

## **British Humanist Association response to the DCMS consultation on Historic Human Remains**

### **About the British Humanist Association (BHA)**

The British Humanist Association (BHA) is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society. The BHA's policies are informed by its members, who include eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns.

### **Humanist principles**

Humanism is the belief that we can live good lives without religious or superstitious beliefs. Humanists are committed to the search for truth and advancement of knowledge and resist the interference in these aims of religious and superstitious beliefs. We support scientists, museums and researchers in their quest for knowledge and aspiration to educate.

We would not therefore want to see unique human remains or significant collections of human remains lost for ever, unnecessarily. New techniques for extracting information from bones and other remains are constantly being developed: techniques commonplace today would have been beyond the wildest speculation only a few decades ago. There is no reason to expect such advances to cease and we must regard our current collections as still likely to yield extensive information about our past. The majority report fails to give any attention to this major consideration. There is no reason why remains in the meantime should not be stored in respectful ways, even under religious supervision where this is found valuable by present-day pressure groups: what is vital is that the remains should be available to future generations to study.

### **Humanist attitudes to death and human remains**

Through its function as trainer of humanist funeral officiants and provider of humanist funerals, the BHA has considerable expertise in the respectful treatment of the dead. We acknowledge that the needs of the bereaved for a dignified and appropriate farewell must be satisfied, and that the respectful treatment of the body is, for most people, whatever their beliefs, an essential part of a mourning process. The wishes of the deceased, too, are significant and should be taken into account where known and reasonable. To know that one's remains and those of people close to one will be treated respectfully are elements of a good life in a civilised society.

While we respect genuine feelings, including those of bereaved people and those of religious believers, and we understand very well the need to respect the dead as well

as the living, we do not believe that exaggerated feelings, some of them arising out of political grievances, should be deferred to unduly, particularly if that deference will result in harm. There is some emotive language in the November 2003 report of the Working Group on Human Remains and in the consultation paper (for example, references to the “distress”, “pain” and “grief” of remote descendants or cultural groups) which tend to move the argument too far, with too little room for debate, in the direction of repatriation of remains. Cultural groups pinning their hopes of social or political advancement and improved health on the restitution of their “ancestors” remains seem doomed to disappointment, as the causes of their problems must surely lie elsewhere.

We contend that the more historically remote the remains and the further removed from living relatives or recognisable connections with any existing culture, the less significant the interests of living individuals or groups become. Most humanists would favour knowledge about and research into human history and origins over the demands of descendants many generations removed from the remains, and even more over the demands of those who can demonstrate only a tenuous cultural connection with the remains. Similarly, the wishes of the deceased become less ascertainable and less significant as time passes; we do not, for example, in the case of bequests, usually expect the deceased to determine what happens to those bequests for generations and centuries to come.

In June 2002, the BHA made a broadly similar response to the NHS consultation on retained organs and human tissue.

### **The consultation**

We confine ourselves in this response to the issues and questions of most relevance and concern to humanists, or where we have a concern for the common good. We claim no particular expertise in the relative costs or efficacy of the various proposals suggested, or in weighing up the attached risks, but, as already stated, would err in favour of knowledge and science, particularly when present-day connections with the remains are remote or tenuous. For example, many humanists find it shocking that indigenous peoples in North America can assert rights over ancient remains found in that continent, despite the fact that they may, in fact, come from people with no ancestral or cultural connection with them. Disposal of those remains could close down enquiry into their origins and other important areas of human history.

It is possible that dialogue with claimant communities could establish that they too share an interest in the history and pre-history of their community and locality, and would therefore be more inclined to give informed consent to museums and other institutions holding human remains for research. Dialogue can also establish conditions acceptable to both sides for retention and treatment of remains, treating them with appropriate respect but maintaining accessibility for research purposes. The reference to changing attitudes amongst younger generations, for example in the Maori people (6.4), gives some reason for hope of collaboration in this area.

One important factor in this discussion is that there is a clash of values. There are ethical arguments worthy of consideration on both sides: on one side based on empathy with descendants and indigenous groups seeking respect for their

ancestors and repossession for cultural and ritual reasons, and on the other based on the disinterested search for knowledge about humanity.

For the reasons set out above, we find ourselves largely in agreement with the Minority Report of Sir Neil Chalmers. The balance he proposes between meeting the requirements of museums and researchers and those of indigenous peoples is a sound one; the Working Group report, in addressing the insensitivity to communities and the power asymmetries of the past, leans far too far in the opposite direction and gives too much weight to the often highly politicised wishes of cultural communities.

## **The questions**

**Q1:** Legislation that would permit museums, at their discretion, to return human remains is needed. Legislation should allow museums to consider each case on its merits, within a context of licensing and guidance or codes of practice, but it should not require museums to dispose of human remains in their collections. We cannot envisage circumstances in which such legislation would be appropriate (9.3 – 9.5).

**Q3:** We agree that a code of practice would be useful, and that licensing for the holding of human remains should depend on adherence to a code of practice. We agree with the reservations, and revisions proposed, in the Minority Report (Minority Report, 6.1)

**Q6:** The retention and use of human remains should be subject to the consent of close family, where they can be identified. The interests of direct genealogical descendants should be taken into account with due proportionality. Museums should be open about their holdings, perhaps listing and describing them on their websites, but we do not believe they have a duty to seek out relatives or claimants or should spend their limited resources on so doing.

**Q7:** We agree strongly with the Minority Report that where there are no family or descendants, this is a matter for consultation and not for requirement for consent (8.7, 9.14 – 9.15). The factors that are important are age and the closeness of relationship to the remains: the more distant the relationship the weaker the claim to rights over disposal or for repatriation.

**Q8:** The age of remains is a crucial consideration (see above). Additionally, a case can be made that ancient remains can tell us much about shared human history and so belong to all humanity rather than to any one cultural group.

**Q9:** We agree with the view of the Director of the National History Museum that wide consultation and as much information as possible, including on the public benefit likely to be derived from retention, should be the basis for decisions about the treatment of human remains.

**Q10:** We agree that museums should have established procedures for dealing with these claims, which seem likely to increase in number. Central guidance would be useful; though the circumstances of museums and individual claims will differ, the

human and ethical arguments will be generally shared and would be best worked out cooperatively.

**Q17:** “Sacred objects” would raise some issues similar to those raised by human remains, notably claims for restitution. The role of museums in curating, researching and educating about an international range of objects and relics could be threatened, and their scope could become somewhat parochial if restitution were demanded and granted on a significant scale.

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