

Beyond their Graves

Comparing English and Dutch
Approaches towards Human Remains
in Museums

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Glossary

Human remains

The definition of human remains differs from policy to policy, from author to author. In its most narrow definition, the term refers only to skeletal or body fragments. In its widest definition, it also includes grave goods and even the location of the finds or the landscape.¹ For the purposes of this thesis, the term “human remains” includes all the human tissue, including hairs and nails, and human remains that were altered or bound up with non-human material.

Repatriation

The term usually describes the return of an object or person to its place of origin or ‘home’, but this is not always the case. For many objects, for instance, the ‘home’ is not known, and they end up in a museum for storage. Nevertheless, the term ‘repatriation’ is so frequently used in the discourse, that presumably the value-laden aspect of the term (what counts as the home) is accepted, or is ignored.²

English

Regulation

The thesis focuses on English regulation regarding human remains: all the interviewed museums are English. However, the Human Tissue Act concerns the whole United Kingdom. The DCMS Guidance, concerns England, Wales and Northern Ireland. Scotland has its own set of regulations which differ in some respects from the the DCMS Guidance: for instance, none of the sites of *Historic Scotland* have human remains on display.³

¹ Sanchita Balachandran, “Among the Dead and Their Possessions, a Conservators Role in the Death, Life, and Afterlife of Human Remains and their Associated Objects,” *Journal of the American Institute for Conservation* 48 (2009): 199-222 at 200.

² Tiffany Jenkins, *Contesting Human Remains in Museum Collections: The Crisis of Cultural Authority* (London/ New York: Routledge, 2011), 17.

³ Historic Scotland, “The Treatment of Human Remains in Archaeology” (Edinburgh: Historic Scotland, 2016), 17.

List of Abbreviations

DCMS	United Kingdom Government Department for Culture, Media and Sport (Since 2017: Department for Digital, Culture, Media and Sport)
HAD	Honouring the Ancient Dead
HTA	Human Tissue Act 2004
ICOM	International Council of Museums
MA	British Museums Association
NAGPRA	Native American Graves Protection and Repatriation Act
SVCN	Stichting Volkenkundige Collectie Nederland (Foundation Ethnographic Collection Netherlands)
UNESCO	United Nations Educational Scientific and Cultural Organization
WAC	World Archaeological Congress
WGHR	Working Group on Human Remains (installed by the DCMS)

Introduction

On the first of March 2018, the British Museum published a blogpost on their website, entitled: “World's earliest figural tattoos discovered on 5,000-year-old mummies.” With new technology, it was found that two mummies, who had been in the British Museum for a long time, both had tattoos that research had not previously detected. According to Daniel Antoine, Curator of Physical Anthropology (and the person responsible for all human remains in the British Museum), this discovery “transformed our understanding of the Gebelein mummies. Only now are we gaining new insights into the lives of these remarkably preserved individuals.” The newly discovered tattoos did indeed give some new insights: the difference between the tattoos on the male body (horned animals) and those on the female body (symbols related to ceremonial and ritual practices), for instance.⁴ The male mummy is currently back on display, lying in the middle of the room, naked, for thousands of visitors to inspect every day. The tattoos do not, however, give insight into whether this was his idea of his afterlife.

In the past decades, the holding of human remains in museum collections has come under a lot of scrutiny, especially with respect to the storing and display of human remains in ethnological museums, and the human remains of indigenous peoples. In 1990, NAGPRA was passed in the United States. This law grants indigenous people the right to claim human remains and sacred objects of their ancestors and decide on their fate. In Europe, the discussion regarding museums' holdings of human remains turned initially around whether or not to repatriate the human remains, especially in light of increasingly common requests from people and groups from former colonies. In Europe this discussion also had legal implications: in the United Kingdom for instance, the Human Tissue Act was passed in 2004; this act allowed several national museums to repatriate the human remains in their collection, when this was requested. In the Netherlands however, no such legislation was adopted.

⁴ “World's earliest figural tattoos discovered on 5,000-year-old mummies,” Blog, British Museum, March 1, 2018, <https://blog.britishmuseum.org/worlds-earliest-figural-tattoos-discovered-on-5000-year-old-mummies/>.

Recently the discussion regarding human remains in museum collections has also extended to archaeological remains, such as Egyptian mummies. Although Egyptian mummies could be repatriated, often human remains such as bog bodies or centuries-old skeletons are today in museums in the same country, or even region in which they were found. In these instances, repatriation is not so much the issue, as it is a question of whether human remains should be in museum collection at all. Should they not stay buried? After all, they were once buried, and had been interred with their own rituals. Does it show disrespect to display them, research them, or hold them in storage? In England, the debate about how to appropriately handle human remains has garnered a lot of attention, with archaeologists and museum curators on the one side of the issue, and organisations such as for example Honouring the Ancient Dead on the other. Museums in England are obliged to think about this issue, and can rely on several guidance documents to help them with this. In the Netherlands, this discussion has not received equal attention. Consequently, in the Netherlands, there is no legislation, and very few guidance documents for museums.

The lack of policy and guidance on the musealisation of human remains in the Netherlands is, first of all, alarming: there is no means of ensuring that the human remains in Dutch museum collections are being treated with appropriate respect. In addition, there is no general law or policy regarding the repatriation of human remains, so whether possible requests are dealt with in a respectful, considerate manner, remains uncertain. In addition, the lack of attention for the issue of human remains in museum collections is puzzling. Human remains constitute a significant part of museum collections, and are a principal subject of study in archaeology. For this reason, human remains are very important to heritage in general. Moreover, human remains raise many of the same issues prompted by heritage subjects, such as the question of cultural property, which is an important subject of debate in contemporary heritage studies.⁵ However, as the thesis will show, the issue of musealisation of human remains does not have

⁵ On the topic cultural property of heritage, see for instance Laetitia La Follette, ed., *Negotiating Culture: Heritage, Ownership, and Intellectual Property* (Amherst: University of Massachusetts Press, 2013).

implications for heritage studies alone. There are a number of approaches towards the issue: from a legal perspective, an ethical perspective, from the academic fields of archaeology, museology, tourism, and religious studies, and also from a governmental perspective.

The aim of this thesis is to find out what the Netherlands can learn from the United Kingdom's experience and practice with their policy and regulations regarding the musealisation of human remains.

By answering the research question, the thesis will propose a new approach for the Netherlands regarding human remains in museum collections. This new approach is derived from England's approach, and its implications. This proposal, and the thesis, will be of special interest to Dutch stakeholders in the issue, as for instance museum curators, the Dutch Museum Association, and governmental bodies such as the Ministry of Education, Culture and Science and the Dutch Agency for Cultural Heritage.

In order to give an answer to the research question, the first chapter will provide some background on the history of human remains in museum collections, and after that, on the surrounding debate: first worldwide, thereafter focusing on England and the Netherlands. After this, the second chapter will give an outline of the current situation regarding policies, regulations and guidelines concerning human remains in museums. Again, this will first focus on worldwide regulations, as for instance the ICOM code of Ethics, and the UNESCO convention for the Safeguarding of Intangible Heritage; next, the chapter discusses regulations in England and in the Netherlands. For England, this includes the Human Tissue Act 2004, and the DCMS Guidance, for the Netherlands, for instance the Ethical Code of the Museumvereniging. The conclusion of the second chapter compares the approaches of England and the Netherlands. Both Chapter 1 and Chapter 2 are based on literature review.

After the current situation in policies and documents, the third chapter discusses the current situation in museum practice, based on the results of my fieldwork. I interviewed three curators in England, and three curators in the

Netherlands using the 'walk through spaces' interviewing technique.⁶ The curators showed me around their museums, and especially their human remains on display, while I talked with them about the museums' approach to the display and storage of the remains, their experiences with guidelines and policies, complaints from visitors, and of course requests for repatriation and reburial. With the use of this technique, I was able to combine observation with contextual commentary. A disadvantage of using this technique is that it was not possible to record the interviews. Instead, I wrote an observation report directly after each appointment. I coded these reports after I finished all the interviews, to find similarities and differences between the interviews, and especially between the England museums and the Dutch museums. An analytic grid of the codes and their occurrence can be found in the appendix. Although I was not able to interview a curator at the British Museum in London, I visited the museum and read their policy and their publication 'Regarding the Dead', in which they explain the British Museum's approach towards the human remains in their collection. It is on this basis that the British Museum is also mentioned in the results. Lastly, I conducted a telephone interview with a board member of the organisation Honouring the Ancient Dead. The insights gleaned from this interview are also included in the chapter. The conclusion of the chapter compares the situation found in English museums with that found in the Dutch museums investigated.

The fourth chapter explores whether English regulation is applicable in the Netherlands. It first analyses the English regulation, and discusses its strengths and weaknesses. After this, it considers what it should look like if it were to be applied in the Netherlands. In this chapter, the results from the literature review, observation, and the interviews are combined, analyzed, and compared. Because of the combination of theory, practice and viewpoints from stakeholders, a comprehensive analysis can be made about the current situation regarding the musealisation of human remains.

⁶ Monique Hennink, Inge Hutter, and Ajay Bailey, *Qualitative Research Methods* (London: SAGE, 2011), 189.

The conclusion summarizes the thesis, and combines the conclusions from the individual chapters to provide an answer to the research question. In addition, it will point out recommendations, and points to further avenues of research.

1 The Debate Concerning the Musealisation of Human Remains

1.1 History of Collecting Human Remains

In Western Europe, the earliest known collecting, displaying, and visiting of human remains developed in the fourth century CE, in the context of the early Christian exhumation and veneration of the remains of saints as relics. A particularly important early example of exhumation and translation of relics, is Ambrose's exhumation of Sts Gervase and Protase (Gervasius and Protasius) in Milan in 385/386.⁷ Relics are of course still in custom in particular Christian communities today.⁸ The most extravagant examples of this, would be the chapels that are completely covered with human bones, as for instance the crypt of Santa Maria della Concezione dei Cappuchini in Rome, the Skull Chapel in Czerma, or the Capela dos Ossos in Evora.

In the Renaissance, a secular practice of collecting non-saintly human remains arose. Nobles and élites started to collect rare and exotic objects, including human remains, and put them in their cabinets of curiosities.⁹ With the discovery of the New World, this interest, and thus the cabinets, grew larger. Explorers, colonial officers and traders started collections including human remains alongside archaeological artefacts, and botanical collections.¹⁰ At first, these cabinets did not have any thematic categorization; they simply represented the interests of the owner. In the eighteenth century, however, the cabinets began to be categorized by fields of study.

⁷ For a recent work on relics in Antiquity, see Mary Joan Winn Leith and Allyson Everingham Sheckler, "Relics? What Relics?" in *Religious Competition in the Greco-Roman World*, eds. Nathaniel P. DesRosiers and Lily C. Vuong, 205-218 (Atlanta: Society of Biblical Literature, 2016). For a recent overview of the the development of the Christian cult of relics from late Antiquity to the Renaissance, see Holger A. Klein, "Sacred Things and Holy Bodies: Collecting Relics from Late Antiquity to the Early Renaissance," in *Treasures of Heaven, Saint, Relics, and Devotion in Medieval Europe*, eds. Martina Bagnoli, Holger A. Klein, C. Griffith Mann, and James Robinson, 55-68 (New Haven/ London: Yale University Press, 2010).

⁸ Jenkins, *Contesting Human Remains*, 3.

⁹ Oliver Impey and Arthur MacGregor eds., *The Origin of Museum: The Cabinet of Curiosities in Sixteenth- and Seventeenth-Century Europe* (Oxford: Clarendon Press, 1986), 119.

¹⁰ Jenkins, *Contesting Human Remains*, 3.

In the mid nineteenth century, human remains became object of study with the rise of the field of (physical) anthropology, at the time mostly focusing on racial classification.¹¹ After World War II, the field of physical anthropology became outdated, and human remains became the subject of interest of study for another research field: anthropobiology, which investigates human evolution, variation and growth. In addition, to this day, the fields of archaeology and medicine have studied human remains and have developed research collections to this end.¹²

Many of the human remains that were collected during the era of European colonization were acquired in contravention of local laws, customs and belief systems.¹³ Human remains in today's museum collections still consist to a large extent of findings from this era. As a consequence, museums today are constrained to deal not only with the past of their holdings, but with their own pasts as institutions often deeply connected with troubling histories of colonialism. Museums are confronted with what appears to be mutually exclusive options: either embracing their history, including the wrongly acquisition of the remains, or renouncing their history and the human remains altogether.

Many, if not most, museums currently have human remains in their collection, and on display. According to a survey conducted in 2003 on behalf of the English ministerial Working Group on Human Remains, 132 of the 148 English institutions surveyed held human remains. Although the size of the collections of human remains differed significantly among the institutions surveyed, in total, approximately 61 000 pieces of human remains were in the possession of these institutions. The Natural History Museum in London held the largest collection in the UK, with almost 20 000 human remains.¹⁴

Collecting human remains has evolved from a religious practice to a secular and academic one, from small-scale important venerated individuals to gigantic

¹¹ *Idem.*

¹² K.R.M. Lubina, "Contested Cultural Property: The Return of Nazi Spoiled Art and Human Remains from Public Collections" (PhD diss., University of Maastricht, 2009), 188.

¹³ *Ibid.*, 189.

¹⁴ DCMS, "Scoping Survey of Historic Human Remains in English Museums Undertaken on Behalf of the Ministerial Working Group on Human Remains", London: Department of Culture, Media, and Sport, 2003.

collections of bones, some forgotten in storage spaces. This modern way of collecting human remains, together with the ethically wrong acquisition of many of these remains, has caused a lot of discussion.

1.2 History of the Debate on Human Remains

1.2.1 Worldwide

The debate concerning human remains started in the 1970s and 1980s, mostly in former colonies within the context of civil rights movements and the struggle for self-determination of indigenous peoples. The campaigns concerning human remains shifted in focus over time. At first, the issue focused on collection management and conservation: the concerns articulated were primarily about the poor handling of recently acquired human remains and the disintegration of the remains. Later, campaigns concentrated on the removal of human remains (and other cultural significant items such as funerary objects, sacred objects and objects of cultural patrimony) from museum collections; initially, the debate was mostly about the display of human remains; later, however, the appropriate handling of remains in storage also came contested. More recently, the reburial of the human remains is mostly at issue.¹⁵ *Ethics and Burial Archaeology*, by the archaeologist Duncan Sayer, made an important contribution to the application of the ethical debate to archaeological collections of human remains.¹⁶ In addition, the organisation Honouring the Ancient Dead has published several articles and even a reburial guidance on their website.¹⁷ The website is set up to be very clear and comprehensive, reaching a wider audience. HAD and Sayer approach the debate from opposite sides, with different interests. Sayer addresses the debate from the perspective of the archaeologist, HAD from the perspective of a religious group, supposedly from the religious group of the dead.

In reaction to these initiatives, some countries started to take legal actions concerning human remains in museums. The United States, for instance, passed

¹⁵ Lubina, "Contested Cultural Property," 193.

¹⁶ Duncan Sayer, *Ethics and Burial Archaeology* (London: Duckworth, 2010).

¹⁷ Honouring the Ancient Dead, *Promoting Respect & Dignity for Those Who Have Gone Before*, <http://www.honour.org.uk/>.

NAGPRA in 1990.¹⁸ This act provides Indian tribes with legally enforceable procedures that allow them to recover human remains and funerary objects from federally funded museums. In Australia, the Tasmanian Museums Act was adopted in 1984, which provided for the repatriation of Tasmanian remains.¹⁹ In South Africa, human remains fall under the National Heritage Resources Act of 1999.²⁰ This act states that museums have to negotiate with the claimants when a request for repatriation is made. These national and state laws, together with guidelines and policies that were not legally binding stimulated international awareness of the issue of musealisation of human remains.²¹

In addition, there were a few cases involving human remains that received international media coverage, as for instance, the case of the Kennewick Man. In 1996 a human skull and bones were found near Kennewick, Washington, in the USA. At first, the remains were thought to be of a European settler, but early examination ruled this out. However, at the first inspection, the features of the skull also seemed to be unlike any Native American Indian remains.²² When the remains were tested for their antiquity, the analysis showed that they were approximately 9000 years old. This was, of course, a very significant finding for archaeologists. However, on the basis of NAGPRA, five Native American groups requested reburial of the remains at a secret location, without further testing and researching of 'the Ancient One'. The United States Army Corps of Engineers, which is responsible for the management of the land, prevented further testing and announced the reburial of the remains. Several scientists objected to the Corps's decision, and filed a lawsuit when their objections and requests were ignored. In 2004, the District Court of Oregon ruled that the age and lack of information with respect to the era from which the remains originated made it

¹⁸ "Native American Graves Protection and Repatriation Act," Law and Regulations, National NAGPRA, accessed April 24, 2017, <https://www.nps.gov/nagpra/MANDATES/>.

¹⁹ "Museums (Aboriginal Remains) Act 1984," Tasmanian Legislation, accessed April 29, 2018, <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1984-075>.

²⁰ "National Heritage Resources Act," Legislations and Regulations, SAHRA, accessed April 29, 2018, <http://www.sahra.org.za/legislations/>.

²¹ Lubina, "Contested Cultural Property, 198.

²² Douglas W. Owsley and Richard L. Jantz, "Kennewick Man – A Kin? Too Distant," in *Claiming the Stones/ Naming the Bones, Cultural Property and the Negotiation of National and Ethnic Identity*, eds. Elazar Barkan and Ronald Bush (Los Angeles: Getty Research Institute, 2002), 141-159 at 141.

impossible to say that the remains were connected to contemporary Native Americans. Consequently, reburial was prevented and the remains were released for further research.²³ However, in July 2015 a study was published by Danish researchers that showed that the Kennewick Man was genetically most closely related to Native Americans. In 2016, President Obama signed permission for the reburial of the Kennewick Man, which was performed in February 2017.²⁴

This case foregrounds some very important aspects that will be further explored in the following chapters. First, it shows how science, law, and culture, including religious beliefs, can clash because of different interests. The archaeologists wanted to do research, but could not because law allowed for reburial, which was also requested by the indigenous people. However, in court, it was decided that the law did not allow reburial. Eventually science caused the reburial, however after the research had been done. In addition, this case also shows that even if there is a law guiding the handling of human remains, this does not mean that there are no more issues or disputes concerning human remains.

1.2.2 England

After the debate in the United States, Australia, and New Zealand, the questions surrounding the appropriate handling and storage of human remains has also gained attention in Europe. In Europe, however, different motifs developed over time. In England, pressure from overseas indigenous groups was 'low', according to the 'Report of The Working Group on Human Remains'.²⁵ According to the survey that the WGHR ordered in 2003, there were only thirty-three claims on English institutions, of which some were repeated claims.²⁶ This 'lack of pressure' could explain why the problem of human remains developed comparatively slowly in England.²⁷

²³ Ibid., 144–45.

²⁴ Amy Klinkhammer, "Kennewick Man's Bones Reburied, Settling a Decades-Long Debate," *Discover Magazine*, February 21, 2017, <http://blogs.discovermagazine.com/d-brief/2017/02/21/kennewick-man-reburied/#.WsN9F-jFI2z>.

²⁵ DCMS, "The Report of the Working Group on Human Remains," (London: Department of Culture, Media, and Sport, 2003), 16.

²⁶ DCMS, "Scoping Survey," 28.

²⁷ Jenkins, *Contesting Human Remains*, 13.

Tiffany Jenkins suggests that the question of the treatment of human remains began to draw attention in Britain after it was treated by the first WAC in 1986.²⁸ The involvement of the WAC led to interest from scholars, such as Peter Ucko, in Britain.²⁹ Ucko's research student, Cressida Fforde, did more research on human remains in Britain, eventually conducting a survey, and contributing to the Human Remains Working Group Report in 2003³⁰, and the Guidance for the Care of Human Remains in 2005.³¹ In 2004, she wrote the book *Collecting the Dead: Archaeology and the Reburial Issue*.³² In this book, Fforde gives a historical overview of the collecting of the human remains in current museum collections, highlighting the perspectives of indigenous people, as well as those of the collectors. In this way, the book helped to show both sides of the debate.

From the 1990s onward, several events indicate the rising attention being given to the issue of human remains in museums. The MA commissioned Moira Simpson, museologist and activist, to undertake two research projects to check their members' attitude towards repatriation of human remains. Only three of the 123 respondents were opposed to the idea.³³ In 1994 the MA devoted an issue of their *Museums Journal* to the problem of human remains in museums, for which several museums curators and experts on the topic wrote articles.³⁴

After 2000, the United Kingdom government also started to consider the issue of human remains. This resulted in the previously mentioned Working Group

²⁸ Ibid., 15.

²⁹ Peter Ucko, *Academic Freedom and Apartheid, The Story of the World Archaeological Congress* (London: Duckworth, 1987), 231-232.

³⁰ DCMS, "Report of the Working Group."

³¹ DCMS, "Guidance for the Care of Human Remains in Museums," London: Department of Culture, Media, and Sport, 2005.

³² Cressida Fforde, *Collecting the Dead, Archaeology and the Reburial Issue* (London: Duckworth, 2004).

³³ Moira Simpson, *Museums and Repatriation: an Account of Contested Items in Museum Collections in the UK, with Comparative Material from Other Countries*, (London: Museums Association, 1997), 17.

³⁴ Jenkins, *Contesting Human Remains*, 15-16.

on Human Remains, the official Guidance for the Care of Human Remains in Museums, and also the Human Tissue Act 2004.³⁵

The Crisis in British Burial Archaeology

In 2008, the debate about the appropriate handling of archaeological human remains came to the attention of the broader public, in what the media styled the 'Crisis in British Burial Archaeology'.³⁶ Before 2007, archaeologists could apply for an excavation license to the government. For this application, an osteological expert had to be appointed, and it had to be made clear where findings would be deposited, for instance reburial or curation in a museum. Standard conditions included that a local health official would need to be consulted before the excavation, and that the excavations needed to be screened from public view.³⁷

However, in 2007 the Ministry of Justice assumed responsibility for archaeological excavations instead of the Home Office. After some introductory research, the Ministry found out that the Burial Act 1857 prohibited the government from granting licences for archaeological excavation.³⁸ As a consequence, they advised that archaeologists did not need to acquire a license for excavation, because the burial laws did not apply to archaeology.³⁹

This policy only lasted until 2008, when the Ministry of Justice announced, without any published explanation, that all excavated human remains would have to be reburied after two months. Very quickly, this time limit was changed to a two year period, in order to allow for scientific research to be completed. However, of course, for many research projects even two years would not be enough time. Furthermore, the revised policy would make curation in museums impossible. Moreover, the Ministry did not give any guidance about the

³⁵ "Human Tissue Act 2004," The National Archives, accessed April 25, 2018, <http://www.legislation.gov.uk/ukpga/2004/30/contents>.

³⁶ Mike Parker Pearson, Mark Pitts and Duncan Sayer, "Changes in Policy for Excavating Human Remains in England and Wales," in *Curating Human Remains: Caring for the Dead in the United Kingdom*, ed. Myra Giesen (Woodbridge: The Boydell Press, 2013), 147-157 at 147.

³⁷ *Ibid.*, 150.

³⁸ "Burial Act 1857," UK Legislation, accessed May 30, 2018, <http://www.legislation.gov.uk/ukpga/Vict/20-21/81/contents>.

³⁹ Pearson, Pitts and Sayer, "Changes in Policy," 151.

mandatory reburial. In 2008 and again in 2009, the Ministry issued brief statements, acknowledging that the legislation had not been designed for archaeology, and that it would need amendment.⁴⁰

In February 2011, when it had become abundantly clear that this amendment was not yet on the horizon, over forty archaeologists wrote to the Secretary of State for Justice a letter that was simultaneously published in the *Guardian* newspaper.⁴¹ The letter explained that the 2008 events had caused concern among many archaeologists, and that the licensing system again needed to allow for the “retention, study, curation and display of excavated human remains.” The campaign was picked up by several media institutions worldwide. In the first instance, the minister responsible for the reburial law, Jonathan Djanogly replied that the professors were “wide of mark”. However, later he altered his approach and stated that the Ministry of Justice would be flexible in the future. Later in 2011, the Ministry began to grant licences and licence extensions that also allowed for the curation and display of human remains in museums.⁴²

The ‘Crisis in British Burial Archaeology’ was for many archaeologists the first time they were obliged to think not only about the legislation, but also about the ethics of digging up human remains. Consequently, the public, political, and scientific discussions about archaeological remains got another ‘boost’, as it were.

1.2.3 Netherlands

The discussion concerning human remains in the Netherlands began at the end of the 1990s, a few years later than the debate in the USA, Australia and the United Kingdom. In 1998-1999, the Kunsthall in Rotterdam created the exhibition ‘Botje bij Botje’ (Bone by Bone), bringing together all sorts of human remains from the whole country. One of the remains in this exhibition was under particular scrutiny at this time: the ‘Hoorn mummy’. The tanned remains were exhibited in the

⁴⁰ Idem.

⁴¹ Barry Cunliffe, et al, “Reburial Requirement impedes archaeology,” *The Guardian*, February 4, 2011, <https://www.theguardian.com/science/2011/feb/04/reburial-requirement-impedes-archaeology>.

⁴² Pearson, Pitts and Sayer, “Changes in Policy,” 151.

Westfries museum as the ‘Eskimo’, and were supposedly from Greenland, although this was never proven in research. Greenland requested repatriation of the remains, while the Westfries Museum wanted to loan the ‘Hoorn Mummy’ to the Kunsthal. Furthermore, Inuits were exhibited also in Greenland, which made the Westfries museum even less willing to return the remains. The Westfries Museum asked the Ethical Code Committee of the Dutch Museum Association for consultation on the issue. This committee was installed to advise museums on the ICOM code of Ethics. The committee recommended more research on the link between the claimants and the mummy. Consequently, a DNA-test was conducted, which showed that the mummy did not have a diet of fish and seals, and was thus not from Greenland. Greenland withdrew its claim, and to this day, the mummy is still on display in the Westfries museum.⁴³

Even though this case evoked some discussion among Dutch museums and museum experts, because the case of the ‘Hoorn Mummy’ ended in this anti-climax, and other requests for repatriation were still very rare, the discussion died out again. In contrast, in the United Kingdom the discussion kept going, because of the attention of several scholars, even though requests for repatriation were also rare in the United Kingdom.⁴⁴

1.2.4 Conclusion

Human remains and their musealisation started to be perceived as a problem in the 1970s and 1980s, at first mostly in countries where the remains generally originated from indigenous communities. In the United States, Australia, and New Zealand several laws were adopted to regulate human remains in museums, and their possible repatriation and reburial. In particular, the NAGPRA, and its first challenge in court, in the case of the Kennewick Man, drew worldwide attention to the topic. When international organisations such as the WAC took on the issue, the musealisation, and initially especially the repatriation of human remains started to draw attention in Europe: from the beginning of the 1990s in Britain

⁴³ Fenneke Sysling, “Dead Bodies, Lively Debates, Human Remains in Dutch Museums,” in *Sense and Sensitivity, the Dutch in Delicate Heritage Issues*, ed. Andrea Kieskamp (Rotterdam: ICOM The Netherlands, 2010), 56.

⁴⁴ DCMS, “The Report of the Working Group,” 16.

both in museums, among governmental legislators, academics, archaeologists in the field, and non-governmental advocacy groups. From the late 1990s, although to a lesser extent, also in the Netherlands. There, it was mostly in museums, and among several academics and archaeologists in the field. The next chapter will explore how this interest led to regulation on human remains.

2 Policies and their background

2.1 International Law

Before looking at the policies and guidelines at a national level in England and the Netherlands, a few international guidelines are addressed. None of these are legally binding, but they do show the worldwide interest and significance of human remains and a need for their regulation.

2.1.1 Vermillion Accord

The Vermillion Accord was adopted in 1989 by the WAC, and consists of six statements on human remains.⁴⁵ The first four statements all ask for respect in the issue: for the remains, for the wishes of the dead, for the wishes of the concerned community or relatives, and also for the scientific research. The fifth and sixth follow from the previous: the fifth statement concerns the disposition of human remains, which should be negotiated with mutual respect from the community and researchers. The final paragraph expresses the hope that this mutual respect will lead to acceptable agreements for all the parties involved.

Although the Vermillion Accord does not seem to be groundbreaking in its content, it was the first of its kind, and helped to spread interest in the musealisation of human remains to the rest of the world. Furthermore, it is significant, because it balances the interest of the concerned community and the researchers.⁴⁶

2.1.2 ICOM Code of Professional Ethics

In 1986, the 15th General Assembly of ICOM adapted the ICOM Code of Professional Ethics.⁴⁷ This was the first international Code specifically made for museums, and is by ICOM still called “the cornerstone of ICOM.”⁴⁸ In 2001, this code was amended and retitled ‘ICOM Code of Ethics for Museums’. In 2004, it was revised and, with the exception of minor updates every few years, has remained largely unchanged ever since. According to ICOM, the code “sets

⁴⁵ WAC, “The Vermillion Accord on Human Remains,” Code of Ethics, World Archaeological Congress, accessed April 3, 2018, <http://worldarch.org/code-of-ethics/>.

⁴⁶ Lubina, “Contested Cultural Property,” 210.

⁴⁷ ICOM, “ICOM Code of Ethics for Museums,” (Paris: International Council of Museums, 2017).

⁴⁸ “ICOM Code of Ethics for Museums, 2006”, ICOM, accessed April 29, 2018, <http://archives.icom.museum/ethics.html>.

minimum standards of professional practice and performance for museums and their staff.” By being member of ICOM (20000 museums worldwide), a museum agrees to respect the code.⁴⁹ However, it serves only as a guideline and museums are responsible themselves for checking whether the code is being followed. This is not always the case. Italy, for instance, installed the ICOM Code of Ethics as national legislation in 2014.⁵⁰

The 1986 version of the ICOM code only touched upon the acquisition, housing, research, and display of human remains, but did not concern possible repatriation. In addition, it prioritized the opinions and beliefs of the museum professionals and researchers, instead of those of the concerned community, religious, or ethnic groups. A section on the repatriation of human remains was added when the code was amended in 2001.⁵¹

Only a few articles in the ICOM code explicitly deal with human remains:

2.5 Culturally Sensitive Material⁵²

Collections of human remains and material of sacred significance should be acquired only if they can be housed securely and cared for respectfully. This must be accomplished in a manner consistent with professional standards and the interests and beliefs of members of the community, ethnic or religious groups from which the objects originated, where these are known.

3.7 Human Remains and Materials of Sacred Significance⁵³

Research on human remains and materials of sacred significance must be accomplished in a manner consistent with professional standards and take into account the interests and beliefs of the

⁴⁹ ICOM, “ICOM Code of Ethics for Museums,” i.

⁵⁰ Alberto Garlandini and Silvano Montaldo, “The Lambroso Museum in Turin,” in *Museums, Ethics and Cultural Heritage*, ed. ICOM (London: Routledge, 2016), 320-327 at 326.

⁵¹ Lubina, “Contested Cultural Property,” 214.

⁵² ICOM. “ICOM Code of Ethics for Museums,” 10.

⁵³ *Ibid.*, 20.

community, ethnic or religious groups from whom the objects originated, where these are known.

4.3 Exhibition of Sensitive Materials⁵⁴

Human remains and materials of sacred significance must be displayed in a manner consistent with professional standards and, where known, taking into account the interests and beliefs of members of the community, ethnic or religious groups from whom the objects originated. They must be presented with great tact and respect for the feelings of human dignity held by all peoples.

4.4 Removal from Public Display⁵⁵

Requests for removal from public display of human remains or material of sacred significance from the originating communities must be addressed expeditiously with respect and sensitivity. Requests for the return of such material should be addressed similarly. Museum policies should clearly define the process for responding to such requests.

Besides the explicit mention of human remains, other articles are also relevant for human remains. Article 2.1, for instance, prescribes that every museum should publish a policy that addresses the acquisition, care, and use of collections. Articles 2.12 to 2.17 concern the removal of objects from the collection, and Section 6 is dedicated to the communities from which collections originate, and possible repatriation. According to this section, museums should be “prepared to initiate dialogue for the return of cultural property”, when a country or people ask for this. When the object or specimen was acquired in violation with principles of conventions, the museum should take “prompt and responsible steps to cooperate its return.”

⁵⁴ ICOM, “ICOM Code of Ethics for Museums,” 25.

⁵⁵ *Idem*.

2.1.3 Convention for the Safeguarding of Intangible Cultural Heritage

In 2003, UNESCO adapted the Convention for the Safeguarding of Intangible Cultural Heritage⁵⁶. This convention dealt only with intangible cultural heritage, defined in the convention as “practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage”⁵⁷. Although human remains were not covered by this definition, the Convention is relevant for the issue. According to Article 2, social practices, rituals and festive events, are part of intangible cultural heritage, which means that the Convention also included burial ceremonies.⁵⁸ This does not necessitate repatriation of all human remains, but adds authority to the relevance of these burial ceremonies.⁵⁹

2.1.4 United Nations Declaration on the Rights of Indigenous peoples

The United Nations Declaration on the Rights of Indigenous peoples was adopted by the General Assembly on 13 September 2007. The declaration consists of 46 articles, including one concerning human remains. The declaration is especially worth mentioning because of its straightforward approach⁶⁰:

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

⁵⁶ UNESCO, “Convention for the Safeguarding of Intangible Cultural Heritage,” (Paris: UNESCO, 2003).

⁵⁷ *Ibid.*, 2.

⁵⁸ *Idem.*

⁵⁹ Lubina, “Contested Cultural Property,” 215.

⁶⁰ “United Nations Declaration on the Rights of Indigenous peoples,” United Nations, accessed April 3, 2018, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>, 6.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

This article thus gives indigenous people the right of repatriation of their human remains. However, declarations adapted by the General Assembly are not legally binding, which mitigates against the radical approach of the article. Nevertheless, it again shows the significance of the issue of repatriation on an international level.

2.2 England

2.2.1 Working Group on Human Remains

The WGHR was established in 2001, by the Minister of the Arts of the UK Government, with the following terms of reference⁶¹:

- 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

The final report of the WGHR was published in November 2003, after two years of research on the topic. The WGHR formulated a clear and relatively broad definition of human remains in the report:

⁶¹ DCMS, "The Report of the Working Group," 1.

Human remains should be understood as all forms of human material and should be specifically taken as including:

- osteological material (whole or part skeletons, individual bones or fragments of bones, teeth);
- soft tissue including organs, skin, hair, nails etc (preserved in spirit or wax or dried/ mummified);
- slide preparations of human tissue;
- artefacts made wholly or largely from any of the above

The Working Group decided to exclude human fossils and sub-fossils from its consideration of human remains.

The WGHR identified two main responsibilities of museums regarding human remains. First, the diversity of beliefs with regard to the significance of ancestral remains and how they should be treated has to be respected. Second, museums have to recognize the relevance of the human remains for scientific research. Of course, these two sides are exactly the heart of the debate, and WGHR itself acknowledges that the two can conflict each other.

Furthermore, they agreed that legal barriers to repatriation should be removed and that more legislation about the musealisation of human remains needed to be created and implemented.⁶² In addition, WGHR suggested that all museums should introduce a procedure for the determination of claims and controversies concerning the repatriation of human remains.⁶³ Today, the British Museum, among other institutions, has published a procedure for “making a request for the transfer of human remains under section 47 Human Tissue Act 2004” on their website.⁶⁴ The WGHR also suggested that a new law, similar to the HTA, (which until 2004 only concerned human tissue in the medical context), should be

⁶² Lubina, “Contested Cultural Property,” 417-418.

⁶³ Ibid., 419.

⁶⁴ British Museum, “British Museum Policy on Human Remains,” London: British Museum, 2013, 7.

instituted. Lastly, they recommended that every museum should be required to sign a code concerning the care and management of human remains.⁶⁵

2.2.2 Human Tissue Act 2004⁶⁶

As a reaction on the report of the WGHR, the HTA came into effect in April 2006 in England, Wales and Northern Ireland. The Act was specifically aimed at medical collections, replacing the Anatomy Act 1986, but also included some regulations concerning human remains in museums. For instance, all museums holding human remains less than a hundred years old were now required to purchase a license from the Human Tissue Authority. In addition, a Human Remains Advisory Service was established, to assist museums' handling of claims for repatriation. However, this service has since been informally disbanded.⁶⁷

The most important section concerning human remains in museums is probably Section 47 of the HTA. Two other regulations should be explained first:

- According to English law, there cannot be property in a corpse. This is commonly known as the no-property rule. The rule extends to stillborn children, parts of bodies, and other human material such as hair and nails, and to human products such as blood, semen, urine or cells. This, although in practice commonly ignored, might be problematic when a museum wants to transfer human remains.
- According to the British Museum Act 1968, national museums and galleries are prohibited to dispose of "any object vested in the Trustees".⁶⁸ This provision was often used by museums to refuse claims for repatriation of human remains: from 1985 until 2003, the British Museum cited this argument seven times, and the Natural History Museum at least six times.⁶⁹ However, the term 'vested' implies ownership, and thus, because of the no-property rule, this prohibition could have been avoided.

⁶⁵ Lubina, "Contested Cultural Property," 420.

⁶⁶ "Human Tissue Act 2004," The National Archives, accessed April 25, 2017, <http://www.legislation.gov.uk/ukpga/2004/30/contents>.

⁶⁷ Jenkins, *Contesting Human Remains*, 49.

⁶⁸ DCMS, "Report of the Working Group," 236.

⁶⁹ DCMS, "Scoping Survey," 30.

In either way, for National Museums it was still confusing, so in Section 47 of the HTA, nine national museums received permission to de-accession human remains that were less than a thousand years old.

2.2.3 Guidance for the Care of Human Remains in Museums

The Guidance for the Care of Human Remains in Museums was published in 2005 by the DCMS. The main objective, as is explained in the Guidance, is to complement the HTA, which, as said, does not cover all human remains, and is still very limited to human tissue in a medical context.⁷⁰ The guidance's definition of human remains is as follows:

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.⁷¹

In line with the HTA, but in contrast to the WGHR, the Guidance excludes hair and nails. However, it does include modified human remains, human remains that are physically bound up with non-human materials and artworks composed of human bodily fluids and soft tissue.⁷² The guidance is divided into three parts: a legal and ethical framework, curation, care and use of human remains, and a guidance for handling claims.

Part 1: Legal and Ethical Framework

The first chapter deals with the legal background of human remains in museums: it summarizes the relevant sections from the HTA, and shortly explains other legal issues concerning curated human remains, such as the ability to de-accession human remains, and the issue of property and ownership of human remains. The ethical framework lists procedural responsibilities (rigour, honesty and integrity,

⁷⁰ DCMS, "Guidance for the Care of Human Remains," 5.

⁷¹ *Ibid.*, 9.

⁷² *Idem.*

sensitivity and cultural understanding, respect for persons and communities, responsible communication, openness and transparency, and fairness) and ethical principles (non-maleficence, respect for diversity of belief, respect for the value of science, solidarity, and beneficence). Of course, as the Guidance itself acknowledges, ethical principles in particular frequently come into conflict with each other. In this case, the document recommends that the museums seek expert advice in order to find the appropriate balance.⁷³

Part 2: The Curation, Care, and Use of Human Remains

The second part of the Guidance aims to guide institutions on how human remains should be cared for. First, it instructs museums to put in place, and make public, a policy on their human remains. This policy should include acquisition, loans, de-accession, claims for return, storage, conservation and collection management, display, access and educational use, and research. They also recommend that museums have one “suitably skilled and experienced” individual who will be responsible for all the human remains in the particular institution. All of these requirements for the policy are further explained throughout the chapter.⁷⁴

Part 3: Claims for the Return of Remains

The final part of the guidance gives an overarching set of guidelines for claims for the return of remains. It has the form of a step-by-step guide for museums on how to deal with these claims:

1. Proposal
 - a. Receiving a request
 - b. Identify post-holder⁷⁵
 - c. Acknowledge
 - d. Clarify nature and scope of request
2. Evidence Gathering

⁷³ DCMS, “Guidance for the Care of Human Remains in Museums,” 11-15.

⁷⁴ *Ibid.*, 16-22.

⁷⁵ *i.d.* “the person who will take responsibility for dealing with the request and serve as the point of contact for the claimants.” DCMS, “Guidance for the Care of Human Remains”, 25.

- a. The status of those making the request and continuity with remains
 - b. The cultural, spiritual and religious significance of the remains
 - c. The age of the remains
 - d. How the remains were originally removed and acquired
 - e. The status of the remains within the museum/legal status of institution
 - f. The scientific, educational and historical value of the remains to the museum and the public
 - g. How the remains have been used in the past
 - h. The future of the remains if returned
 - i. Record of the remains
 - j. Other options
 - k. Policy of the country of origin
 - l. Precedent
3. Synthesis and Analysis
 4. Advice
 5. Decide case
 6. Action

The guidance aims to be pragmatic and helpful to museums that are unsure about how to deal with their human remains, and/or do not have specialist staff in this area. With this guidance, explaining what is considered best practice, museums can work with human remains in an ethical and respectful way.⁷⁶

⁷⁶ Margaret Clegg, "Conclusion and Ways Forward," in *Curating Human Remains: Caring for the Dead in the United Kingdom*, ed. Myra Giesen (Woodbridge: The Boydell Press, 2013), 160-166 at 160.

2.3 Netherlands

2.3.1 SVCN ethical code

In 2003, the Ethical Committee of the SVCN, the Foundation for Ethnological Collections in the Netherlands, drew up a code of conduct with regard to human remains in ethnological museums in the Netherlands, after a symposium had been organized by several ethnological museums working together.

The SVCN Ethical Code opens with a definition of human remains:

‘Human Remains in Ethnological collections’ here concerns prehistoric and historic skeletons and parts of skeletons as well as objects composed from consciously fabricated human remains. It concerns collection pieces that were collected in context of physical anthropology, archaeology and ethnology.⁷⁷

The SVCN code draws on the ICOM code and takes that as starting point. What follows is a list of nine obligations for museums that are members of the SVCN. These obligations include, among other provisions, the respectful storage of the remains, extensive documentation and information duty to concerned communities, enough expertise on human remains and the ethics of their storage and display within the curating staff, and ethical considerations with respect to research requests. In addition, the code demands that ethical consideration be given with regard to requests for the transmission of management to legitimate representatives of concerned communities. The last obligation of the code states that before a museum may proceed to destroy or renounce the human remains, the national authorities of the country of provenance should be notified of the intention of the museum.

2.3.2 Ethical Code Museumvereniging

In 2006, the Museumvereniging (Dutch Museums Association) published their translation of the ICOM Code of Ethics.⁷⁸ They had done this previously with the

⁷⁷ SVCN, “SVCN-gedragscode, Omgang met Menselijke Resten in Volkenkundige Musea,” Stichting Volkenkundige Collectie Nederland, accessed April 3, 2018, <http://www.svcn.nl/Default.aspx?cid=1084>.

⁷⁸ Museumvereniging, “Ethische Code voor Musea,” Amsterdam: Museumvereniging, 2006.

1986 version of the Code in 1991. At the same time with this first translation, a Code Committee was installed, to advise museums on the ICOM code. As previously mentioned, this committee advised on the Hoorn mummy that is in the Westfries museum. Later, the committee published an advice on the collection and display of human remains in general.

Advice Concerning the Collecting and Displaying of Human Remains⁷⁹

In 2007, the Ethical Committee for Museums was requested to compose an advice on the collection and display of human remains by the Dutch Museum Association, which asked for conditions for collection and display of human remains for the museums that are members of the Museum Association and/or are registered within the so-called Museumregister. These museums all signed the Ethical Code for Museums, and would thus ideally abide by this code.

The advice has a twofold approach; it focuses on the provenance of the “objects” on the one hand, and on the manner of display on the other.

The Provenance of the Objects

For the ethical judgement of the provenance of the objects, the Ethical Code Committee quotes and applies several articles from the ICOM code.⁸⁰

2.3 Provenance and Due Diligence

Every effort must be made before acquisition to ensure that any object or specimen offered for purchase, gift, loan, bequest, or exchange has not been illegally obtained in or exported from, its country of origin or any intermediate country in which it might have been owned legally (including the museum's own country). Due diligence in this regard should establish the full history of the item from discovery or production.

2.5 Culturally Sensitive Material

⁷⁹ Ethische Codecommissie voor Musea, “Advies Inzake het Verzamelen en Tentoonstellen van Menselijke Resten,” Amsterdam: Museumvereniging, 2007.

⁸⁰ I here quote the articles that were translated into Dutch by the Ethical Code Committee, and thus come from the ICOM-code from 2006.

3.7 Human Remains and Materials of Sacred Significance

Research on human remains and materials of sacred significance must be accomplished in a manner consistent with professional standards and take into account the interests and beliefs of the community, ethnic or religious groups from whom the objects originated, where these are known.

4.3 Exhibition of Sensitive Materials

Human remains and materials of sacred significance must be displayed in a manner consistent with professional standards and, where known, take into account the interests and beliefs of members of the community, ethnic or religious groups from whom the objects originated. They must be presented with great tact and respect for the feelings of human dignity held by all peoples.

After quoting the ICOM articles, the Ethical Code formulates their own articles on the provenance of the human remains. These articles prescribe that, 1) The display of human remains has to be legal in both the Netherlands and the country of provenance; 2) the provenance has to be known or otherwise researched; 3) if reasonably possible, accessible permission from a person concerned is necessary.

The manner of display

The last two articles of the Ethical Code concern the manner of display of human remains. Firstly, it is prescribed that the remains may only be displayed for the purposes of science, research and education. The last article emphasizes again the consideration of article 4.3 from the ICOM code. When in doubt, an expert on ethics and law should be consulted. The display should always mention the provenance and the permission from a concerned person, or, if not, state explicitly that this was not reasonably possible.

2.4 Analyzing and Comparing Policies

When comparing international, British and Dutch law on the treatment of human remains in museums, the first thing that strikes the reader is that the United Kingdom's has regulation that is legally binding, (the HTA), whereas the Netherlands does not. However, it must be noted that the HTA does have its flaws. First, it is still focussed on medical human tissue. This is to be expected, because the HTA is in fact a renewed version of the Anatomy Act. Nevertheless, after the WGHR, installed by the UK government, had advised more national legislation on the musealisation of human remains, one might have expected more emphasis on human tissue in the museum context. Secondly, the paragraphs on Human Remains in Museums are still very limited. Museums have only to apply for official permission to holding Human Remains that are less than a hundred years old. The nine museums that obtained permission to dispose of their human remains, can only do so with remains that are less than a 1000 years old. The entire collection of mummies in the British Museum, for instance, is affected by no new regulation in the HTA.

Connected to this, the regulations that exist in the United Kingdom are either direct or indirect, installed by the government, and apply and are implemented on a national level. The regulations in the Netherlands are made by independent organisations, and collaborating museums. This might be the reason that the English regulations appear to be more professionally written. In comparison with the codes of the Museumvereniging and the SVCN, the Guidance for the Care of Human Remains is thoughtfully drafted, categorized and designed, while the SVCN code and the Museumvereniging advice consist of of two sheets of text. Furthermore, in the officially published version of the advice concerning human remains of the Ethical Code Committee, the wrong ICOM article was quoted. Beneath the subheading "2.5 Cultureel gevoelige objecten", a translation was provided of ICOM 2.6: "Protected Biological or Geological Specimens". Although of course, a mistake can be easily made, the inclusion of the wrong paragraph shows a certain sloppiness, and the fact that this error has not been corrected on the publicly accessible websites implies a worrying lack of taking the provision of accurate policy information seriously. The actual text of the crucial article 2.5 was

thus never mentioned in the Dutch advice. In addition, the advice takes the ICOM code as a reference point, but while the ICOM code had been updated every few years, the Ethical Code is not. A similar criticism has also been levelled at the SVCN Code. As Lubina has noted, although the Code was established in 2003, its authors quote the 1986 version of the ICOM Code, which had already been amended in 2001. As a consequence, the paragraph on repatriation of human remains included in ICOM's Code is lacking in the SVCN Code.⁸¹ Likewise, the code of the Museumvereniging quotes several articles from the ICOM Code, but also does not include the article concerning the repatriation of human remains. Whether this was a deliberate omission or oversight is unclear. Both could be very possible: on the one hand, the Museumvereniging might not have wanted to make a statement on repatriation, but considering the other errors and negligence, oversight is also a possibility.

In conclusion, it is notable that the issue of human remains is treated more seriously in England in comparison to the Netherlands, at least with respect to the written regulations. The next chapter will explore if and how these regulations are put into practice.

⁸¹ Lubina, "Contested Cultural Property," 396.

3 Comparing practice

After discussing policies regarding human remains in museum at the national and international level, this chapter discusses the approaches at the museum level.

3.1 England

3.1.1 Introducing the Museums

Viking Museum

The first museum that I visited and had an appointment was a museum especially focused on the Vikings, and their time in Britain. The museum is quite small, but well visited. The museum has recently been refurbished, so the display of the human remains represents their current view on the issue. I was shown around by two staff members of the museum, an assistant curator and the finds officer. After the tour, where I also asked all my questions, the finds officer also showed me the storage, a few kilometres from the museum.

County Museum

The second museum I visited was a county museum, with everything that was found in the area dating from Roman times until modern times. The museum was closed, but because there were several people working at the location, the curator of Archaeology could give me a tour. The museum has three human skeletons on display, all from the Roman era. In addition, they have several urns on display containing human ashes, although this cannot be seen by visitors.

Roman Museum

The third English museum I visited was a museum located near an old, Roman town, and had all the findings from this town. I was shown around by the curator of Archeology and he also answered my questions. The museum has several human remains on display, including ashes in urns, adult skeletons and one skeleton of a baby.

3.1.2 Results

3.1.2.1 *Museum Policy*

For English museums, it is common practice to have a policy regarding human remains, as was also suggested by the DCMS Guidance for the Care of Human

Remains in Museums (2005).⁸² For instance, the British Museum in London has its own policy document (British Remains policy on human remains 2013); this document is also followed by the Roman Museum that I interviewed. The Church of England worked on a policy for Christian remains⁸³, Historic England has drawn up a policy⁸⁴, and both the County Museum and the Viking museum used a policy that was regarding human remains for all the museums in the specific county. In general, large museums have their own policy, while small museums tend to choose to follow an existing policy composed by an organisation or local government. Often, the DMCS Guidance is named as an example for the policy, as for instance in the policy of the Viking Museum. Nevertheless, the policies often differ: the British Museum policy, for instance, places emphasis on requests for repatriation of human remains, while the Viking Museum policy focuses more on the practical treatment of the Human remains. Furthermore, HAD has drawn up a policy of their own.⁸⁵ This document is intended to complement the DMCS Guidance, because the DMCS Guidance places no emphasis on ancient, archaeological remains. The HAD policy does, specifically on respect for human remains, with a preference for reburial of all human remains.⁸⁶ Not all these policies are completely enforced or followed, however. The County Museum policy for instance, stipulates it should be revised every five years; the latest version, however, is from 2011 (seven years prior to the time of writing).

3.1.2.2 *Display*

There exists a great difference in the display of human remains in England. In some museums, the human remains on display can be easily avoided by the visitor: they are somewhat hidden behind a wall, for instance, or displayed in a corner. In the Roman Museum, the human remains were all in a room that was called ‘the dead

⁸² DCMS, “Guidance for the Care of Human Remains in Museums,” 16.

⁸³ “HE/CoE Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England (2017),” Advisory Panel on the Archaeology of Burials in England, Council for British Archaeology, accessed May 13, 2018, <http://archaeologyuk.org/apabe/>.

⁸⁴ English Heritage, “Human Bones from Archaeological Sites, Guidelines for Producing Assessment Documents and Analytical Reports,” (Swindon: English Heritage, 2004).

⁸⁵ HAD, “Guidance for Display of Ancestors in Museums,” (Shrewsbury: Honouring the Ancient Dead, 2012).

⁸⁶ Because HAD recognises the continuing personhood of dead people in museums it tends to refer to them as ancestors or antecessors rather than human remains.

and burial', and the room could be avoided altogether. In still other museums, the remains were displayed along the walking route. According to one of the curators in the Viking Museum, the choice to display the remains in this location was mainly because of space limitations. However, this museum had a sign at the start of the exhibition that warned for the display of human remains.

In the British Museum, several human remains are on display. One of them, the famous 'Lindow Man' bog body, is displayed facing the wall, with dimmed light. Indeed this is also the body that the British Museum proudly speaks about in their publication 'Regarding the Dead: Human Remains in the British Museum'.⁸⁷ However, in the Early Egypt collection, another body is displayed, "in a cube of glass on the floor" as J.W. Ocker expressed it.⁸⁸ The contrast between the two displays is large; the display of the Lindow Man enforces the visitors' respect, the display of the Gebelein man not at all. During my own visit there, I even saw one visitor taking a selfie with the body.

The curators interviewed often mentioned that the remains were positioned in the display in the same way in which they were found. In addition, all of the interviewees emphasized that the human remains were only displayed when they could 'tell a story', and not just as sensational objects. What they meant was that the human remains could tell something about burial practices for instance. Without the display, this story would not be as clear and strong. However, they did recognize that the human remains were also very popular with visitors, and often viewed as sensational.

3.1.2.3 Storage

Many different levels of storing human remains are currently employed in the museums visited for this research. One of the interviewees of the Viking Museum showed me some of the storage measures. In the simplest manner, the bones are divided over several plastic bags, which are then labelled and put together in a

⁸⁷ Jody Joy, "Looking Death in the Face: Different Attitudes towards Bog Bodies and their Display with a Focus on Lindow Man," in *Regarding the Dead: Human Remains in the British Museum*, eds. Alexandra Fletcher, Daniel Antoine, and JD Hill (London: British Museum Press, 2014), 10-19.

⁸⁸ J.W. Ocker, "It's a Dead Man's Party: The Lindow Man and the Gebelein Man," OTIS, last modified December 2017, <http://www.oddtthingsiveseen.com/2017/12/its-dead-mans-party-lindow-man-and.html>.

box. The Viking Museum also showed me their more 'ingenious' storage system, in which there existed different levels in a box, forming as it were a set of drawers, with small boxes for the individual remains. This system was used for the remains that were more frequently researched, and could thereby be more easily removed from the box. In this system, bones are less likely to be damaged. For the bones that need to be transported to other museums, for instance, or for research, a special box was designed in which each bone had its own place in an EPS layer. With all the storage measures in the Viking Museum, the concerns seems not to have been bodily integrity, but mostly ease in consultation, and preservation.

In the same museum, curators voiced the aspiration for the human remains in storage that they be stored in a separate space, with more security and climate control. However, as I was told, the because of limited space, many of the human remains were stored in the 'usual' storage. This shows that their policy may have been impossible to be followed.

3.1.2.4 Repatriation & Reburial

None of the English museums that were interviewed had ever experienced a request for repatriation or reburial. It should be noted that requests for repatriation were in each case very unlikely, because almost all of the human remains in their collections were discovered at excavations in England. However, one of the interviewees of the County Museum did mention that they would not be surprised if they were requested by the HAD to rebury the human remains in their collection.

3.1.2.5 Visitor Experience

When asked about eventual complaints from visitors, all museums answered that these are very rare. They reported that most visitors expect to see human remains; this claim is supported by several other researches.⁸⁹ Review of one of the museum's guestbook made it very clear that the skeletons in the collection were what was considered the most exciting exhibit in the whole museum, especially for children. None of the museums interviewed has had any visitor claims that explicitly asked for action or change: reactions were either approving or mild

⁸⁹ Jenkins, *Contesting Human Remains*, 31.

expressions of disapproval at the most. Similarly, surveys conducted by the Museum of London about the experience of their visitors showed that complaints about human remains and the ethics of displaying human remains are rare.⁹⁰ A survey conducted by *English Heritage* showed that 94% of the surveyed people agreed that museums should be allowed to display human bones, if this was done “sensitively”.⁹¹

One of the museum interviewees recounted a case where a collection of baby skeletons was displayed in order to tell about the burial of babies in Roman times. However, because the skeletons were unexpected, and perhaps also because of the skeletons were numerous and of babies, the exhibition prompted several complaints from visitors. Consequently, the exhibition was redesigned, and there had been no complaints ever since.

⁹⁰ Hedley Swain, “Public Reaction to the Displaying of Human Remains at the Museum of London,” in *Human Remains and Museum Practice*, eds. Jack Lohman and Katherine Goodnow (Paris/London: UNESCO and the Museum of London, 2006), 98.

⁹¹ Steve Mills and Victoria Tranter, “Research into Issues Surrounding Human Bones in Museums” (London: English Heritage, 2010), 7.

3.2 Netherlands

3.2.1 Introducing the Museums

Antiquities Museum

The first museum in the Netherlands that I visited was a museum specialized in Antiquities. The collection of human remains in this museum existed for the most part out of mummies, so I spoke to the curator of Ancient-Egypt. The museum has five mummies on display, and several in storage. The Ancient Egypt section has been refurbished in the last ten years.

Province museum

The second museum I visited in the Netherlands was a province museum, mostly exhibiting findings from the area. Their human remains collection consists out of a few bog bodies, one of them on display since the end of the nineteenth century. I talked to the curator of Archaeology of this museum.

Roman museum

Just like the Roman museum I visited in England, this museum was established near an old Roman town, and has thus a lot of findings from this area. In addition, the museum is connected to the archaeological storage of the whole province, and thus also has Roman findings from the rest of the area. I was shown around by the curator of Archaeology, who showed me the three human skeletons on display (one man, one woman, and one child) and one urn with ashes. In contrast to the urns in the other museums, this one was made of glass, so visitors can see the human remains in the urn.

3.2.2 Results

3.2.2.1 *Museum policy*

None of the three Dutch museums in this study had drawn up their own policy, or specifically adopted another museum's policy specifically for human remains. They are all members of the Museumvereniging, and thus follow the code of the Ethical Code for Museums. This code is a translation of the ICOM code of Ethics, and thus only has a few articles on human remains. It was also mentioned by the interviewees that this code was open for interpretation, and thus not very hard to follow. The interviewee from the Roman Museum mentioned he checked the code

in preparation for the interview, and that he had concluded that the museum followed its policy quite well.⁹² The Province Museum mentioned that the code was more kept in mind, and not followed as a step-by-step guide. Furthermore, in the view of each of the museum personnel interviewed, the recommendations of the code are considered quite straightforward; it was obvious for these museums that human remains should be displayed and cared for with respect.

3.2.2.2 Display

The display of human remains in the Netherlands was very different in each of the museums included in the study. In the Provincial Museum, the human remains were displayed in a separate room; where subdued light was used, which together with the quieter acoustics in this space contributed to what one might consider a more respectful atmosphere. In the Antiquities Museum, the human remains were displayed along the wall, and facing the wall. In this museum the display of the remains was thus kept out of the visitor walking route. In the Roman Museum, the remains were displayed in clear sight, and they were unavoidable for the visitor. One of the most prominently present skeletons, right in the walking route of the visitor, appeared to be a replica. The curator told that the real skeleton was in such a condition that it had to be cared for very thoroughly, and could therefore not be on display. However, this was thus only done for preservation reasons, and had nothing to do with the ethics of displaying human remains. In this museum the remains, mostly skeletons, one glass urn, were all displayed in the same positions in which they were found: in a showcase with the same measurements as the original grave, together with the grave goods and sometimes inside the coffin. In a temporary exhibit in this museum, an isolated hand and forearm were on display, the interviewee mentioned the rest of the skeleton was probably still in storage somewhere.

⁹² In principle, there is no-one who checks whether the Ethical Code is being followed, measures will only be taken if someone would file a complaint about this at the Museumvereniging. This might lead to the concerning museum no longer being allowed to be a member of the Museumvereniging.

3.2.2.3 Storage

The interviewed museums mentioned no special considerations concerning the storage of human remains. In the Antiquities Museum, the human remains were stored together with other organic material, and secured with eye-scan locks. The Roman Museum noted that they had a lot of human remains in storage, most of them cremated remains. The interviewee estimated the remains in total probably belonged to over a thousand individuals.

3.2.2.4 Repatriation & Reburial

None of the interviewed Dutch museums had ever received requests for repatriation or reburial. The curator of the Antiquities Museum mentioned that it would be irresponsible and foolish to repatriate and rebury the mummies, for instance, because if they were to be reburied in Egypt, the graves would be robbed in no-time. He remembered a case where an Ancient Egyptian mummy was found in the United States, which turned out to be the remains of a king. For this reason, the mummy was transferred to Egypt, and welcomed there at the airport with a red carpet. However, the mummy was subsequently placed in a room of the Cairo Museum where visitors had to pay extra to see it. The interviewee thought this was wrong, because the mummy now seemed to be only there for commercial ends, instead of it telling a story. Both of the other museum interviewees said that repatriation or reburial was not of issue because the human remains that are in their collection, are all of local findings.

3.2.2.5 Visitor experience

Two out of the three Dutch museums that were interviewed had never had any complaints concerning the human remains in their collection. The third however, the Antiquities Museum, had an unwrapped mummy of a ten year old boy in their collection. In the original layout of the exhibits, in order to enter the room with the rest of the mummies, one had to walk very close to this boy. This was found problematic by a large number of visitors: some of them complained, others tried to avoid the boy's remains by walking along the back side of the showcase. Interestingly, at the same time, the postcard with a picture of this boy was the best selling postcard in the museum shop. When a new exhibition layout was discussed, the museum staff also reconsidered the location and manner of the

display of this boy. If it had been up to the interviewee, the boy would still be displayed. However, one of his colleagues, originally from Germany, insisted that the boy should not be on display in the new layout. When the public heard of the decision to remove the boy from display, the museum again received many complaints: some members of the public expressed sorrow that the boy would now lay all “alone” in a dark storage unit.

3.3 Comparison

3.3.1 Museum policy

As we saw in Chapter 2 there are more policy documents providing guidance concerning and regulating the display of human remains in museums in England than is the case in the Netherlands. In this chapter we can see the impact of these broader documents and of this discrepancy on local institutions. The museums in England all had some sort of policy that they consciously followed, often a policy for a group of museums. In contrast, in the Netherlands, this was not the case with any of the interviewed museums. Whether this pattern can be extrapolated for all the museums in each country is not certain without more research entailing a much more extensive set of museums in each country. It does however seem probable that these case studies do represent broader national trends. While Dutch museums do follow the Ethic Code for Museums of the Museumvereniging, this document is very vague and open for interpretation, especially when contrasted with the Guidance for the Care of Human Remains in Museums of the DCMS, and the policies of the interviewed English Museums.

3.3.2 Display

The display of human remains in the museums was very similar. In both England and the Netherlands there were museums that placed the human remains out of the standard walking route, and made sure the human remains could be avoided. However, there were also museums that display the human remains along the normal route. In the latter cases, however, in England, there was a warning at the entrance of the museum; in the Netherlands this was never the case. In both England and the Netherlands, it was often mentioned by interviewees that the human remains were displayed to tell a story. Whether this story could not have been told in another manner, for instance by the grave goods that had been found with the remains, was not articulated.

3.3.3 Storage

In both England and the Netherlands, a large proportion the human remains in the collection of museums is in storage, in both cases often highly secured. In England, this is often prescribed in the museum policy for human remains. In the Netherlands reasons for storage (and the guiding features of the storage) seem to

have less to do with the particular nature of human remains as ‘human’, than with preservation concerns. Storage policy might be guided for instance by a need for climate control for human remains, or because the remains are especially valuable.

3.3.4 Repatriation & Reburial

Neither the interviewed English nor the Dutch museums had ever received requests for repatriation or reburial of the remains in their collections. However, in England this was more probable, because the archaeological human remains are also becoming an issue in England, mainly as a consequence to the reburial requirement between 2008 and 2011 (See Chapter 1), and the attempts of HAD (and smaller Pagan communities and organisations) to rebury archaeological human remains. In the Netherlands however, the question of whether requests had been received for repatriation or reburial of human remains was often answered with, “No, because we only have archaeological human remains”. It did thus not appear to have occurred to the interviewees that such requests might be made.

3.3.5 Visitor experience

Complaints on the display of human remains are rare in both England and in the Netherlands. It seems that in this sample of museums, visitors had only complained when the remains were positioned in unavoidable locations in plain sight, as was for instance the case with the unwrapped boy of a mummy in a Dutch museum, or with the displayed baby skeletons in one of the English Museums.

In general, it seems to be the case that most visitors, in both England and in the Netherlands, expect, and appreciate to see human remains in museums. Why this is the case and what the role of museums is concerning human remains, will be further explored in the Conclusion. First, Chapter 4 explores whether the English approach can teach the Netherlands about the regulation of human remains in museum collections.

	England	Netherlands
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Museum Policy	All interviewed museums had a policy on human remains.	None of the interviewed museums had a policy on human remains.
Display	Ranging from in the walking route (with warning), to somewhat hidden, to put in a separate room.	Ranging from in the walking route (without warning), to somewhat hidden, to put in a separate room.
Storage	With extra security, considerations mostly for preservation reasons.	With extra security, considerations mostly for preservation reasons.
Repatriation & Reburial	Never had requests, but all would be prepared and not surprised if they would get one.	Never had requests, and did not expect to ever receive one.
Visitor Experience	Complaints are very rare.	Complaints are very rare.

4 UK Policy in the Netherlands?

The previous chapters discussed the the English and Dutch approach towards musealisation of human remains in both national legislation and museum practices. This chapter will discuss whether the English approach would be applicable in the Dutch context.

4.1 Strengths, problems, implementation

4.1.1 Human Tissue Act 2004

The HTA is the only legally binding, national policy in England concerning the holding of human remains. As the only piece legislation on this subject, it has weaknesses. There are substantial gaps in what it covers regarding human remains in museums. The shortcomings of the document may be enumerated as follows:

First, the HTA was drafted and initially intended to apply to the keeping of human tissue in a medical context. There are only a few articles that apply to museums' holding of human remains: most of the law has nothing to do with museums.

Secondly, even those articles in the Act that do concern human remains in a museum, are not all-inclusive. Article 47, permitting nine National Museums to deaccession human remains, only concerns those remains less than a thousand years old. Thus although this article allows the repatriation of ethnographic remains, it excludes many archaeological remains such as mummies, bog bodies and human remains from antiquity.

Thirdly, the section of the Act that prescribes that museums should acquire a license for the human remains in their collection, concerns only those human remains that are less than a hundred years old. This provision is probably a consequence of the law initially being applied in a medical context, where one hundred years would mostly cover all human remains at issue.⁹³ However, for

⁹³ An interviewee working at the HAD mentioned an interesting issue: 2018 marks the 100 year anniversary of the First World War. Consequently, the bodies of the fallen soldiers in this war would not be included in the Human Tissue Act 2004 anymore. It is unclear what the consequences will be for museum collections.

museums that do hold human remains that are less than a hundred years old, the requirement to obtain a license brings along another problem: the financial fees for these licenses. Liz White conducted research on the impact, and effectiveness of the Human Tissue Act and the Guidance for the Care of Human Remains, and found that the fees for acquisition of licenses for human remains were prohibitively expensive for many museums. One of the museums that she interviewed even cremated their human remains because they did not have the resources to obtain a license. Some other museums in her survey transferred the human remains to other institutions willing to receive them. At the time of her research (2013), the fees were as follows: £2100 for a licence for museums holding more than 20 items, and £1000 for museums holding fewer than 20 human remains. In addition, there was a £1600 application fee, payable when an institution requested a license for the first time.⁹⁴ For 2018-2019, the Human Tissue Authority announced the fees to be £1225, regardless of the amount of human remains in their collection. However, the application fee was increased to £3100, so whether or not this is a financial improvement for museums is debatable. When a museum does not have the financial resources for a licence, and the high fees result in ‘just’ cremating the human remains, the Human Tissue Act 2004 misses the mark.

4.1.2 DMCS Guidance for the Care of Human Remains

The DMCS Guidance was drawn up to complement the HTA where necessary, and is indeed quite successful in this way. In contrast to the HTA, the Guidance gives clear, practical guidelines for museums, such as the recommendation that museums have a published, publicly available human remains policy, or the guideline that museums appoint one staff member who is responsible for all the human remains in the collection. However, in practice these recommendations are scarcely being followed. For instance, none of the interviewed museums had their human remains policy published on their website, or available in the museum

⁹⁴ Liz White, “The Impact and Effectiveness of the Human Tissue Act 2004 and the Guidance for the Care of Human Remains in Museums in England,” in *Curating Human Remains: Caring for the Dead in the United Kingdom*, ed. Myra Giesen (Woodbridge: The Boydell Press, 2013), 46.

shop. In addition, none of them had a staff member especially designated for the human remains in the collection. Museums that do follow these recommendations of the DCMS guidance, are for instance the British Museum and the Museum of London, both national museums funded by the DCMS. In this way, although the Guidance and the National Museums may work together as a kind of model for other museums in England, the question remains open whether smaller museums in the country have the resources to follow the Guidance. White suspects that a lack of resources is the primary factor responsible for a lack of human remains policy in many museums. She argues that it would be too time-consuming to write policies for (smaller) museums with limited resources. If the DMCS had provided funding for museums for them to follow the Guidance, this could have been different.⁹⁵

On the other hand, it should be noted that in many of the policies I saw during my fieldwork, the DCMS Guidance is mentioned as an important model, and a valuable source of information. It certainly adds to museums' understanding and approach to the human remains in their collection, which is the goal of the Guidance.

Even though National Museum have more resources and are more closely connected to the government, not all National Museums strictly follow the DCMS guidance. The previously mentioned examples of the Lindow Man and the Gebelein Man in the British Museum (one displayed shielded from visitors, the other on display in the middle of the room), is an example of this. The Gebelein Man is displayed in great contrast to what the DCMS calls for:

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

⁹⁵ White, "The Impact and Effectiveness," 48.

avoid people coming across them unawares. This might be in a specially partitioned or alcoved part of a gallery.⁹⁶

Another point of critique often aimed at the DMCS Guidance is the same problem that was identified in the HTA: it is not as relevant for British ancient human remains. This criticism of the shortcomings of the Guidance was also a finding of White's survey of museums. My own interviewees never mentioned any problems regarding this gap in applicability: they seem to think that the Guidance could very well be applied, also to ancient remains. White herself also mentions an example of the DCMS Guidance successfully consulted in an issue concerning ancient British remains, so this might be less of an issue than is often thought: museums may show themselves creative in the application of the Guidance to situations for which it was not initially intended.⁹⁷ However, this shortcoming in the Guidance is an important thing to keep in mind when considering a proposal for the keeping human remains in Dutch museums.

⁹⁶ DCMS, "Guidance for the Care of Human Remains in Museums," 20.

⁹⁷ White, "The Impact and Effectiveness," 49.

4.2 Applicability in Dutch context

4.2.1 English Regulation in the Netherlands?

The first thing one might want to ask is, whether the Netherlands needs (more) regulation regarding the musealization of human remains. Neil Curtis, for instance, claims that more regulation and codes are only silencing the debate regarding human remains, and are stopping archaeologists, museum curators, and academics reflecting on the issue.⁹⁸ Besides, a regulation, code, or policy always has to define what especially falls under the category of human remains or sacred objects. There is an inherent danger that such documents will exclude something that would be considered human or sacred in another culture. Curtis argues for less regulation, and more dialogue, in order to call for more respect.

Nevertheless, the current Dutch approach is quite unsatisfactory. Although there has been some attention towards the issue, for instance in the temporary exhibition ‘Verboden te Verzamelen?’ (Forbidden Collections?) at the National Museum of Antiquities in 2007,⁹⁹ in general the public dialogue seems to have died out. The website ‘museumethiek.nl’ (museum ethics), that was started at the end of the exhibition, to inform public about ethical issues in museums, has been offline for several years. One of the interviewed curators had never even thought about the issue before the interview. Curtis’ argument that less regulation means more dialogue thus does not apply in the Netherlands. In the Netherlands, there is neither. Since there is no dialogue nor satisfactory regulation, does the English approach offer a solution?

Concerning national legislation, the answer to this question would be negative. The United Kingdom’s legislation is unsatisfactory even for England itself, especially concerning archaeological remains, because the HTA does not concern human remains that are over a thousand years old. In addition, the fees that museums would have to pay to hold human remains that are less than a

⁹⁸ Neil G.W Curtis, “Human remains: The Sacred, Museums and Archaeology,” *Public Archaeology* 3(2013): 21-32 at 31.

⁹⁹ Website of the exhibition: <http://www.rmo.nl/tentoonstellingen/archief/verboden-te-verzamelen>.

hundred years old, are prohibitively high, especially for smaller museums. For the Netherlands, the HTA should therefore not be considered as an exemplary regulation.

The DCMS Guidance for the Care of Human Remains is more promising. The guidance successfully tries to fill the gaps left by the HTA. Although it is not strictly followed by every museum, the DCMS Guidance is very well-known, and as a guidance the document works. This document may be exactly what is missing for Dutch museums: a clear, practical guidance that is well-known by curators. Museums can reflect on the guidance themselves, and decide whether to follow it strictly, use it as an example for their own policy, or perhaps only consult it when they encounter an issue, such as a request for repatriation. In addition, when the document is published by a governmental body, it probably has more authority than a document published by the Museum Association. In the Netherlands, this document could be published by the Ministry of Education, Culture and Science (Ministerie van Onderwijs, Cultuur en Wetenschap), Cultural Heritage Agency (Rijksdienst voor het Cultureel Erfgoed), one of their departments.

In addition, a guidance might prompt precisely the dialogue that Neil Curtis wants. Instead of strict rules, a guidance can offer museums a chance to discuss, and reflect on the way they treat the human remains in their holdings. In England (and the rest of the United Kingdom) the DCMS Guidance was drawn up as a consequence of the growing debate regarding human remains in museum collections, but the DCMS Guidance itself also stimulated further discussion. Perhaps a guidance is what the Netherlands needs in order to get the discussion going with museum curators as well as within the academic fields of archaeology, museology and heritage studies, and members of the public.

4.2.2 The Dutch Guidance for the Care of Human Remains in Museums?

The previous paragraph concluded that a guidance similar to the DCMS Guidance would be beneficial to the situation in the Netherlands. It is important that this guidance would be applicable to both ethnographic and (ancient) archaeological human remains. In addition, the guidance should represent best practice and invite museum staff to also think about the issue themselves. This paragraph will

propose what a Dutch Guidance for the Care of Human Remains might look like, emphasizing that such a document would need more preparation, research and discussion involving museum professionals, archaeologists and museologists. In the United Kingdom, a Working Group for Human Remains in Museums was put together before the guidance could be made, a similar ‘Werkgroep voor Menselijke Resten in Musea’, would help to make a Dutch guidance as comprehensive as possible. This Working Group should include different stakeholders: museum curators, government employees, museologists, archaeologists, but also a jurist. It would also be important that representatives from religious groups are included in the Working Group, as for instance Pagan groups, or Christian groups. They might offer new perspectives on the issue. The issue of human remains calls for an interdisciplinary approach, because it has so many different aspects.

4.2.2.1 Contents of the Guidance

The Dutch Guidance for the Care of Human Remains in Museums could be very well structured in the same way as the DCMS Guidance: the legal and ethical framework, the curation, care and use of human remains, and claims for the return of remains. The introduction also explains the definition of human remains.

Introduction: The Definition of Human Remains

As stated in Chapter One, the DCMS Guidance has quite a wide definition of human remains, excluding only hair and nails.¹⁰⁰ It is proposed here that a Dutch Guidance would include hair and nails, because even though many western societies might not consider this of the same value as the rest of a human body, that does not mean that this is also the case in other cultures and societies. A definition of human remains that is too narrow is also what Neil Curtis warned against.¹⁰¹ The definition should also include, similar to the DCMS Guidance, human remains that have been modified by human skill and/or may be bound up with material that is

¹⁰⁰ DCMS, “Guidance for the Care of Human Remains in Museums,” 9.

¹⁰¹ Curtis, “Human remains,” 31.

not human and artworks composed of human bodily fluids and soft tissue.¹⁰² Given these points, the definition would read as follows:

In this guidance, the term human remains is used to mean the bodies, and parts of bodies, of once living people for the species *Homo Sapiens*. This includes:

- osteological material (whole or part of skeletons, individual bones or fragments of bone and teeth)
- Soft tissue including organs and skin
- Embryos
- Slide preparations of human tissue
- Hair and nails
- Any of the above that may have been modified in any way by human skill, or are bound up with non-human material
- Artworks composed of human bodily fluids and soft tissue

Legal and Ethical Framework

The legal issues that are covered in the DCMS Guidance all specifically concern England, and they are therefore not relevant for a Dutch Guidance. Because there are no laws on holding and exposition of human remains in the Netherlands, providing a legal framework in the Dutch guidance might not be necessary. This could also be the part of the Guidance where it is explained why the Netherlands do not have legislation, what legislation exists in other European countries and/or whether legislation in the Netherlands is necessary.

The ethical framework, on the other hand, is still relevant in Dutch context. As discussed in Chapter One, the ethical framework asks museums to demonstrate six procedural responsibilities (rigour, honesty and integrity, sensitivity and cultural understanding, respect for persons and communities, responsible communication, openness and transparency, and fairness) and proposes five ethical principles (non-maleficence, respect for diversity of belief, respect for the

¹⁰² DCMS, "Guidance for the Care of Human Remains in Museums," 9.

value of science, solidarity, and beneficence).¹⁰³ Of course, as in the DCMS Guidance, it should be emphasized that ethical principles may clash, and that expert advice may be helpful in these sorts of cases.

The Curation, Care, and Use of Human Remains

One of the most important recommendations in the DCMS Guidance is the appeal for a museum policy that is also made public. This policy includes the issues of acquisition, loans, deaccessioning, claims for return, storage, conservation and collections management, display, access, educational use, and research.¹⁰⁴ Despite the fact that, as the research of White has shown, many museums have followed this recommendation only in part, or not at all (for instance, some museums do have a policy, but have not made it public, while others make the policy available to the public, but only cover a few of the areas in their policy),¹⁰⁵ it is nevertheless very important that such a recommendation is also included in the Dutch guidance. The value of the recommendation lies in its emphasis on helping the public to understand the issue. It makes clear the museum's own responsibility to communicate to the public that it has given considerable thought on the topic. Furthermore, such transparency helps possible claimants to know what to expect when they make a claim for repatriation or reburial of human remains.

In the same section, the DCMS Guidance suggests the appointment of one individual who is responsible for all the human remains in the collection.¹⁰⁶ Although this also has been revealed to be a guideline that is rarely followed,¹⁰⁷ it might still be included in the Dutch Guidance, for the Guidance has the role of a best practice model.

Like the DCMS Guidance, the Dutch Guidance should also have a section on the display of human remains. The DMCS Guidance proposes that the display prepares visitors to view the human remains respectfully, or to warn those who

¹⁰³ *Ibid.*, 14.

¹⁰⁴ *Ibid.*, 16.

¹⁰⁵ White, "The Impact and Effectiveness," 47.

¹⁰⁶ DCMS, "Guidance for the Care of Human Remains in Museums," 16.

¹⁰⁷ White, "The Impact and Effectiveness," 47.

might not wish to see them at all. In addition, people should not come across the remains without being made aware.¹⁰⁸ The same would have to be included in the Dutch Guidance: the display of the human remains should be in such a way that it evokes visitors' respect. It may even include some possible solutions that might help to facilitate this: the use of dimmed lightning for instance, or a separate and quieter space. This would help to remove the temptation for some visitors to make "selfies-with-body" (as seen, for instance, in the British Museum's display of the Gebelein man).

In addition, a warning should be provided: people should not be able to encounter the remains unwillingly and unawares. Ideally, the human remains would be in a specially partitioned room.

Claims for the Return of Human Remains

The DCMS Guidance discusses a few key points concerning claims for the return of human remains that should also be included in the Dutch Guidance:

- Requests should be dealt with on a case to case basis. Each case should be individually considered.
- A process for a constructive dialogue. In order for the request to be handled fairly, and to come to the best solution, the museum must engage with the claimants in a equal dialogue. This offers the greatest chance that the solution will be one amenable to both parties.
- Clear guidance. The DCMS Guidance proposes that a museum publish a guidance for possible claimants, so they will know what to do and what to expect (for instance, whether the museums will pay for the costs of processing a claim).

The DCMS Guidance then provides procedural guidance for the handling of claims (See Chapter 1). This would also be of added value for the Dutch Guidance.

The DCMS Guidance also mentions that "an institution may wish to take external expert advice that it does not hold in-house."¹⁰⁹ For the Dutch Guidance,

¹⁰⁸ DCMS, "Guidance for the Care of Human Remains in Museums," 20.

¹⁰⁹ Ibid., 29.

I suggest that this is not just mentioned as an idea, but strongly advised. With requests for repatriation, a third, impartial party would most likely be very beneficial for a fair and honest outcome. This expert, impartial third party could for instance be someone of the Cultural Heritage Agency, who would be trained especially for this job. Suggestions of possible third parties could be listed in the Guidance.

4.2.2.2 Publishing of the Guidance

Ideally the Dutch Guidance for the Care of Human Remains would be published by the Ministry of Education, Culture, and Science or one of its (executive) departments, such as the Cultural Heritage Agency. If, for instance, it were to be published by the Museumvereniging, it might lose some of authority as a guidance. Moreover, as a guidance from the government, it would include all museums (and institutions) in the Netherlands, while a guidance by the Museumvereniging might not appeal to museums that are not connected to the Museumvereniging. In addition, it would send the important message that the Netherlands as a nation are concerned with the issue: this is especially important because a large part of the Dutch museums and museum collections belong to the State.

Once the Dutch Guidance is published, a process should be put in place to ensure that its consequences are subsequently researched, to find out whether it is helpful for museums, whether it should be adjusted, and whether or not museums actually use it, and if not, why this is the case. If the Dutch Guidance is not being followed because a lack of financial resources, funding could be considered. This research could be done by the same institution that published the Dutch Guidance, or by the same body that acts as a third person in negotiation about requests for repatriation or reburial, given that this would be an expert on the issue of human remains in museums.

4.3 Conclusion

This chapter has discussed the HTA and the DCMS Guidance for the Care of Human Remains in Museums and their effectiveness, and considered whether they would be of added value for the Dutch situation. The HTA was found to contain too many problems: the medical focus of the act, the fact that it does not cover archaeological remains, and the extremely high fees for museums that want to hold human remains.

The DCMS Guidance does not give binding legislation, but shows best practice for human remains in museum collections. Consequently, there are very few institutions that follow the guidance strictly. Nevertheless, the DCMS Guidance is well-known among many English curators, and is also often used as source of information or example for museums' own policies. In addition, a guidance may have the ability to stimulate discussion, while legislation has the risk of just being followed, without reflection. That is why a guidance similar to the DCMS Guidance would be preferable in the Netherlands.

The Dutch Guidance could look a lot like the DCMS Guidance, with a few alterations. The definition of human remains can be broadened, for instance. The Dutch Guidance could be published by the Ministry of Education, Culture, and Science or one of its departments, such as the Cultural Heritage Agency. The publisher might also be responsible for researching the effectiveness of the Dutch Guidance, and maybe act as an impartial third party in negotiations on requests for reburial or repatriation.

Conclusion

The storage and display of human remains in museum collections is subject to a lot of discussion; in law, government agencies, academic circles, among archaeologists, in museums, in the media and among museum-going public. This discussion not only concerns human remains with a colonial past, or remains that still have known descendants, recently the discussion has also been concerning the archaeological remains.

As a consequence of the debate, more and more countries and organisations – national as well as international – have developed laws, regulations, policies, and guidelines on how to handle human remains. One of the most important of these regulations is NAGPRA, the law in the United States which allows indigenous people to claim the human remains of their ancestors.

At the end of the 20th century, the issue started to garner attention in Europe. In England, this led to the HTA. This piece of legislation allows nine National Museums to dispose of their human remains, for instance for repatriation purposes, and in addition, obliges museums that hold human remains that are less than a hundred years old to acquire a license.

In the Netherlands, no legislation for human remains in museum collections was composed. Human remains briefly became a matter of public debate however, when the human remains from a supposed 'Greenland Eskimo' were requested for repatriation. Consequently, there exists some guidance on human remains in museums, published by the Museumvereniging. However, this guidance is minimal compared to the Guidance for the Care of Human Remains in Museums, published by the DCMS for England, Wales and Northern Ireland which aims to help museums in how to respectfully and ethically care for the human remains in their collection, and provides set of very clear and pragmatic guidelines.

However, the difference in legislation and guidance is not the only difference in the attitudes towards human remains in museums in the two countries. Interviews with curators in both England and the Netherlands have shown that, although there is not great deal of difference in the manner in which

remains are displayed, there is marked difference in the amount of thought that has been put into the handling and display of human remains in the two contexts. In England, all the interviewed museums had their own policy document on human remains, while in the Netherlands, none of them had such an institutional document. Furthermore, when asked about requests for repatriation or reburial, although none of the interviewed museums had ever had such a request, the English museums were more prepared for this to happen, while the Dutch museums did not expect such requests.

The research question of the thesis asked what the Netherlands can learn from England's approach towards human remains in museums. First of all, it must be emphasized that England's approach is not without flaws, neither is the Dutch approach entirely mistaken. In the Netherlands, the issue of human remains in museum collections has had less attention, mostly because there have been less requests for repatriation of remains. In addition, in England several Pagan organisations, as for instance HAD, are actively concerned with the subject, while in the Netherlands, this is not the case. For both ethnographic and archaeological remains, the pressure in the Netherlands to come up with legislation or guidance is not as high as in England.

Nevertheless, there are certainly things that curators, legislators, and the general public in the Netherlands can learn from England. With the combination of literature review, observation and interviews, this thesis was able to address several. For instance, on the bases of the English experience, it could be surmised that legislation similar to the HTA is not desirable. Analyses of the HTA has shown that it lays too much emphasis on human remains in a medical context. Those parts of the act that pertain to the disposal of human remains in museum collections only regard remains that are less than a thousand years old, and the requirement of a license is only for museums in possession of remains that are less than a hundred years old. Moreover, the fees imposed by the Act are extremely expensive, especially for smaller museums. Consequently, these museums sometimes dispose of their human remains without taking proper measures, such as, for instance, a respectful reburial. This is surely not an intended consequence

of the act - increasing what could be considered disrespectful treatment of remains because of prohibitively expensive fees.

In contrast to the HTA, the DCMS Guidance for the Care of Human Remains is more successful, and could very well work as an example for the Netherlands. The DCMS Guidance is not legally binding, but does show what is considered best practice. A great benefit of this approach is that museums will not thoughtlessly follow the law. Instead museums are invited to reflect on the guidance, and think about what they would consider being the best solution for their museum. For the Netherlands, this might also mean that a national discussion concerning the holding, display and repatriation or reburial of human remains will arise again.

A Dutch Guidance for the Care of Museums should be set up by a team of specialists on human remains. Because of the many possible approaches to human remains, it would be of great value if this were an interdisciplinary team. People that might have added value for this Working Group, for instance, are museologists, archaeologists, osteologists, heritage professionals, jurists, government employees, museum curators, and religious groups. With an interdisciplinary working group, the Guidance would be as comprehensive as possible. The Guidance should represent best practice, which can only be achieved when all the stakeholders get to have a voice.

Regarding content, the Dutch Guidance could very well look a lot like the DCMS Guidance, with small alterations. Something the DCMS Guidance is missing for instance is the nomination of a third party in negotiations about repatriation or reburial.

The Dutch Guidance would ideally be published by the Ministry of Education, Culture and Science, since this would lend authority to the guidelines and, in addition, would show that the Dutch Government is concerned with the issue of human remains in museum collections too. Furthermore, the Ministry also has the resources to appoint the impartial third party and to do research on the effectiveness of the guidance.

Recommendations and further research

A lot of work and research remains to be done before the publishing of the Dutch Guidance. This thesis has only been concerned with the approach towards human remains in England and in the Netherlands. First of all, more research should be conducted in other museums in England, on the implementation of the DCMS Guidance, and in the Netherlands, on the magnitude of human remains in Dutch museum collections. A survey should be carried out to find out more about the amount of human remains in Dutch museum collections, requests for repatriation, museum's policies regarding the human remains in their collections, and visitors experience. In addition, it would be of great value to investigate approaches in other European countries. Many of the interviewees in this study named Germany, for instance, as a country where museums are very thoughtful concerning human remains in museum collections. In addition, the approach of Italy, in adopting the ICOM Code of Ethics as national legislation, could also be researched. Of course, approaches of non-European countries could also give more insight.

Looking from a broader perspective, another important avenue of research is the the role of museums when displaying human remains. Visitor experience surveys consistently report that most visitors, in both England and in the Netherlands, both expect to see, and appreciate displays of human remains in museums. This raises the question of the reasons for this interest, and what role museums fulfil in displaying human remains.

Museums and death

'Museum' and 'Mausoleum' do have more in common than just the alliteration and rhyming final syllables. Not do only the human remains in museums confront visitors with death, albeit in a more indirect way, but a great majority of the artefacts displayed in a museum also recall death inasmuch as many of them belonged to individuals that have died.¹¹⁰ For some of these individuals, the museum explicitly acts to ensure their immortality through the naming of a wing of the museum, or a collection or in some cases, a whole museum

¹¹⁰ Mark O'Neill, "Museums and mortality," *Material Religion* 8 (2012): 52-75 at 60.

after the individual.¹¹¹ This symbolic immortality, as O'Neill calls it, is not only attributed to the possible donor of an object, but also to possible previous owners, and to the object itself.¹¹² In the case of human remains, of course, this symbolic immortality is for the person to whom the remains belonged.

For many, museums are one of the few places where they can come into contact with death in a non-traumatic way, in contrast to, for instance, news coverage of fatal accidents, or bundles of flowers at crash sites. Until the nineteenth century, death was a part of everyday life: infant mortality was high, most people died at home and death was frequent. Since the late 20th century, death is experienced as a disruption of everyday life, and in that way traumatic. Exceptions are cemeteries, churches and museums.¹¹³ According to Duncan Sayer, in contrast to what is often assumed, especially by archaeologists, the popularity of displays of human remains proves that death is not taboo.¹¹⁴ Sayer argues that the whole debate regarding the display of human remains in museums may have nothing to do with death being taboo, but instead with a certain shame associated with death. He proposes that museum displays reflect not history per se, but much more modern society's attitude towards the past. He suggests that, although visitors have no problem with looking at the dead at all, it even helps the public to reflect on their own mortality, archaeologists and museum curators feel shame towards the ancient dead when displaying them, for "simply being alive, not being able to extend [the deceased's] life or understanding their story, no matter how ancient." This would then be the reason for the debate on the musealisation of human remains, instead of death being taboo.

Whether Sayer's shame argument is actually the case, would seem to require more research. In any case, the popularity of exhibitions like Body Worlds shows that, at least in England and the Netherlands, death -and its display- is not

¹¹¹ Ibid., 64.

¹¹² Ibid., 66.

¹¹³ Curtis, "Human remains," 30.

¹¹⁴ Duncan Sayer, "Who's Afraid of the Dead? Archaeology, Modernity and the Death Taboo," *World Archaeology* 42 (2010): 481-491 at 488.

taboo.¹¹⁵ In a survey conducted by English Heritage, 55% of people agreed that “displaying human burials and bones in a museum” helps visitors to come to terms with their own mortality.¹¹⁶ As Wieczorkiewicz phrases it: “mummies, skulls and skeletons become our fetishes in seeking for meaning.”¹¹⁷ Whether this is the intent of museums, or whether they are even aware of this, is debatable. In the interviews, none of the museums mentioned this. However, helping visitors to come to terms with their own mortality, could be considered a valid reason to not remove all the human remains from display.

Human remains and Dark Tourism

Visiting human remains in museums might also be considered as a form of ‘Dark Tourism’¹¹⁸, a term first coined by Lennon and Foley to indicate the relationship between tourism attractions and an interest in the dead and macabre.¹¹⁹ Although the display and visiting of human remains in museums seem to fit this description, in many definitions of Dark Tourism, the visiting of human remains in museums is not included. While Stone, for example, names ‘Dark Exhibitions’ as one of the ‘Seven Dark Suppliers’ (the other six are Dark Fun Factories, Dark Dungeons, Dark Resting Places, Dark Shrines, Dark Conflict Sites and Dark Camps of Genocide), and mentions the ‘Body Worlds’ exhibit and the Catacombe dei Cappuccini in Rome as examples for this,¹²⁰ whether he would also include one human skeleton in the context of an exhibition on Roman life or a shrunken head in an Ethnographic Museum, is not clear. Often, it seems that the objects of Dark Tourism need to have a direct link with violence and disaster in order to be included in the

¹¹⁵ There are countries in the world, for instant France, a copycat exhibition of *Body Worlds* was shut down over issues of respect, and because it was argued that human bodies should be in a cemetery. Sayer, “Who’s Afraid of the Dead?” 485.

¹¹⁶ Mills and Tranter, “Research into Issues,” 11.

¹¹⁷ Anna Wieczorkiewicz, “Unwrapping Mummies and Telling their Stories, Egyptian Mummies in Museum Rhetoric,” in *Science, Magic and Religion, The Ritual Processes of Museum Magic*, eds. Mary Bouquet and Nuno Porto (New York/Oxford: Berghahn Books, 2004), 51-71 at 68.

¹¹⁸ Ryan K. McNutt, “Review: Contesting Human Remains in Museum Collections: The Crisis of Cultural Authority by Tiffany Jenkins,” *The Kelvingrove Review* 8 (2011): 11-16 at 13.

¹¹⁹ Crispin Dale and Neil Robinson, “Dark Tourism,” in *Research Themes for Tourism*, eds. Peter Robinson, Sine Heitmann, and Peter Dieke (Wallingford: CABI, 2011), 205-217 at 205.

¹²⁰ Philip R. Stone, “A Dark Tourism Spectrum: Towards a Typology of Death and Macabre Related Tourist Sites, Attractions and Exhibitions,” *Tourism* 54 (2006): 145-160 at 153-154.

definition,¹²¹ but the young field is still trying to find the limits of the term.¹²² Future research might investigate whether the musealisation of human remains could be considered Dark Tourism by comparing for instance visitors' motives to see the human remains, and their experience with visitors of places that already are established as Dark Tourism attractions.

Science versus Religion

Another interesting issue that has been raised in the debate concerning the musealisation of human remains is the 'science vs. religion' debate. Apparently, some archaeologists have the feeling that the increasing attention to human remains in museum collections, and consequently the increasing regulation, originate in religious thought. The idea that human remains should stay buried, or have to be reburied, is presumed to be Christian in origin, for instance.¹²³ Moreover, while there are some museums that work together with Neo-Pagan movements¹²⁴, the neo-Pagan movements that aim to rebury human remains (including HAD for instance), are often considered a threat to archaeology.¹²⁵

An example for the hostility by archaeologists to religion can be found in a contribution to the debate on human remains by Tim Schadla-Hall, Gabe Moshenska and Mike Parker Pearson, which concludes with the sentence:

Those of us who want a strong archaeology tomorrow must fight for it today in the face of defective legislation, religious machinations and official indifference.¹²⁶

¹²¹ Noga Collins-Kreiner, "Dark tourism as/is pilgrimage," *Current Issues in Tourism* 19 (2016): 1185-1189 at 1186.

¹²² *Ibid.*, 1185.

¹²³ Mike Parker Pearson, Tim Schlada-Hall and Gabe Moshenska, "Resolving the Human Remains Crisis in British Archaeology," *Papers from the Institute of Archaeology* 21 (2011): 5-9, at 9.

¹²⁴ The Manchester Museum, for instance, once consulted pagans for an exhibition, and also consulted HAD when composing of their human remains policy. See Alexandra Fletcher, Daniel Antoine and JD Hill eds., *Regarding the Dead: Human Remains in the British Museum* (London: The British Museum Press, 2014), 16. And "Consultation Outcomes on Human Remains," Reports and Policies, Manchester Museum, accessed May 26, 2017, <http://www.museum.manchester.ac.uk/about/reportsandpolicies/>.

¹²⁵ Duncan Sayer, "Bowls, Bobbins and Bones: Resolving the Human Remains Crisis in British Archaeology, a Response," *Papers from the Institute of Archaeology* 21 (2011): 10-14, at 12.

¹²⁶ Parker Pearson, Schlada-Hall and Moshenska, "Resolving the Human Remains Crisis," 9.

Another article, by archaeologists Duncan Sayer, Mike Pitts, and the same Mike Parker Pearson, shows hostility specifically to Pagan groups. In an article about policies for the excavation of human remains in England and Wales, the authors write:

...will officials consider that a small minority of Pagans have the right to have these internationally important remains reburied on the grounds that they have 'some sort of privileged relationship' to these 5000-year-old bones?¹²⁷

The quotation marks, and the emphasis on the international importance of the remains make clear that the authors do not agree with the claim of Pagans for the human remains, in this case from Stonehenge. Reason for this, according to the authors, is that a relationship with 5000-years old bones is implausible. Although this might be an understandable criticism, for a claim of religious continuity would be difficult to defend, the question remains what the chronological limits for such a claim of continuity are. How are the limits of connection to human remains as grounds to claim continuity of relationship to be defined? The quotation also implies that religions are local, and scientific research international. Furthermore, the statement also implies that small minorities should not have the right to do anything that the majority does not want. Apart from the assumption that Pagans are a minority compared to archaeologists, this is a rather bold argument to make, and one that would seem difficult to defend legally.

These articles suggest that archaeologists consider religious groups as a possible threat to their work. In another article, Duncan Sayer opposes this hostility, and suggests that archaeology should embrace its spirituality, just as astronomy does. If not, the scientific vocabulary would be too limited to talk about issues such as human remains in museums: archaeologists would only be able to talk about 'human bones,' instead of 'the dead', for instance.¹²⁸

¹²⁷ Pearson, Pitts and Sayer, "Changes in Policy," 154.

¹²⁸ Sayer, "Bowls, Bobbins and Bones," 13.

Further research is needed to investigate these issues, to understand 1) why museum curators, archaeologists, religious groups, governmental and non-governmental organisations, heritage experts, and museum visitors are debating the musealisation on human remains, 2) what the role of museums is in this debate, and 3) whether archaeologists might be able to embrace spirituality in their profession, as Sayer suggests, instead of seeing religious groups as opponents.

These are issues that require long-term research. In the short term, steps should be taken to guide the Dutch museum practice regarding human remains. Drawing up a Dutch Guidance for the Care of Human Remains in Museums would be an important practical step to address a current deficiency by inviting Dutch museums and those involved with the holding and display of human remains to reflect on the issue, and to put more systematic thought into the handling of the human remains in their collections.

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Appendix

Appendix I: Code-Occurrence Interviews

	Viking Museum	English Roman Museum	County Museum	English Museums	Dutch Roman Museum	Antiquities Museum	Provance Museum	Dutch Museums	Totals
(scientific) research	1	2	1	4	2	0	2	4	8
complaints	1	1	2	4	1	1	1	3	7
policy/regulations	2	1	2	5	1	2	2	5	10
promoting/social media	0	1	1	2	0	0	1	1	3
reburial/repatriation	0	0	0	0	0	2	0	2	2
storage	3	1	0	4	1	1	0	2	6
struggle/discussion	0	0	0	0	2	2	1	5	5
to tell a story	1	1	1	3	1	1	0	2	5
visitor experience	1	2	1	4	2	2	1	5	9
walking route	2	1	0	3	0	2	2	4	7
Totals	11	10	8	29	10	13	10	33	62