeletal elements, which could be much greater and thus distort the true MNI held by non-respondent museums. Whatever the case, White Survey I responses make it clear that there is still a great need for a physical evaluation of many museum human remains collections. Further research is required into museum collections in order to assess whether this issue is human remains specific, or whether it can be generalised to museum collections as a whole.

7.3 The impact and effectiveness of the Human Tissue Act 2004

Chapter 4 provided details of White Survey II, which was sent to museums that either responded positively during White Survey I to holding human remains under 100 years old, or whose details were stated on the HTAuth website as holding human remains under 100 years old (see Chapter 4, Section 4.5). In total, 23 museums were contacted and 12 of those completed a questionnaire relating to the impact of the *HTAct* on their museum. Questionnaire responses remain anonymous as only 11 of the 23 museums contacted then held a HTAuth PDL. The results of that survey show the passing of the *HTAct* has brought with it both positive and negative impacts. With this in mind, Section 7.4.1 will discuss these impacts in relation to Section 47 of the *HTAct*, which gave nine museums the power to de-accession human remains, whilst section 7.4.2 will discuss the impact of HTAuth Public Display Licensing.

7.3.1 Section 47 and the Power to De-accession

Chapter 4 (Section 4.5) demonstrated how the introduction of the *HTAct* influenced affected museums. Firstly, in terms of Section 47, which gave nine national museums the power to de-accession human remains from their collections, and secondly, in terms of the introduction of HTAuth PDL, which requires that museums hold a licence for the storage and display of human remains under 100 years old. The significance of both Section 47 and HTAuth Public Display Licensing is discussed in Chapter 4 so will not be repeated here. The aim of this section is to provide a brief analysis of findings in order to frame them within a discussion on the impact and effectiveness of relevant sections of the *HTAct*.

Despite the significance and potential long-term impact of Section 47, its short-term impact on museum collections, thus far, appears to be limited. Between the passing of the *HTAct* in 2004 and the completion of White Survey I in 2007, there were only 10 repatriation requests from four of the nine national Section 47 affected museums (some of which were in 2007 still pending): the British Museum; the Natural History Museum; National Museums Liverpool; and the Science Museum. Five of those requests related to

human remains of Australian/Tasmanian origin, three of Native American origin and one of Maori origin. It is interesting to note that the number of repatriation requests relating to each area is broadly similar as both the Australian and New Zealand government have a pro-active repatriation policy while the US government does not. National Museums Liverpool advised during White Survey I that it had agreed to repatriate all of its Australian/Tasmanian and Maori human remains.

Since the passing of Section 47, both the British Museum and the Natural History Museum have been subject to repatriation requests for return for Australian/ Tasmanian and Maori human remains (see Chapter 6). It seems less likely that the remaining two affected museums (the Museum of London and the V&A) will receive repatriation requests, as their holdings do not originate from any of the countries where claimant groups or government currently show an interest in claims for the return of human remains.

In the long term, it is possible that the impact of the *HTAct* will become more significant, at least in relation to human remains of specific origin or in museums with large collections of human remains from specific areas. Repatriation claims are relatively slow and detailed processes that are conducted on a case-by-case basis, so it is likely that they will continue for many years. It is also very possible that at some time in the future other countries will become more pro-active in making repatriation claims.

The US is one of those countries where increased claims are expected. Currently the tribes in the US have shown little interest in claiming human remains in UK museums; most likely because they are responding to the framework set out by NAGPRA. However, as they experience more success and gain experience in making claims, it seems logical they will seek repatriations outside the US, especially if they become aware of relevant museum holdings. Any country or groups within a country that has an Indigenous population, whether it is Argentina, African countries or Norway (the Sámi), to name but a few possibilities, might in the future choose to make a repatriation claim for their ancestors. In light of recommendations made in the *Guidance* in relation to repatriation, it can be expected that many such claims will be successful.

7.3.2 Human Tissue Authority Public Display licensing

Human Tissue Authority Public Display licensing brings with it three concerns; all of which were recognised by some of the museums that either possessed or should have been in possession of a licence. These are:

- lack of communication;
- confusion over licensable activities and material; and
- licence cost.

Three museums that did not hold a HTAuth PDL indicated that they had only become aware of the need to obtain a licence because of the survey sent to them by the researcher. This indicates that the HTAuth did not sufficiently publicise licensing requirements. However, in light of the small number of affected museums, it would seem that contacting all museums is an inefficient use of HTAuth resources, especially in light of the already expensive licence fee. This would be the only option for direct contact with museums, as currently no national database exists of museums that hold human remains.

As well as a lack of communication concerning licensing requirements, survey responses make it clear that there is a great deal of confusion over licensable activities and material; whether it is simply storage or display or both that require licensing and what happens if you cannot be sure whether something is older than 100 years. The response given by Museum J that “items apart from teeth in our dentists surgery are not on display” could indicate that because the items they hold are not on display they do not believe a licence is required. A perception that could have been brought about by the HTAuth description of this licensing activity as ‘Public Display’; only on closer inspection does it become clear that a licence is also required for the storage of human remains under 100 years old.

Museum B states that “none of our bits of bone and teeth come under the [h]uman [t]issue [a]ct, so far as I am aware – they are all ex-medical student stuff, of unknown origin...”. Despite this comment, the museum clearly states that it holds human remains under 100 years old; therefore, it should be in possession of a licence. Museum E also indicates that it might not have fully understood licensing guidelines as it states that “the remains we have are most probably over 100 years old, though we can't be sure, so I

don't think we will be seeking a licen[s]e". However, HTAuth PDL guidance clearly states that a licence should be obtained if there is uncertainty whether human remains are over 100 years old.

In December 2008, the HTAuth launched a three-month consultation regarding a new increased licence fee structure. Although consultation responses are not available, the tone of the HTAuth letter confirming 2009-10 fees makes it clear that there was widespread concern regarding fee increases. The letter, dated 27 March 2009, only three weeks after consultation closed, states that:

The Board of the HTAct met on 17 March [2009] at a public meeting in Manchester to consider the responses to the consultation. They recognised that any increase would not be welcome at this time. But they also acknowledged that, since first setting fee levels, the work relating to licensing has grown well beyond anything we could have anticipated.

(HTAuth 2009c)

The HTAuth did make financial concessions in two areas, only one of which (a 5% reduction of fees) could be relevant to Public Display licensing but only if human remains are being stored and/or displayed at a satellite site, which is irrelevant to the majority of museums as most museums have only on site. The HTAuth letter goes on to state that "the changes we have made reflect a real desire to listen to what stakeholders have said in response to the consultation" (HTAuth 2009c). However, this is clearly not the case in relation to the museum sector.

In terms of HTAuth PDL, White Survey II results (see Chapter 4) indicate that the fee is in fact the only negative impact of licensing. Ten out of twelve respondents (85%) said that they believed it reasonable for a museum to be in possession of a licence to store and display human remains under 100 years old, but that the licence should be without a fee. Only two (15%) survey respondents are currently subject to a fee of £3600, one of them stating that "[T]he current fee is equivalent to 37% of the operational budget allocated to our Zoology and Ethnology collections".

However, the situation is no less of a concern for museums subject to the reduced licence fee because they hold less than 20 items. One museum that took part in White Survey I and stated it held human remains under 100 years old but it did not take part in White Survey II as it already had been forced to cremate its licensable human remains because of the prohibitive fee; while Museum K said:

[W]e will find the £250 charge difficult to pay for here, particularly as we have so little human remains. We will need to investigate donating this material to other museums, potentially, if we cannot make provision of the housing of it here.

Comments made by survey respondents indicate that the imposition of a fee – one that for 2009-10 has increased fourfold from £250 to £1,000 for museums holding under 20 items – does not encourage curatorial responsibility and professional conduct. Indeed, rather than promoting curatorial responsibility, the imposition of a fee is forcing some museums into taking extreme action in order to avoid the need for licensing; whether this be disposing of human remains by cremation; donating them to other museums; or simply not declaring relevant human remains to the HTAuth.

7.4 The impact and effectiveness of the *Guidance*

The main purpose of this section is to discuss the impact and effectiveness of the *Guidance* and to understand whether it satisfactorily addresses ongoing concerns. For the purpose of comparison, Section 7.3.1 will discuss briefly the *Guidance* review prior to analysing White Survey I results. Section 7.3.2 will discuss human remains specific policy and/or guidance implementation, Section 7.3.3 will discuss non-UK repatriation requests and Section 7.3.4 will address concerns relating to UK human remains. Section 7.3.5 will conclude by addressing whether the *Guidance* is satisfactory.

7.4.1 The *Guidance* review

Prior to discussing White Survey I responses as to the impact and effectiveness of the *Guidance*, it is worth reiterating that in 2006, the DMCS undertook its own review of the

Guidance (see Section 4.6.5). However, only 17 museums were approached to take part in this review; just over 6% of the 264 English museums identified as holding human remains in White Survey I. From these 17 museums, only 10 responses were received, which equates to only 4% of the 264 English museums identified as holding human remains in White I Survey. Despite the *Guidance* being drafted for application in England, Wales and Northern Ireland, only museums located in England were contacted by the DCMS.

The majority of these museums hold a varied selection of human remains in terms of the MNI and provenance and on first inspection there appears to be no clear reason why the DCMS selected only these museums. In a personal communication, Mark Caldron of the DCMS advised that there was nothing on record as to the decision making process regarding which museums and interested parties were consulted but that the list was “fairly representative” (Caldron 2010b) because it included various types of museum/institution with collections of various sizes and provenance. Certainly most, but not all, museums hold human remains originating from Australia/Tasmania and New Zealand; the two geographical areas from which most repatriation requests currently originate. It may be that the focus of the *Guidance* review was national museums known to have large collections of human remains or those known to hold Indigenous human remains.

Particularly noteworthy is the fact that the Victoria and Albert Museum (V&A), which is *HTAct* Section 47 affected and known to hold human remains, is absent from the list of museums contacted by the DCMS. Although the V&A did not take part in White Survey I, previous correspondence with them did establish that they held around 20 worked items of human bone originating from Asia. The V&A also holds various objects made from human hair, although at the time of the DCMS review hair would have been excluded from the definition of human remains. It therefore seems reasonable to presume that the DCMS was interested only in un-worked human remains.

As well as the 17 museums contacted, the DCMS asked for comments from the Australian High Commission; Cambridgeshire County Council; the Department of Constitutional

Affairs; Honouring the Ancient Dead (HAD); the Advisory Panel on the Archaeology of Christian Burials in England (APACBE) and the New Zealand High Commission. Of those, only the Australian High Commission and HAD responded in relation to their own area of interest: Australian/Tasmanian human remains and UK human remains respectively.

That the DCMS undertook such a narrow consultation is surprising in light of the fact that they conducted an open consultation prior to the production of the *Guidance*. The *Care of Historic Human Remains: A Consultation on the Report of the Working Group on Human Remains* document was sent to what the DCMS term “a number of key stakeholders”, which does include some of the museums and other interested parties listed in Table 4.2 (see Chapter 4). Amongst those also consulted were the Museums Association; the National Museum Directors Conference; the Museums, Libraries and Archives Council (MLA); and the World Archaeological Congress (WAC). In total, 16 museums and other institutions are listed as being sent a copy of the consultation report, although the document indicates that there was further dissemination (DCMS 2004: 43). The consultation document was also available to anyone who requested it in hard copy or in downloadable format from the DCMS website.

Whilst it could be argued that the *Guidance* review specifically applied to museums rather than more widely, it cannot be denied that the 17 museums contacted were not in a position to speak for the other 247 museums who disclosed during Phase II of this research that they held human remains. Thus, because the DCMS contacted so few museums and other interest groups their review does not provide a broad overview of museums of different sizes or with diverse collections of human remains.

This may indicate that the main impetus behind the DCMS review was a review of the usefulness of the *Guidance* concerning repatriation application, rather than a review of the *Guidance* as a whole. For this reason, the DCMS review should be viewed as inadequate in assessing how the *Guidance* had been received, which was in fact the primary purpose of the review. Clearly, White Survey I results demonstrate that such narrow consultation is ineffective. According to Fishkin (2009: 22-28), there are four basic forms of consultation:

- self-selected consultation where those with an interest in the topic take part;
- non-random consultation which is used in an attempt to give a representative viewpoint;
- random consultation which is characterised by the public opinion poll; and
- open consultation which is open to everyone.

Therefore, based on Fishkin's model, the *Care of Historic Human Remains* consultation falls into a combination of self-selected and random consultation; those with a particular interest in the consultation being likely to respond as well as the 16 named museums and other organisations sent a copy of the consultation by the DCMS. The *Guidance* review falls only into the non-random consultation; employing "such small numbers that any claims to representativeness cannot be credibly established" (Fishkin 2009: 24).

Conversely, White I Survey falls into the latter of Fishkin's four consultation categories, because it attempts to solicit opinion from all museums in England that hold human remains, whilst recent surveys by The Manchester Museum and the National Trust (NT)/English Heritage (EH) use a minimum of self-selected consultation, so that anyone with an interest might respond. Undertaking such consultations means that the full spectrum of opinion is gathered from all interested parties before the consultant organisation makes an informed judgement or decision, thus avoiding the potential for taking actions based upon unrepresentative viewpoints. The issue of consultation application within the museum sector and its merits will be further discussed in Section 7.3.4. In order to further investigate the impact and effectiveness of the *Guidance*, the next section aims to provide a discussion regarding the implementation of policy and guidance recommendations suggested in the *Guidance*.

7.4.2 Policy and Guidance

Sections 6.2 and 6.3 presented the results of policy and guidance questions. Acquisition and de-accessing are most cited, both in terms of the greatest number of museums with policy (rather than guidance) in place and in terms of overall policy and guidance. Repatriation is the next most implemented form of policy and/or guidance. No link can be

substantiated between those museums with policy and/or guidance on repatriation and actual repatriation requests, as many more museums have policy and/or guidance in place than those that have received repatriation requests. It is extremely interesting to note that 23 (41%) out of the 56 museums which have repatriation policy hold only human remains of UK provenance, which means that the implementation of policy and/or guidance is not only linked to the holding of non-UK human remains. However, it is unclear whether this stems from museums simply updating policy and/or guidance as per *Guidance* recommendations or whether recent questions over the retention of UK human remains have prompted the implementation of such policy.

It should be noted at this stage that there is an assumption that because museums have policy and/or guidance in place that it is actually being implemented, although further research is required to substantiate that this is indeed the case. Less than a third of museums have implemented human remains specific policy and/or guidance for access; conservation; display; education; loans; or research. Whilst it is reasonable to assume that not all museums will require policy or guidance for every area set out in the *Guidance*, White Survey I findings indicate that the majority of museums still need to implement human remains specific policy or guidance. This statement is supported by the fact that 39 (25%) museums stated they would be changing their policy and/or guidance and a further 65 (41%) museums had not yet decided whether they would implement changes. Thus, in 2007, two years after publication of the *Guidance*, 104 (66%) surveyed museums had not finalised their human remains specific policy.

The number of museums without any human remains specific policy and/or guidance also is significantly lower than would be expected if the *Guidance* had been implemented. The *Guidance* states that museums and other institutions holding permanently human remains should both “review/prepare museum policies and procedures, and make them accessible” and “make appropriate catalogue/inventory information accessible” (DCMS 2005a: 34).

Yet 55 (35%) out of 157 White Survey I museums have neither policy nor guidance in place relating specifically to the human remains in their collections. This is not to say that

these museums have no general policy and/or guidance covering all items in their collections. Indeed, it is expected that museums will have some general policy and/or guidance in place that extends to cover human remains. However, the purpose of White Survey I was to establish whether separate policy and/or guidance existed, as per *Guidance* recommendations.

Six (11%) White Survey I museums indicated that they had not seen the *Guidance*, whilst one (2%) commented there was no curator in post and another that they had not had the chance to go over the fine detail. Eight (15%) of the 55 museums do not intend to put any policy and/or guidance into place, including one museum (2%) that has not seen the *Guidance*. Independently, the museums that do not intend to put any policy and/or guidance into place hold between one and thirteen individuals. This may indicate that the decision not to implement human remains specific policy and/or guidance is based upon limited holdings or simply the fact that as the majority of them are small museums that they do not have the available resources.

Conversely, 23 museums have policy and/or guidance covering all areas recommended in the *Guidance*. Nine (40%) of those have only formalised policy in place, whilst six (26%) have only guidance in place and seven (30%) utilise a combination of both policy and guidance. Cotswold Museum Service is the only museum to have both policy and guidance in place for the full array of areas. Four (17%) museums that have the full array of guidance in place, stated that they would be making changes; three of them already having either guidance or a combination of policy and guidance in place and one already having policy in place in all areas. Thirteen (57%) of museums who have policy and/or guidance in place for all areas were able to provide the exact MNI, although this appears to have no correlation with the actual number of human remains in individual museum collections as holdings range anywhere from a few individuals to thousands of individuals per museum.

Thus, from a broader perspective it appears that the *Guidance* has not been particularly well implemented by museums. It is possible that museums will only have implemented sections of the *Guidance* thought to be relevant to them, in which case it could be argued

that it is useful when required, but that when it is not required it has had little or no impact upon museums and their collections. It may also be that museums simply do not have the resources available to prepare such policy and guidance; whether it be financial, time or expertise. Even the cataloguing of collections, the first task the *Guidance* asks museums to undertake, may be prohibitively expensive.

An example of this expense comes from the Natural History Museum. A representative on the Working Group on Human Remains (WGHR) reported to members of the group that it cost the Natural History Museum £60,000 for a full-time researcher to catalogue around 450 Australian/Tasmanian individuals (DCMS 2001b). Whilst this collection is somewhat larger than those of other museums (see Chapter 5), it can be expected that cataloguing would bring with it resource implications for the majority of museums; resources that museums can ill afford in the current climate (Heal 2009, Steel 2009), especially on an issue that is not mandatory and therefore not a priority. That many museums are still not aware of their exact holdings is hardly surprising in light of such resource implications.

7.4.3 Repatriation – non-UK human remains

Thus far, *Guidance* recommendations relating to repatriation have not been widely implemented by White Survey I museums; despite the main impetus behind the actions of the DCMS being to produce a document aimed at assisting HTAct Section 47 affected and other museums through the repatriation process. Only 56 (36%) of the 157 White Survey I museums have either policy or guidance in place relating to repatriation. Twenty museums (13%) actually have received between them 41 repatriation requests. Five of these museums have no policy or guidance in place relating to repatriation, although two confirm they follow *Guidance* recommendations and a third noted that it follows the *Guidance* and the policy of the British Museum. Fifteen (37%) of the 41 repatriation claims were pending at the time of White Survey I, one of which was unsuccessful and the remaining 25 were successful.

White Survey I results demonstrate that repatriation requests originate from four of the geographical areas that have been used throughout this research: Australia/Tasmania;

North America; New Zealand; and the UK. A fifth geographical area (Asia) was cited by Manchester Museum as being the origin of a pending repatriation request but in a personal communication, Chapman (2010) advised that a pro-active approach relating to the return of Japanese human remains has not received a response.

Although White Survey I responses indicate that the *Guidance* has facilitated dealing with repatriation claims for non-UK human remains, recent events at the British Museum and the Natural History Museum elucidate as to the different ways individual museums have chosen to interpret and implement the *Guidance* through their human remains policy. Table 6.1 (Chapter 6), demonstrated at the most basic level that museums have adapted the *Guidance* to their own needs by choosing to either include or exclude policy and/or guidance for specific treatments that are recommended by the *Guidance* (DMCS 2005a: 16). A more detailed investigation of museum responses demonstrates that museums have chosen to adopt diverse criteria within their individual human remains policies. One of the potentially more contentious criteria (Besterman 2008) was adopted by the British Museum, whose policy states that:

...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.

Because the British Museum believes it is unclear whether Maori shrunken heads (*Toi Moko*) in their collection were intended for mortuary disposal, or whether they were trophies or even produced solely for the purpose of sale (Burnett 2008), a request for their return was refused. The basis of this refusal was that such a repatriation would have been in breach of the British Museum policy on modified human remains. This continues to be a controversial decision, especially as other museums/institutions have repatriated *Toi Moko* in recent years (Herewini 2008).

As far as the researcher is aware, the British Museum stands alone in refusing to repatriate *Toi Moko*, setting itself apart from the many other museums who have responded to repatriation requests favourably. The British Museum potentially has set a

controversial precedent in refusing a repatriation request. Many smaller museums that do not have the experience of handling such requests may look to the actions and the policy of the British Museum in order to make their own decisions. Thus, potentially causing further tension between the New Zealand government, Maori groups and UK museums.

Conversely, the policy of the Manchester Museum does include modified human remains within its definition of human remains (Manchester Museum n.d.). The museum has also taken the unusual step of using widespread consultation where there is no genealogical descent or continuing cultural affiliation in all matters relating to acquisition, retention, display and reburial (Manchester Museum n.d.). To this end late in 2009, the museum launched a public consultation to help decide the fate of the 370 British and European unprovenanced human remains held within its collection (Manchester Museum 2009). As with the EH/NT consultation relating to the CoBDO request for reburial of human remains the consultation is open to comments from any interested party (Manchester Museum 2009). As of November 2010, the results of this consultation have not been published.

Arguably, potentially the most contentious repatriation issue to date for English museums arose at the Natural History Museum during 2006/2007, and related to a claim from the Australian government and the Tasmanian Aboriginal Centre (TAC) for the repatriation of 17 Tasmanian individuals (NHM 2006). In November 2006, the Natural History Museum announced that it had decided to transfer the remains of these individuals to TAC. The transfer was to follow a period of data collection, with the museum stating that “we believe the decision to return the Tasmanian remains, following a short period of data collection, is a commonsense one that balances the requirements of all those with an interest in the remains” (NHM 2006).

However, the decision to undertake scientific analysis led the TAC to initiate legal proceedings against the museum (NHM 2007a). Although the intention of the museum originally had been to conduct a combination of destructive and non-destructive analysis, it did agree to limit research to only non-destructive analysis prior to a scheduled court hearing on 22 February 2007 (NHM 2007b), but this was still unacceptable to TAC and the group continued with legal proceedings. It was not until May 2007 that the issue was finally resolved following three days of mediation between the Natural History Museum

and the TAC (NHM 2007c). The remains of the 17 individuals were handed over to TAC delegates shortly afterwards.

The situation that arose between the Natural History Museum and the TAC is important for two reasons. Firstly, although the actions of the Natural History Museum illustrate that it was simply attempting to balance the interests of the two parties concerned, it makes clear that the scientific analysis of human remains is wholly unacceptable to some Indigenous groups. Secondly, this situation illustrates how far those Indigenous groups are willing to go in order to protect the remains of their ancestors. This is the first known case in the UK where there has been a threat of court action, but as long as individual museums are responsible for constructing their own human remains policy and making their own decisions as to how they deal with repatriation requests, it may not be the last. For reason, it may be that a centralised policy would be better suited. It would mean that uniform definitions of human remains would be used, uniform procedures put in place and consistent decisions made.

However, as the *Guidance* simply offers what the DCMS views as best practice advice, museums are free to interpret this advice and implement human remains policy as they see fit. Thus, without a standardized definition of human remains and a regulated process for repatriation requests, such as with NAGPRA in the US, it is likely that variations and conflict will continue. Of course, that is not to say a regulated process would not be without its problems, as recent events with NAGPRA and the changing definition of potential claimant communities in relation to culturally unidentifiable human remains exemplifies (NAGPRA 42 CFR 10).

In terms of the satisfaction of other interest groups, the numerous successful repatriation claims that have occurred since its publication in 2005, suggest that the *Guidance* has been helpful from the point of view of the majority of claimants. Currently, the only known refusal to repatriate human remains relates to Maori shrunken heads held by the British Museum. However, documentation provided to the DCMS in relation to Aboriginal/Tasmanian human remains clearly illustrates that the recommendations provided in the *Guidance* did not meet the expectations of the Australian government or

Australian/Tasmanian Indigenous representatives (e.g. DCMS 2007; Tasmanian Aboriginal Centre 2001).

Firstly, in relation to repatriation, the Australian government requested that Aboriginal/Tasmanian human remains be recognised as a contested group of human remains, rather than contestation arising on a case-by-case basis (DCMS 2005c); the approach currently adopted by the Australian government. Secondly, the Australian government asked for retrospective consent for the continued holding of Australian/Tasmanian human remains (DCMS 2005c). These points were again presented to the DCMS during their 2006 *Guidance* review and to the Natural History Museum in 2007 when the Tasmanian Aboriginal Centre (TAC) unsuccessfully requested that the museum repatriate all of its Aboriginal human remains.

Although it is not surprising that any national government would request a similar level of treatment to that afforded to Indigenous human remains domestically, currently the *Guidance* makes clear the intention only to repatriate human remains of clear genealogical, cultural, or ethnic continuity. Therefore, it states older human remains will not be repatriated because no such links can be established. In fact, the passing of Section 47 the *HTAct* only allowed for the de-accessioning of human remains less than 1000 years, which means that affected museums are still legally forbidden to de-accession human remains older than 1000 years old.

7.4.4 Repatriation – UK human remains

As Section 7.3.1 demonstrated, 23 (41%) of the 56 museums that have repatriation policy and/or guidance in place hold only UK human remains. At the time of White Survey I, there already had been eight repatriation requests relating to human remains of UK provenance, two of which were unsuccessful (see Chapter 6, Table 6.6).

Although the exact dates of these requests are unknown, the *Scoping Survey*, to which all those known museums receiving repatriation requests for UK human remains responded,

indicated that only two respondents had received requests from the UK Jewish community relating to medieval Jewish remains. It can therefore be assumed that six of the repatriation requests disclosed during White Survey I took place after the *Scoping Survey*, which was published in February 2003.

Specific advice relating to the treatment of UK human remains is absent from the *Guidance*, although the document does state in relation to repatriation that “in principle [the *Guidance*] should be viewed as an overarching set of guidelines for claims regardless of their origin” (DCMS 2005a: 23). Thus, it is reasonable to assume that in 2005, when the *Guidance* was produced, UK human remains were not overtly contentious enough to warrant separate guidance or the Drafting Group felt the *Guidance* was sufficient to be applied to all claims.

However, investigations of unpublished sources revealed that this is not the case. For example, the terms of reference given to the *Guidance* drafting group state that they should “consider claims for the return of remains of UK origin” (DCMS 2005b). Similarly, the minutes of the first *Guidance* drafting group meeting clearly state that the “Code of Practice should deal with the question of claims for restitution of remains of UK origin” (DCMS 2005e). Unfortunately, the minutes of the *Guidance* drafting group contain little reference to any such discussions and no mention is recorded elsewhere, either by the Drafting Group or by the DCMS, in relation to this issue.

These unpublished minutes contain only two references to claims for the return of UK human remains. Firstly, comments made by the Chairman note that the group were “perhaps giving the Druids more attention than they warranted”; although no record of any such conversations are contained within the minutes. Therefore, it is presumed that these discussions were not recorded. Secondly, the minutes noted that Honouring the Ancient Dead (HAD) should be added to the list of those consulted as the Chairman had been approached by its founder (DCMS 2005f). Evidence has not been forthcoming to establish whether the intention of the *Guidance* Drafting Group was to generalise the *Guidance* so that it could apply to *all* human remains or whether the threat to UK human remains was deemed minimal and therefore did not warrant specific attention.

The Human Remains Advisory Service (HRAS) also was unable to assist when approached by Cambridgeshire Archaeology for advice relating to UK human remains. The DCMS established the HRAS in order to complement the *Guidance* if museums or other institutions holding human remains required further advice. However, after its failure to offer unanimous advice to Cambridgeshire Archaeology the group was disbanded (Bienkowski 2007, see Section 4.4). No alternative advisory body has since been, or will be, provided by the DCMS.

Chapter 4 demonstrated that the Advisory Panel on the Archaeology of Christian Burials in England (APACBE), which was set up in conjunction with the publication of the *Guidance for Best Practice for treatment of human remains excavated from Christian burial grounds in England*, has had greater success. APACBE successfully has offered advice relating to both Christian human remains and human remains of unclear religious affiliation. Thus, as the proposal to expand APACBE to the Advisory Panel on the Archaeology of Burials in England (APABE) has been successful, the group will extend its remit to consider *all* human remains and extend its committee membership as appropriate (English Heritage n.d.).

Whatever the intention, it seems clear that neither the *Guidance* nor HRAS alone have been adequate in dealing with the issues currently arising in relation to UK human remains. Yet, responses from both the *Guidance* review and White Survey I clearly indicate guidance that is more specific is required. Although it is four years since the *Guidance* Review took place, such guidance has not been forthcoming. A recent APACBE (2008) meeting noted that the “DCMS feel that their 2005 guideline is inadequate for dealing with UK remains and they plan to review the document by reconvening the working group that produced it”. However, when contacted in January 2010, the DCMS confirmed they were not planning to make any further *Guidance* amendments and that APABE is likely to take the lead on producing UK human remains specific guidance (Caldon 2010a); which again suggests that non-UK repatriation is the main concern of the DCMS.

The need for more detailed *Guidance* relating to UK human remains is exemplified by recent events revolving around the growing Pagan interest in UK human remains. EH and the NT undertook an open consultation following the 2008 request for the reburial of human remains from the Alexander Keiller Museum (which is managed by the NT on behalf of EH) by the Council of British Druid Orders (CoBDO) (Thackray and Payne 2009). In its claim, CoBDO cites three reasons why it believes reburial should take place. Firstly, that the storage and display of human remains is disrespectful and immoral. Secondly, that “the human remains contain and connect to the spirit of ancestor that, through decay, become part of the landscape”, and finally that a “genetic link exists” between past and present Pagan communities (CoBDO 2008).

CoBDO chooses to draw upon many of the arguments used by Indigenous groups (CoBDO 2008) although they failed to take into account *Guidance* recommendations in relation to antiquity (DCMS 2005a: 28). The *Guidance* states that claims for human remains over 500 years old are unlikely to be considered “except where a very close and continuous geographical, spiritual and cultural link can be demonstrated” (DCMS 2005a: 27). Yet the age of the human remains at the centre of the CoBDO claim range from 4000-4500 years old to 5000-5,700 years old (Thackray and Payne 2008: 6) and no such links can be substantiated (Thackray and Payne 2010); thus CoBDO have “no more claim on British prehistoric remains than anyone else” (Smith and Mays 2007: 18).

CoBDO also state that “reburial corrects the injustices unknowingly carried out by archaeologists and museums in the past” (CoBDO 2008: 1). This again draws on the language and reasons cited by Indigenous groups seeking the return of their ancestors. This suggests a further link between the CoBDO arguments for reburial and those of Indigenous groups in other parts of the world; that human remains have been excavated without consent and without any thought of the wishes and beliefs of the dead. However, the clear cultural or genealogical links that groups in other parts of the world can establish with individuals cannot be established between Pagan groups as modern day Paganism are “essentially recent constructs” (Payne 2010).

Thus, the arguments used by CoBDO are understood and accepted in relation to Indigenous human remains (see Chapter 3), but the same cannot be said in relation to UK human remains. As Chapter 4 has demonstrated, many people in the UK show little concern regarding the excavation, retention and display of human remains (Cox 1996). Neither can it be denied that the Druid community places a strong link between people and the land (Blain and Wallis 2007, Restall-Orr 2006). The third argument used by CoBDO - that of a genetic link - applies to many of the people living in Western Europe today and not just the Druid population. In other words, CoBDO has no stronger a claim on the Avebury human remains than the majority of the Western European population.

Possibly surprisingly in light of those comments made above and for reasons unknown, despite COBDO's unsubstantiated links with the human remains, only three options were given to EH/NT consultation respondents regarding the fate of the remains. These were:

- burial that would allow future access;
- burial that would not allow future access; or
- retention by the museum in a way that respects CoBDO's beliefs.

(English Heritage 2007)

It seems somewhat unexpected that the consultation did not present a further option at this stage; that of the museum continuing to store and display the human remains in question without change. The lack of general support for CoBDO's request appears to indicate that they hold a minority viewpoint; even amongst the Pagan community (HAD 2009, Pagans for Archaeology 2010).

The Pagan Federation has estimated the current Pagan community in Britain at around 200,000, which comprises individuals who identify themselves with various traditions such as Wicca, Druid or Heathen; all of which focus in some way with engagement with the environment and nature (Blain and Wallis 2007: 7). However, not all traditions or even individuals within those traditions have the same beliefs. Although the arguments used by CoBDO intimate that they are interested in the wholesale reburial of human remains, the same cannot be said of other Pagan groups, let alone those non Pagans who have not at this stage voiced an opinion. One Pagan group who have made it clear that

they are opposed to reburial, including reburial of the Alexander Keiller individuals is Pagans for Archaeology (2008). They state:

[w]e are opposed to the reburial of ancient human remains, and want them to be preserved so that the memory of the ancestors can be perpetuated and rescued from oblivion, and the remains can be studied scientifically for the benefit of everyone.

Pagans for Archaeology also believe that treating human remains respectfully does not automatically mean that they should be reburied, and that “respect should mean memory, which involves recovering the stories of past people” (Pagans for Archaeology 2008). A third Pagan group, HAD, simply asks that it be involved in any consultation processes undertaken in relation to human remains (HAD 2009: About HAD). Even CoBDO members did not stand unified during the period of consultation and consideration. CoBDO actually split into two organisation with the second group disassociating itself from the evidence originally presented by CoBDO (Thackray and Payne 2010).

In April 2010, EH and the NT finally reached the conclusion that the CoBDO request for reburial be refused. The basis of the refusal being that there was a lack of conclusive evidence to suggest any kind of continuity between the human remains in question and CoBDO (Thackray and Payne 2010); thus, the importance of the remains and general support for their retention (BDRC 2009; Thackray and Payne 2009) outweighed the viewpoint of CoBDO. In fact, 505 (89%) individuals and 59 (81%) groups who responded to the consultation supported retention by the museum (Thackray and Payne 2010: 5), which was the third and least controversial option cited in the original consultation document. However, only 317 (56%) individuals and 37 (50%) groups which responded to the consultation thought the *Guidance* process to be appropriate in this instance (Thackray and Payne 2010: 6).

Most interestingly, in light of the various comments made during White Survey I regarding the inability of *Guidance* recommendations for dealing with UK human remains, is that *Guidance* principles were applied by EH/NT. Unlike some of the countries discussed in Chapter 3, the UK does not have an easily defined Indigenous community and the

Guidance does not clarify which groups have the standing to make a claim. This lack of clear guidance suggests that potentially anyone can come forward as a claimant. In this instance, it seems that a much more prudent approach would be to define the groups to be considered as claimants.

For example, in the US, there are communities that may choose to claim Native American remains, but NAGPRA clearly restricted claimants. Until recently, claimants were restricted to federally recognised tribes and lineal descendants but in 2010, NAGPRA was amended to allow culturally unidentifiable individuals to be repatriated to tribes and Native Hawaiian Organisation from whose land the remains were exhumed (NAGPRA 43 CFR 10).

As the *Guidance* stands, however, as a guidance document rather than a piece of legislation, any such definitions would not be enforceable. The fact that the UK government introduced discretionary guidance rather than the mandatory legislative approach recommended by the WGHR, makes it clear that legislation was not considered an option at the time.

How then does one deal with claimants? It seems that in the current climate it is becoming less acceptable for museums to stand alone in making decisions regarding the treatment of the human remains in their collections, so is consultation the answer? Jenkins (2008, 2010) questions why UK professionals have agreed to the repatriation of human remains when there are so few repatriation requests and 'opposition to repatriation by some [unnamed] senior members' (Jenkins 2008: 106). She believes that the current UK situation has developed due to a combination of two factors; a growing interest in righting the wrongs of the past and because of a crisis of cultural authority within the museums sector that has lead to the inclusion of non-museum voices (Jenkins 2008, 2011). In her own words, "the politics of regret and the politics of recognition with a therapeutic ethos [the need to support the emotional needs of citizens] have influenced decisions to transfer human remains" (Jenkins 2008: 111).

However, it should be remembered that museums do not own human remains; they are simply custodians of human remains. As Cox (2009: 37) states, “the study of human remains is a privilege and not a right”, thus it seems reasonable to include multiple voices in decision-making processes. The inclusion of multiple voices is certainly becoming more commonplace. In the recently concluded consultation following the CoBDO request for the reburial of human remains from the Alexander Keiller Museum consultation and survey was undertaken and 388 consultation respondents (68%) thought that the use of consultation was appropriate (Thackray and Payne 2009: 8).

The Manchester Museum has been using consultation for some time now with regards to the human remains in its collections. However, this approach received a great deal of criticism from some in the museum community regarding its human remains policy, its relationship with HAD and its willingness to involve any interested parties in the consultation process (Bienkowski and Chapman 2009). Yet the DCMS (2007), EH/NT (BDRC 2009, Thackray and Payne 2009) and APACBE (English Heritage n.d.) have all employed consultation relating to the treatment of human remains in recent years.

In the spirit of consultation, Bienkowski asserts that the genealogical model set out in the *Guidance* is inadequate for dealing with UK human remains (2009: 99); a view expressed by a number of White Survey II museums. He goes on to explain that:

[Manchester Museum] offer a ‘relational model’ which regards human remains, found or stored in a particular area, as the collective responsibility of all that area’s modern residents. No one group or individual – including archaeologists and museums – has any special claim to possession, and decisions about excavation, retention, analysis, display and reburial should be made through consultation. All interest groups should be involved in the process...

Whether or not a relational model is the right approach for dealing with all human remains in museum collections, it seems that such an approach currently places Manchester Museum in a better position than those White Survey II museums that believed the *Guidance* to be inadequate in dealing with UK human remains. A consultative approach has certainly been successful in other areas relating to human

remains (Bienkowski and Chapman 2009, DCMS 2007; Thackray and Payne 2009), so there is no reason why it should not be used successfully by museums. In lieu of more effective guidance, it is likely that by inviting and involving interested parties in decision-making processes, even before claims occur, museums will avert potential confrontation as consultation can represent “the considered judgements of the people” (Fishkin 2009: 28).

It is likely to be some time before the issues currently surrounding the retention of human remains by museums are resolved. It appears that it is in the hands of APABE to decide whether it is possible to deal with both UK and overseas human remains by using the same model. What is clear is that as it stands, the *Guidance* is undoubtedly insufficient for dealing with issues relating to the treatment of UK human remains and that confrontation will continue to occur until clearly defined parameters are introduced.

7.4.5 Is the *Guidance* satisfactory? A museum perspective

Section 6.11 demonstrated that 123 (78%) of the 157 White Survey I museums indicated they do believe the *Guidance* is satisfactory, with 113 (92%) of those choosing not to make further comment. Negative comments are isolated and relate to securing extra resources to implement recommendations, over complicated recommendations or, conversely, a lack of more specific guidance in relation to UK human remains. However, 30 (19%) museums chose not to respond regarding the satisfactory nature of the *Guidance* therefore their opinion remains unclear; included in these were nine (30%) museums that had neither seen nor read the *Guidance*, which in itself should be viewed as unsatisfactory.

One particular area of concern noted by respondents is the use of conflicting definitions of human remains in the *HTAct* and *Guidance* documents. One comment made by respondents to the *Guidance* review (DCMS 2006) and confirmed in White Survey I was that there was some confusion over the definition of human remains. The original definition of human remains outlined in the 2004 DCMS *Care of Historic Human Remains* consultation document included hair and nails. However, when the *Guidance* was

published, hair and nails were excluded from the definition. The glossary and interpretations section of the *Guidance* erroneously states that “[I]n line with the HTAct, the definition does not include hair and nails” (DCMS 2005a: 9). This suggests that the *Guidance* was attempting to standardise the definition of human remains; a reasonable assumption considering the aim of the *Guidance* was to assist *HTAct* affected and other museums through the process of repatriation requests.

The DCMS has since revised its definition to fall in line with that of the *HTAct*. However, the *Guidance* wording has not been altered (the original document is available to download from the DCMS website). As Figure 7.1 illustrates, the DCMS has simply placed a notice stating the change in definition on the *Guidance* homepage linking to the document (Caldon 2009). Thus, further investigation is required in order to establish the extent to which museums are aware of this amendment. However, it seems possible that many museums will remain unaware as it seems highly unlikely that they will purposely visit the website.

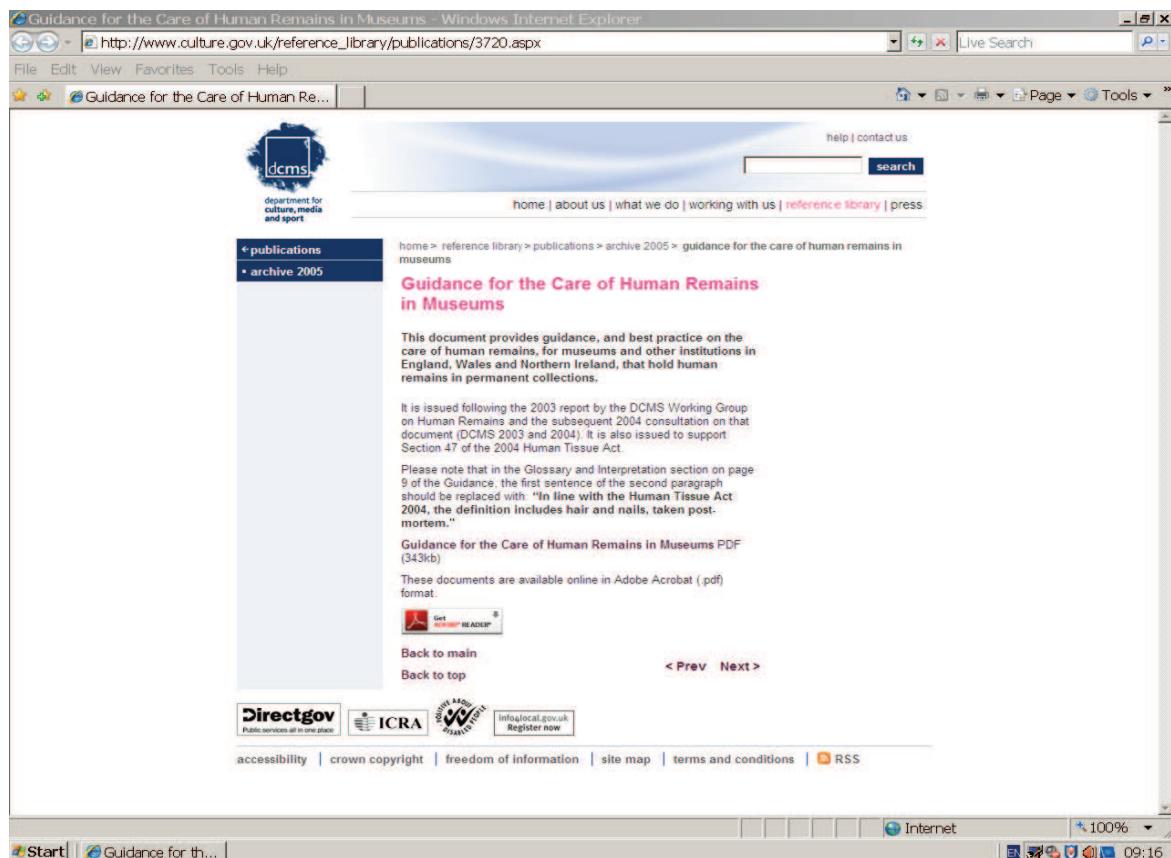


Figure 7.1: Screenshot of the DCMS notice regarding the change in definition of human remains.

This change in definition of human remains does bring with it consequences. Firstly, it is likely that any inventory of human remains undertaken shortly after the *Guidance* was published would not include hair and nails. Indeed, White Survey I was undertaken at a time when the definition did not include hair and nails so any counts given are likely to be incorrect in terms of the new definition, thus the actual number of human remains in museums will be greater than White Survey I and other published sources suggest. Secondly, it is possible that museums are not aware that the *Guidance* definition had changed. It seems unlikely that any of these museums have the resources to revisit their inventories. It is also possible that repatriation requests including hair and nails will inadvertently be rejected, although no such cases have yet become known. However, as Table 5.2 (Chapter 5) demonstrated, if Manchester Museum is used as an example, only approximately 4% of their total collection consists of hair and/or nails. Whilst this is a relatively small proportion, if this percentage is generalised to all other museum holdings (see Section 5.8), it could add another 4500 individuals to the MNI in English museums.

7.5 Conclusion

This chapter and indeed this research has demonstrated that despite many years of argument and debate, attempts to diffuse the emotive subject of the treatment of human remains have not been successful in placating the concerns of all those with an interest in the fate of human remains. Sayer (2010: 132) succinctly encapsulates this situation by stating:

The problem, it seems, is that there is not one single attitude from the public, or one single opinion about how human remains should be treated, that can be understood and adopted by all in a code of conduct.

Although it is implausible that there will ever be widespread agreement over issues relating to human remains, recent events in relation to UK human remains seem to indicate that at least for now the uncertainty and controversy surrounding human remains has again subsided. The consultation undertaken by the EH/NT in relation to the CoBDO claim was extremely thorough and is supported by survey responses; all of which

indicate that the majority of interested parties will agree with the decision not to rebury human remains in the care of the Alexander Keiller Museum.

However, the fact remains that White Survey I responses indicate that the majority of museums have done little to update their policy and/or guidance on human remains let alone assess their holdings and make those details publicly accessible, as the *Guidance* recommends. Thus, the *Guidance* has been ineffective in persuading the wider museum community into action.

CHAPTER 8: CONCLUSIONS AND RECOMMENDATIONS

8.1 Introduction

The preceding chapter offered a detailed discussion of research findings relating to the impact and effectiveness of the *HTAct* (Aim 2) and the *Guidance* (Aim 3) on the treatment of human remains in English museums. In order to conclude this research, the goal of this final chapter is to frame these main findings within the original research question, including the aims and objectives (see Chapter 1, Section 3.1) and to provide recommendations in terms of future research and the future treatment of human remains.

With this in mind, Section 8.2 will provide a reminder of the research aims and brief overview of research findings in relation to those aims. Section 8.3 will briefly contextualise the *HTAct* and the *Guidance* by summarising the impact and effectiveness of the *HTAct* upon museums in England and their collections (Section 8.3.1) and the impact and effectiveness of the *Guidance* upon the treatment of human remains in museums (Section 8.3.2). Section 8.3.3 will discuss whether the *HTAct* and *Guidance* have addressed ongoing concerns relating to the treatment of human remains in English museums. Section 8.4 will go on to make recommendations in relation to future research and Section 8.5 will make recommendations in relation to the future treatment of human remains. Finally, Section 8.6 will conclude by discussing the importance of this research.

8.2 Overview of research aims and general research findings

This section will reaffirm the research aims and emphasize in broad terms the main research findings. With this in mind, Table 8.1 details the four aims of this research mapped against broad research findings. These aims are set out in detail in Section 1.5 (Chapter 1), along with each of their objectives.

Table 8.1: The four aims of research into the impact and effectiveness of the *Human Tissue Act (HTAct)* and the *Guidance for the Care of Human Remains in Museums (Guidance)* mapped against broad research findings.

Aim	Aim Description	Broad research findings
Aim 1	Put the passing of recent legislation and guidance into context.	Various approaches, specifically in relation to Indigenous human remains, have been adopted throughout the world, although none of them appear to be without problems. One hundred and fifty seven museums in England hold between them around 50,000 individuals, only 8% of which are of non-UK origin. Secondary sources suggest a further 62-64,000 human remains (not necessarily individuals) are held by non-survey museums.
Aim 2	Investigate the impact and effectiveness of the <i>HTAct</i> upon museums in England.	Section 47 of the <i>HTAct</i> has had minimum impact on museums and their collections, whilst there has been an unnecessary negative effect due to <i>HTAuth PDL</i> fees.
Aim 3	Explore the impact and effectiveness of the <i>Guidance</i> upon the treatment of human remains in museums.	Recommendations made in the <i>Guidance</i> have not been widely implemented across the museum sector.
Aim 4	Assess whether the <i>HTAct</i> and the <i>Guidance</i> address ongoing concerns relating to the treatment of human remains in museums.	The <i>Guidance</i> and <i>HTAct</i> have not yet satisfactorily addressed ongoing concerns.

8.3 Contextualising the *Guidance* and the *Human Tissue Act (Aim 1)*

Section 8.3 will look at each of these aims and discuss in detail how they have been met. In order to place the *Guidance* and the *HTAct* into context, Chapter 3 investigated the progression of growing concern for Indigenous human remains from an international perspective. It demonstrated that various approaches have been adopted; from the passing of legislation to the implementation of state or even simply museum policy and that none of these approaches are without problems. Whilst the situation in New Zealand appears to be proceeding relatively amicably, there are still clearly unresolved issues relating to control in both Australia and the US.

To further contextualise and understand the impact and effect of the *Guidance* and the *HTAct* it was also necessary to understand the number and origin of human remains in English museum collections. With this in mind, 806 museums in England were surveyed in order to establish whether they held human remains. Chapter 5 (Figure 5.1) illustrated

that of these, 500 museums (62%) confirmed they did not hold any human remains, whilst 264 (33%) museums confirmed they did hold human remains. Only 42 (5%) museums did not respond when asked whether they held human remains. Of the 264 museums holding human remains, 157 (59%) took part in White Survey I, which related to their collections, the *HTAct* and the *Guidance*.

White Survey I established that almost 50,000 individuals are held by the 157 museums (Section 5.8, Chapter 5). Secondary sources revealed that a further minimum of 62,000-64,000 additional human remains (not necessarily individuals) are held by the remaining 107 museums that did not respond or declined to participate in White Survey I (Table 5.22, Chapter 5). These results clearly demonstrate that the vast majority of individuals held by museums in England are of UK origin, with only 8% of non-UK provenance. Less than 1% of these overseas human remains originate from Australia/Tasmania and New Zealand, which are currently the only two countries with pro-active repatriation policies. Data relating to non-UK holdings suggests that even if repatriation claims do become more prevalent, there would be little impact on the overall Minimum Number of Individuals (MNI) in English museum collections.

The change in definition of human remains within the *Guidance* that occurred in order to fall in line with the *HTAct* definition (Caldon 2008) will undoubtedly affect the MNI, as White Survey I was conducted at a time when the *Guidance* definition of human remains still excluded hair and nails. It is therefore certain that the actual MNI in English museums is higher than demonstrated in this research and extremely likely that more museums within England will hold human remains as per the amended *Guidance* definition.

Although these counts were obtained two years after the *Guidance* was published, many museums were still not in a position to confirm the exact MNI in their collections; some museums could give only estimates whilst others were unable to confirm any numerical data. It is also expected that physical audits of human remains, rather than archival audits, will result in the discovery of additional individuals and lead to the re-provenancing of others.

8.3.1 The impact of the *Human Tissue Act 2004* upon museums in England and their collections (Aim 2)

Since it came into force in October 2005, Section 47 of the *HTAct*, which allowed nine national museums to de-accession human remains from their collections, has had relatively limited impact in terms of the number of individuals subject to repatriation requests. Thus far, research shows that between 2005 and 2010, there have been only 10 repatriation requests aimed at Section 47 affected museums, although it can be expected that this will be an ongoing process that will over time affect more museums and more individuals within those museums. Conversely, the implementation of a prohibitively expensive licence fee to permit museums to display and store human remains under 100 years old appears to have had a major, yet seemingly unnecessary, impact on the few affected museums.

One museum found it necessary to cremate human remains because it could not find a museum willing to accept them and it could not afford the licence fee. Two other institutions are known to have transferred custody of their human remains, whilst another said that it simply would not disclose pertinent holdings (Section 4.5.1, Chapter 4). The 2009/10 fourfold licence fee increase for some museums will undoubtedly place more pressure on museums that hold human remains under 100 years old and is likely to force some cash strapped museums into taking action similar to those in a similar situation that took part in the HTAuth Public Display Licensing (HTAuth PDL) survey.

8.3.2 The impact and effectiveness of the *Guidance of the Care of Human Remains in Museums* upon the treatment of human remains in museums (Aim 3)

One of the main aims of this research has been to evaluate the impact and effectiveness of the *Guidance* on the treatment of human remains in English museums. Broadly speaking, although some museums have implemented *Guidance* recommendations, research has shown that many more museums have not.

White Survey I results discussed in Chapter 5 and Chapter 6 clearly indicate that, two years after publication of the *Guidance*, many museums still did not fully appreciate the extent of their holdings, let alone were they in a position to implement policy and/or guidance improvements as suggested by the *Guidance*. Such a result should not be surprising however, in a time of dwindling resources for museums (Heal 2009, Steel 2009). Each museum will have its own priorities, and it seems reasonable to presume that unless a museum holds human remains that may become subject to a repatriation request, the auditing of human remains collections and updating of policy and/or guidance is not likely to be a priority. Indeed, the fact that repatriation is the most covered area of policy/guidance after acquisition and de-accessioning might indicate that some museums have simply implemented what was arguably the most pressing area of policy and/or guidance and not updated other areas relating to the human remains in their collections.

For some museums, the situation seems unlikely to improve in the short term. Many local authority museums are facing cuts in the coming year (Heywood 2010) as are university museums (Atkinson 2010b) The Department of Culture Media and Sport (DCMS) has asked national museums to outline the impact of 25-30% funding cuts during 2011-2015 (Heal 2010) after losing £73 million of funding under the new coalition government (Atkinson 2010a). Such cuts will inevitably lead, amongst other things, to the loss of jobs which in turn will place more pressure on remaining staff and leave museums further prioritising projects due to dwindling financial and human resources.

The *Guidance* review, which took place in 2006 and gave a favourable review of *Guidance* implementation, is not supported by the data generated during this research. Although the DCMS review did attempt to assess various aspects of the *Guidance*, it sought comments from less than 20 museums and only six other interested parties. Undoubtedly, such a small-scale investigation does not portray a reliable cross-section of museum viewpoints and therefore its results cannot be generalised to the wider museum community.

That is not to say that museums have not implemented *Guidance* recommendations. Some museums have undertaken to follow *Guidance* recommendations by undertaking audits; updating policy and/or guidance; putting in place procedures for repatriation requests; keeping accessible research registers, placing holding information online and so on. However, it appears that the majority of museums have been unable or unwilling, for whatever reason, to do this and this situation seems unlikely to change significantly in the future unless a legislative route is taken.

It does seem unlikely that a legislative route will be taken in the near future. As this research and the *Guidance* review suggest, repatriation appears to be the main concern of the DCMS rather than the treatment of human remains more generally. Their reluctance in becoming involved in the production of any UK human remains specific guidance (Caldon 2010a) and allowing the Advisory Panel on the Archaeology of Burials in England (APABE) to take the lead further suggest that they have little interest in the treatment of UK human remains.

The DCMS already has opted to issue *Guidance* rather than implementing a licensing system, as the Working Group on Human Remains (WHGR) recommended (DCMS 2003: 165). Such a system would require a huge amount of resources in terms of time, manpower, expertise and finances and unless these resources were made available to museums such as system would simply be unworkable.

The impact of the change in the definition of human remains within the *Guidance* also is unclear. This definition was revised in 2008 to fall in line with the *HTAct* definition of human remains (Caldon 2008). Without the undertaking of a further survey, it remains unclear how many museums are aware of this change; whether museums have re-audited their collections to take account of this change; or the number of additional individuals concerned. However, given the previous documented unawareness of the *HTAct* identified in White Survey I, it seems likely that many museums will remain unaware of this amendment let alone be in a position to re-audit their collections.

8.3.3 Does legislation and guidance address ongoing concerns relating to the treatment of human remains in museums? (Aim 4)

The purpose of Aim 4 was to assess whether legislation and guidance addressed ongoing concerns. At the inception of this research, the main concern relating to human remains was the repatriation of non-UK human remains; in particular those originating from Indigenous groups in Australia/Tasmania and New Zealand. However, this question has become much more difficult to answer as time has progressed as those interested in the treatment of human remains have expanded. Currently, it appears that issues relating to the treatment of human remains more generally have now come to the fore. Thus, presently, the answer to this question must be that the *Guidance* and the *HTAct* alone do not satisfactorily address ongoing concerns (see Chapter 4).

In an attempt to help address these concerns, Manchester Museum launched a consultation to help decide the fate of 370 poorly provenanced and unprovenanced individuals thought to be of UK or European origin (Manchester Museum 2009); the first time consultation of this type has taken place. Although Manchester Museum now adopts a consultative approach for all issues relating to the human remains in its collections, in light of previous comments made regarding this approach (Heal 2008), some controversy is expected.

The long-awaited decision from English Heritage (EH) and the National Trust (NT) not to rebury prehistoric human remains at the request of the Council of British Druid Orders (CoBDO) is of major significance and is likely to play a major part in how events within the UK are to unfold. This case has proved that the *Guidance* is suitable to be used as a basis for dealing with UK human remains. Research undertaken by and on behalf of EH/NT clearly demonstrated that only a very small percentage of individuals/groups who took part in the consultation supported reburial (Thackray and Payne 2009).

Similarly, the *Research into Issues Surrounding Human Bones in Museums Survey* (BDRC 2009), which was commissioned as part of the research into the CoBDO reburial request, demonstrated that around nine out of 10 people from a nationally representative sample

of 1004 adults support retention, display and research. Although the EH/NT consultation would have been biased towards receiving responses from individuals/groups with a strong viewpoint for or against retention, the *Research into Issues Surrounding Human Bones in Museums Survey* was conducted by an independent opinion polling company using a nationally representative sample. There can be little argument that the vast majority of the UK public support retention, display and research.

The decision taken by EH/NT not to rebury the Avebury human remains will set the tone for responding to any future requests for the reburial of UK human remains. Not only in the decision it has taken, but also in the process undertaken to reach that decision. Because of the status of these organisations, they have been able to devote the resources into a thorough investigation prior to making an informed decision based on the various pieces of evidence gleaned from both consultation and survey. In lieu of each museum undertaking consultations and surveys when they receive complex requests for repatriation, another source of advice is required as not all museums are likely to have such resources at their disposal.

The DCMS have confirmed that they do not intend to revise the *Guidance* to take into account the ongoing concern of some museums over UK human remains (Caldon 2010a); a response indicative that their main concern has always been contested overseas human remains and repatriation. Indeed, the DCMS has not revised the *Guidance* since they changed the definition of human remains to fall in line with the *HTAct* definition; they have simply placed a notice advising of the amendment on their website. The lack of more specific advice on UK human remains and Caldon's comments above make it clear that the DCMS are not willing to provide any further input into human remains related issues. The DCMS Human Remains Advisory Service (HRAS) was disbanded some time ago after failing to assist when approached for advice (Bienkowski 2007) and replacement provision has not been provided. Nevertheless, White Survey I results indicate that some museums feel advice that is more specific is required.

Currently, it would seem that the Advisory Panel on the Archaeology of Burials in England (APABE) is the most willing and likely candidate to take on the role of offering advice. It is

by no means the only UK based professional group with an interest in human remains, however. Various organisations offer advice relating to the treatment of human remains, such as the British Association of Biological Anthropology and Osteoarchaeology (BABAO) or the Institute for Archaeologists (IfA). Similarly, the Museums, Libraries and Archives Council (MLA) led Human Remains Subject Specialist Network (SSN) provides “mutual support and information transfer between individuals representing institutions that hold accessioned collections of human remains. Its emphasis is on skill sharing, advice, and training...”, however, the group is intended only for those working with human remains in a museum context (MLA 2009) rather than all institutions holding human remains. Conversely, APABE was created for the sole purpose of offering advice and therefore seems to be the most appropriate choice.

It is expected that APABE will consist of members from various sectors, although membership has not yet been finalised. The group already has proved successful in offering advice regarding the fate of human remains, even though this advice was outside their then remit of Christian burials. However, under its original guise of the Advisory Panel on the Archaeology of Christian Burials in England (APACBE), the group had no association with the DCMS or the *Guidance*. It does seem, however, that this group will be leading on the issue of providing advice regarding UK human remains (Caldon 2010a), which indicates that not only a separate set of guidance will be issued in respect of UK human remains, but that this guidance will be developed by two completely different organisations. It is of course possible that APABE will simply issue supplementary advice to be followed in conjunction with the *Guidance*, but the DCMS have made it clear that they will not be involved (Caldon 2010a). It is expected that having guidance from two sources will cause at least some confusion within museums and result in inconsistent decision making as some museums may still choose to follow the *Guidance* when separate UK human remains specific advice might be available elsewhere.

Whatever the outcome of current concerns, it would seem that in lieu of a more formal approach such as legislation, which the DCMS opted against, a reliable and consistent England-wide decision-making process is required if the ongoing concern surrounding the treatment of human remains which is discussed within this research, is to be abated.

8.4 Recommendations: Future research

Despite such limitations as outlined in Section 2.8, there is clearly still great potential for conducting further research into the impact and effectiveness of the *HTAct* and the *Guidance*; firstly by geographical expansion and secondly in terms of the types of institution surveyed. The author is unaware of any similar large-scale research in terms of which museums hold human remains and the MNI and provenance of human remains held by museums outside England or the UK. Both the *Guidance* and the *HTAct* are intended for application in England, Wales and Northern Ireland, thus, there is a need to extend the research outside of the UK, which will also allow for comparative analysis. Similarly, the *Guidance* was designed for application in any institution permanently holding human remains so there is a need to conduct research into its implementation in, for example, laboratories, archaeology units and university departments.

The most desirable way of gaining access to this information would be the establishment of a national database of human remains holdings. One example of this is in the US, where the Native American Graves Protection and Repatriation Act (NAGPRA) offers access to the National NAGPRA Online Databases, which hold information relating to both culturally affiliated and culturally unidentifiable human remains that can be searched by museum/agency, state/area or tribe (National Park Service n.d.).

There are a few examples of databases that cover human remains in England and the UK more widely, although these appear to be museum/institution specific or not human remains specific. Two of these are the Wellcome Osteological Research Database (WORD) and the Pitt Rivers Museum 'Museum Objects' database. Access to WORD can be accessed online through the Museum of London website and gives access to osteological data relating to human remains curated by the Centre for Human Bioarchaeology (Museum of London 2009). Similarly, the Pitt Rivers Museum has an online database that allows for searches relating to all items within its collections (Pitt Rivers Museum 2009). Unfortunately, both of these examples are museum/institution specific.

The Portable Antiquities Scheme (PAS) database is an example of a database not specific to any museum/institution (PAS 2010) but unfortunately, this example would also be

unsuitable for a database of human remains because it is aimed at members of public. A more suitable theoretical example comes from Millard and Roberts (2003), who note the fragmentary nature of information pertaining to excavated human remains and propose that the British and Irish On-line Database Index to Excavated Skeletons (BODIES) database be established to record all human remains found at archaeological sites in England, Wales, Scotland, Northern Ireland and Southern Ireland. Although the project has been thus far unsuccessful in obtaining funding for start up costs, the British Association for Biological Anthropology and Osteoarchaeology (BABAO) has agreed to fund reasonable maintenance costs for five years (Millard and Roberts 2003: 1).

At the very least museums should make publicly accessible such information on their web sites whilst further research is undertaken into the feasibility of setting up a central database of human remains. This would greatly assist researchers into human remains and release the pressure from museums who receive requests for information or requests to complete surveys. In the long term, a single database administered centrally would certainly be desirable; one that was administered by a single organisation such as APABE.

Similarly, HTAct PDL and the *Guidance* are intended for application to all institutions holding human remains; not just museums. Therefore, there is also a great need to investigate human remains holdings at other institutions: be they archaeology departments; laboratories; archaeology field units; or university departments. Such research should not simply concentrate on the provenance and MNI in collections, although clearly such data would provide a valuable insight into the extent of holdings. Rather, research into the impact of the *HTAct* and the *Guidance* on these institutions, if any, and more generally into the treatment of human remains is required for a wider understanding of current issues and concerns that affect *all* institutions holding human remains.

8.5 Recommendations: Future treatment of human remains

As Section 8.3 illustrated, a number of unresolved issues persist relating to the treatment of human remains in museums and it seems inevitable that, in this time of heightened

awareness and interest in human remains, inconsistencies and wide-ranging responses will continue. The results of this investigation lead to the following two recommendations regarding the future treatment of human remains, that:

- a single organisation be established as a central point of contact for human remains related issues and enquiries
- that a central database be established on the topic of human remains be established for easy access to museum holdings

Clearly, the *Guidance* has not been effective in persuading the majority of museums in England to either investigate or re-investigate the human remains in their collections or to implement revised policy and/or guidance (see Chapters 5 and 6). Whilst a legislative approach would understandably be both prohibitively time consuming and expensive for all parties, it seems that a single, centralised organisation willing to take a pro-active lead could potentially provide a service that allows any interested party (be it museum, Indigenous representative or archaeological field unit etc) access to centralised information pertaining to human remains.

Although some of these services currently are provided in certain sectors, such as in the *Guidance* or by APABE or the Human Remains SSN, or even by contacting individual museums directly, there is currently no organisation that can act as a central point of contact for any human remains related enquiries or advice. For instance, they would be able to advise who to contact, what steps should be taken on a specific issue, which museum has human remains of a certain origin, or even provide guidance or advice.

As part of its role, any such organisation should establish a single, centralised publicly accessible database of all human remains; as mentioned as a research recommendation in the previous section. This would ease the pressure placed on museums in terms of the number of questionnaires and enquiries received and would greatly assist any researcher with an interest in human remains.

Various museums already have their own publicly accessible databases; the Museum of London and the Pitt Rivers Museum, for instance. Similarly, Honouring the Ancient Dead (HAD) is currently building up a database of British museums that hold human remains,

with specific emphasis on ancient British human remains with the intention of it providing a universal research resource (HAD 2008). However, the fact that there is an emphasis on British human remains underlines HAD's interests as a British Pagan organization.

8.6 Importance of research

The research conducted as the basis of this thesis constitutes the most comprehensive investigation of which museums in England hold human remains and the extent of those holdings in terms of the MNI and provenance. It also represents the first independent and most extensive investigation into the impact and effectiveness of the *HTAct* and the *Guidance* on the treatment of human remains. It is hoped that the data collected as part of this research will be used as a springboard by future researchers into collections of human remains in English museums and used comparatively in investigating human remains and their treatment throughout the UK and more widely.

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APPENDIX 1: LIST OF INTERVIEWEES

Lissant Bolton, British Museum

Sir Neil Chalmers, DCMS Working Group on Human Remains in Museum Collections

Brett Galt-Smith, Office of Indigenous Policy Coordination

John Jackson, Natural History Museum

Lisa O'Sullivan, Science Museum

Laura Peers, Pitt Rivers Museum

Hedley Swain, Museum of London, *Guidance* Drafting Group Member

APPENDIX 2: LIST OF CORE INTERVIEW QUESTIONS

Core questions put to Brett Galt-Smith of the Australian Office of Indigenous Policy Co-ordination (OIPC, now FaHCSIA)

1. What is the role of OIPC in London?
2. How long OIPC expect to be based in and have an interest in the UK?
3. How many repatriation claims have OIPC initiated?
4. Are you aware whether relations between UK museums and indigenous communities have improved because of the *Guidance*?
5. Are you aware of the full extent of Australian/Tasmanian ancestral remains in UK museums?
6. Who will fund the provenancing of ancestral remains suspected of being of Australian/Tasmanian provenance?
7. Have there been any unsuccessful attempts to repatriate ancestral remains since the *Human Tissue Act* came into force and the *Guidance* was published?
8. Is OIPC pro-active in seeking repatriation of ancestral remains held in Europe and further afield?
9. Are OIPC interested in the repatriation of all Australian/Tasmanian ancestral remains?
10. Are indigenous concerns relating to OIPC taking the lead in repatriation instead of ATSIC justified?
11. Should museums do more than simply follow the *Guidance*?

Core questions put to Lissant Bolton of the British Museum, John Jackson of the Natural History Museum, Laura Peers of the Pitt Rivers Museum and Hedley Swain of the Museum of London and *Guidance* Drafting Group

1. Does the museum yet know the full extent of its human remains holdings?
2. How has the *Guidance* affected the museum so far in terms of repatriation and the way in which human remains are handled, stored and displayed etc.

3. Has the museum altered its policies relating to human remains?
4. Do you think that there will ever be instances when a museum needs to seek the advice of the advisory panel?
5. Will the museum be following the *Guidance* recommendation of making people aware of the location of human remains so that they may be avoided if desired?
6. Do you think that the *Guidance* goes far enough? Should it have been compulsory?
7. Is there a feeling that all eyes are focused on the museum and the way it implements *Guidance* recommendations because it is a national museum? (or in the case of Hedley Swain because he was Chair of the *Guidance* Drafting Group)
8. Do have any kind of broad idea of the impact the *HTAct* and *Guidance* on the museum, or is it simply too early to tell?
9. Tell me about your involvement in the *Guidance* Drafting Group (asked only of Hedley Swain)

Core questions put to Sir Neil Chalmers of the Working Group on Human Remains in Museum Collections (WGHR)

1. How did you become involved in the WGHR?
2. Did you ever feel that the government already knew what route it would take before the WGHR reported its findings?
3. How did the different backgrounds and different opinions of the group impact upon discussions and the final report?
4. Does the *HTAct* satisfy your wish that there be some form of legislation put in place relating to human remains
5. Was there a conscious effort during your time at the Natural History Museum that the museum became more open about its human remains holdings?
6. Do you think that the *Guidance* Drafting Group took the easy option when they did not follow the recommendations made in the WGHR report
7. Do you think that there will ever be instances when a museum needs to seek the advice of the advisory panel?

APPENDIX 3: LIST OF 806 MUSEUMS IN ENGLAND CONTACTED FOR THE PURPOSE OF BELL SURVEY I

*denotes museums that took part in Bell Survey I

	Museum Name	Human Remains?
1	100th Bomb Group Memorial Museum	No
2	13th/18th Royal Hussar (Queen Mary's Own)	No
3	14th/20th King's Hussars Museum	No
4	2nd Infantry Divisional Kohima Museum	No
5	390th Bomb Group Memorial Air Museum and The British Resistance Organisation Museum	No
6	93rd Bomb Group Museum	No
7	Abbey House Museum	No
8	Adjutant General's Corps Museum	No
9	Aibourne Forces Museum	No
10	Aldeburgh Museum	No
11	Aldershot Military Museum	No
12	Alexander Fleming Laboratory Museum	No
13	Alexander Keiller Museum	No response
14	Alford Manor House Museum	No
15	Amberley Working Museum	No
16	Amersham Museum	No
17	Anaesthesia Museum	No
18	Anaesthetic Museum	No
19	Anker's House Museum	No
20	Armitt Library and Museum	No
21	Army Medical Services Museum*	Yes
22	Arundel Museum and Heritage Centre	No
23	Ashburton Museum	No
24	Ashby De La Zouch Museum	No
25	Ashford Borough Museum	No
26	Ashmolean Museum	Yes
27	Ashwell Village Museum	No
28	Astley Hall Museum and Art Gallery, Chorley	Yes
29	Athelstan Museum	Yes
30	Axe Valley Heritage Museum	No
31	Ayscoughfee Hall Museum	No
32	Bacup Natural History Museum	Yes
33	Bailiffgate Museum	No
34	Bakewell Old House Museum	No
35	Balfour Museum of Hampshire Red Cross History	No response
	Museum Name	Human Remains?

	Museum Name	Human Remains?
36	Bankfield Museum*	Yes
37	Barbican House Museum	Yes
38	Barnet Museum	No
39	Bassetlaw Museum and Percy Laws Memorial Gallery*	Yes
40	Bath Royal Literary and Scientific Institution Collections	Yes
41	Battle Museum of Local History	No
42	Bayle Museum	No response
43	Beaminster Museum	No
44	Beamish Open Air Museum*	Yes
45	Beccles and District Museum	No
46	Beck Isle Museum of Rural Life	No response
47	Beckford's Tower and Museum	No
48	Bedale Museum	No
49	Bede's World	Yes
50	Bedford Museum*	Yes
51	Bellfoundry Museum	No
52	Bellingham Heritage Centre	No
53	Berkshire and Westminster Dragoons Museum	No
54	Berkshire Library and Museum of Freemasonry	No
55	Berkshire Medical Heritage Centre	Yes
56	Berkshire Yeomanry Museum	No
57	Berkswell Village Museum	No
58	Berwick upon Tweed Borough Museum and Art Gallery*	Yes
59	Bethlem Royal Hospital Museum*	Yes
60	Bewdley Museum	No
61	Bexhill Museum	Yes
62	Bexhill Museum of Costume and Social History	No
63	Bexley Museum at Hall Place	Yes
64	Birmingham Museum and Art Gallery	Yes
65	Bishop Bonner's Cottage Museum	No response
66	Bishop's Stortford Museum	Yes
67	Bishop's Waltham Museum	Yes
68	Black Country Living Museum	No
69	Blackburn Museum and Art Gallery*	Yes
70	Blake Museum*	Yes
71	Blandford Forum Museum	No
72	Blazes, The Fire Museum	No response
73	Blists Hill Victorian Town	No
74	Bloxham Village Museum	No
75	Bodmin Town Museum*	Yes
76	Bognor Regis Museum	No
77	Bolton Museum and Art Gallery	Yes
78	Border and King's Own Royal Border Regiment Museum	No

	Museum Name	Human Remains?
79	Boston Guildhall Museum/The Haven/St Marys Guildhall	No
80	Bosworth Battlefield and Country Park	No
81	Botanic Gardens Museum, Southport	No
82	Bourne Hall Museum	No
83	Bowes Museum	Yes
84	Bradford Industrial Museum and Horses at Work	No
85	Bradford Museums, Galleries and Heritage*	Yes
86	Bradford on Avon Museum	No
87	Braintree District Museum*	Yes
88	Brandon Heritage Centre	No
89	Braunton and District Museum	No
90	Brent Museum*	Yes
91	Brentwood Museum	No
92	Bridewell Museum	No
93	Bridport Museum*	Yes
94	Brightlingsea Museum	No
95	Brighton Royal Pavilion and Museums*	Yes
96	Bristol Industrial Museum	No
97	Bristol's Museums, Galleries and Archives*	Yes
98	British Dental Association Museum*	Yes
99	British Empire and Commonwealth Museum	No
100	British Museum*	Yes
101	British Optical Association Museum	No
102	Brixham Heritage Museum	Yes
103	Bromley Museum*	Yes
104	Bromsgrove Museum	No
105	Bronte Parsonage Museum	No
106	Brooklands Museum	No
107	Bruce Castle Museum	No
108	Brunei Gallery	No
109	Bruton Museum	No
110	Buckinghamshire Military Museum	No
111	Bucks County Museum*	Yes
112	Bude-Stratton Museum	No
113	Building of Bath Museum	No
114	Bungay Museum	No
115	Burnham-On-Crouch and District Museum	No response
116	Burton Art Gallery and Museum	No
117	Burton Constable Hall	No
118	Burwell Museum of Fen Edge Village Life	No
119	Bury Art Gallery, Museum and Archives*	Yes
120	Bushey Museum and Art Gallery	No
121	Butcher's Row Museum*	Yes

122	Buxton Museum and Art Gallery*	Yes
123	Callington Museum	No
124	Calverton Folk Museum	No
125	Cambridge and County Folk Museum	No response
126	Cambridge Museum Of Technology	No
127	Cambridge University Museum of Archaeology and Anthropology	Yes
128	Cannon Hall Museum	No
129	Canterbury City Council Museums and Galleries Service*	Yes
130	Captain Cook and Staithes Heritage Centre	No
131	Captain Cook Birthplace Museum	No
132	Captain Cook Memorial Museum	No
133	Carlisle Cathedral Treasury Museum*	Yes
134	Castle Cary and District Museum	No
135	Castle Combe Museum	No
136	Castle Donington Museum	No
137	Castle Keep Museum	No
138	Challenge At Aldershot (Military and Aerospace Museums)	No
139	Chamberlain Museum of Pathology*	Yes
140	Champ's Chapel Museum	No
141	Chard and District Museum	No
142	Charlbury Museum	No
143	Charles Burrell Museum	No
144	Charles Dickens Birthplace Museum, Portsmouth	No
145	Charles Dickens Museum, London	No
146	Chatteris Museum	Yes
147	Cheddleton Flint Mill and Museum	No
148	Chelmsford Museums*	Yes
149	Cheltenham Art Gallery and Museum*	Yes
150	Chertsey Museum	No
151	Chesham Museum - The Stables	No
152	Cheshire Military Museum	No
153	Cheshire Museums Service	No
154	Chesterfield Museum and Art Gallery	No
155	Chichester District Museum Service	Yes
156	Chiltern Open Air Museum	No
157	Chippenham Museum and Heritage Centre	Yes
158	Chipping Norton Local History Museum	No
159	Chobham Museum	No
160	Church Farmhouse Museum	No
161	City Museum and Art Gallery*	Yes
162	Clare Ancient House Museum	No
163	Clink Prison Museum	No
164	Clitheroe Castle Museum	No
	Museum Name	Human Remains?

	Museum Name	Human Remains?
165	Clun Local History Museum	Yes
166	Coach House Museum	No
167	Coalbrookdale Museum of Iron	No
168	Coggeshall Museum and Heritage Centre	No
169	Colchester Museums*	Yes
170	Colne Heritage Centre	No
171	Colne Valley Museum	No
172	Combe Martin Museum	No response
173	Congleton Museum	No
174	Corfe Castle Museum	No
175	Cotswold Museum Services*	Yes
176	Court Hall Museum	No
177	Cowper and Newton Museum, Olney	No
178	Cranbrook Local History Museum	No
179	Craven Museum*	Yes
180	Crawley Museum Centre	No
181	Creswell Crags Museum and Education Centre	Yes
182	Crewkerne and District Museum	No
183	Cricklade Museum*	Yes
184	Cromer Museum	No
185	Cromwell Museum	No
186	Croydon Museum and Heritage Service	No
187	Croydon Museum and Heritage Service	Yes
188	Crystal Palace Museum	No
189	Cuckfield Museum	No
190	Cuming Museum*	Yes
191	Curtis Museum	No
192	Cusworth Hall, The Museum of South Yorkshire Life	No
193	Dales Countryside Museum	Yes
194	Dartford Borough Museum*	Yes
195	Dartmouth Museum	No
196	Dawlish Museum Society	No
197	Deal Maritime and Local History Museum	No
198	Dean Heritage Museum	No
199	Department of Archaeology Museum, Nottingham*	Yes
200	Derby City Museums	Yes
201	Devon and Cornwall Constabulary Museum	No
202	Dewa Roman Experience, Chester	No
203	Dewey Museum	No
204	Dinosaur Museum, Dorchester	No
205	Diss Museum	No
206	Ditchling Museum	No
207	Dock Museum*	Yes

	Museum Name	Human Remains?
208	Dog Collar Museum at Leeds Castle	No
209	Doncaster Museum	Yes
210	Dorchester Abbey Museum	No
211	Dorking and District Museum	No
212	Dorset County Museum	Yes
213	Dover Museum	No
214	Droitwich Spa Heritage Centre	No response
215	Dudley Museum and Art Gallery	No response
216	Duke of Cornwall's Light Infantry Museum	No
217	Duke of Wellington's Regimental Museum	No
218	Dunwich Museum	No
219	Durham County Council	No response
220	Durham Heritage Centre and Museum	Yes
221	Durham Light Infantry Museum and Durham Art Galley	No
222	Earls Barton Museum of Local Life	No
223	East Grinstead Museum	No
224	East Kent Maritime Museum	No
225	East Midlands Museums Service	No
226	East Riding Museums Service*	Yes
227	East Surrey Museum*	Yes
228	Eastbourne Local History Museum	Yes
229	Eden Valley Museum	No
230	Edward Jenner Museum	No
231	Egham Museum	No
232	Elmbridge Museum*	Yes
233	Ely Museum*	Yes
234	Emsworth Museum	No
235	Epping Forest District Museum*	Yes
236	Erewash Museum	No
237	Erith Museum	No response
238	Essex Police Museum	No
239	Essex Regiment Museum	No
240	Eton College Collections and Museum of Eton Life	No
241	Eureka! The Museum For Children	No
242	Exeter City Museums and Art Gallery*	Yes
243	Exmouth Museum	No
244	Explosion! The Museum of Naval Firepower	No
245	Eyam Museum*	Yes
246	Fairlynch Museum	No
247	Fakenham Museum of Gas and Local History	No
248	Fan Museum	No
249	Faraday Museum, London	Yes
250	Farmland Museum and Denny Abbey	No

251	Fawley Court Museum and Library	No
252	Feering and Kelvedon Local History Museum	No response
253	Felixstowe Museum	No
254	Filey Museum	Yes
255	Fire Police Museum Sheffield	No
256	Firepower! The Royal Artillery Museum	No
257	First Garden City Heritage Museum, Letchworth Garden City	No
258	Fitzwilliam Museum*	Yes
259	Flintham Museum	No
260	Florence Nightingale Museum	No
261	Folkestone Museum	Yes
262	Forge Mill Needle Museum and Bordesley Abbey Visitor Centre*	Yes
263	Forge Museum and Victorian Cottage Garden	No
264	Fort Paull Museum	No
265	Forty Hall Museum	No
266	Foundling Museum	No
267	Frenchay Museum	No
268	Frome Museum*	Yes
269	Fusiliers Museum of Northumberland	No
270	Fusiliers' Museum, Lancashire	No
271	Geffrye Museum	No
272	George Eliot Hospital Museum	No
273	George Marshall Medical Museum*	Yes
274	George Müller Orphanage Museum	No
275	Georgian Theatre Royal Museum	No
276	Gilbert White's House and Oates Museum	No
277	Gillingham Museum, Dorset	Yes
278	Glandford Shell Museum	No
279	Gloucester Folk Museum	No
280	Godalming Museum	Yes
281	Goole Museum	No
282	Gosport Museum	No
283	Grantham Museum	Yes
284	Grassington Folk Museum	No
285	Gravesham Museum	No
286	Great Ormond Street Hospital for Children Museum and Archives	No
287	Greater Manchester Fire Service Museum	No
288	Green Howards Regimental Museum	No
289	Greenwich Heritage Centre*	Yes
290	Grosvenor Museum	Yes
291	Guardhouse Museum	No
292	Guards Museum	No
	Museum Name	Human Remains?

	Museum Name	Human Remains?
293	Guildford Museum*	Yes
294	Guildhall Museum, Kent*	Yes
295	Guildhall Museum, Cumbria	No
296	Guildhall Museum, West Sussex	No
297	Guisborough Museum	No
298	Gunnersbury Park Museum	No
299	Hackney Museum	No
300	Hadrian's Wall Museums*	Yes
301	Halesworth and District Museum	No
302	Hall i' th' Wood Museum, Bolton	No
303	Halstead and District Local History Museum	No
304	Hampshire County Museums Service*	Yes
305	Hampstead Museum	No
306	Haringey Libraries Archives and Museum Service	No
307	Harris Museum*	Yes
308	Harrogate Museums and Arts*	Yes
309	Harrow Museum and Heritage Centre	No
310	Hartlepool Arts and Museum Service*	Yes
311	Haslemere Museum*	Yes
312	Hastings Museum and Art Gallery*	Yes
313	Havant Museum	No
314	Headland Museum	No
315	Hedon Museum	No
316	Helena Thompson Museum, Workington	No response
317	Helston Folk Museum	No
318	Henfield Museum	No
319	Heptonstall Grammar School Museum	No
320	Herbert Art Gallery and Museum*	Yes
321	Hereford Museum and Art Gallery*	Yes
322	Hertford Museum*	Yes
323	Hinckley and District Museum	No
324	Hindley Museum	No
325	History Shop*	Yes
326	Hitchin Museum and Art Gallery	No
327	Holsworthy Museum	No
328	Hook Norton Village Museum, Banbury	No
329	Horniman Museum	Yes
330	Hornsea Museum	No
331	Horsforth Village Museum	No
332	Horsham Museum*	Yes
333	Household Cavalry Museum	No
334	Housesteads Museum	No
335	Hull and East Riding Museum*	Yes

	Museum Name	Human Remains?
336	Hull Maritime Museum	No
337	Ilchester Museum	Yes
338	Ilfracombe Museum	Yes
339	Imperial War Museum	No
340	Imperial War Museum, Duxford	No
341	Imperial War Museum North	No
342	Inns of Court and City Yeomanry Museum	No
343	Intelligence Corps Museum	No
344	Ipswich Museums Service	Yes
345	Islington Museum	No
346	Jodrell Bank Science Centre	No
347	John Bunyan Museum and Library	No
348	John Moore Countryside Museum	No
349	Jorvik Viking Centre*	Yes
350	Kegworth Museum	No
351	Kendal Museum	Yes
352	Kent and Sharpshooters Yeomanry Museum	No
353	Kent Battle of Britain Museum	No
354	Kent County Council Arts and Museums	Yes
355	Kent Fire Brigade Museum	No
356	Kent Police Museum*	Yes
357	Keswick Museum and Art Gallery	No
358	King's Own Royal Regiment Museum	No
359	King's Own Scottish Borderers Museum	No
360	Kingston Museum	No
361	Kington Museum	No
362	Kirklees Museums*	Yes
363	Knowsley Museum Service	No
364	Lancashire County Museums Service*	Yes
365	Lancaster City Museums*	Yes
366	Langton Matravers Museum	No
367	Lanman Museum	No
368	Lapworth Museum of Geology	no
369	Lawrence House Museum	Yes
370	Laxfield and District Museum	No
371	Leamington Spa Art Gallery and Museum	Yes
372	Leatherhead Museum of Local History	No
373	Leeds Museums and Galleries*	Yes
374	Leicester Museums and Galleries*	Yes
375	Leicester Royal Infirmary Museum	No
376	Leicestershire County Council Environmental and Heritage Services*	Yes
377	Leominster Folk Museum*	Yes
378	Letchworth Museum and Art Gallery	Yes
	Museum Name	Human Remains?

	Museum Name	Human Remains?
379	Library and Museum of Freemasonry	No
380	Lichfield Heritage Centre	No
381	Liskeard and District Museum	No
382	Litcham Village Museum	No
383	Little Chester Heritage Centre	No
384	Littlehampton Museum*	Yes
385	Liverpool Scottish Regimental Museum	No
386	London Ambulance Service Museum	No
387	London Fire Brigade Museum	No
388	Long Shop Museum	No
389	Lostwithiel Museum	No
390	Loughborough War Memorial Museum	No
391	Louth Museum	No
392	Lowestoft Maritime Museum	No
393	Lowestoft Museum	No
394	Lowewood Museum	Yes
395	Ludlow Museum*	Yes
396	Luton Museum Service*	Yes
397	Lutterworth Museum and Historical Society	No response
398	Lydd Town Museum	No
399	Lyme Regis Museum	Yes
400	Lyn and Exmoor Museum	No
401	Lytham Windmill Heritage Museum	No
402	Macclesfield Museums*	Yes
403	Magdalen Museum	No
404	Maidenhead Heritage Centre	No
405	Maidstone Museum and Bentlif Art Gallery*	Yes
406	Maldon District Museum	No
407	Malton Museum Foundation	Yes
408	Malvern Museum	No
409	Manchester Museum*	Yes
410	Manor Cottage Heritage Centre	No response
411	Manor House Museum*	Yes
412	Mansfield Museum and Art Gallery	No
413	Marazion Museum	No
414	March and District Museum	Yes
415	Margate Museum*	Yes
416	Market Lavington Village Museum	No
417	Marlipins Museum*	Yes
418	Mary Arden's House and Shakespeare's Countryside Museum	No
419	Mary Rose Museum*	Yes
420	Maryport Maritime Museum	No
421	Measham Museum	No

422	Mere Museum*	Yes
423	Mersea Island Museum*	Yes
424	Merseyside Maritime Museum	No
425	Metropolitan Police Museum	No
426	Micklegate Bar Museum	No response
427	Middlesbrough Museums and Galleries*	Yes
428	Mildenhall and District Museum	Yes
429	Military Museum of Devon and Dorset	No
430	Millom Folk Museum	Yes
431	Milton Keynes Museum	No response
432	Mini Museum	N/A
433	Minster Abbey Gatehouse Museum*	Yes
434	Moravian Museum	No
435	Moyse's Hall Museum	No
436	Muckleburgh Collection	No
437	Museum in Docklands	No
438	Museum of Antiquities	No
439	Museum of Antiquities*	Yes
440	Museum of Archaeology	Yes
441	Museum of Army Flying	No
442	Museum of Cannock Chase	No
443	Museum of Classical Archaeology	No
444	Museum of Dartmoor Life	No
445	Museum Of East Anglian Life	No
446	Museum of English Rural Life	No
447	Museum of Farnham*	Yes
448	Museum of Fulham Palace	Yes
449	Museum of Harlow	Yes
450	Museum of Kent Life	No
451	Museum of Lakeland Life, Kendal	No
452	Museum of London*	Yes
453	Museum of North Craven Life	No
454	Museum of Richmond	No
455	Museum of Science and Industry in Manchester	No
456	Museum of South Somerset*	Yes
457	Museum of the Broads	No
458	Museum of The Gorge	No
459	Museum of the History of Science	Yes
460	Museum of the Manchester Regiment	No
461	Museum of the Order of St John	No response
462	Museum of the Queen's Royal Lancers	Yes
463	Museum of the Royal Dragoon Guards and the Prince of Wales's Own Regiment of Yorkshire	No
464	Museum of the Royal Pharmaceutical Society*	Yes
	Museum Name	Human Remains?

	Museum Name	Human Remains?
465	Museum of the South Lancashire Regiment (Pwv)	No
466	Museum of the Staffordshire Yeomanry (Queen's Own Royal Regiment)	No
467	Museum of the Worcestershire Yeomanry Cavalry	No
468	Museum of Witchcraft	
469	Myers Museum of Egyptian Art	Yes
470	Nantwich Museum	Yes
471	National Army Museum	Yes
472	National Maritime Museum	No
473	National Maritime Museum Cornwall	No
474	National Museums and Galleries on Merseyside/National Museums Liverpool*	Yes
475	Natural History Museum*	Yes
476	NCCL Galleries of Justice	No
477	New Forest Museum and Christopher Tower New Forest Reference Library	No
478	Newark and Sherwood Museum Service*	Yes
479	Newark Town Hall Museum and Art Gallery	No
480	Newcastle Borough Museum and Art Gallery	No
481	Newham Museum at Manor Park Library	No
482	Newhaven Local and Maritime Museum	No
483	Nidderdale Museum	No
484	Norfolk Museums and Archaeology Service*	Yes
485	Norfolk Nelson Museum	No
486	Normanton Church Museum*	Yes
487	Norris Museum	No
488	North Cornwall Museum and Gallery	No
489	North Devon Maritime Museum	No response
490	North Devon Museums Service	Yes
491	North East Lincolnshire Libraries and Museums Service*	Yes
492	North Lincolnshire Museum	No
493	North Somerset Museum Service	Yes
494	North Woolwich Old Station Museum	No
495	Northampton Museums	No response
496	Northgate Museum	No
497	Norton Priory Museum and Gardens	No
498	Nottingham City Museums and Art Galleries*	Yes
499	Nuneaton Museum and Art Gallery	Yes
500	Nursing History Museum	No response
501	Oak House Museum	No
502	Old Gaol Museum, Buckingham	No
503	Old Guildhall Museum*	Yes
504	Old Operating Theatre Museum, London	Yes
505	Old Rectory Museum, Loughborough	No

	Museum Name	Human Remains?
506	Olde Smithy Museum, Doncaster	No
507	Ordsall Hall Museum	No
508	Oriental Museum	Yes
509	Origins	No
510	Otley Museum*	Yes
511	Oundle Museum	No
512	Overbeck's Museum and Garden	No
513	Oxfordshire and Buckinghamshire Light Infantry Museum	No
514	Oxfordshire Museum Service*	Yes
515	Padstow Museum	No response
516	Patterson Heritage Museum	No
517	Pendle Heritage Centre	No
518	Penrith Museum	No
519	People's History Museum	No
520	Perranzabuloe Folk Museum	No
521	Peterborough Museum	Yes
522	Petersfield Museum	No
523	Piddington Roman Villa Museum	Yes
524	Pitstone Green Museum, Leighton Buzzard	No
525	Pitt Rivers Museum*	Yes
526	Planet Earth and Dinosaur Museum	No
527	Plymouth City Museum*	Yes
528	Poole Museum Service*	Yes
529	Port Sunlight Heritage Centre	No
530	Porthcurno Telegraph Museum, Cornwall	No
531	Portland Museum*	Yes
532	Portsmouth City Museums	Yes
533	Portsmouth Natural History Museum	Yes
534	Potters Bar Museum	No
535	Powell Cotton Museum	No
536	Preston Hall Museum	No
537	Priest's House Museum*	Yes
538	Prince of Wales's Own Regiment of Yorkshire Regimental Museum	No
539	Princess of Wales's Royal Regiment and Queen's Museum	No
540	Pumphouse Educational Museum, Rotherhithe	No
541	Purton Museum	No
542	Queen Victoria Hospital Museum, East Grinstead	No
543	Queen's Lancashire Regiment Museum	No
544	Queen's Own Hussars Regimental Museum	No
545	Queen's Own Royal West Kent Regiment Museum	No
546	Queens Royal Irish Hussars Museum	No
547	Queen's Royal Surrey Regiment Museum	No
548	Radstock Museum	No

	Museum Name	Human Remains?
549	Ragged School Museum, London	No response
550	Ramsey Rural Museum	No
551	Reading Museums*	Yes
552	Redbridge Museum*	Yes
553	Redcar and Cleveland Museums Service	No
554	Redoubt Fortress and Military Museum of Sussex	No
555	Reigate Priory Museum	No
556	REME Museum of Technology	No
557	Ribchester Museum of Roman Antiquities	Yes
558	Richard III Museum	No
559	Richmondshire Museum	No
560	Rievaulx Abbey Museum	No
561	Ripon Museums	No
562	Robin Hood's Bay and Fylingdales Museum	No
563	Rochdale Arts and Heritage Service*	Yes
564	Rochdale Pioneers Museum	No
565	Roman Army Museum	No
566	Roman Baths Museum, Bath*	Yes
567	Rossendale Museum*	Yes
568	Rotherham MBC Libraries, Museums and Arts*	Yes
569	Royal Air Force Museum	Yes
570	Royal Armouries at HM Tower of London	No
571	Royal Armouries Museum - Fort Nelson	No
572	Royal Armouries Museum, Leeds	No
573	Royal Army Dental Corps Historical Museum	No
574	Royal College of Physicians Museum*	Yes
575	Royal College of Surgeons	Yes
576	Royal Cornwall Museum*	Yes
577	Royal Engineers Museum*	Yes
578	Royal Fusiliers Museum	No
579	Royal Gloucestershire, Berkshire and Wiltshire Regiment (Salisbury) Museum	No
580	Royal Hampshire Regiment Museum	No response
581	Royal Hospital Chelsea - Museum	No
582	Royal Lincolnshire Regimental Museum	No
583	Royal Logistic Corps Museum	No
584	Royal London Hospital Archives and Museum*	Yes
585	Royal Marines Museum*	Yes
586	Royal Military Police Museum	No
587	Royal Naval Museum	No
588	Royal Naval Patrol Service Museum, Lowestoft	No
589	Royal Navy Submarine Museum	No
590	Royal Norfolk Regimental Museum, Norwich	No
591	Royal Observer Corps Museum	No

	Museum Name	Human Remains?
592	Royal Regiment of Fusiliers Museum (Royal Warwickshire)	No
593	Royal Signals Museum	No
594	Royal Wiltshire Yeomanry Museum	No
595	Royston and District Museum	No
596	Ruddington Village Museum	No response
597	Rugby Art Gallery and Museum*	Yes
598	Ruskin Museum, Coniston	No
599	Russell-Cotes Art Gallery and Museum*	Yes
600	Rutland County Museum and Visitor Centre*	Yes
601	Ryedale Folk Museum	No
602	Saddleworth Museum and Art Gallery	No
603	Saffron Walden Museum	Yes
604	Salcombe Maritime Museum	No
605	Salford Museum and Art Gallery	No
606	Salisbury and South Wiltshire Museum*	Yes
607	Salomons Museum	No
608	Sandwell Museum Service	No
609	Sandwich Guildhall Museum	No
610	Scarborough Museums and Galleries*	Yes
611	Science Museum*	Yes
612	Science Museum Wroughton	No
613	Science Oxford	No
614	Seaford Museum and Heritage Society	Yes
615	Sedgwick Museum of Earth Sciences	No response
616	Selby Museum	No
617	Senhouse Roman Museum	Yes
618	Sevenoaks Museum and Gallery	Yes
619	Shaftesbury Town Museum	No response
620	Shambles Museum	No
621	Sheffield Museums and Galleries Trust	Yes
622	Shefton Museum of Greek Art and Archaeology	No
623	Sherborne Museum	No
624	Sheringham Museum	No response
625	Sherlock Holmes Museum	No response
626	Sherwood Foresters Regimental Museum	No
627	Shirehall Museum	No
628	Shrewsbury Museums Service	No response
629	Shropshire County Council Museum Service*	Yes
630	Shropshire Regimental Museum	No
631	Sir John Soane's Museum	Yes
632	Sittingbourne Heritage Museum	No
633	Sleaford Museum Trust	No
634	Slough Museum	No

	Museum Name	Human Remains?
635	Snodland Millennium Museum*	Yes
636	Soldiers of Gloucestershire Museum	No
637	Somerset County Museums	Yes
638	Somerset Rural Life Museum	No
639	South Gloucester Council Museums and Heritage Service	No
640	South Molton and District Museum	No response
641	South Nottinghamshire Hussars Museum	No
642	South Ribble Museum and Exhibition Centre	No
643	Southampton Museums*	Yes
644	Southend Museum Services*	Yes
645	Southwold Museum	No
646	Spalding Gentleman's Society Museum	No
647	Spelthorne Museum	Yes
648	Spode Museum	No
649	St Agnes Parish Museum	No
650	St Albans Museums*	Yes
651	St Augustine's Abbey Museum*	Yes
652	St Bartholomew's Hospital Archives and Museum	No
653	St Francis and Hurstwood Park Hospitals' Museum	No
654	St Helens Museum and Art Gallery Service	No
655	St John Medieval Museum and Chapel*	Yes
656	St. Barbe Museum	No
657	St. John's House Museum, Warwick	No
658	St. Margaret's Museum	No
659	St. Neot's Museum*	Yes
660	Staffordshire Arts and Museum Service	No
661	Staffordshire Regiment Museum	No
662	Stephen G Beaumont Museum	No
663	Stevenage Museum	No
664	Stewart's Collection Museum	No
665	Steyning Museum*	Yes
666	Stockport Heritage Services*	Yes
667	Stockton Borough Libraries and Museums Service	Yes
668	Stoneacre	No
669	Stroud Museum Service	Yes
670	Sturminster Newton Museum	No
671	Surrey Heath Museum	No
672	Sussex Combined Services Museum	No
673	Sutton Heritage Service	Yes
674	Swaffham Museum Ltd	No
675	Swaledale Museum	No
676	Swanage Museum	No
677	Swindon Museum Services	Yes

	Museum Name	Human Remains?
678	Swinford Museum	No response
679	Tameside Museums and Galleries Service	No
680	Tank Museum	No
681	Teignmouth Museum	No
682	Tenbury and District Museum	No
683	Tenbury Wells Museum	No response
684	Tenterden and District Museum	No
685	Tetbury Police Museum	No
686	Tewkesbury Museum	No response
687	Thackray Museum, Leeds	No
688	Thames Valley Police Museum	No
689	The Adjunct General's Corps Museum	No
690	The Beacon	No
691	The Cole Museum	Yes
692	The Collection: Art and Archaeology in Lincolnshire*	Yes
693	The Freud Museum	No
694	The Gurkha Museum	No
695	The King's Royal Hussars Museum	No
696	The Light Infantry Museum	No
697	The Royal Green Jackets Museum	No
698	The Traditional Heritage Museum	No
699	Thetford Ancient House Museum	Yes
700	Thinktank: Birmingham's science museum	Yes
701	Thirsk Museum*	Yes
702	Thomas Layton Memorial and Museum Trust	No
703	Thornbury and District Museum	No
704	Thorney Heritage Museum	No
705	Three Rivers Museum of Local History	No
706	Thurrock Museum	No
707	Time Trap	No
708	Tipton Community Heritage Centre	No
709	Tiverton Museum of Mid Devon Life	No
710	Tolpuddle Martyrs Museum	No
711	Tolsey Museum	No
712	Tom Brown's School Museum	No
713	Topsham Museum	No
714	Torquay Museum	Yes
715	Torre Abbey	Yes
716	Torrington Museum	No
717	Totnes Elizabethan Museum*	Yes
718	Town House Museum, King's Lynn	Yes
719	Towneley Hall Museum*	Yes
720	Towner Art Gallery and Local History Museum, Eastbourne	No response

	Museum Name	Human Remains?
721	Trowbridge Museum	No response
722	True's Yard Museum	No response
723	Tullie House Museum*	Yes
724	Tunbridge Wells Museum and Art Gallery*	Yes
725	Tutankhamun Exhibition	No
726	Twickenham Museum	No
727	Tyne and Wear Museums*	Yes
728	Tynedale Council Museums Service	Yes
729	University Archaeology Museum	Yes
730	University College London (UCL) Museums and Collections	Yes
731	University Museum of Zoology	Yes
732	University of Liverpool, Museum of Dentistry	Yes
733	University of Manchester Medical School Museum	No
734	Upminster Tithe Barn Museum of Nostalgia	No
735	URBIS	No
736	Ure Museum of Greek Archaeology	No
737	Valence House Museum*	Yes
738	Vestry House Museum, Walthamstow	No
739	Victoria and Albert Museum	No response
740	Victoria Jubilee Museum, Cawthorne	No
741	Wakefield Museums and Arts	Yes
742	Wall Roman Site and Museum	No
743	Wallace Collection, London	No
744	Wallingford Museum	Yes
745	Walsall Museum*	Yes
746	Walter Rothschild Zoological Museum	No
747	Walton-On-The-Naze Maritime Museum	No
748	Wandle Industrial Museum	No
749	Wandsworth Museum	No
750	Ware Museum	Yes
751	Wareham Museum*	Yes
752	Warrington Museum	Yes
753	Warwickshire Museums*	Yes
754	Warwickshire Yeomanry Museum	No
755	Watchet Market House Museum	No
756	Waterperry Gardens and Rural Museum	No
757	Waterworks Museum	No
758	Watford Fire Museum	No
759	Watford Museum	No
760	Wayside Folk Museum	No
761	Weardale Museum at High House Chapel	No
762	Wellcome Collection*	Yes
763	Wells and Mendip Museum*	Yes

764	Welwyn Hatfield Museums Service	Yes
765	Weobley Museum	No
766	West Berkshire Museum*	Yes
767	West Somerset Rural Life Museum	No
768	Westminster Abbey Chapter House, Pyx Chamber and Abbey Museum	No
769	Weymouth Museum*	Yes
770	Whipple Museum of the History of Science	No
771	Whitby Museum	Yes
772	Whittlesey Museum	Yes
773	Willenhall Museum	No response
774	William Herschel Museum	No
775	Williamson Art Gallery and Museum	No
776	Willis Museum	No
777	Wiltshire Fire Defence and Brigades Museum	No
778	Wiltshire Heritage Museum*	Yes
779	Wiltshire Museum Service	No
780	Wimbledon Society Museum of Local History	No
781	Wincanton Museum	No
782	Winchcombe Folk and Police Museum	Yes
783	Winchelsea Museum	No
784	Winchester Museums Service*	Yes
785	Windermere Steamboats and Museum	No
786	Windsor and Royal Borough Museum*	Yes
787	Wirral Museum	No response
788	Wisbech and Fenland Museum*	Yes
789	Witney and District Museum	No
790	Wollaston Museum	No
791	Woodbridge Museum	No
792	Woodchurch Village Life Museum	No
793	Woodhall Spa Cottage Museum	No
794	Woodhorn Church Museum	No
795	Wookey Hole Cave Diving and Archaeological Museum	No
796	Woolpit and District Museum	No
797	Worcestershire City Museums*	Yes
798	Worcestershire County Museum Service*	Yes
799	Worcestershire Regiment Museum	No
800	Wordsworth Museum	No
801	Worsbrough Mill Museum	No
802	Worthing Museum	Yes
803	Wycombe Museum	No
804	Wymondham Heritage Museum	No
805	York Museums Trust*	Yes
806	Yorkshire Yeomanry Museum	No

APPENDIX 4: INITIAL MUSEUM CONTACT EMAIL OR LETTER

Dear [NAME]

HUMAN REMAINS AT [MUSEUM NAME]

I am currently undertaking PhD research relating to the impact and effectiveness of the *Human Tissue Act* and the *Guidance for the Care of Human Remains in Museums*.

I will shortly be undertaking a large-scale survey of English museums, and as part of my initial survey investigations, I wonder if it would be possible for you to confirm:

a. whether your institution holds human remains

YES NO (please delete as appropriate), and;

b. if your institution does hold human remains, whether you would be willing to take part in a survey relating to those human remains as well as the impact and effectiveness of the *Human Tissue Act* and the *Guidance for the Care of Human Remains in Museums*.

YES NO (please delete as appropriate)

If appropriate, please forward contact details so that a questionnaire may be forwarded to a suitable representative.

Many thanks for your time.

Kind Regards

Liz Bell
Research Postgraduate
Newcastle University
International Centre for Cultural and Heritage Studies
Bruce Building
Newcastle upon Tyne
NE1 7RU

Email: Elizabeth.bell@ncl.ac.uk

Tel: 0191 222 6478

Fax: 0191 222 6478

APPENDIX 5: BELL SURVEY I QUESTIONNAIRE

SURVEY OF HUMAN REMAINS WITHIN MUSEUM COLLECTIONS IN ENGLAND

SECTION 1 – GENERAL

Question 1

Is your museum aware of the full extent of its human remains holdings?

Yes

No

Question 2

Please identify the origin and number of human remains (minimum number of individuals (MNI)) under the control of your museum. Do not include human remains on in-coming loan from other museums; however, do include human remains the museum controls on out-going loans to other museums,

Please type 'E' next to any estimated counts given. If you are unable to provide any counts please type 'unknown' in the relevant column.

Origin	Archaeological MNI	Ethnographic MNI	Medical MNI	TOTAL
Africa				
North America				
South America				
Asia				
Australia/Tasmania				
Europe (excluding UK)				
Greenland				
Middle East				
New Zealand				
Pacific				
UK				
Unknown				

Question 3

Does your museum control human remains under 100 years old?

Yes

No

If yes, please give details of the number, age and origin.

Please type your comments here:

SECTION 2 – POLICY/GUIDANCE

Question 4

Please identify whether your museum has its own policy or guidance that specifically reference human remains with regard to the following:

Treatment	Policy (Mandatory)		Guidance (Discretionary)	
	Yes	No	Yes	No
Access				
Acquisition				
Claims for return				
Conservation treatment				
De-accessioning				
Display				
Educational Use				
Loans				
Research				
Storage				
Other (please describe below)				

Other treatments

Please type your comments here:

Question 5

Has your museum changed, or will it change, its policy or guidance documents regarding the treatment of human remains due to the issuance of the *Guidance for the Care of Human Remains in Museums*

Has changed Will change Not yet decided No

If museum policy has changed or will change, please give details of these changes.

Please type your comments here:

SECTION 3 – DISPLAY

Question 6

Does your museum display human remains, whether on a temporary or permanent basis?

Yes No

If no, please advise the reason for this decision then go to **Question 8**.

Please type your comments here:

Question 7

Following the issuing of the *Guidance for the Care of Human Remains in Museum*, has your museum changed, or does it plan to change, the way in which human remains are displayed?

Has changed Will change Not yet decided No
Already displayed as recommended in the *Guidance*

If no, please advise the reason for this decision.

Please type your comments here:

SECTION 4 – RESEARCH

Question 8

Are human remains controlled by your museum used for research purposes?

Some All None

Question 9

Does your museum keep a human remains research register?

Yes No

If no, please go to **Question 11**.

Question 10

Is this research register accessible to the public?

Yes No

If yes, then please describe how it is made accessible.

Please type your comments here:

SECTION 5 – CONSENT

Question 11

Does your museum seek permission from source communities to display, retain or conduct research on human remains?

Yes No

If yes, please explain how this process works.

Please type your comments here:

SECTION 6 – EDUCATION

Question 12

Do students taking osteological or medical based training handle human remains?

Question 13

Are human remains used as part of other educational or outreach programmes?

If yes, please describe the programmes.

Please type your comments here:

Question 14

Does your museum use, or would it consider using, replica human remains for educational purposes?

Does use

Would consider using

No

SECTION 7 – STORAGE

Question 15

Does your museum have a dedicated area or designated shelving for the storage of human remains?

Question 16

Are human remains accessible to all members of staff?

If no, please provide details of your access policy.

Please type your comments here:

SECTION 8 – REPATRIATION

Question 17

Has your museum received any requests for the repatriation of human remains?

If yes, please advise the number of requests:

Origin	Successful	Unsuccessful	Pending	TOTAL
Africa				
North America				
South America				
Asia				
Australia/Tasmania				
Europe (excluding UK)				
Greenland				
Middle East				

Pacific				
New Zealand				
UK				
Unknown				
TOTALS				

Question 18

Has your museum received any requests for the repatriation of associated funerary objects?

If yes, please describe how many of these claims have been successful.

Some All None

Question 19

Has your museum set up its own advisory framework for processing repatriation requests? Yes

SECTION 9 – GUIDANCE FOR THE CARE OF HUMAN REMAINS IN MUSEUMS

Question 20

Does your museum feel that the *Guidance for the Care of Human Remains in Museums* is satisfactory? Yes No

If no, please suggest ways in which it could be improved.

Please type your comments here:

SECTION 10 – FURTHER COMMENT

Please use the space below if you would like to make any further comment, personal or professional, regarding the *Guidance for the Care of Human Remains in Museums*, the *Human Tissue Act 2004*, the repatriation of human remains, or any other related issues.

Please type your comments here:

Please return your completed questionnaire to elizabeth.bell@ncl.ac.uk

MUSEUM NAME:

CONTACT PERSON:

TELEPHONE NUMBER:

EMAIL ADDRESS:

MANY THANKS FOR YOUR TIME

APPENDIX 6: BELL SURVEY COVERING LETTER

Dear [name]

Further to my email last week, I now attach my human remains questionnaire for your completion.

The questionnaire consists of 10 sections, which primarily deal with aspects raised within the *Guidance for the Care of Human Remains in Museums*. If required, a full version of this document can be found by clicking on the link below.

<http://www.culture.gov.uk/NR/rdonlyres/0017476B-3B86-46F3-BAB3-11E5A5F7F0A1/0/GuidanceHumanRemains11Oct.pdf>.

As the *Guidance for the Care of Human Remains* forms the basis of this questionnaire, and indeed my overall research, I am using the definition of human remains found within this document. This definition states that human remains 'mean the bodies, and parts of bodies, of once living people from the species *Homo sapiens* (defined as individuals who fall within the range of anatomical forms known today and in the recent past). This includes osteological material (whole or part skeletons, individual bones or fragments of bone and teeth), soft tissue including organs and skin, embryos and slide preparations of human tissue.' This also extends to include 'any of the above that may have been modified in some way by human skill and/or may be physically bound-up with other non-human materials to form an artefact composed of several materials.' Artworks composed of human bodily fluids and soft tissue also are included within the definition of *human* remains, but hair and nails are not.

I have attempted to structure the questionnaire as simply as possible. Most questions only require you to 'click' on the relevant box to give an answer. Comment boxes are found throughout the questionnaire; these boxes expand to the size required to accommodate comments.

I would be most grateful if you could return the completed questionnaire preferably via email to me by [DATE]. If you are unable to meet this deadline, or if you have any questions, please do not hesitate to get in touch.

Kind Regards

Liz Bell
Research Postgraduate
International Centre for Cultural and Heritage Studies
Bruce Building
Newcastle University
Newcastle upon Tyne
NE1 7RU
Tel: 0191 222 6478
Fax: 0191 222 6484

APPENDIX 7: HUMAN TISSUE AUTHORITY PUBLIC DISPLAY LICENSING QUESTIONNAIRE

HUMAN TISSUE AUTHORITY PUBLIC DISPLAY LICENSING QUESTIONNAIRE

Question 1

Is your museum aware that all human remains belonging to a person who died less than 100 years ago require a licence for storage and display?

Please type your comments here:

Question 2

Does your museum hold a public display licence?

Yes Application in process No

Question 3

If your museum does hold a licence, what was the cost?

Question 4

Do you agree it is reasonable that museums must be in possession of a licence to store and display human remains belonging to a person who died less than 100 years ago?

Yes Yes, but without licence fee No

Please type your comments here:

Question 5

Please identify the origin and number of human remains (minimum number of individuals (MNI)) under the control of your museum **that are under 100 years old**. Please type 'E' next to any estimated counts given.

Origin	Archaeological MNI	Ethnographic MNI	Medical MNI	TOTAL
Africa				
North America				
South America				
Asia				
Australia/Tasmania				
Europe (excluding UK)				
Greenland				
Middle East				
New Zealand				
Pacific				
UK				
Unknown				

Question 6

What impact has licensing had on your museum?

Please type your comments here:

FURTHER COMMENT

Please use the space below if you would like to make any further comment, personal or professional, regarding the impact of the *Human Tissue Act*.

Please type your comments here:

Please return your completed questionnaire to elizabeth.bell@ncl.ac.uk
If you do not hold a licence and would like the identity of your museum to remain anonymous please advise by return email.

MUSEUM NAME:

CONTACT PERSON:

TELEPHONE NUMBER:

EMAIL ADDRESS:

MANY THANKS FOR YOUR TIME

APPENDIX 8: HUMAN TISSUE AUTHORITY LICENCE FEE CHANGE NOTICE

Dear Colleague

I wrote to you on 8 December 2008 to invite responses to a consultation on a proposed new fee structure for the Human Tissue Authority (HTA). This letter, which is on our website (www.hfa.gov.uk/consultations_and_events/closed_consultations.cfm) set out in some detail the rationale for the fee changes within each sector.

We are very grateful to all who responded to the consultation, which ended on 5 March. Many of these responses came from professional bodies or from organisations holding a number of licences.

The HTA is expected by HM Treasury to recover its regulatory costs from licence fees, but they also expect us to ensure that the way we carry out our regulatory function is as efficient, and therefore inexpensive, as possible. We fully accept this responsibility and believe that our track record shows our determination to avoid imposing bureaucratic and burdensome forms of regulation.

The Board of the HTA met on 17 March at a public meeting in Manchester to consider the responses to the consultation. They recognised that any increase would not be welcome at this time. But they also acknowledged that, since first setting fee levels, the work relating to licensing has grown well beyond anything we could have anticipated. As I explained in my letter of 8 December, licence evaluation and site visit inspections are only the tip of the iceberg when it comes to regulating. What is not so apparent is the work we are doing with the European Union to keep licensing under the European Directives as unburdensome as possible; the substantial amount of advice and guidance we provide to help establishments understand their responsibilities under the complex legislation relating to human tissue; the substantial work involved in managing conditions and variations to licences; and the work we do with government and other regulators to streamline regulation, prevent duplication and avoid gaps.

The responses to the consultation, which we took very seriously, led us to re-examine the expenditure profile for 2009/10 to see if it could be adjusted to permit a reduction in some of the fees. The Board accepted that the HTA needed to increase staffing to match the growing workload and noted that a recruitment drive was currently underway. But they also recognised that the recent experience of filling staff vacancies suggested it would be unrealistic to expect to recruit to the full complement of staff by the end of the 2009/10 financial year. It was agreed that a re-profiling of staff recruitment was possible and that this would allow scope for a limited reduction in fee income.

The decision of the Board was to use this expected reduction in cost pressure to:

- (i) **reduce fees for all satellite sites by 5% in 2009/10 (these are sites that fall under the licence of a linked main site)**

- (ii) **agree a year's "holiday" from payment of fees by licensable establishments for activities carried out under third party agreements (which occur only in the human application sector). This will apply to the 2009/10 financial year only.**

These reductions may not go as far as many might want, but I believe that the changes we have made reflect a real desire to listen to what stakeholders have said in response to the consultation. Some consultation responses suggested we should assess the scope for setting fees within each of the sectors on the basis of activity, size, risk and perhaps other variables. We do accept that within each sector, a "one size fits all" approach to fee setting may not be best and we will explore what the alternatives may be. The Board decided that a review on these lines should be conducted in the summer of 2009. They also agreed that, in reviewing the alternatives, we should engage stakeholders directly – just as we have done in the past, for example to help us develop our licensing methodology. This was something we were unable to do because of staff pressures.

The revised fee structure for the 2009/10 financial year is set out in the appendix to this letter. Invoices will be issued from April onwards. We will publish on our website, in due course, a summary of the responses we received, together with our comments on them.

Yours sincerely

Adrian McNeil
Chief Executive
Human Tissue Authority

Appendix

The new fee structure for 2009/10 is as follows. The fees have been set for a one year period pending a more detailed review in the forthcoming business year.

Sector	Research	Public display	Post mortem	Anatomy	Human application
	£	£	£	£	£
Main site (2008/09 fee)	6,000 (5,200)	3,750 (3,600)	8,000 (5,300)	6,500 (5,200)	11,000 (7,600)
Satellite (2008/09 fee)	900 (800)	560 (500)	2,000 (2,100)	975 (700)	3,800 (1,000)
Third party agreements	N/A	N/A	N/A	N/A	Nil (Nil)
Procurement organisations (2008/09 interim fee) ¹	N/A	N/A	N/A	N/A	6,000 (2,900)
Simple skin & bone establishments ²	N/A	N/A	N/A	N/A	5,500
Public display: less than 20 items (2008/09 fee)	N/A	1,000 (250)	N/A	N/A	N/A

¹ *Procurement organisations*

The proposed fee for procurement organisations replaces the current interim fee, which was set until we could assess more accurately the work required to license this new group of establishments under the Human Tissue (Quality and Safety for Human Application) Regulations 2007 (Q&S Regulations).

² *Simple skin and bone establishments*

These are establishments that treat patients with burns (i.e. store autologous skin) or treat patients with serious head injuries (i.e. store autologous skull flaps). Typically storage is in a stand-alone fridge or freezer.

APPENDIX 9: LIST OF 71 MUSEUMS CONTACTED THAT WERE PART OF A LARGER ORGANISATION

	Museum Name
1	Abbey Pumping Station
2	Abingdon Museum
3	Andover Museum
4	Arbeia Roman Fort and Museum
5	Armley Mills, Leeds Industrial Museum
6	Banbury Museum
7	Baysgarth House Museum
8	Blaise Castle House Museum
9	Bolling Hall Museum
10	Bracken Hall Countryside Museum
11	Brewhouse Yard - Museum of Nottingham Life
12	Brighton Museum and Art Gallery
13	Buxton Museum & Art Gallery
14	Chesters Museum
15	Cliffe Castle Museum
16	Clifton Park Museum
17	Corinium Museum
18	Cottage Museum
19	Dewsbury Museum
20	Fleetwood Museum
21	Glastonbury Lake Village Museum
22	Grant Museum of Zoology
23	Great Yarmouth Museums
24	Gressenhall Farm and Workhouse, Museum of Norfolk Life
25	Hancock Museum
26	Hastings Old Town Hall Museum of Local History
27	Hollytrees Museum
28	Hove Museum & Art Gallery
29	Jewry Wall Museum
30	King's Own Yorkshire Light Infantry Museum
31	Knaresborough Castle & Courthouse Museum
32	Lancaster Maritime Museum
33	Leeds Museum Resource Centre
34	Lynn Museum
35	Manor House Art Gallery & Museum

36	Much Wenlock Museum
37	Museum of Archaeology, Southampton
38	Museum of Barnstaple and North Devon
39	Museum of Liverpool Life
40	Museum of Natural History
41	Museum of Oxford
42	Museum of the Iron Age
43	Naseby Battle and Farm Museum
44	Natural History Museum, Colchester
45	New Walk Museum & Art Gallery
46	Newarke Houses Museum
47	Norwich Castle Museum & Art Gallery
48	Nottingham Castle Museum and Art Gallery
49	Old Fulling Mill Museum of Archaeology
50	Oxfordshire Museum
51	Poole Museum
52	Red House Museum, Gomersal
53	Ripon Prison and Police Museum and Ripon Workhouse
54	Rotunda Museum
55	Royal Albert Memorial Museum
56	South Shields Museum & Art Gallery
57	Southampton Maritime Museum
58	St. Robert's Cave
59	Stockport Museum
60	Sunderland Museum & Winter Gardens
61	The Commandery
62	The Petrie Museum
63	Tolson Museum
64	Tudor House Museum & Garden
65	UCL, Institute of Archaeology
66	Vale and Downland Museum
67	Waterfront Museum
68	Westbury Manor Museum
69	Wood End Museum
70	Workhouse Museum
71	York Castle Museum