

What Lies Beneath: Should Museums Repatriate Their Collections of Ancient Human Remains?

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Imagine all the different thoughts running through your mind if you were to unexpectedly unearth a corpse in the middle of a science expedition. Research ethics would probably not rank highly as one of them. Yet it is this particular issue which lies at the centre of an ongoing controversy surrounding the right of indigenous communities to reclaim ancient ancestral remains from public museums and research institutes. Repatriation is 'the process by which museums and other institutions transfer possession and control of indigenous human remains, funerary objects, objects of cultural patrimony and sacred objects back to their tribes of origin' [1]. In the US, it is legislatively enforced under the 'Native American Graves Protection and Repatriation Act (1990)' and similar policies are being adopted by other museums and institutes across the globe [2]. Co-operation, however, remains sketchy as members of the research community have raised objections against the unconditional handover of such valuable and rare anthropological materials for reburial or cremation. The question remains this; do our research ethics compel scientists to act with integrity by returning all such specimens in their possession, or are scientists actually obliged to continue their research out of a social responsibility to furthering our knowledge of human adaptation, health and disease?

There was a time when museums were more than just ancient repositories of dusty and inanimate specimens. Once upon a time, science was heralded as a noble and perilous quest, carried out by bands of adventurous academics in search for the Holy Grail of all archaeological discoveries. By the mid 1900s, expeditions had uncovered hominid fossils from South Africa, Aztec artefacts from South America and ancient human remains from the insides of Egyptian pyramids to across the vast expanses of Australia. Public lauding accompanied many of these findings, as successful archaeologists returned to their home countries with their discoveries laden in their trunks. By convention, all archaeological artefacts became property of the funding national museums and academic institutions, to be proudly displayed in collections equally for the sake of reputation as well as serious academic research. Rightful ownership claims, however, proved to be far from settled and the last few decades have been witness to extensive government lobbying, requests and petitions from many indigenous communities for the repatriation of their ancestral remains.



In 2007, the Tasmanian Aboriginal Centre (TAC) mounted a legal case against the Natural History Museum of London (NHM) over a proposal to test DNA and tissue samples extracted from the ancestral remains of 17 Tasmanian Aborigines [3-5]. Although an agreement on repatriation had been made, delays in handover occurred when the NHM announced its intention to perform scientific tests on the specimens prior to their return. This promptly sparked an outcry from the TAC, which views the extraction of DNA and tissue samples for scientific analysis as a form of ancestral desecration. A major dilemma presents itself in this case and it is the same one which haunts the whole issue of repatriation. Should the NHM surrender their samples and agree to an unconditional return of all the primitive remains in question, or are there greater social benefits to be gained from the commencement of these scientific studies?

This is where we return to that corpse that you have just discovered. Apart from the "how", "why" and "finally, my ascendancy to great scientific renown," the first thing you would probably like to establish would be the exact identity of this corpse. This may not be a particularly easy question to answer; the corpse is highly unlikely to come attached with a carefully categorised and cross-referenced history of its own origins. Historical records are prone to mix-ups, misplacement and fabrication in a way which DNA analysis can easily avoid. Moreover, rapid advancements in DNA amplification technology now enable us to extract minute DNA samples from the bones of ancient remains with minimal tissue damage or loss. Indeed, opponents against unconditional repatriation argue that both museums and indigenous communities would

potentially benefit from such studies, as the comparative analyses of the differences in genetic sequence of primitive remains can firmly establish their evolutionary origins in a way that paper and historical records cannot. The information provided by these DNA sequences would also allow scientists to track human evolutionary changes and the prevalence of genetic disease susceptibilities in different indigenous communities, which is particularly important as members of enclosed communities are more likely to inherit common genetic traits compared to rest of the human population. The latter claim, however, may be called into question as population studies are an equally if not more valid method of identifying genetic predispositions in different communities and subpopulations. And as

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history grimly reminds us, the outcome of such research may, in the wrong hands, be used to denigrate the very native community under study. Nevertheless, keeping in mind both the practicalities of specimen identification and the potential anthropological contributions arising from such studies, can we still claim that scientist are completely unjustified in their stance against unconditional repatriation?

Heavens forbid, but let us now imagine that you were a scientist interested in the understanding the history of human variation, adaptation, evolution and disease susceptibility. The corpse that you have just unearthed turns out to be a rare specimen which predates Australia's pre-colonisation era. It has the exciting potential to reveal clues on how human populations respond to selective environmental pressures and change. If this is indeed the case, as is with all the ancient human remains kept in museum collections across the globe, then hopefully you would like to see the corpse preserved in a safe repository where it can be studied with the care and respect that all rare and precious materials duly receive. The chances are that you would also be rather reluctant to see the corpse promptly incinerated or reburied and left to decompose for another 1000 years or so, before the next bumbling scientist stumbles along. Under the Anglo-Australian legal system, entitlement to the disposal of a deceased person's corpse is automatically granted to the family or legal executor. The right to this entitlement, however, is fundamentally very different to the right of a community in its claim over the disposal of the ancient remains of one of its tribal ancestors. Whilst medical coroners are legally compelled to hand over a corpse to the next of kin or legal executor for disposal after completion of the post mortem, the same jurisdiction does not apply to scientists or institutions in possession of primitive remains belonging to an individual deceased for hundreds of years and with no direct familial descendents. Thus, in comparison to the former situation, the community's call for repatriation is founded upon a much weaker jurisdictional principal. However, even this may not necessarily mean that scientists are ethically less obliged to respect a community's request for the repatriation of its ancient ancestors' remains.

In the words of the Australian National Health and Medical Research Council (NHMRC), there is a universally decreed code stating that all good scientists must seek to establish and maintain a strong research culture of 'intellectual honesty and integrity, and scholarly and scientific rigour' 6. Under current NHMRC guidelines, scientists are expected to manage conflicts of interest so that 'ambition and personal advantage do not compromise [any] ethi-

cal and scholarly considerations' [6]. Furthermore, the NHMRC policy regarding 'Ethical Conduct in Aboriginal and Torres Strait Islander Health Research' prioritises the importance of respecting the 'values, expectations and cultures' of indigenous communities, even at the cost of scientific research itself [7]. This is understandable. The perpetuation of cultural richness is a praise-worthy reflection of human existence, and the values of all ethnic communities deserve the equal right of our respect. The significance of cultural traditions should never be lightly dismissed for the greater scientific good, especially not

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when the community holds even the slightest legitimate claim over the proceedings in question. In fact, the ethics of repatriation are less based on the law of property but rather on the need for scientists to recognise and respect the cultural traditions of all people. The withholding of indigenous ancestral remains holds enormous emotive appeal, and museums and other institutions risk appearing cold and callous to the eyes of the general public if they adopt anything less than a completely co-operative approach. As the hypothetical scientist, would you still choose to keep the corpse if it meant losing the respect and support of the very people you were trying to help in the first place? Hopefully this has just sounded like a rhetorical question.

The boundaries of scientific responsibility and ethical conduct are not always as distinct as we would like them to be, and neither are the dilemmas that arise confined to the issue of repatriation alone. In this particular situation, we can theoretically present the scientist as an individual torn between a desire to respect community values and a utilitarian obligation to continue conducting scientific studies which carry many potential benefits for mankind. I use the word theoretically here, because in reality, scientists do not really have the luxury of making this choice. Science loses its standing if it loses the support of the people it aims to benefit; the very same people, incidentally, whose taxes fund the majority of all scientific grants in the first place. For scientists, laboratory life is often a juggling act of academic rigour, scholarly integrity, social responsibility and an ongoing obligation to preserve the public image of science itself. Accidentally unearthing corpses, at times, can be the least of their problems.

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