PERSPECTIVES ON THE INISHBOFIN CRANIA RETURN REQUEST:

Examining Limitations & Potential

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DOCUMENT SUMMARY

Dear Senior Dean, and members of the Trinity Legacies Working Group

I am writing in my capacity as Chair of the Old Anatomy Steering group, to make an evidence-based submission on the topic of the Inishbofin crania. This position paper has been compiled by members of The Old Anatomy Steering Group and presents the analysis and response undertaken by the group as it relates to the request for repatriation of the Inishbofin crania made by the "Haddon-Dixon Repatriation Project Group," received in February 2021.

The following briefly recounts the provenance of the skulls and establishes them in a historical and scientific context based on research findings. It addresses the request put forth by the claimants in the context of best museum practices and the ethical, legal, and professional boundaries within which the School of Medicine must act.

The Old Anatomy Steering Group (OASG) is a sub-group of the School of Medicine Executive. It was established to progress development of the Old Anatomy Museum and its extensive collection towards museum accreditation. The OASG reports to the Head of School, the Executive, the Inspector of Anatomy Professor Ceri Davis (Cambridge/Imperial College), and the Bursar on issues related to the museum, including maintenance of the physical space and the storage, curation and conservation of archaeological human remains used in education and research. In seeking public museum accreditation, the school demonstrates its commitment to achieving an outcome for every specimen in the collection that respects the complexity of its human and scientific narrative and to using that to inform medical education and public understanding of medicine at Trinity College Dublin.

The school has refrained from public comment on the issue of the Inishbofin crania, in deference to the process initiated by the College and because commentary on the disposition of human remains needs to be carefully considered in the context of the professional values expected of medical practitioners. This restraint should not be interpreted as a deficit of feeling in relation to care of the crania or a lack of understanding of the sensitivities and emotions raised by their covert removal from Inishbofin. We recognise the immense value of the crania to the island community, to the Medical School and to the College, however, regardless of age, history, or sentiment, it is not legally or ethically appropriate to transfer human remains to unrelated individuals or informal groups for disposal, without consideration of the validity of the claim.

What is clear to the OASG and community of practice within in the School of Medicine is that there has not been sufficient time to make a properly informed ethical and legal determination on the future of the crania. We are requesting the TLWG recommend additional time is provided to:

- Clarify the position of the National Museum of Ireland (NMI) and the Irish Medical Council (IMC) in respect of oversight of the School and Colleges' responsibilities for the care of archaeological human remains under the various legislation that pertain to this issue.

- Consider whether the options being proposed are coherent with best practice internationally and the ethical and professional boundaries within which the School of Medicine acts.

- Explore how we might work with the statutory bodies and appointed community representatives, the heritage council, and monuments board to perform additional research

on the crania or to develop alternative legal but empathic commemorative options.

We have not included images of the crania in this report but provided diagrams to illustrate that of the 13 crania only one contains facial bones and the remainder consist of cranial vaults (calvaria). [1]

Appended to this paper are supporting documents as referenced.

CONTENTS

Appendix:

[1] Images of other remains in the collection, unconnected with the Inishbofin crania, have been circulated without authorisation and published out of context. We are dismayed with the use of photographs of human remains in this manner and remain committed to solely present the remains in the Old Anatomy Museum collection in an educational and respectful context.

BACKGROUND TO THE REQUEST

The *Haddon–Dixon repatriation project group*, are a voluntary team of community representatives, curators, artists, and anthropologists broadly representing communities from the west of Ireland. In February 2021 they made a request for the ʻrepatriation ʼand burial of the "Inishbofin crania", 13 fragmentary calvaria housed in the Old Anatomy Museum.

The proposal argues for the return of the crania based on perceived links to the present Inishbofin community and the assumed illegality of their original removal from the island in 1890. The proposal specifies the objective to bury the skulls. Critical to the request is that the crania were stolen from Inishbofin. Although human remains are not usually considered to be subject to personal ownership, or extant laws relevant to theft, their removal was covert hence is considered ethically unacceptable when considered against modern standards.

The crania were removed from Inishbofin in 1890 by Alfred Cort Haddon, a professor of Zoology at the Royal College of Science for Ireland (1869-1903), while he was undertaking a survey of the west coast of Ireland. Haddon was alerted by a local to the whereabouts of the crania, lying above ground in an ossuary in the niche of a ruined church. He covertly removed them for study and gifted them to the anthropometric laboratory established in the Zoology building of Trinity College. They were later transferred to the medical school and have been preserved there since. They returned to prominence during restoration of the Anatomy Museum in 2011.

Haddon's work, acquisition of the crania, his scientific method, and the role of anthropometric measurement in determining distinct ethnographic characteristics "the origins of the Irish race" have been the subject of much photographic, educational, and academic work, including an exhibition at the National Museum of Ireland (NMI) in 2013.

1. SUMMARY OF RESPONSE BY THE SCHOOL OF MEDICINE:

The Old Anatomy Steering Group considered the request and reappraised what is known about the provenance of the skulls. After seeking guidance from the National Museum of Ireland (NMI) we commissioned an expert osteoarcheological and a carbon dating report. These reports confirmed many of Haddon's original findings but also highlighted limitations with respect to establishing familial claim. The results of the dating process of a single sample produced a median date of 1563 AD, which means that the individual whose cranium was sampled died sometime between 1525 and 1660 AD, with the most probable year being 1563. The sampled specimen may be representative of the collective age of the crania, but we cannot know definitively if the remaining crania are from the same time-period without further testing.

The Osteoarcheological Report Conclusion

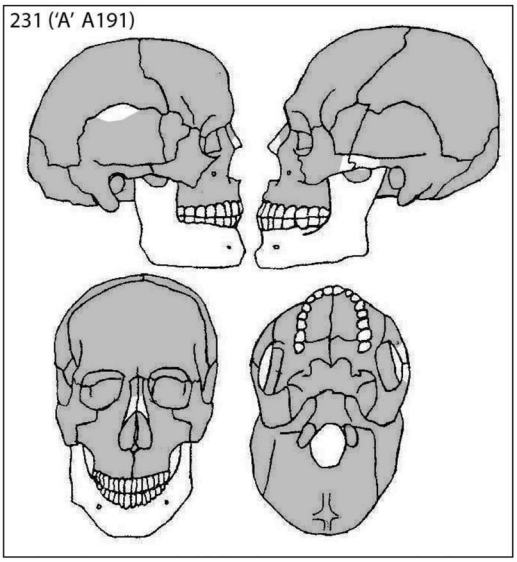
In August of 2021, the Old Anatomy staff commissioned an osteo-archaeological report by Consultant Human Osteoarcheologist Dr Linda Lynch MIAI on the crania, following consultation with NMI staff. For reference, we are including the conclusion of the report below: [2] *"The un-authorised collection of human crania from St Colman's Abbey, Inishbofin, in 1890 is, to most modern observers, objectionable at the very least. So too however, is the way the disarticulated skeletal remains had been allowed to accumulate within*

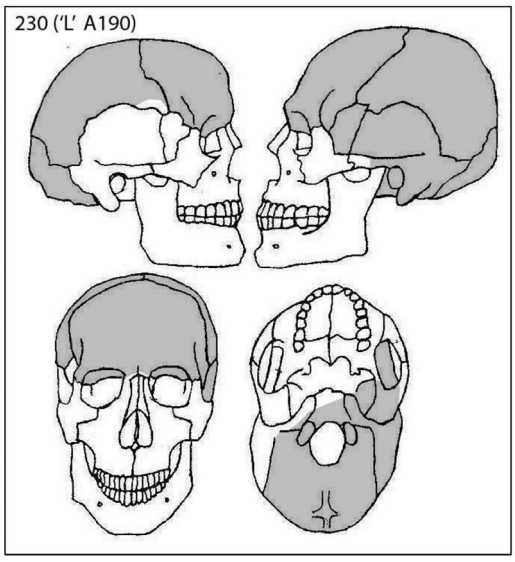
[2] Appended to this document are excerpts that represent the main findings of the report, reproduced with the permission of the author. It is not appended in its entirety to protect the author's intellectual property.

the church prior to this event, which resulted in significant destruction of bones and teeth of countless individuals. Both actions reflect the general disregard in the past for the skeletal remains of humans. It is hoped that all these practices are long since in the past. It is apparent that the crania collected by Haddon Dixon may be the only extant sample of human remains from this site, as no modern archaeological excavations have occurred here and most of the disarticulated bone which was strewn around the site in the late nineteenth century was likely reburied. ……. There has been interest in recent times, in the deaccessioning of the crania, with the goal being their reburial on Inishbofin, presumably at St Colman's. This report constitutes a modern osteoarcheological assessment of the remains, a first step in this possible process. However, it is stressed here, that any potential deaccessioning of the remains must be approached with extreme caution as there are many issues to be considered and it is not a simple process."

Ultimately the OASG declined the request for return and burial put forth by the Inishbofin group. The response letter in its entirety is appended (1). While the sincerity of the Inishbofin group in seeking burial of the remains is not in question, the limitations of responsibility and ownership due to the archaeological and human status of the specimens made transfer inappropriate. This decision was informed by the criteria used nationally and internationally to determine claimant authority, connection and genealogical descendancy by museums with human remains collections.

For reference and to ensure the accurate representation of the crania we are including two diagrams from Dr. Lynch's report that show representative examples.





Cranium marked 231 is the only one of the set with facial bones (orbits, cheek bones, nose bones and upper jawbone). The remaining twelve specimens constitute of calvaria (dome of skull or 'cranial vault') like the cranium marked 230 pictured in the diagram below. The grey areas in these diagrams denote the bones present in each case, whereas the blank areas denote absence. No mandibular bones (lower jaw) are present in the set.

3. OVERVIEW OF FINDINGS:

Given the details of the provenance of the skulls (Appendix 2) and the results of the analysis

undertaken thus far, we have collected some conclusive information about aspects of this query. Below follows a summary of the current findings and an enumeration of the questions yet to be answered.

What we know:

- Haddon took the crania covertly on July 16, 1890, following a tip by a local "ally." While his act of removal was not technically illegal owing to the lack of legislature at that time, it was nevertheless illicit and unethical.

- At the time he was employed by the Royal Society of Science and Art to work in the "Science and Art Museum" the precursor of the National Museum of Ireland.

- Haddon removed 13 fragmentary crania, all but one lacking facial bones.

- Haddon found the crania in an ossuary formation in a niche in the wall of the church ruins of St. Colman's Abbey. Their placement appears to be intentional in accordance with customs of the time. (See section on Historical context.)

- St. Colman's Abbey was erected circa 667 AD. By 1890 it was in ruins, with its roof and most walls and interior features missing, leaving any human remains within the church footprint exposed to the elements.

- Haddon's stated purpose was to find the "roots of the Irish race."[3]

- Haddon remained on Inishbofin for two more days following his collection of the crania without further incident and returned three years later to conduct anthropometric and ethnographic surveys of living islanders along with Charles Browne.

- Haddon described and measured the crania; his findings were published in a paper he delivered at a Royal Irish Academy meeting in 1893.

- The osteoarcheological report by Dr. Linda Lynch confirmed most of Haddon's findings regarding the sex and relative ages of the individuals represented in the remains.

- A single specimen from the collection was carbon dated by an accredited laboratory, this produced a median date of death of 1563.

What we don't know:

- The identities of the individuals the crania belonged to

- The origin of said individuals, or their community status

[3] *"It has therefore occurred to us that we might employ the anthropometric methods for the purpose of giving some assistance to the anthropologist in his endeavours to unravel the tangled skein of the so-called "Irish Race." With this end in view it is our intention when once we have fairly started to take excursions during the Long Vacation into the country, and with our apparatus, pitch our tent in different districts until at last we or our successors shall have traversed the entire extent of Ireland."* Cunningham, D. J., & Haddon, A. C. (1892). The Anthropometric Laboratory of Ireland. The Journal of the Anthropological Institute of Great Britain and Ireland, 21, 35–39. https://doi.org/10.2307/2842206

- The length of time the remains were exposed to the elements

- Having only carbon-dated a single sample, we don't know if the other cranial fragments date to the mid-16th century as well or if they are more ancient or more recent.

- If the remaining skeleton of each individual is buried or deposited in the church or the churchyard.

- If the direct descendants of the individuals these remains belonged to are currently living in Inishbofin, or in fact in Ireland.

4. MEDIA NARRATIVE AND FACT

We would like to take the opportunity to correct some of the assumptions and narratives presented in the media and other public fora. While this appears to be a simple case of a museum artefact, the human nature of the specimens renders it a complicated matter with complex implications.

Media Narratives & Facts:

"The crania were stolen by Trinity":

Haddon was not employed by Trinity hence Trinity did not steal the crania; they were gifted to the College by Haddon in 1891. Human remains are not generally subject to personal ownership hence, removal of the crania in 1890 while ethically unacceptable by modern standards was not illegal when it occurred. Today, the care of Human remains is subject to the code of practice of the Medical Council and the Human remains policy of NMI as well as international best practice. The School of Medicine adheres to these and to our own internal policy.

"The crania are linked to islanders photographed in 1890".

Transposition of images of the crania with living islanders measured as part of the 1890 survey is misleading. It suggests a shared chronology which is unproven. A sample of the crania has been carbon dated to a median of 1563 AD. Considerably older than the living memory of any of the 1890 islanders. The crania are likely a rare example of osteoarcheological material from the middle age of Irish history.

"The crania were exhumed":

The 13 crania, each constituting less than 10% of the entire skeleton of an individual were not buried when discovered so were not exhumed. They were found deteriorated, exposed to the elements, and placed in an ossuary pile above ground. This was not an accident of surface erosion rather a symbolic practice denoting importance or other cultural significance. A brief explanation of the historical practice of creating ossuary mounds as a way of respecting the dead is provided in section 7. From this it is inferred that burial may not have been the intended final disposition of the crania.

"The crania are native Inishbofin Islanders".

This is unknown. The Island was of military and economic importance during the Elizabethan era and was a stronghold of noted individuals such as Grainne Mhaol, Don Bosco, and their clans.

During that period the island population was migratory. The surrounding seas were an active site for merchant and military activity as well as piracy, looting, and skirmishes between Spanish, Portuguese, English and Irish ships which crossed and landed on the island.

"The crania have been on display for 132 years in the Old Anatomy Museum."

Haddon donated the crania to the Anthropometric Laboratory in 1891, after its opening in the Museum of Comparative Anatomy (now Zoology).[4] Between 1891 and the closing of the laboratory in 1898 the crania were held in glass-fronted cases installed in the laboratory, which was a working space for the taking of anthropometric measurements and they may have been viewed during that time. After the closure of the laboratory, the entirety of that collection was moved into locked storage (not display), adjacent to the lecture theatre and museum in the Old Anatomy Building. The Anthropometric Laboratory collection has only been accessible to museum staff and researchers since.

5. THE LEGAL CONTEXT FOR CLAIMS

The care and curation of human anatomical remains from medical schools are governed both by the Irish Medical Council who appoint an inspector for that purpose (Anatomy act of 1832) and by the National Museum of Ireland who have responsibility for holding *in trust* all archaeological human remains (National Monuments Act 1930). The practicalities of the legislation are enshrined in the NMI Human remains policy Version No: 2019-10-09-v5-FINAL., with corresponding guidance from the IMC. However, the legislation is somewhat unclear as to how these responsibilities are apportioned between the statutory bodies. The Monuments Act states.

> *"the expression "archaeological object" means any chattel whether in a manufactured or partly manufactured or an unmanufactured state which by reason of the archaeological interest attaching thereto or of its association with any Irish historical event or person has a value substantially greater than its intrinsic (including artistic) value, and the said expression includes ancient human and animal remains and does not include treasure trove in which the rights of the State have not been waived"*

The interests of the state do not appear to be limited to archaeological objects or human remains found or acquired only after establishment of the museum. This was demonstrated in 2020 when under the Act the School transferred mixed osteoarcheological material dating from 1886 onwards to NMI. The letter of 04/06/2019 from NMI was explicit in this regard.

> "*Archaeological remains constitutes archaeological object as defined under the national monuments act and as such are the property of the state. The state repository for all archaeological objects is the national museum of Ireland"*

Furthermore, as per *Ireland/Éire The Routledge Handbook of Archaeological Humans Remains and Legislation, : An international guide to laws and practice in the excavation and treatment of archaeological human remains*, (2011)**,** the position of NMI as the primary repository for such remains was further strengthened by subsequent amendments to the Act (1994) and supplementary legislation.

[4] "*The laboratory opened on June 25, 1891, but it did not prove a success. Lacking an occasion such as the International Health Exhibi- tion, which drew public attention to Galton's laboratory, they found it difficult to attract subjects*." Forrest, D. W. (1986). 'The Anthropometric Laboratory of Ireland'. *American Psychologist*, 41 (12), pp. 1384-1385.

The Heritage Council report found, after wide consultation, that the public supported archaeology, including the excavation and analysis of human remains. However, it is expected that all individuals working with human remains will show them the utmost respect and dignity. Under the National Monuments Act 1994 and the National Cultural Institutions Act 1997, the final deposition of human remains is at the discretion of the National Museum of Ireland. Preference is for permanent curation as recommended by the Heritage Council, but consultation with local communities is also a strong consideration. The policy of the National Museum is to treat each case on its merits, and if there is strong local interest the Museum will consider the option of reburial."[5]

In contrast the 1832 Anatomy Act provides licensing of anatomical facilities for education and inspection of standards for the care and storage of human remains, it does not extend to the acquisition of older remains for museum collections or study. Nonetheless it has been our practice to adhere to the ethical guidelines and expectations of both statutory bodies, NMI, and The Irish Medical Council in caring for human remains.

As a medical school with responsibility for inculcating values associated with practice, we have very clear ethical, legal, and professional responsibilities. We welcome and respect oversight of our activities by the Inspector of anatomy and the publication of reports that outline standards for the care of Human remains in the Trinity School. In consequence we routinely seek approval from the Medical Council for burial or removal of any human remains from the collection whether contemporary or archaeological.

We have written to the Director of the NMI and to the Medical Council to request written clarification of their respective authority for the care, curation, and disposition of human archaeological remains within medical schools, under the legislation. We have requested confirmation of the extent to which external institutions with archaeological human remains are expected to comply with their policies and procedures in the context of the work of the Provost and the Trinity Legacies Working Group.

6. MUSEOLOGICAL CONTEXT AND CRITERIA FOR ESTABLISHING CLAIMS

Although calls for repatriation and restitution of museum holdings that result from colonial acquisitions have increased in recent years, such efforts have been taking place in the museum domain since the 1990s. As such, there is an established framework and set of procedures museum professionals follow globally when addressing such requests. While this framework is under continuous evaluation and review, we aim to follow well established systems of operation and policies.

Guidelines and policies have been developed by many of the Worlds' leading museums to inform how such claims may be fairly and ethically assessed examples include guidance from The International Committee of Museums (ICOM), the Duckworth Museum in Oxford, the Scottish Museum, and the National Museum of Ireland. The aim is to simplify the process, ensure transparency, promote harmonization between institutions and countries in managing claimant requests, and maintain care standards for artefacts that are transferred. A main objective of such policies is to ensure a chain of custody for precious objects and to prevent inappropriate transfer of

[5] Dr Laureen Buckley, Edited by Nicholas Márquez-Grant and Linda Fibiger (2011), *The Routledge Handbook of Archaeological Humans Remains and Legislation, : An international guide to laws and practice in the excavation and treatment of archaeological human remains*, Routledge, Taylor- Francis

artefacts, an issue that is critically important when human remains are considered.

In 2009, following a request from the government of New Zealand the School successfully undertook the repatriation of Māori remains to the Museum of New Zealand Te Papa Towenga for return to their origin communities. As of late 2022, they remain in a designated storage space in the Museum for further research. This decision is congruent with guidance from NMI and other institutions that the finality of disposal which infers permanent loss must be weighted carefully against the value of material to future generations and/ or permanent curation. More recently in 2020 a substantial volume of osteoarcheological material was transferred from the Old Anatomy Museum to NMI.

The process of *repatriation* requires the *de-accession* of an item (formal removal from museum collection) and the return to its place of origin. It necessitates that the place of holding, and the place of origin are geographically and ethnically different, or that there is an established indigenous community in the latter that can evidence claim to the remains. This is a difficult concept to prove in an Irish context and adds to the complexity of this issue.

In this case both place of origin and place of holding are in the same country, thus this request is for return and transfer of ownership for the purposes of disposal by means of a burial, rather than repatriation. In addition, the suggested benefit of burial must be measured against the potential benefit of retention for research and education. Many human remains have undoubted potential to further the knowledge and understanding of humanity through research, study, and display. In considering a request for return of the Inishbofin crania we should carefully assess their value and foreseeable potential for research and teaching. If they are considered to have scientific and educational value the University in partnership with the statutory bodies should decide whether this is sufficient to override other factors, such as the wishes and feelings of genealogical descendants or cultural communities.

Sensitive to the present request and cognisant of guidance as it pertains to establishing the legitimacy of claimants, deaccession, and repatriation, in August 2022 we declined the claimants request on the following basis:

1. **A lack of claimant formal authority and an uncertain right to represent.**
The Haddon repatriation project group is not formally constituted or appointed by a formally constituted authority or institution. As per their letter of request "*the Haddon-Dixon Repatriation Project group are a voluntary team of community representatives, curators, artists and anthropologists broadly representing communities from the West of Ireland".*

2. **The non-establishment of connection between the claimants and the crania.**
The connection is primarily based on a geographic association with Inishbofin. However, this has limited applicability in terms of establishing familial or cultural links to the crania given the absence of additional physical or cultural references and the period of history being referred to.

3. **A lack of evidence for genealogical descendancy** and the unlikehood of establishing familial claim through DNA testing given the age of the remains.[6] A claim based on cultural affiliation, group identity and continuity of cultural practices was also considered. However, in the formal sense we could not identify the repatriation group as having a distinct cultural identity or to be a distinct ethnic group, as Buckley noted, "*In Ireland there are no ethnic groups that must be consulted prior to the excavation of human*

[6] Further detail on the scientific aspects of this issue is provided in the statement from Professor Daniel Bradley and Dr Lara Cassidy in Section 8 and Appendix 6.

remains".[7]

4. Discord between the proposal for burial put forward by the repatriation group and the historical cultural practice inherent in the disposition of the crania.

The crania were found in an ossuary mound stacked above ground in the niche of a ruined church. This was likely evidence of a historical funerary practice, denoting that in this context burial may not have been the intended final disposition of the crania (see section 7). Furthermore, we do not know if the individuals were connected, nor if they had any religious affiliation, or whether the rest of their remains are buried in the vicinity. We also noted that the St Colman's site is itself protected, hence further excavation there may not be appropriate.

7. HISTORICAL CONTEXT AND VALUE:

Haddon and the Measure of the Irish Race

In 1890, Alfred C. Haddon was an employee of the Museum of Science and Art. Influenced by ethnologist John Beddoe's work on the "Origin of the English Nation" and espousing Francis Galton's ideas on the value of anthropometric research, he embarked on a trip to the West of Ireland with the stated purpose of "finding the origins of the Irish race." His endeavours, along with the work of the researchers involved in the Anthropometric Laboratory founded in 1891, were conceived in the spirit of "Celtic Revivalism" that gripped turn-of-the-century intellectual Ireland. As S. Ashley (2001) notes,

> *reading the characteristic statements of those Irish intellectuals of the 1890s who were, for a time, deeply involved in creating what it meant to be Irish, the oppositional and dichotomous quality of their rhetoric still sounds clear. Celtic revivalism relied on a notion of two cultures to legitimate its own increasingly precarious high-wire act, balanced between ostensible loyalty to the idea of Home Rule within the United Kingdom and the growing sophistication of nationalist ideology."*

The anthropometric laboratory remained in operation until 1898. Ultimately, the data collected by Haddon and colleagues disproved Galton's hypotheses and Haddon's own. The team found that there was no correlation between cranial capacity and intelligence, and that the Irish peoples were intermixed, so it was impossible to "unravel the tangled skein" of their origin. Ultimately the to the c anthropometric laboratory closed. Daniel J. Cunningham concluded that the hypothesis was tested and was found to be false, essentially finding that the conclusion was that "there was no conclusion at all."

Considering multiple perspectives

The crania have been considered primarily from the perspective of events surrounding the Haddon survey of 1890. However, carbon dating now links them to an earlier dynamic period of Irish history and potentially to shared history with other nations. We believe further study is required and that the crania should be re-examined through a series of alternative lenses.

From the seventh to the sixteenth century, Inishbofin was the locus of important political movements in Irish history. Its subsequent turbulent history is well recorded, but relatively little is known about its Elizabethan period. Assessing the crania from that historical perspective may

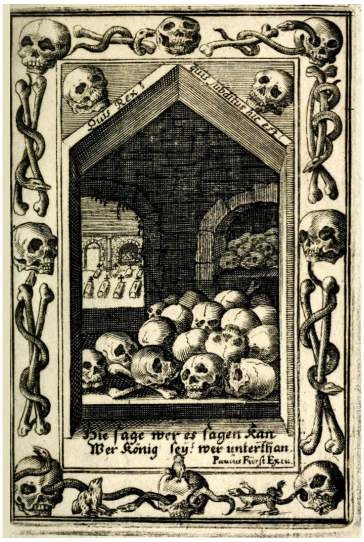
[7] Dr Laureen Buckley, Edited by Nicholas Márquez-Grant and Linda Fibiger (2011), *The Routledge Handbook of Archaeological Humans Remains and Legislation, : An international guide to laws and practice in the excavation and treatment of archaeological human remains*, Routledge, Taylor- Francis

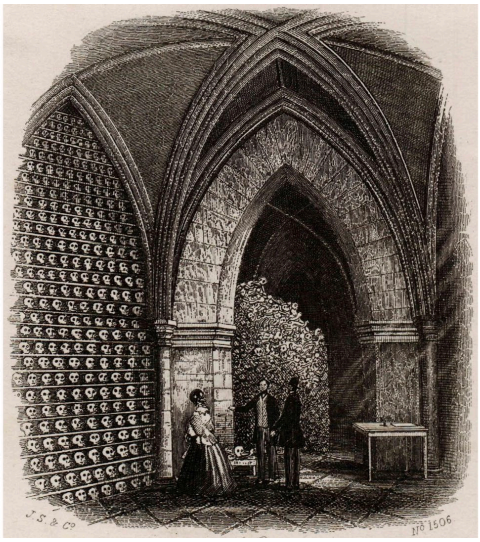
support the work of historians with an interest in the west coast and the era.[8]

Funerary Traditions; Burial ad sanctum and secondary burial

The crania were found in a niche in the east wall of the ruined abbey. It has been proposed that their placement was a consequence of displacement by newer burials.[9] However, it is likely the placement indicates the historical funerary practices of 'burial ad sanctum' and 'secondary burial. The custom of burying the dead in consecrated ground, within or without the church walls can be traced back to the 6th century AD in the British Isles. Venerable Bede, an English monk from whose accounts we gather most information regarding St. Colman, refers to saints being buried near the walls of the church or within them. Death historian Thomas W. Laquer explains the tradition of '*burial ad sanctum*,' the purposeful placement of the remains of the deceased near the sanctified remains of the Church's patron saint.[10] One possible explanation for the tradition is that so that the parishioners "put forth prayers to them unto God."[11] Historically, this custom was carried out through 'secondary burial'; the practice of collecting the bones of the dead body following decomposition above[12] or below ground, with the purpose of excarnating, cleaning, and placing or displaying the remains in a public or private ossuary.

The practices of secondary burial or 'ossilegium' are historically found in Jewish traditions, as well as Catholic and Christian Orthodox traditions, some of which persist today as is the case among Greek Orthodox and Spanish catholic communities. In this context, the skull and the long bones are commonly separated from the rest of the remains and placed in a designated ossuary space as shown in the illustrations below. This deliberate display of the crania in particular serves as a demonstration of respect for the deceased.





[8] Kuijt, I., Lash, R., Gibbons, M., Higgins, J., Goodale, N., & O'Neill, J. (2010). Reconsidering early medieval seascapes: new insights from Inis Aire, Co. Galway, Ireland. *The Journal of Irish Archaeology*, 19, 51–70.

[9] "Some churches may have possessed charnel houses or ossuaries where remains unearthed by gravediggers or builders would have been stored." Tait, C. (2002) Death, Burial and Commemoration in Ireland, 1550-1650. Palgrave Macmillan UK.

[10] It is important to note here that the term "burial" as used here doesn't necessitate the disposal of the whole body below ground but indicates meaningful placement of the remains of the deceased.

[11] Laquer, Thomas W., (2015) *The Work of the Dead: A Cultural History of Mortal Remains*, Princeton University Press.

[12] The body of the deceased may be deposited in a charnel house, or a section of the church for the purpose of decomposition, as opposed to buried in the ground. Laquer, Thomas W., (2015) *The Work of the Dead: A Cultural History of Mortal Remains*, Princeton University Press.

Left: Ossuary from Eberhard Kieser's "Toden Tantz", 1617. Right: Hythe ossuary, c.1865. (c.1860s)[13]

8. SCIENTIFIC VALUE:

Haddon and his contemporaries employed what for them was cutting edge methods in anthropological and ethnographic research. Compared to current technology, they had few tools in their disposal: anthropometric measuring equipment, such as simple rulers as well as craniometers and calipers, camera equipment, pen, and paper. The basic tenets their methods were derived from, arise from long discredited assumptions of eugenics and racial science. However, the systematic data collection of vital statistics embarked on the late 19th century has left a substantial mark on common practices such as recording one's weight and height with the family physician. While attempts to measure intelligence, or ethos proved pointless, it did lead to the development of methods that are still used in medicine to determine growth and health at a population level as well the methods that continue to be used today in archaeology and forensic anthropology.

In contrast to the limitations of 19th century data collection, researchers now have a wealth of molecular technologies available to investigate ancient DNA, including isotope analysis and spectroscopy. There have been significant developments in the field of paleoforensics and paleopathology, which involve the study of ancient remains, diseases and pathogens. A brief summary of this has been provided by Professor Dan Bradley and Dr Lara Cassidy from Trinity's School of Genetics and Microbiology, (appended with permission):

> *There is current interest in the possible return of these crania to Inishbofin for reburial. There are many factors to consider in making such a decision, including whether there is any benefit to be gained from further scientific analysis of the remains. At present, the archaeological context of the crania is poorly understood. Ancient DNA (aDNA) analysis and further radiocarbon dating have the potential to provide useful information pertaining to the history of the site and may inform the decision-making process regarding reburial. However, these are destructive analyses and should only be carried out under a clearly defined research agenda that has a reasonable chance of success. Here, we consider the feasibility and likely outcomes of ancient DNA analysis on the Inishbofin cranial remains.*
>
> ***Feasibility of Human aDNA retrieval***
>
> *Endogenous DNA survival in skeletal remains is dependent on many factors, including the age of the sample, soil conditions and exposure to heat. DNA survival also varies with respect to skeletal element, with the petrous portion of the temporal bone currently the most popular target for analysis due to its consistently high rates of endogenous DNA preservation (Gamba et al. 2014). However, petrous bones perform poorly in studies of ancient pathogen DNA, for which the sampling of teeth or disease lesions is preferable (Spyrou et al. 2019). Thus, it is the authors opinion that the Inishbofin assemblage is unsuitable for ancient pathogen research, but that human genomic analysis is highly feasible, given the availability of fourteen petrous bones."*
>
> *Taken together, the authors believe that the identification of present-day relatives is not a feasible research aim unless the Inishbofin individuals lived within six generations of people alive today. This can only be assessed through further radiocarbon dating. However, we do note that only available radiocarbon determination from the assemblage provides a date of cal. AD 1509-1660 (2σ). The oldest people alive in Ireland today were born in the 1910s.*

[13] Source: Dry Bones Live: A Brief History of English Charnel Houses, 1300-1900AD, Tom Farrow, Chester University, Epoch Magazine

Given the average human generation time is 25-30 years, even if this individual had a child born in 1660, they would be separated from the oldest living people in Ireland by approximately 9-11 generations.

If some of the crania do date to the 19th century, the value of identifying present-day relatives must still be assessed. There are many ethical considerations regarding consent, privacy, and incidental findings (e.g., inherited genetic mutations of clinical significance). Given that genomic relationships with ancestors get more diffuse with time and more highly shared with many others, identification of living relatives is also unlikely to simplify stakeholder participation in decision-making processes regarding reburial. Finally, the design and reporting of any such study should avoid perpetuating the old but mistaken concept of the exceptionalism of island populations, which stretches back to the time of Haddon and Dixon. Irish islands were not aboriginal" populations disconnected genealogically from the mainland.

Conclusion

Ancient human genomes are likely to be retrievable from the petrous temporal bones present in the Inishbofin assemblage. However, the merits of such destructive analysis cannot be properly assessed without further radiocarbon dating. Genomes from the Medieval period would have definite value in the study of Ireland's population history, particularly those from an extreme westerly location. Sequencing multiple individuals from the Inishbofin assemblage may also inform on past kinship practices, community sizes and ancestral diversity on the island. However, without proper burial contexts, interpretation of genomic results would be somewhat hindered. If some of the remains are found to date to the 19th century, the identification of living descendants is feasible, given a large enough comparative database. However, the value in such a study is not immediately clear and would require careful ethical consideration."[14]

9. EDUCATIONAL VALUE:

Telling difficult histories

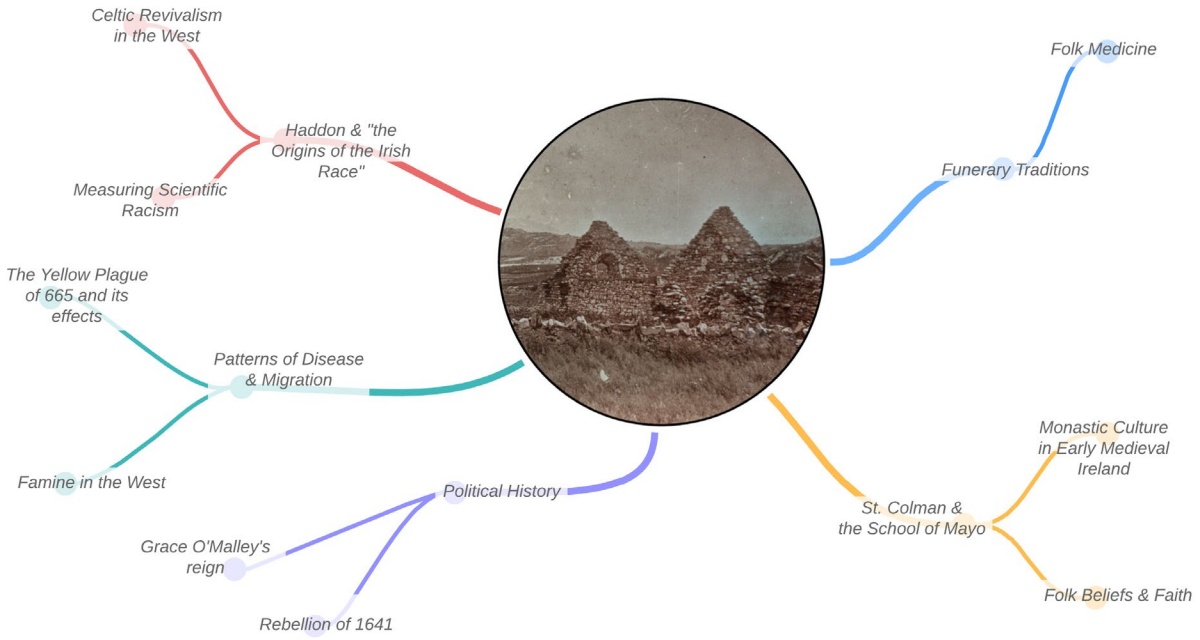
The Anthropometric laboratory and the theories it was founded on is an integral part of the narrative of Irish medical education, in the same way that other now obscure and demonstrably false beliefs are part of that story, such as the humoural theory. We believe that it is our responsibility to tell the stories of the history of medicine, even when they are unjust or uncomfortable, in an unflinching and fair manner. We don't always require the display human remains to do that, but we do need information. Removing the potential for further gain of such information prematurely does not serve the public's interest in history and medicine or our responsibilities as custodians to conserve such a complicated, but rich and nuanced scientific history. It is by spreading awareness of the unethical side of science that we can provoke fruitful discussion on related contemporary issues. Removing artefacts from public consciousness, especially based on limited information or rhetoric, runs the danger of white-washing history. Doing so may may allow for the mistakes of the past to be forgotten, and opportunities for meaningful conversations that can lead to change to be missed. [15]

[14] Prof Daniel G Bradley and Dr Lara M Cassidy, December 2022, Statement on the Genomic Research Potential of the Human Remains from Inishbofin (appendix)

[15] "In contrast to growing calls to remove highly charged objects and topics from display, I propose deeper engagement with these 'risky 'materials and the histories they represent. […] Because the work to address centuries of abuse and

10. PUBLIC ENGAGEMENT

Since 1711 with the opening of the anatomy house in the University of Dublin, human remains have been displayed for the purposes of education, research, and advancement of medical practice. Display in a holistic and educational context can serve as both respectful commemoration of the deceased by telling their story, and thus keeping their memory 'alive,' and by reinforcing community ties through the unveiling of a shared past and narrative. We firmly believe that collaboration with associated communities and claimants is essential in relating these histories through the creation of educational resources and public outreach. We welcome the opportunity to work with the Inishbofin community to do that. To this end, the School of Medicine, through the Old Anatomy Steering Group has requested additional time to engage with relevant authorities and the Inishbofin community to consider mechanisms to memorialise the human remains and share their history. Such mechanisms might include developing exhibitions that examine the ethical dimensions surrounding acquisition of the crania, as well as previously unexplored narratives such as those suggested in the schematic below.



As an example, we propose the development of an exhibition centered around the thematic anchor of St. Colman's Church as shown in the schematic above. Historical records connect the founding of the monastery circa 667 AD to the migration of communities fleeing the 'Yellow Plague' affecting England. The history of the monastery and medieval Abbey lends itself to an exploration of the intersection between early religious and healing practices as well as funerary rites and folklore traditions.

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discrimination as well as their contemporary manifestations is ongoing and complex, removing objects and issues has become a simple, and in my view insufficient, strategy to circumvent critique." Parry, M. (2021). The valuable role of risky histories: exhibiting disability, race, and reproduction in medical museums. *Science Museum Group Journal,* 14(14). https://doi.org/10.15180/201406

We anticipate that further themes and areas of exploration will emerge through collaborative research with community historians resulting in a narrative that while contentious or difficult to address is nevertheless vital to share in impactful ways.

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APPENDIX

1. Response letter to Inishbofin request by the OASG and the School of Medicine, TCD
2. Available provenance
3. Osteoarcheological Report of crania fragments by Dr. Linda Lynch
4. Carbon Dating Report by Chronos Lab
5. Statement by Professor Dan Bradley and Dr Lara Cassidy on the Inishbofin Crania
6. Old Anatomy Museum Human Remains Policy
7. Guidelines for the Care of Human Remains in Scottish Museums
8. Procedure for handling claims for the transfer of stewardship of human remains at the University of Cambridge
9. ICOM Code of Ethics
10. Human Remains Policy, National Museum of Ireland

Coláiste na Tríonóide, Baile Átha Cliath
Trinity College Dublin
Ollscoil Átha Cliath | The University of Dublin

Friday 19th August 2022

Dear Ciaran,

The Anatomy Museum steering group met to consider your request for a copy of the osteoarchaeological report on the crania found on Inishbofin. We have been advised by the College Solicitor that as the author has copyright on the images and content, we do not have the authority to provide these to you. However, we have obtained the author's permission to provide you with the abstract, introduction, limited methods, an exemplar from the catalogue, discussion, and conclusion. These are for reference purposes only and should not, nor should any extract, be shared, reproduced, or distributed in any form to anyone but yourself without the permission of the author.

We have also received a report on the C14 carbon dating performed by the ^{14}CHRONO Centre Queens University Belfast, which is an NMI accredited lab. The procedure has dated the specimen to between AD 1509 and 1660 with a median probability of 1563.
Your note of 11th July 2022 refers to other specimens associated with Kerry (St Finian's) and the Aran Islands. As you stated in your proposal to Provost Prendergast in February of 2021, "*Haddon did not record the removal of the skulls from the Aran Islands and St Finian's, more commonly known as Keel Church, the Glen. He did record that Haddon and Dixon carried out a survey of archaeological sites in the Aran Islands between July 30 and August 7, 1890. He also recorded that they surveyed fishing grounds around Skellig Island – off the shore of the Glen – on August 18 and Haddon's final entry in his journal is that they had a lovely quiet day on August 19*."

Despite Haddon's detailed records, we have no evidence indicating the manner in which the crania from Kerry and Aran Islands were retrieved so cannot comment further on that.
Due to age, contemporary interpretation of the 1832 Anatomy Act (soon to be replaced by The Human Tissue Act) places the crania under the authority of the National Museum of Ireland (NMI), rather than the Inspector of Anatomy. In that context, decisions related to disposition, further research, transfer, burial, or display rest with NMI in conjunction with other statutory bodies such as National Monuments Service, the latter being responsible for issues related to historical burial grounds. For reference I have attached a link to the Human Remains Policy of NMI which includes their approach to de-accession of human remains.
As per the NMI policy "applications for research on remains from known individuals will be assessed to ensure that the rights of related people or descendants are not infringed."

An tOllamh Michael Gill MD FTCD MRCPsych
Ceann Scoil an Leighis

Dr. Alex McKee
Riarthóir na Scoile

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The Inishbofin crania were initially found above ground, in the nave of a ruined church. They had been exposed to the elements for many years and were quite deteriorated by 1889. The research we commissioned and funded includes a review of archival material, an independent osteoarchaeological report, comparison with historical records, liaison with NMI, and C14 dating. The resulting findings do not indicate any genealogical link to living individuals or related peoples, hence the crania are from unknown individuals. Indeed, we cannot even assume they are of Irish origin.
If the crania had remained in situ they would likely have disintegrated by now. Deterioration has been much reduced by secure housing and protective wrapping, along with ongoing improvements in our storage conditions. The crania are not on public display, handling is minimal and only undertaken by qualified technical and curatorial personnel. The infrastructure of the School of Medicine, including the Old Anatomy Museum is regularly reviewed by the Inspector of Anatomy to ensure appropriate governance, security, and conditions. The reports of these inspections are publicly available on the Irish Medical Council's website.

It has been decided not to undertake further DNA testing at this time. This decision was taken under the guidance of NMI having regard to the fragility of the crania, to avoid further destructive sampling but also because of the absence of a specific reference population and the likelihood of a low yield even using modern micro-sampling techniques. We will keep this under review.
Based on the information that we have gathered and in accordance with NMI policies on human remains, Anatomy Act legislation, and the strict controls in place by the Medical Council for the care and disposition of Anatomical remains, the school is not in a position to support a request for deaccession of the crania and transfer to the possession of private individuals or historical interest groups.

An tOllamh Michael Gill MD FTCD MRCPsych
Ceann Scoil an Leighis

Dr. Alex McKee
Riarthóir na Scoile

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Thank you for your interest in this collection. I hope the expertise acquired by the school in relation to the matter reassures you and your associates that our investigations have been thorough and independently conducted. We will revert to NMI for further guidance and update you if there is any change. I understand you are meeting with the Provost in the near future. I will forward a copy of this letter to her office.

Best Wishes,

[redacted]

_____

Prof Martina Hennessy – Chair Old Anatomy Steering Committee.

[redacted]

_____

Prof Michael Gill – Head of School of Medicine. Old Anatomy Steering Committee Member.

[redacted]

_____

Siobhan Ward – Chief Technical Officer. Old Anatomy Museum. Old Anatomy Steering Committee Member

[redacted]

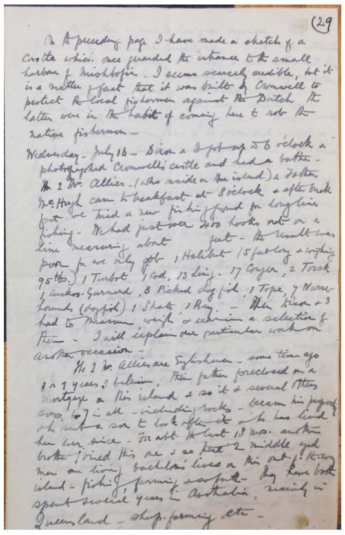
_____

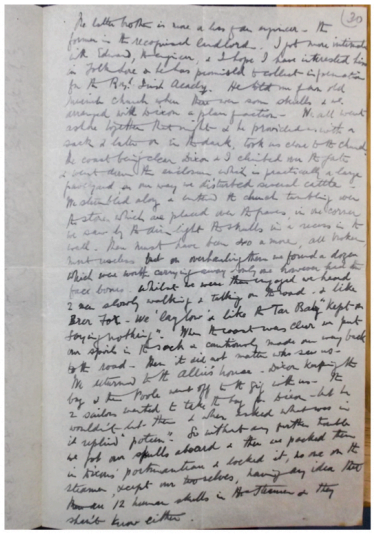
Evi Numen
Curator – Old Anatomy Museum. Old Anatomy Steering Committee

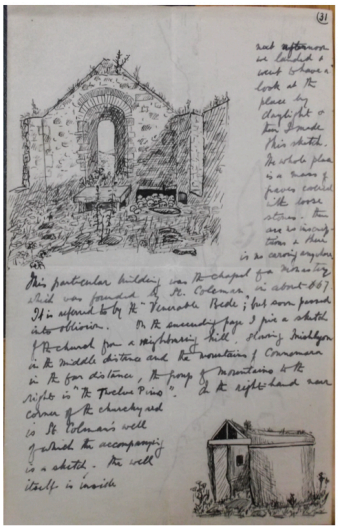
PROVENANCE

To establish the provenance of the remains we return to the available primary sources, which are the following: A.C. Haddon's diary kept contemporaneously with his excursion to Inishbofin in 1890 and contemporaneous photographs by Charles Browne, Haddon's published paper on the remains, the catalogue of the Anthropometric Laboratory, and the published paper on the anthropometric Laboratory that provides context for the crania's collection and associated research.

1. **A. C. Haddon's diary (1890)** in the collection of the Cambridge University Library, p. 29-31.







The relevant extracts read:

(Wednesday July 16, August 1890)

> *"I got more intimate with Edward, the engineer and I hope I have interested him in Folklore and he has promised me to collect information for the Royal Irish Academy -"He told me of an old parish church where there were some skulls and we arranged with Dixon a plan of action. We all went ashore together that night and he provided us with a sack and later on in the dark, took us close to the church. The coast being clear Dixon and I climbed over the gate and went down the enclosure which is practically a large graveyard, on the way we disturbed several cattle. We stumbled along & entered the church tumbling over stones which are placed over the graves, in one corner we saw by the dim light the skulls in a recess in the wall. There must have been 40 or more, all broken, most useless but on overhauling them we found a dozen which were worth carrying away & only one however had the face bones. While we were thus engaged we heard 2 men slowly walking and talking on the road- & like Brer Fox-we 'lay-low' and like the 'Tar Baby' kept on saying nothing'. When the coast was clear we put our spoils in the sack and cautiously made our way back to the road. Then it did not matter who saw us. We returned to the allies house, Dixon keeping the bag and then Poole went off to the skiff with us. The two sailors wanted to take the bag from Dixon-but he wouldn't let them have it and when asked what was in it replied 'poteen.'So without any further trouble we got our skulls aboard and then we packed them in Dixon's portmanteau and locked it, no one on the steamer except our two selves, having any idea that there are twelve human skulls in the steamer and they shan't know either."*

> *"Next afternoon we landed & went ashore to have a look at the place by daylight and then I*

made this sketch. The whole place is a mass of graves covered with loose stones. There are no inscriptions on them and there is no carving anywhere. This particular building is the chapel for a monastery which was founded by St. Coleman in about 667. It is referred to by the Venerable Bede; but soon passed into oblivion. On the succeeding page I give a sketch the church from a (nearby high) hill showing InishLyon in the near distance and the mountains of Connemara in the far distance."

According to his diary, Haddon stays on Inishbofin for two more days without a recorded incident.[1]

2. **Photographs in Dr Charles Browne's album**, Vol. 4, 1893 in the collection of the Library of Trinity College Dublin (folio 8r)

Haddon's 1891 sketch of St. Colman's church (R) can be confirmed by a photograph taken in 1893 by Dr. Browne's brother, J.M. Browne when Dr. Browne returned with Haddon to conduct an anthropometric and ethnographic survey of Inishbofin. The "recess in the wall" described by Haddon can be seen in the lower right of the image, still filled with cranial fragments.

3. **The Anthropometric Laboratory Collection's Catalogue** compiled by professor of Anatomy Daniel J. Cunningham and reviewed in 1926 and 1934.

4. **Haddon's published paper on the remains**:

Haddon, Alfred C. "Studies in Irish Craniology: II. Inishbofin, Co. Galway." Proceedings of the Royal Irish Academy, 1893 The full paper can be accessed here.

The paper begins with the following introduction:

[Read November 13, 1893)
"The thirteen crania from the island of Inishbofin, Co. Galway, herein described, form part of a collection of Irish crania that I gave to the Anthropological Museum of Trinity College, Dublin, in 1890. So far as I am aware they are the only specimens from that island, or indeed from that district of Ireland, to be found in any museum.
Not one specimen in the collection is perfect, most of them being broken calvaria. They are considerably weathered; this prevents most of the measurements from being absolutely accurate, and as a matter of fact, makes them a trifle smaller than would be the case had the

[1] A. C. Haddon's diary (1890), Collection of the Cambridge University Library, p. 29-30

crania been uneroded. As the Catalogue of the Crania in the Museum is not yet completed, I have been obliged to refer to these specimens by means of alphabetical signs."

Haddon continues by providing detailed measurements of each fragments, also compiled in a table. He mentions that "as ancient crania are so often imperfect at their base, it is desirable, even in unbroken skulls, to take auricular radial measurements, so that a means of comparison may be available when the basion is wanting".

5. **The Anthropometric Laboratory of Ireland essay** by D. J. Cunningham and A.C. Haddon, published in 18924

Most relevant extracts are pasted below. The full paper can be found here.

"The physical anthropology of Ireland is almost an untrodden field. Little or no systematic work has as yet been undertaken in this direction, and yet there is no part of the United Kingdom which promises a richer harvest for the investigator. Anyone who has travelled through the country districts must be familiar with the very different types which are presented by the inhabitants. This is especially the case in outlying portions of the west coast and in the islands off the mainland. To take one example: the fair slight men of the North Island of Arran offer a marked contrast to the dark burly men of the Middle and South Islands. Then again, we have in Ireland certain very old colonies. These ethnical islands, if we may so term them, require to be very carefully studied, and will no doubt afford valuable information concerning the persistence or otherwise of racial characters.

It has therefore occurred to us that we might employ the anthropometric methods for the purpose of giving some assistance to the anthropologist in his endeavours to unravel the tangled skein of the so-called " Irish Race." With this end in view it is our intention when once we have fairly started to take excursions during the Long Vacation into the country, and with our apparatus, pitch our tent in different districts until at last we or our successors shall have traversed the entire extent of Ireland.

6. **Dr Browne's paper on his survey of Inishbofin inhabitants** conducted when he returned to the island with Haddon in 1893. Pertinent to the crania in St. Colman's ruins, Browne notes that:

"In addition to the observations made on the living subject, the measurements of a series of crania, the first ever put on record from this island,' were obtained at St. Colmans Church, in Knock townland. As they could not be removed at the time of my first visit I was forced to measure them on the spot, and, as it turned out afterwards, it was well that this precaution had been taken, as, on revisiting the place some time after, in the hope of being able to obtain some of them, I found that they had all disappeared, having in the meantime been removed to some place of concealment.

The specimens, about twenty in number, were piled in a heap in a small recess near the east window, and were all in a very bad state of preservation, being much weathered from long exposure, in addition to which they had suffered such extensive mutilations that only eleven, all calvaria, were in a suitable condition to allow of measurement;the others were merely shattered fragments of the cranial bones, presenting no feature of interest except their thinness."

Dr. Browne continues to describe the crania in detail and tabulates his measurements.

In a subsequent section he speaks of antiquities on the island and describes St. Colman's Abbey:

"Colman's church, in Knock townland, built in A.D. 667, is in a very ruinous state, and the interior is filled with rough gravestones and weeds, and in a small recess near the east window is a pile of crania and broken bones. In the enclosure around the church the foundations of the cells (cloghans (?)) of the abbey, or monastic colony, may still be traced, though with difficulty, but the cells themselves, as well as parts of the church walls, have been pulled down to serve as gravestones, or to build the wall of the enclosure. In the immediate neighbourhood of the church, what is supposed to have been a font, has recently been discovered."

Browne includes a brief note on what is known about the history of the island.

"In A.D. 667 (according to the Four Masters, the Venerable Bede, and others), St. Colman, having quarrelled with Wilfridus at Lindisfarne, left that place, where he had been bishop for seven-and-twenty years previously, and taking with him all the Scots (Irish) among the monks, and in addition, some thirty English, he sailed away to Inishbofin, where he settled and founded the abbey in Knock-quarter. To quote the words of the Venerable Bede (given in Hardiman's Notes on O'Flaherty's "H-Iar Connaught" "Secessit ad insulam quondam parvam, que ad occidentalem plagam ab Hibernia procul secreta, sermone Scotico Inis bofinde, id est, ' Insula Vitule Albe ' nuncupatur."' When they had got settled on the island a quarrel arose between the Irish monks and their English brethren, who apparently did not get the best of the dispute, for St. Colman founded a monastery for them at Magh-eo on the mainland, but seems himself to have lived mostly in Inishbofin, where he died on the 8th of August, 676.
From this time forth until the tenth century, when all mention of the abbey ceases, there are several references made by the annalists to the island, but these all relate to the deaths of various abbots orbishops, and no mention is made of any other population than the monastic one.
After this there is a large gap in the records. Hardiman says "From the seventh century to the seventeenth this island was little known beyond the neighbouring shores of Iar Connaught and Umhall ui Mbaille; but during the latter eventful century it was considered of importance by the then contending parties in Ireland, and was alternately fortified by them."

Final Osteoarchaeological Report

on human skeletal remains

Crania from Inishbofin, Co. Galway

collected by Haddon-Dixon, 1890, and currently in storage in Dept. of Anatomy, Trinity College Dublin

(RMP: -)

Licence No.: -

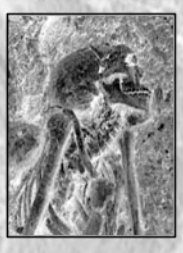
by
Dr Linda G. Lynch MIAI
Consultant Human Osteoarchaeologist

September 2021

CLIENT:
Anatomy Museum, School of Medicine
Trinity College Dublin
The University of Dublin
Dublin

Dr Linda G. Lynch MIAI

[redacted]



Consultant Human Osteoarchaeologist

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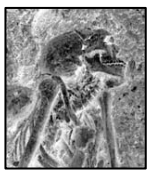
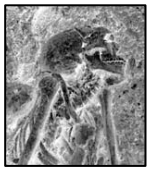


Table of Contents

Abstract

This report details the osteoarchaeological analysis of 13 human crania and four additional cranial fragments, from an anthropological collection of human remains currently housed in the Department of Anatomy, Trinity College Dublin. The remains originate from *Teampall Cholmain* church on Inishbofin, Co. Galway. The crania were taken from the island in 1890 by two anthropologists. At the time of collection, the crania had been stacked up in one area of the church, having been disinterred possibly a considerable time earlier, presumably as a result primarily of repeated grave digging and other disturbances. The crania ultimately became part of the Haddon-Dixon collection housed in the college. An anthropological report on these Inishbofin crania was published soon after the original collection. There has been interest in recent years in the repatriation of the crania to the island. This report is a modern macroscopic osteoarchaeological analysis of the crania. Issues regarding the possible repatriation of the crania are also considered.

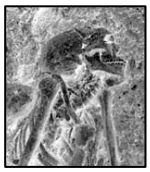


1. Introduction

1.1 Background to Project

In 1890, a number of human crania were removed from *Teampall Cholmain* or St Colman's Abbey, located in the townland of Knock, on the island of Inishbofin, Co. Galway, by Alfred Haddon and Andrew Dixon, two anthropologists. The crania, which were from disturbed burials at the site, had been stacked in a corner of the ruined church, for an unknown period, prior to being removed by Haddon and Dixon as part of anthropological research. (https://www.rte.ie/brainstorm/2021/0411/1209153-skulls-inishbofin-stolen-return-head-hunter/, accessed 30 June 2021, https://ballymaclinton.wordpress.com/2015/07/18/what-happened-on-inishbofin-in-july-1890-three-days-that-changed-the-history-of-anthropology-in-ireland-and-britain/, accessed 26 Aug. 2021). Both the disorderly state of St Colman's Abbey and the collecting of human remains, would have been relatively common sights and occurrences in the late nineteenth century. Thirteen cranial, along with four other cranial fragments, were removed from the pile of human skeletal remains at St Colman's Abbey by Haddon and Dixon,. A brief report on the crania was published soon afterwards (Haddon 1893-1896), and the remains became part of the Haddon-Dixon collection, currently housed in the Department of Anatomy, Trinity College Dublin.

In recent times, Dr Ciarán Walsh and other individuals, have expressed interest in the possible return of the crania to Inishbofin, which would involve deaccessioning of the remains. This report provides a modern macroscopic osteoarchaeological assessment of the collection prior to any further consideration of deaccession.



The site of St Colman's church is an important archaeological complex. It is on the Record of Monuments and Places (RMP) as 'ecclesiastical remains'[1] (**Figure 5**, **Figure 6**).

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Plate 1. Inishbofin crania, prior to osteoarchaeological examination

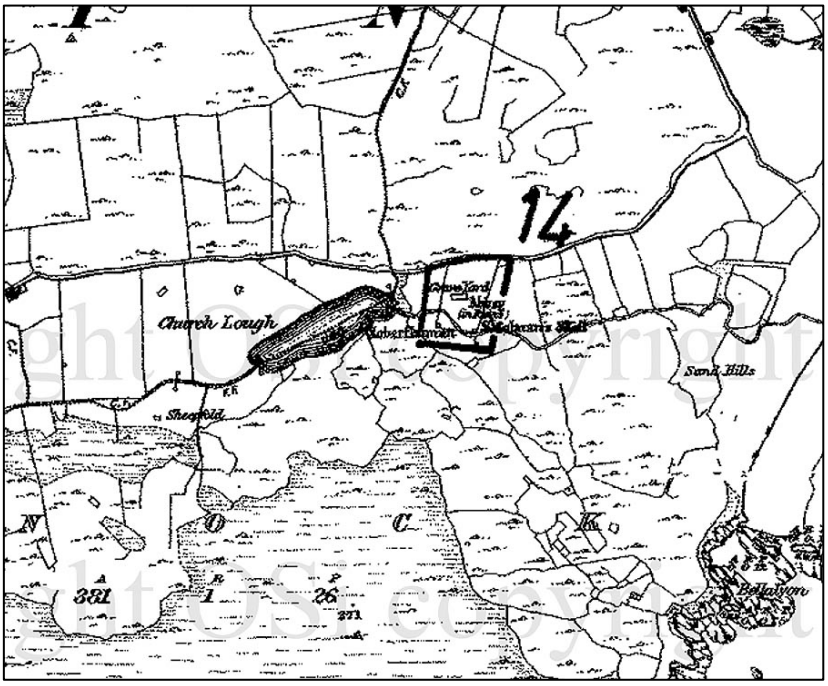
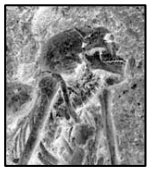


Figure 5. Extract of RMP GA009D, showing location of St Colman's Abbey site ('14')

[1] Monuments included in the statutory RMP are legally protected and are generally referred to as 'Recorded Monuments' (www.archaeology.ie/archaeological-survey-ireland/legal-protection, accessed 30 June 2021)



GA009D014--- 009D/3 /2 5522/26505 KNOCK (INISHBOFIN PH) ECCLESIASTICAL REMAINS

Figure 6. Extract of RMP manual for Galway (Volume 1), showing entry regarding St Colman's Abbey

The RMP records, along with more recent data known as SMRs (Sites and Monuments Record[2]), are available online (www.archaeology.ie). These records provide more detail on the vast array of known archaeological monuments at this location. The current online record of St Colman's is detailed in **Figure 7** and **Table 1**.

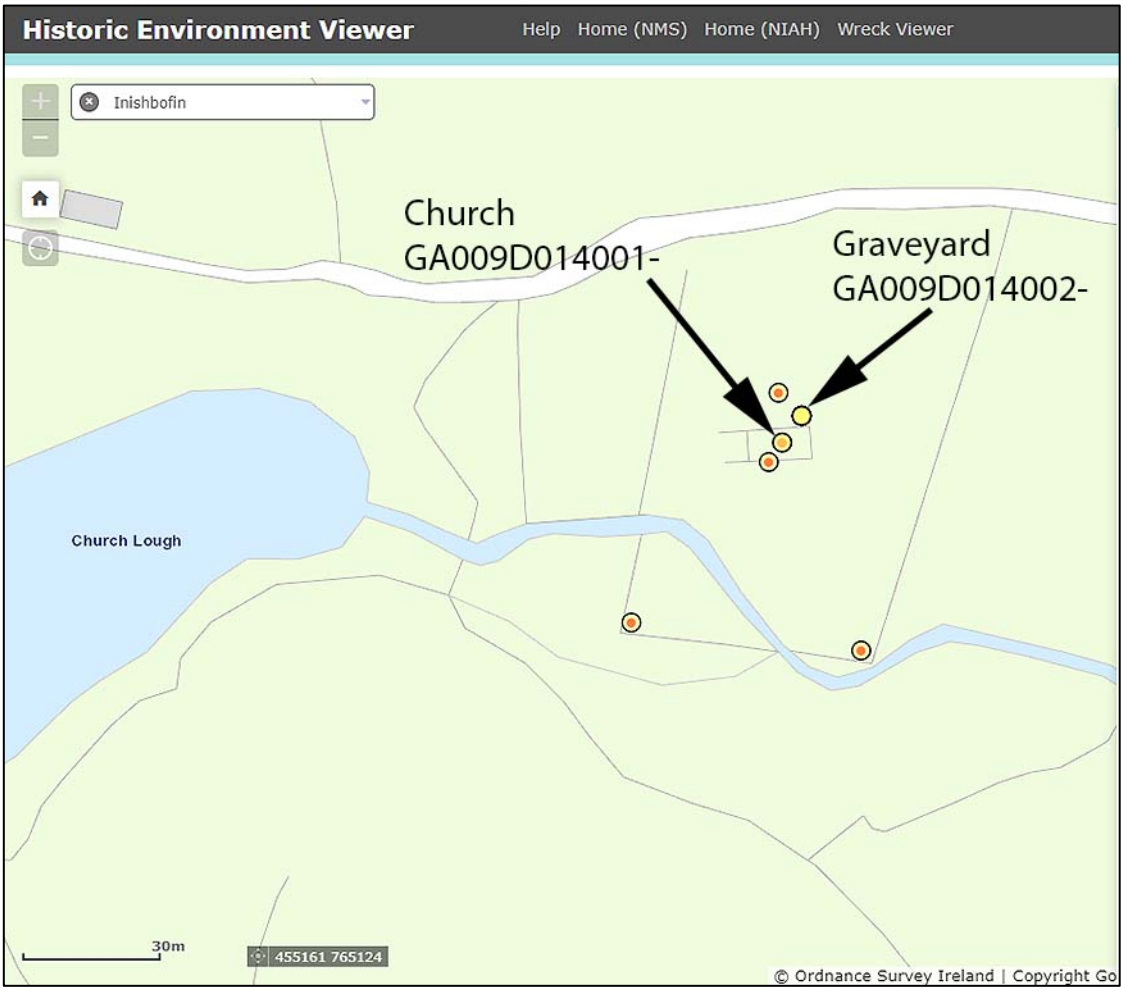


Figure 7. Extract from www.archaeology.ie (accessed 30 June 2021), detailing two of the sites at the ecclesiastical complex of St Colman's, Inishbofin

[2] The addition of a monument to the ASI SMR database does not, of itself, confer legal protection (www.archaeology.ie/archaeological-survey-ireland/legal-protection, accessed 30 June 2021)

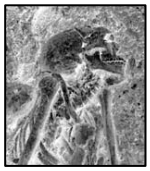
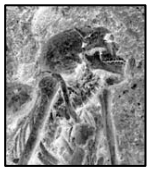


Table 1. Extract from www.archaeology.ie (accessed 30 June 2021), detailing the known archaeological monuments at St Colman's, Inishbofin

SMR No.	Class	Townland	ITM Easting	ITM Northing	Irish Grid Easting	Irish Grid Northing
GA009D014001-	Church	KNOCK (Inishbofin Par.)	455190	765077	55208	265056
GA009D014002-	Graveyard	KNOCK (Inishbofin Par.)	455194	765083	55212	265062
GA009D014003-	Ecclesiastical enclosure	KNOCK (Inishbofin Par.)	455189	765088	55207	265067
GA009D014004-	Ritual site - holy well	KNOCK (Inishbofin Par.)	455157	765038	55175	265017
GA009D014005-	Ritual site - holy well	KNOCK (Inishbofin Par.)	455207	765032	55225	265011
GA009D014006-	Cross-slab	KNOCK (Inishbofin Par.)	455194	765083	55212	265062
GA009D014007-	Cross-slab	KNOCK (Inishbofin Par.)	455194	765083	55212	265062
GA009D014008-	Bullaun stone	KNOCK (Inishbofin Par.)	455190	765077	55208	265056
GA009D014009-	Redundant record	KNOCK (Inishbofin Par.)	455187	765073	55205	265052
GA009D014010-	Cross-slab	KNOCK (Inishbofin Par.)	455194	765083	55212	265062
GA009D014011-	Cross-slab	KNOCK (Inishbofin Par.)	455194	765083	55212	265062
GA009D014012-	Cross	KNOCK (Inishbofin Par.)	455194	765083	55212	265062
GA009D014013-	Cross	KNOCK (Inishbofin Par.)	455194	765083	55212	265062



The following are specific descriptions of the church and graveyard, from www.archaeology.ie (accessed 30th June 2021):

GA009D014001-

Class:Church

Townland: KNOCK (Inishbofin Par.)

Scheduled for inclusion in the next revision of the RMP: Yes

Description: In a rectangular graveyard (GA009D014002-) at E end of Inishbofin. Reputed site of St Colman's E. Chr. monastery. The remains consist of a medieval church (E-W; L 17.7m, Wth 5m) with a shallow arched doorway in S wall. It is lit by four windows in N and S walls, two of which are now robbed, and a large round-headed window in E gable. Corbels at W end indicate the former presence of a loft. The present W gable, containing a ruined doorway, is a later insertion, shortening church by one-third. The curving scarp line to N of church may indicate line of possible early ecclesiastical enclosure (GA009D014003-). The graveyard also contains two holy wells (GA009D014004-, GA009D014005-), a number of cross-slabs (GA009D014006-, GA009D014007-, GA009D014010-, GA009D014011-), two crosses (GA009D014012-) and a bullaun. (Westropp 1911, 65-7; Killanin and Duignan 1967, 164; Gwynn and Hadcock 1970, 386; Higgins 1987, ii, 277, 335, 393, 394, 423)

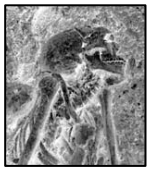
The above description is derived from the published 'Archaeological Inventory of County Galway Vol. I - West Galway'. Compiled by Paul Gosling (Dublin: Stationery Office, 1993). In certain instances the entries have been revised and updated in the light of recent research.

Updated by: Olive Alcock

Date of revised upload: 15 June 2018

References:

- 1. Gwynn, A. and Hadcock, R.N. 1970 (Reprint 1988) Medieval religious houses of Ireland. Dublin. Irish Academic Press.
- 2. Higgins, J.G. 1987 The Early Christian cross slabs, pillar stones and related monuments of County Galway, Ireland, 2 vols. British Archaeological Reports, International Series 375. Oxford.
- 3. Killanin, M.M. and Duignan, M.V. 1967 (2nd ed.) The Shell guide to Ireland. London. The Ebury Press.
- 4. Westropp, T.J. 1911 Clare Island survey: history and archaeology. Proceedings of the Royal Irish Academy 31, Section 1, Part 2, 1-78.



GA009D014002-

Class: Graveyard

Townland: KNOCK (Inishbofin Par.)

Scheduled for inclusion in the next revision of the RMP: Yes

Description: Located in an area of rough pastureland and outcropping rock at the SE end of Inisbofin Island and immediately to the S of a roadway. Indicated as a roughly rectangular graveyard (c. 98m NNE-SSW; c. 60m E-W) on the 1896 resurvey of the OS 6-inch map, it has since been extended to the W. A medieval church (GA099D014001-) is located in its S half and traces of a possible ecclesiastical enclosure (GA009D014003-), defined by a scarp line, are visible around the church from N through E to SE. Two holy wells are located within it at SW (GA009D014005-) and SE (GA009D014004-), as well as a bullaun (GA009D014008-). A number of cross-slabs (GA009D014006-, GA009D014007-, GA009D014010-, GA009D014011-) and two crosses (GA009D014012-, GA009D014013-) are also associated. The earliest burials occur around the church and consist of stone-lined graves and simple grave-markers. Modern burials occur to the N and NW of the church and the extension to the W. The graveyard is enclosed by a capped boulder wall and access is gained at NW.

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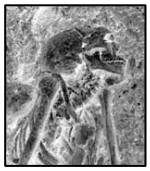
Christian activity at the site likely dates to at least the Early Medieval period and burials continue to occur on the site today.

1.2 Scope of Study

This report details the macroscopic osteoarchaeological analysis of the thirteen crania and four additional cranial fragments, retrieved by Haddon and Dixon from St Colman's Church in 1890. The context/s of the crania is unknown; however, the remains were in a disarticulated state when collected.

Given the fact that only cranial remains are present, and the specific context of each sample is unknown, the osteoarchaeological analysis is relatively limited. However, the crania have not been examined using modern osteoarchaeological techniques, which did not exist when they were originally examined. The present analysis comprises macroscopic analysis only. No destructive techniques have been applied.

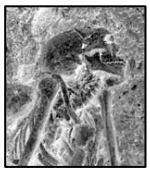


There is a brief outline of the materials that were examined (**Section 1.3**), although more detail is provided in the individual catalogue entry of each sample. The methodology utilised in the study is presented in **Section 1.4**. The results of the osteological analysis, comprising a detailed catalogue of the remains, are presented in **Section 2**. A summary and a discussion of the results are provided in **Section 3**, while the conclusions of the present study are provided in **Section 4**. References used in the report are provided in **Section 5.**

1.3 Materials

The remains collected from Inishbofin comprise 13 adult crania and a number of crania fragments. In the original report (Haddon 1893-1896), the 13 crania were referred to alphabetically, from 'A' through to 'N', but excluding 'J'. In addition, four individual cranial fragments were recovered but were not allocated a letter. An additional numerical labelling system was also utilised at a later stage (1980s), with the number prefixed by the letter 'A'. All 13 crania and the group of four fragments (considered as a single entity) also have a unique catalogue, running from 230-243, with no prefix or suffix. It is these latter numbers which are the referencing system used in this report. All of these labelling systems are summarised in **Table 2**. From this point onwards, each of the crania will be referred to using the last detailed labelling system, for example, #230 (which is 'A190' or cranium 'L').

The conditions of each of the crania and cranial fragments were recorded in detail and are provided in **Section 2**. In general, most of the crania are incomplete, with just a single cranium retaining the bones of the face, including the maxillae. The other crania primarily comprise the cranial vaults only. No dental remains, apart from alveolar bone with the complete cranium, were present. No mandibular remains were present. All of the crania and fragments exhibited erosion of the external ectocranial surfaces, including drying, cracking, and even peeling of some layers of bone. Some of the crania display minor warping also. It is apparent that the crania were incomplete at the time of collection in 1890, and it is likely that much of the post-mortem changes to the exteriors occurred while the crania were lying, disarticulated, in the graveyard, prior to collection (see **Section 3.2**). It was also apparent that, particularly in the crania that were slightly more intact, that the bases of the crania (the articular facets of the occipitals) and the inferior tips of the mastoid processes of the temporal bones, were



often poorly preserved. Again, this erosion is more likely to have occurred while the crania were exposed in the church, prior to the collection by Haddon and Dixon in 1890.

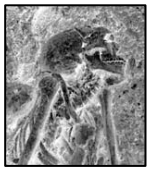
Table 2. Details of original labelling and recent renumbering of Inishbofin cranial remains

Catalogue No.	Haddon's Ref.	1980s Catalogue No.
230	L	A190
231	A	A191
232	G	A196
233	B	A192
234	D	A193
235	F	A194
236	C	A195
237	E	A197
238	M	A198
239	H	A201
240	N	A199
241	I	A202
242	K	A200
243	? (four vault fragments)	A203

Each cranium, or cranial fragment, is inscribed in ink. Many of the inscriptions appeared to have had clear varnish, or similar, applied either over or under them, or both. All thirteen crania are inscribed with minor variations of 'Inishboffin Co. Galway, Haddon and Dixon', which is typically on the sides, on either the temporals or parietals. The frontal of each cranium, and each of the additional four cranial fragments, are all inscribed with the number used as reference in the current report (such as #230), as well as the numbers prefixed with the letter A (1980s system). Just one cranium, #233, is inscribed with the original labelling system by Haddon-Dixon; that cranium has the letter 'B' inscribed on it. The other skulls have labels attached with the original letter labels.

1.4 Methods

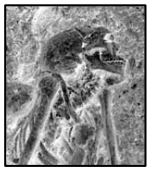
Many of the macroscopic methods which may be employed in osteoarchaeological research have their origins in anthropological work dating from at least the nineteenth century. These methods were established by the study of what may be termed 'known' populations; cadavers where generally the



age-at-death, sex, and stature of the individuals were recorded prior to skeletal examination. These methods have been honed over the decades and there are also now other methods available, many originating from forensic investigations of human remains, some of which are destructive. The establishment of the biological profile of an individual (age-at-death, sex, stature, and, in forensic cases primarily, ancestry) is the most basic analysis which may be undertaken on skeletal remains, and other forms of analyses may need biological profile information in order to be correctly interpreted. Standardised methods are employed in osteoarchaeological research which can allow for the comparison of populations across space and time.

The present collection of crania and cranial fragments from Inishbofin is unusual in comparison to the typical assemblage which may be encountered from archaeological excavations. Being such a specific collection of skeletal material, the macroscopic methods which may be employed are limited (macroscopic methods are non-destructive, which is an extremely important ethical factor in the analysis of any human remains).

All of the cranial remains are from adult individuals. The determination of sex (this refers to biological sex and is not related to gender) was based on morphological traits in the cranium, which are particularly related to the general robusticity of the male in comparison to the gracile nature of the female cranium. The methods utilised are those outlined in *Standards* (Buikstra and Ubelaker 1994). The age-at-death methodology is problematic. The only macroscopic method available to determine age-at-death in the adult crania is the examination of the cranial sutures (see Meindl and Lovejoy 1985, Buikstra and Ubelaker 1994). This method is, unfortunately, notoriously variable, and generally results in very broad age ranges (see **Section 2**). Two different groups of sutures are subject to composite scoring, the first on the lateral/anterior of the cranium and the second in the vault itself. The former is considered more reliable than the latter. Each result, for each crania, is provided in **Section 2**. Cranial sutures, as an age determination method, would not be utilised if the skeleton of an individual was complete; there are more reliable techniques. However, it is the only available macroscopic age-determination technique available in this instance. In order to categorise these broad age ranges, each individual in this study has the age-at-death as recorded from the sutures, but is also allocated into one of the three age-at-death groups which are routinely used in osteoarchaeology (it should be noted, age-at-death estimation in adults is generally problematic, in comparison to juvenile individuals). These age groups are still quite broad, particularly in relation to

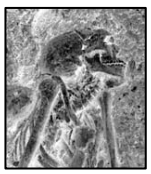


3.2 Discussion

Anthropological research in the late nineteenth century was very much focused on measuring crania, particularly with a view to distinguishing racial characteristics. Today, such work is considered both inconclusive and unethical. Modern osteoarchaeological analysis concentrates on providing a detailed catalogue of surviving remains, along with an assessment of taphonomic factors which may have impacted those remains, establishing a biological profile of an individual (particularly regarding estimation of age-at-death, sex, and stature; ancestry is generally in the realm of forensic anthropology), and detailing any pathological skeletal or dental lesions or conditions which may be present. It also examines the method and mode of burial, particularly with a view to what may be learned regarding the mortuary practices and what this may reveal about the wider society. All of this information may be collated for a single archaeological site, which may then be compared and contrasted with groups of individuals across both space and time. Such analyses are limited in the case of the human skeletal remains from Inishbofin as they comprise a unique subset (comprising all cranial remains). In addition, they were selectively collected (as the best surviving), from a group of crania which had been truncated and disturbed from burials probably long before Haddon and Dixon appeared on the island in 1890 (a contemporary photograph shows a pile of human crania in St Colman's similar to the description of the site by Haddon at the time of the removal, see **Section 1.1**). The following is an extract of Haddon's report on the collection of the crania in 1890 (https://ballymaclinton.wordpress.com/2015/07/18/what-happened-on-inishbofin-in-july-1890-three-days-that-changed-the-history-of-anthropology-in-ireland-and-britain/, accessed 26 August 2021):

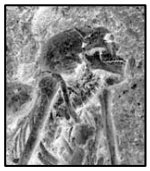
> *We stumbled along & entered the church tumbling over the stones which are placed over the graves, in the corner we saw in the dim light the skulls in a recess in the wall. There must have been 40 or more, all broken, most useless but on (overhanding) them we found a dozen which were worth carrying away & only one however had the face bones…*

As such, the actual osteoarchaeological methods employed, as well as any interpretation of the results is quite limited. However, it is important, given the possible deaccession of the remains, that a non-destructive osteoarchaeological assessment be firstly carried out on the remains, a remit which this report fulfils.



The results of the osteoarchaeological sexing of the Inishbofin crania largely conforms to the original assessment; there are eight female (including one probable female) crania and five male (including one probable male) crania (**Table 3**). The collection of four additional cranial fragments (#243) provides a minimum number of individuals (MNI) of two others, based on the presence of two adult frontals, both apparently male. This provides a total MNI of 15 individuals, eight females and seven males. Regarding the more complete remains, it was possible to estimate approximate ages-at-death for all 13 original crania. Despite the issues regarding the actual only non-destructive method of age determination available (rates of suture fusion, see **Section 1.4**), it appears that at least nine may have been old adults, that is 45+ years (**Table 3**). This is quite striking and unexpected. Unfortunately, given the various biases inherent in this collection, it is not possible to determine the relevance, if any, of the prevalence of apparently older individuals in the collection. It may simply be down to the degree of suture closure in the crania. Although one of the less reliable methods of age-determination in adults, sutures in the crania do largely fuse together as an individual ages with the cranial vault eventually appearing as almost a single element. The high number of older individuals in this sample may simply be because their crania were slightly more intact (and therefore desirable for collection) due to advancing age.

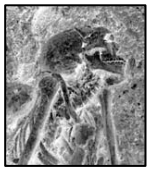
It is unfortunate indeed that no dental remains are present in the collection – these have been absent since at least the time of original collection in 1890, when it was recorded that just a single cranium had 'face bones'. Dental remains can reveal detail regarding the diets of individuals and may crucially provide information regarding when individuals may have actually lived. For example, concave wear in dental enamel, indicative of the habitual use of a clay pipe, indicates that the individual lived in the post-medieval period (*c.* 1550 onwards); these are relatively common in the remains of individuals (adult females and males, as well as juveniles) from the eighteenth century and particularly the nineteenth centuries Unfortunately, any such information is not possible from a macroscopic examination of the present remains, primarily due to their incomplete nature.



In terms of pathological lesions and conditions, nothing significant was apparent on the bones. In some instances, porosity was observed on the ectocranial or external vault surfaces; this may sometimes be an indication of a pathological process, but there was no conclusive evidence and instead the porosity relates to post-mortem damage. One individual (#230, female, 45+ years) exhibited occipital bunning, essentially bulging of the back of the cranium. This is not a particularly unusual feature and is not an actual pathological process. Another individual (#237, male, 45+ years) had evidence of Pacchonian pits on the internal surface of the cranium. These relate to the filtering and return of cerebrospinal fluid and are a common finding. Their severity and frequency appears to increase with age and they are considered a normal variant (Mann and Hunt 2005, 37). A number of non-metric traits were evidence on the crania (**Table 4**). Most of these comprise simple variations in the cranium, all of which would have had no impact on the lives of the individuals involved.

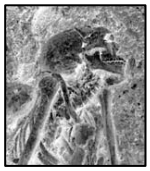
Based on the original publication of the crania, it is apparent that they were incomplete when they were collected in 1890 (Haddon 1893-1896). Just a single cranium (#231) could be classed as complete and no dental remains were present with that, now or at the time of collection. The incomplete nature of the crania may appear intriguing to those not experienced with human skeletal remains in such contexts and may, initially, be interpreted as potential evidence of trauma. Indeed, the actual facial bones which are most commonly absent in the 13 crania, in particular the maxillae, the nasal bones, and the zygomatics, conform to the most extreme classification of fractures which can occur to the face, that is, Type III of the Le Fort classification system (see Kühnel and Reichert 2015). However, there are no indications of peri-, or indeed ante-, mortem causative factors for the incomplete nature of the crania recovered from Inishbofin. In fact, in the experience of the writer, in archaeological cemetery contexts incomplete disarticulated crania, such as these, are not an unusual phenomenon.

Apart from the general cataloguing of survival, the condition of each cranium was extensively recorded during the current project and is detailed in **Section 2**. In general, they are all of a similar condition; endocranially (internally) the crania are well preserved, while ectocranially (externally) there is drying and cracking of the surface, with some sloughing or peeling of bone layers. Almost all of the crania which have basal elements preserved exhibit erosion of the inferior or basal elements of the bones. Fragment number 4 from #243 (the group of four cranial fragments) also exhibited root markings on the ectocranial surface. None of the aforementioned changes, and certainly not the root-markings, is likely to have occurred after collection of the crania; rather the deterioration is likely to relate to the remains being exposed for some time prior to removal from the island in 1890. A number of remains



(#235, #238, #240, and fragment 3 of #243) all exhibited some degree of tiny white spots on the ectocranial surfaces (see, for example, **Plate 70**). The cause of these has not been determined, but they appear to have occurred after the post-mortem erosions. Whether this occured on Inishbofin or since curation is unknown. The white spots are similar to tiny specks of mould which can appear on damp/wet bones; if this is the case, it appears that the mould is no longer active. No significant evidence of bleaching was identified which suggests the remains were at least not exposed to direct sunlight while they were lying disarticulated in St Colman's, but the drying and cracking of the ectocranial surface suggests some degree of exposure to the elements. Interestingly, the current evidence (see above) indicates that the corner of the church in which the crania had been piled up, prior to collection, was in the southeast of the building. This would actually be largely sheltered from the sun and may account for the lack of bleaching of the remains. The drying and cracking, occurring post-mortem, would not be associated with the destruction which may be evident on bones which have been freshly removed from a buried context. The evidence on the crania is that they were likely removed from their original burial location, probably through later burial actions, a considerable time prior to 1890. This disturbance of older graves is a common feature of burial grounds which are subject to intensive inhumations. Alternatively, some may have been removed from burial vaults, as such taphonomic destruction of skeletal remains (the cracking and peeling) is common in such contexts.

It is probable that the disturbance, disarticulation, and most of the disintegration, of the cranial remains happened over a considerable period of time on Inishbofin. Ultimately, someone, or some people, began to pile up the crania (the cranium is typically the most recognisable skeletal element to all humans), possibly along with other human skeletal remains, in a corner of the ruined church. In 1890, 13 of the most intact crania, and some other cranial fragments, all representing a minimum of 15 adult individuals, were removed by the anthropologists. The skeletal remains which were not removed at the time likely suffered further degeneration and/or were reburied/redeposited within St Colman's or elsewhere. It may be assumed that this was carried out by locals, likely keen to halt the practice of the removal of skeletal remains from the island. In 1893, the Irish anthropologist Charles R. Browne, also apparently attempted to obtain more crania from St Colman's, but his attempts were thwarted by locals (https://ballymaclinton.wordpress.com/2015/07/18/what-happened-on-inishbofin-in-july-1890-three-days-that-changed-the-history-of-anthropology-in-ireland-and-britain/, accessed 26 August 2021). The removal of the skeletal remains by the locals may also have been an attempt to perhaps maintain the burial ground in a more respectable state. Burial has likely taken place at this important site from the Early Medieval period and, essentially, the cranial remains from

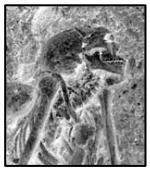


St Colman's that are currently in TCD, may date to any time between then and the nineteenth century. The location of the other skeletal human remains that were not removed in 1890 is now unknown.

Recently there has been interest in the deaccessioning of these remains, ultimately for reburial on Inishbofin. There are a number of factors to consider in this regard. The possibility of reburying the remains in St Colman's reburial may, in itself, be problematic, given that the entire site of St Colman's is an RMP. It is an important archaeological site, subject to various legal protections, including the prohibition of ground disturbance apart from established burial rights, unless approval from the State has been acquired (typically through an archaeological licence). The digging of an area for the deposition of these remains has the significant potential to at least unearth more disarticulated human remains and the possibility and consequences of uncovering actual intact burials needs to be a seriously considered.

Given advancements in technologies, it may also be suggested that the crania be subject to more destructive techniques of analyses, possibly including accelerated radio-carbon dating, isotopic analysis, and/or aDNA analysis. While these may be invaluable in a proper research context, these destructive techniques need to be approached with extreme caution; ethically, it involves the destruction of human remains, which should only be considered as part of a defined purpose. That purpose must not solely be for the benefit of living individuals; these methods of analysis can be productive when used correctly, in the proper context, but should not be applied to human remains just because the techniques simply exist. At least some techniques, particularly regarding DNA, are popular, and often misrepresented, in the public realm, where there can be the perception that all manner of questions may be resolved (possibly relating to the so-called 'CSI effect'). However, any destructive analysis of human remains must always be undertaken with the upmost ethical and moral considerations in play.

3D imaging of the remains might be considered; this non-destructive technique could provide a tangible record of the cranial remains should they ultimately be deaccessioned. Reburial always limits further analysis of human skeletal remains and the potential of preserving records of skeletal remains through 3D imagery is now a significant consideration. However, that is not without its own ethical considerations.



Finally, the original collection and removal of the cranial remains from Inishbofin need to be considered in the wider context. The actual removal of the remains from Inishbofin, would today, quite rightly, be considered unethical, immoral, and unprofessional. However, the actual process has ensured their preservation; there is extensive evidence to show that there was considerable degeneration of the remains prior to their collection in 1890. It seems probable that, if the crania actually had not been taken by the anthropologists, and amassed into the Haddon-Dixon collection, they would likely have continued to deteriorate. These crania are essentially likely to be the only surviving record of potentially at least 15 truncated and disturbed graves.

For further considerations of ethical issues in particular, regarding this specific project, please see the following:

http://www.iai.ie/wp-content/uploads/2016/03/The-Treatment-of-Human-Remains.pdf

https://www.museum.ie/getmedia/80bd1b97-7ffb-4bac-adf9-c45f71041611/NMI-Human-Remains-Policy-2019-2023-FINAL.pdf

http://www.iai.ie/wp-content/uploads/2016/03/IAI-Code-of-Conduct-for-the-Archaeological-Treatment-of-Human-Remains.pdf

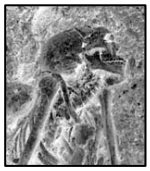
https://www.babao.org.uk/assets/Uploads/BABAO-Code-of-Practice-2019.pdf

https://www.babao.org.uk/assets/Uploads/BABAO-Code-of-Ethics-2019.pdf

https://www.babao.org.uk/assets/Uploads/BABAO-Digital-imaging-code-2019.pdf

4. Conclusions

The unauthorised collection of human crania from St Colman's Abbey, Inishbofin, in 1890 is, to most modern observers, objectionable at the very least. So too however, is the manner in which the disarticulated skeletal remains had been allowed to accumulate within the church prior to this event, which resulted in significant destruction of bones and teeth of countless individuals. Both actions reflect the general disregard in the past for the skeletal remains of humans. It is hoped that all of these practices are long since in the past. It is apparent that the crania collected by Haddon Dixon may be the only extant sample of human remains from this site, as no modern archaeological excavations have occurred here and most of the disarticulated bone which was strewn around the site in the late nineteenth century was likely reburied. The cranial remains represent at least 15 adult individuals, many of whom were older (45+ years) adults, but this is likely an inherent bias in the sample. While anomalies and variations have been identified in the crania, none is unusual or distinct. No pathological lesions were present and no dental remains were originally recovered. There has been interest in recent times, in the deaccessioning of the crania, with the ultimate goal being their reburial on Inishbofin, presumably at St Colman's. This report constitutes a modern osteoarchaeological assessment of the remains, a first step in this possible process. However, it is stressed here, that any potential deaccessioning of the remains must be approached with extreme caution as there are many issues to be considered and it is not a simple process.



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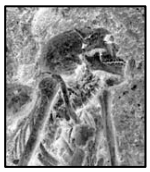

UBANo	Sample ID	Material Type	^{14}C Age	±	F14C	±	mg Graphite
UBA-47666	TCD Inishbofin	Cranium Rt Parietal bone	287	25	0.9649	0.0030	0.991

siobhan Ward
Trinity College Dublin
Trinity Biomedical Science Inst.
152-160 Pearse Street
Dublin 2, Dublin D02R590
Ireland

^{14}CHRONO Centre
Queens University Belfast
42 Fitzwilliam Street
Belfast BT9 6AX
Northern Ireland

Radiocarbon Date Certificate

Laboratory Identification:	UBA-47666
Date of Measurement:	2022-05-16
Site:	siobhan Ward Anatomy Museum Trinity College swar
Sample ID:	TCD Inishbofin
Material Dated:	bone, antler or tooth root
Pretreatment:	Collagen
mg Graphite:	0.991
Submitted by:	siobhan Ward

Conventional ^{14}C Age:	287±25 BP
Fraction corrected	using AMS $\delta^{13}C$

Marine samples will require re-calibration with the marine calibration curve

```
 1
             RADIOCARBON CALIBRATION PROGRAM*
                       CALIB REV8.2
        Copyright 1986-2020 M Stuiver and PJ Reimer
*To be used in conjunction with:
Stuiver, M., and Reimer, P.J., 1993, Radiocarbon, 35, 215-230.

UBA-47666
47666
Radiocarbon Age BP    287 +/-   25
Calibration data set: intcal20.14c               # Reimer et al. 2020
  % area enclosed       cal AD age ranges            relative area under
                                                   probability distribution
  68.3 (1 sigma)     cal AD 1525- 1559                    0.600
                            1565- 1570                    0.043
                            1631- 1651                    0.357
  95.4 (2 sigma)     cal AD 1509- 1593                    0.644
                            1619- 1660                    0.356
  Median Probability:  1563

 References for calibration datasets:
Reimer P, Austin WEN, Bard E, Bayliss A, Blackwell PG, Bronk Ramsey C, Butzin M
Edwards RL, Friedrich M, Grootes PM, Guilderson TP, Hajdas I, Heaton TJ, Hogg A
Kromer B, Manning SW, Muscheler R, Palmer JG, Pearson C, van der Plicht J, Reim
Richards DA, Scott EM, Southon JR, Turney CSM, Wacker L, Adolphi F, BÃ¼ntgen U,
Fahrni S, Fogtmann-Schulz A, Friedrich R, KÃ¶hler P, Kudsk S, Miyake F, Olsen J
Sakamoto M, Sookdeo A, Talamo S. 2020.
The IntCal20 Northern Hemisphere radiocarbon age calibration curve (0-55 cal kB
Radiocarbon 62. doi: 10.1017/RDC.2020.41.



Comments:
* This standard deviation (error) includes a lab error multiplier.
** 1 sigma = square root of (sample std. dev.^2 + curve std. dev.^2)
** 2 sigma = 2 x square root of (sample std. dev.^2 + curve std. dev.^2)
where ^2 = quantity squared.
[ ] = calibrated range impinges on end of calibration data set
0* represents a "negative" age BP
1955* or 1960* denote influence of nuclear testing C-14

NOTE:  Cal ages and ranges are rounded to the nearest year which
       may be too precise in many instances.  Users are advised to
       round results to the nearest 10 yr for samples with standard
       deviation in the radiocarbon age greater than 50 yr.
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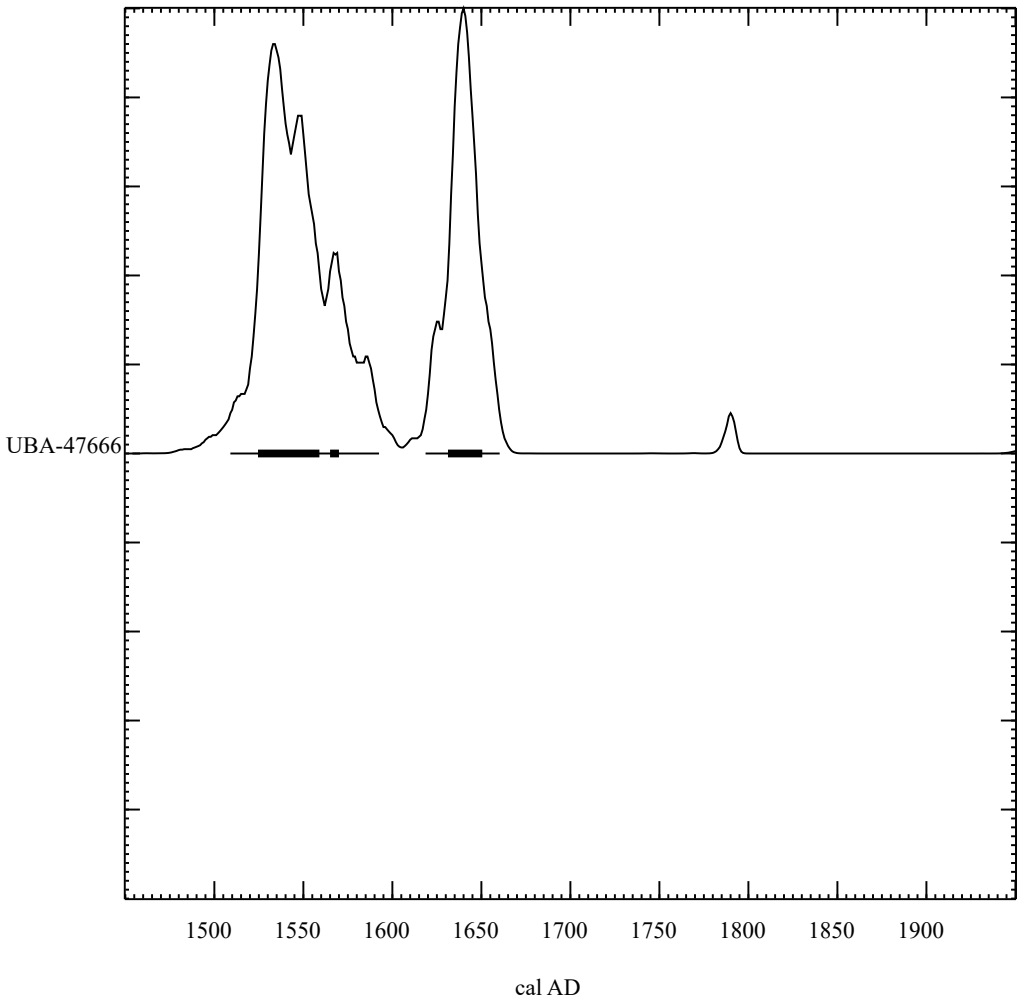
Posterior Probability Distributions



Statement on the Genomic Research Potential of the Human Remains from Inishbofin

Prof Daniel G Bradley and Dr Lara M Cassidy | December 2022

Background

In 1890, human cranial remains were removed from St Colman's Abbey on the island of Inishbofin by the anthropologists Alfred Haddon and Andrew Dixon. These were found stacked in a corner of the church ruins. The assemblage is currently housed in the Department of Anatomy, Trinity College Dublin, and consists of thirteen crania and four cranial fragments. These have since been subject to a modern macroscopic osteoarchaeological analysis (Lynch 2021). A minimum number of fifteen individuals are represented, eight male and seven female. At least nine were over 45 years in age, which is likely due to a selection bias towards more intact skulls for anthropological collections (cranial sutures fuse with age). No dental remains were present in the collection and no pathological lesions were apparent on the bones. All crania appear to have at least one petrous temporal bone present, while one of the four individual cranial fragments is a right temporal bone.

Patterns of post-mortem erosion suggest the crania were removed from their original burial location a considerable time prior to 1890 (Lynch 2021). This would not be unusual for a cemetery with intensive burial activity. The site was likely used for human burial since the Early Medieval period and, as such, these cranial remains may date to any time between then and the 19th century. A bone sample from one of the crania yielded a radiocarbon date of 287±25 BP (UBA-47666), or cal. AD 1509-1660 (2σ).

There is current interest in the possible return of these crania to Inishbofin for reburial. There are many factors to consider in making such a decision, including whether there is any benefit to be gained from further scientific analysis of the remains. At present, the archaeological context of the crania is poorly understood. Ancient DNA (aDNA) analysis and further radiocarbon dating have the potential to provide useful information pertaining to the history of the site and may inform the decision-making process regarding reburial. However, these are destructive analyses

and should only be carried out under a clearly defined research agenda that has a reasonable chance of success. Here, we consider the feasibility and likely outcomes of ancient DNA analysis on the Inishbofin cranial remains.

Feasibility of human aDNA retrieval

Endogenous DNA survival in skeletal remains is dependent on many factors, including the age of the sample, soil conditions and exposure to heat. DNA survival also varies with respect to skeletal element, with the petrous portion of the temporal bone currently the most popular target for analysis due to its consistently high rates of endogenous DNA preservation (Gamba et al. 2014). However, petrous bones perform poorly in studies of ancient pathogen DNA, for which the sampling of teeth or disease lesions is preferable (Spyrou et al. 2019). **Thus, it is the authors' opinion that the Inishbofin assemblage is unsuitable for ancient pathogen research, but that human genomic analysis is highly feasible, given the availability of fourteen petrous bones.**

Ireland has favourable conditions for aDNA survival. An unpublished analysis of 127 Medieval Irish petrous bones carried out by the authors found that in 125, at least 2% of the DNA extracted was endogenous in origin, with a median endogenous content of approximately 40%. The endogenous content (EC) determines the depth of genomic coverage possible for an ancient individual at a fixed cost. Higher genomic coverages (>0.5X) allow for better resolution of patterns of genetic relatedness between individuals and populations. If preservation rates at Inishbofin are comparable to that of Irish Medieval cemeteries, genomic coverages above 0.5X (half the genome covered by sequencing data) should be achievable for the majority of samples at a reasonable cost.

Assessing Research Aims and Outcomes

A high probability of successful human aDNA retrieval is not alone a justification for ancient DNA analysis. There must be a clear set of research aims and a sampling strategy designed to achieve these while minimising damage to the collection. It is highly preferable to carry out aDNA analysis on samples from securely dated contexts, as this will inform both the sampling strategy and

downstream interpretation of results. **As such, the authors cannot make conclusive recommendations regarding aDNA analysis on the Inishbofin cranial remains until a more extensive dating scheme has been carried out.** However, in the following sections we outline possible research outcomes, which we stress are dependent on the temporal range of the assemblage. We consider three avenues of inquiry that can be undertaken on these remains.

1. **Sociocultural:** Genomic data can inform on the social structures and cultural practices of past people. In particular, the identification of relatives and reconstruction of family pedigrees can provide valuable insight into kinship and descent systems of past societies. It may also be possible identify genealogical links between ancient and modern individuals, providing they are not too distant in time. The most sensitive methods for detecting genetic relatives examine the number and length of shared DNA segments across the chromosomes of two individuals. These can distinguish between unrelated individuals and those related up to the sixth degree with high accuracy (Ramstetter et al. 2017).

Patterns of DNA sharing across the chromosomes can also be used to detect fine-scale genetic structure between different geographical regions of Ireland and Britain (Leslie et al. 2015; Byrne et al. 2018) and identify migrant individuals or their descendants within archaeological sites, as well as their likely geographical origins. However, while genetic data can be used to identify ancestral outliers at a site, a lack of ancestral outliers would not necessarily indicate a lack of non-local individuals (e.g. from the mainland). Isotopic analysis may be a more useful approach in this regard.

In sum, it is possible that identifiable family members and non-local individuals are represented in the Inishbofin cranial assemblage and that this may provide some new information on the island's society in prior centuries. However, interpretation of any such results will be hindered by the poorly understood burial context of these individuals. Moreover, this type of inquiry is most impactful when little or no historical data exists on

a society, which is not the case for Ireland in recent centuries. Thus, the value of ancient DNA analysis on the Inishbofin crania for sociocultural insight is questionable.

2. **Demographic:** Ancient human genomes can also inform on broader demographic trends through time, including migration, population collapse and growth. Such studies have been highly impactful, particularly in the case of prehistoric populations whose origins and histories were poorly understood. More recent demographic events (e.g. the Viking migrations) can also be interrogated through extensive sampling of modern genomes, as well as written records, although ancient genomic data can still provide many new and significant insights (Margaryan et al. 2020).

In Ireland, studies of the modern population have revealed regional genetic clusters with distinct demographic histories, including one associated with the province of Connacht (Gilbert et al. 2017; Byrne et al. 2018). However, these studies lacked the power to differentiate between the layered episodes of gene flow that have defined Irish population history over the past millennium (e.g. Anglo-Norman versus British Plantations). The addition of ancient Irish genomes from across the Medieval and Early Modern periods to these datasets will greatly improve our resolution of these complex events, particularly on the regional-scale. In this respect, there may be some value in characterising the genetic variation that existed on an island off the extreme west of Ireland, particularly if the majority of crania date to the 1500s. It may be that significant changes have occurred in the genetic make-up of the island and in Connacht more broadly in the past five centuries. Changes in the island's population size could also be investigated. If any of the crania are Early Medieval in date, this would greatly increase their research value, as patterns of genetic variation in Ireland at that time are poorly understood and there exist very few opportunities to sample populations from the west coast of Connacht. Thus, without further dating of the Inishbofin crania, it is impossible to comment on their research potential with respect to Irish population history.

3. **Identification of present-day descendants:** With respect to the return and reburial of the Inishbofin crania, one key question is whether it is possible to identify living descendants of these individuals. The crucial factor to consider here is the number of generations that separate the Inishbofin individuals from those alive today. This is pertinent for two reasons.

- The concept of genetic ancestry is often conflated with that of genealogical ancestry. However, these decouple rapidly after approximately six generations. Each generation, our number of genealogical ancestors doubles, but the amount of autosomal genetic material inherited from each ancestor approximately halves. Importantly, due to the stochastic nature of genetic recombination and meiosis, there is variability in the amount of genetic material inherited from each ancestor in any given generation. At seven generations ago, approximately 5% of your 128 ancestors will contribute no genetic material to you by chance alone. This increases to approximately 33% nine generations ago. As we go further back, our genetic ancestors become a miniscule and random fraction of our genealogical ones. Thus, genetic data is not an effective tool for establishing genealogical relationships beyond the 6^{th} to 7^{th} degree unless supplemented by historical records and the identification of intermediate individuals within the pedigree.
- While the number of genealogical ancestors an individual has in any given prior generation is fixed, there is no defined limit for the number of descendants an individual may have in future generations. It is not improbable that an individual living on Inishbofin seven generations ago has over ten thousand descendants alive today, depending on fertility rates (e.g. four adult children per generation). Moreover, these descendants are expected to be found not only on Inishbofin today, but across Ireland and the world. The unbiased identification of a sizeable fraction of these descendants would only be possible with access to massive sequencing databases.

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Taken together, the authors believe that the identification of present-day relatives is not a feasible research aim unless the Inishbofin individuals lived within six generations of people alive today. This can only be assessed through further radiocarbon dating. However, we do note that only available radiocarbon determination from the assemblage provides a date of cal. AD 1509-1660 (2σ). The oldest people alive in Ireland today were born in the 1910s. Given the average human generation time is 25-30 years, even if this individual had a child born in 1660, they would be separated from the oldest living people in Ireland by approximately 9-11 generations.

If some of the crania do date to the 19th century, the value of identifying present-day relatives must still be assessed. There are many ethical considerations regarding consent, privacy and incidental findings (e.g. inherited genetic mutations of clinical significance). Given that genomic relationships with ancestors get more diffuse with time and more highly shared with many others, identification of living relatives is also unlikely to simplify stakeholder participation in decision-making processes regarding reburial. Finally, the design and reporting of any such study should avoid perpetuating the old but mistaken concept of the exceptionalism of island populations, which stretches back to the time of Haddon and Dixon. Irish islands were not "aboriginal" populations disconnected genealogically from the mainland.

Conclusion

Ancient human genomes are likely to be retrievable from the petrous temporal bones present in the Inishbofin assemblage. However, the merits of such destructive analysis cannot be properly assessed without further radiocarbon dating. Genomes from the Medieval period would have definite value in the study of Ireland's population history, particularly those from an extreme westerly location. Sequencing multiple individuals from the Inishbofin assemblage may also inform on past kinship practices, community sizes and ancestral diversity on the island. However, without proper burial contexts, interpretation of genomic results would be somewhat hindered. If some of the remains are found to date to the 19th century, the identification of living

descendants is feasible, given a large enough comparative database. However, the value in such a study is not immediately clear and would require careful ethical consideration.

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HUMAN REMAINS POLICY

Policy No: ANA-MUSEUM-POL -DEV-001	**Version No:** draft 1
Date Approved: 2021-	**Approved By:** Board
Number of Pages: 7	**Signature:**
Review Period: 2 Years	**Division Responsible:** Collections
	Date 17/11/21

Summary

The Old Anatomy Museum TCD holds significant numbers of human remains including archaeological and non-archaeological categories.

This policy addresses Human Remains which include osteological material, soft tissue body parts, teeth, hair and nails. This document outlines the policy of the Old Anatomy Museum of TCD on human remains in respect of its **legal obligations**, **ethical concerns** and **research commitments.**

Legislative Basis

Human remains in the Old Anatomy Museum TCD are governed by Irish and European legislation, and global commitments including UNESCO treaties. Ethical and curatorial standards are also set internationally through museum organisations including ICOM.

The Old Anatomy Museum recognises that Human Remains are not just scientific objects or data, and will be treated with the utmost care and respect.

1. The majority of the human remains in the collections of The Old Anatomy Museum are considered non archaeological under the terms of the National Monuments Acts 1930 to 2014.

2. Though not yet implemented, the Human Tissue Bill has been discussed and its proposals will be followed until an Act is in place.
3. Ireland is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN, 2007) which includes the right to access/request to repatriate human remains through fair and transparent means (Article 12, 2).
4. The Old Anatomy Museum TCD aligns its policy with the International Council of Museums (ICOM) Code of Ethics 2013 which contains specific criteria on the storage, display, research and retention of human remains in conjunction with The 'Guidance for the care of human remains in museums' issued by DCMS in 2005 (hereafter referred to as 'DCMS guidance').

Ethical Concerns

Management of human remains

STORAGE

- Human remains in the Old Anatomy Museum collections will be stored in secure storage areas and in appropriate conditions, following DCMS guidelines where possible, taking into account the age and infrastructure of the building.
- Human remains will be stored in designated areas with restricted and monitored access. Cameras have been installed at all doors in the museum along with a monitored alarm system.
- Human remains will be housed in stores areas not accessed by the public.

CONSERVATION

- Human remains will only be handled by Old Anatomy Museum staff and designated staff, students or volunteers who have had appropriate training to avoid damage and to make sure remains are handled with care and respect.
- Conservation records will be maintained using Axiell Collections software. This will include detailed descriptions of work carried on human material along with appropriate imagery.

- Anyone working with human remains will be obliged to have undertaken an orientation programme before commencing work.
- Conservation of wet and dry human remains will take place in a designated Conservation Laboratory with appropriate facilities, equipment and PPE.
- Orientation on lab safety will be obligatory.
- Maintenance and conservation of human remains will follow museum standard guidelines and be up to date with latest recommendations.

Collections Management

- All human remains are being documented using approved collections software 'Axiell Collections Management System'.
- A unique accession number will be assigned to individual bones or skeletons.
- Each wet or dry specimen in the collection will be labelled appropriately with museum standard labelling.
- The Old Anatomy Museum will endeavour to store its collections of Human Remains separately from the remainder of its collections and in line with international museum standards (ICOM).

Public Exhibition and Display of Human Remains

The Old Anatomy Museum TCD collection is primarily composed of human remains which may form part of an exhibition or display. The exhibition may contain skeletons, skulls, wet specimens or disarticulated osteological material.

1. The Old Anatomy Museum considers that there is a strong educational value and high level of public interest in displays featuring human remains and will include human remains in its displays.
2. The display of remains in certain contexts can provide opportunities for learning about and understanding past lives, cultures, beliefs and practices. Careful thought will always be given to the reasons for and context in which remains are displayed.

3. The sensitivities of both source communities and potential audiences must be actively considered when human remains – and artefacts incorporating human remains or tissues – are used for display.
4. Consideration will also be given to how to prepare visitors to view remains in Old Anatomy Museum exhibitions, and to advise in advance, those who may not wish to see them.
5. The Old Anatomy Museum will make information available at access points indicating where human remains are displayed. This will include guidance on respect, photography, and place them in context.
6. Proposals for new temporary or permanent exhibitions in The Old Anatomy Museum which involve the display of human remains will pass through an internal process that will consider their ethical justification and appropriate presentation.
7. Human remains will 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.
8. Exhibition of the remains of identifiable individuals or artefacts associated with human remains of identified individuals will be considered sensitively.
9. Applications for loans of Human Remains for display by other museums must demonstrate that there are valid reasons for their display that cannot be satisfied through images or other means. The Old Anatomy Museum will apply the same conditions for borrowers as apply to its own exhibitions.
10. Where images of Human Remains are used on display boards, websites or in publications, careful thought will be given to their context and positioning. The Old Anatomy Museum will take steps to make audiences aware of this content in advance.

Research on Human Remains

The Old Anatomy Museum TCD is committed to research which furthers our knowledge of peoples on this Island in the past through the study of Human Remains. Research can advance understanding of cultural and medical practices, biological processes, genetics, diet, disease and population movements over time.

The Old Anatomy Museum recognises the sensitivities around many aspects of this research and will place systems in place to manage research on human corporeal remains.

1. Research access to collections will be on the basis of formal written applications. This will include research by TCD researchers as well as research by external applicants.
2. Applications will be judged on criteria that will include the extent to which a collection has already been studied, physical condition of the collection, and a balance between access and risk to the collection.
3. Research on Human Remains 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 remains originated, where these are known.
4. Applications for invasive processes such as sampling for radiocarbon dating, DNA, or stable isotopes will be judged on criteria that will include experience, publication record and results of the researcher(s) previous work.
5. Submissions will also be judged on the ethics involved in the proposed research and its implications, or potential applications of medical or other discoveries.
6. Applications for research on remains from known individuals will be assessed to ensure that the rights of related people or descendants are not infringed.
7. Samples will remain the property of The Old Anatomy Museum and analytical results will be lodged on closed file prior to publication.
8. Applications for imaging, replicating, or filming will be judged on criteria that will include the appropriateness, sensitivity and presentation of the results.

Acquisition of Human Remains

The Old Anatomy Museum holds and expects to continue receiving human remains as follows:

- Transfer or loan from another museum for exhibition purposes
- Return of bones /skeletons from past medical students or their relatives. (it was not unusual for medical student to ‘have their own skeleton’ when studying Old Anatomy).
- Anatomical bones from archaeological digs on the site of previous Old Anatomy schools at TCD.

Deaccession of Human Remains

(Also see Deaccession and Removal Policy, and Repatriation Policy— in development)

1. Irish Human Remains will be considered for de-accession by The Old Anatomy Museum on the basis of a written application to The Old Anatomy Museum Steering Group
2. All assemblages must have been fully recorded by a suitably qualified osteoarchaeologist and a full report completed before any such application can be made.
3. The Museum may de-accession human remains in its collections for a number of reasons including where there are health and safety problems relating to the remains; where there are irresolvable difficulties associated with the storage requirements; or to transfer them to another collection where they will be more productively utilised or relate preferentially to that institution's collecting policy.
4. Before de-accessioning human remains, the Old Anatomy Museum will try to establish whether genealogical or cultural descendants exist who might wish to make a claim for return or reburial.
5. Requests for return or burial of remains in our collections will be considered on their merits with reference to the criteria laid out in the DCMS guidance and the ethical framework in that guidance (see section 2.4).
6. Any proposals for reburial within existing burial grounds must consider the possibility of uncovering further human remains during re-internment. They must also consider the potential archaeological implications of the proposed reburial site if it is a National or Recorded Monument. All such considerations will be discussed with the National Monuments Service, Department of Culture, Heritage and the Gaeltacht. Any such applications would require permission from the relevant church and/ or local authorities where applicable.
7. Applications to repatriate Human Remains will be in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN, 2007).
8. Proposals will be submitted to The Old Anatomy Museum Steering Group.

Old Anatomy Museum Panel on Human Remains

The Old Anatomy Museum TCD will nominate a panel of specialists to advise the collections staff on applications for research, analysis, storage, collections care and ethical matters as required.

The members of this panel will be recognised and experienced practitioners and academics involved in the analysis of human remains or ethical issues in relation to their study and display.

References:

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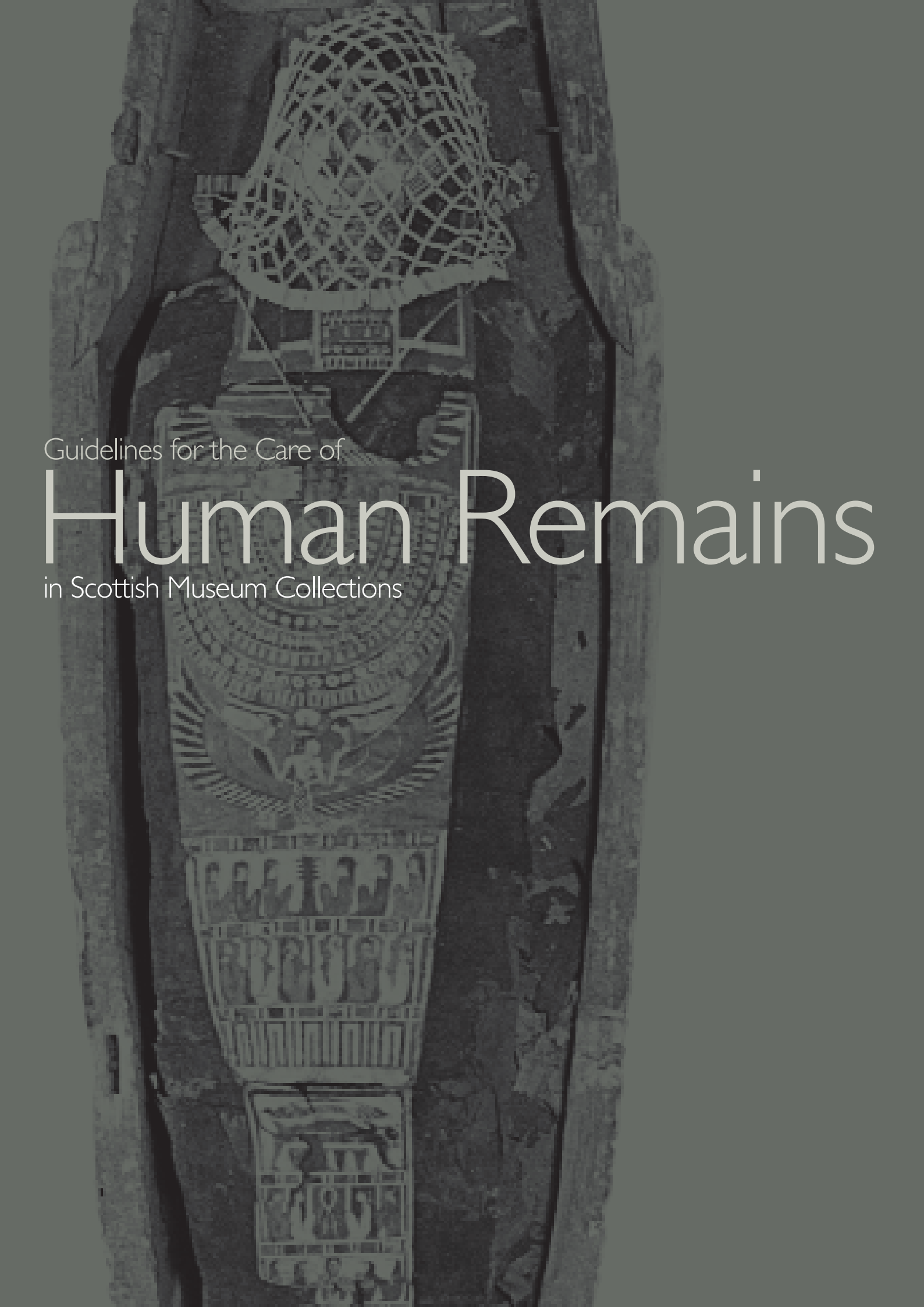

Guidelines for the Care of

Human Remains

in Scottish Museum Collections

Guidelines for the Care of Human Remains in Scottish Museum Collections

Contents

Foreword

From Joanne Orr, CEO of Museums Galleries Scotland and Chair of the Human Remains Working Group

Human remains are held in thousands of museum collections across the world, the result of more than three centuries of collecting and scientific study. These collections have been invaluable in piecing together our biological and cultural history. In recent years, however, museums have found themselves at the centre of debates over collecting, displaying and storing human remains. These debates have highlighted the need for human remains to be professionally managed, and for museums to be ready to deal sensitively with any of the issues which can come up, such as requests for repatriation.

Museums also need to be up-to-date with current legislation affecting the holding of human remains. The legal situation in Scotland is significantly different to that in England and Wales. Of particular importance is the Human Tissue (Scotland) Act 2006. Scotland also has its own distinctive cultural traditions on the treatment and use of human remains.

These guidelines are intended to help your museum manage the cultural and practical issues that exist today and ensure the responsible and respectful care of human remains within collections. And, crucially, they contain the only up-to-date guidance on the legal situation written specifically for museums in Scotland.

Curation, exhibition, research and repatriation are complex areas with many ethical issues and challenges. We have taken a straightforward, non-prescriptive approach. Best-practice case studies are provided from across Scotland to help you decide the best ways to care for human remains and to promote the benefits of using best practice to museums, their partners and communities.

We hope that the guidelines will help you balance the need to respect the culture and wishes of communities with a continuing desire to research and discover, ensuring that all interests can be considered fairly, transparently and respectfully.

Introduction

These guidelines have been put together by Museums Galleries Scotland with content provided by an Expert Panel drawn from Scottish museums and other institutions.

Many of the recommendations are in line with those contained in *Guidance for the Care of Human Remains in Museums*, published by the Department of Culture, Media and Sport (DCMS) in 2005, which apply to the rest of the UK. However, our guidance takes full account of the distinct legal situation in Scotland. The result is a document which promotes best practice in a way that is applicable for those working in Scottish museums.

Museums are places where people are encouraged to encounter a variety of experiences with respect and understanding. As such they are an appropriate home for a wide variety of items and we firmly believe that this can, and should, include human remains, grave goods and sacred items. At the same time museums hold their collections in trust for past and future generations. They have continuing responsibilities associated with the objects themselves, and the express and implied wishes of collectors and donors. Museums have a duty to care for their collections and an equal duty to encourage access and understanding for as many people as possible.

Naturally, museums recognise that the groups from which human remains were collected, and the relatives and descendants of people whose remains are in collections, have an interest in their treatment. Descendents and relatives may also have moral and legal questions about how they were acquired. Their interest should be welcomed as contributing to knowledge about the collections and to helping ensure that human remains are curated to the highest ethical standards.

Our aim is to offer guidance rather than to be prescriptive, while emphasising the legal requirements that museums must observe. We also wish to foster an atmosphere in which museums respond openly and fairly to requests about human remains, care for them in the best possible way, and maximise their potential to help us learn more about our past and our common human identity.

In these guidelines, the term 'human remains' is used to mean the bodies, and parts of bodies, of members of the species *Homo sapiens*. This includes osteological material (whole or part skeletons, individual bones or fragments of bones and teeth), soft tissue including organs, skin, cornea, bone marrow, embryos and slide preparations of human tissue, nails and hair. It is acknowledged that some cultural communities give these a sacred importance. Human remains may also include human tissue that may have been modified in some way by human skill. Bound up material and funerary objects are those objects or material other than human remains that are physically bound up with or attached to them in a way that means they can be considered to be inextricably linked.

We use the term 'museums' for all museums and other institutions performing the function of a museum by permanently holding human remains as collections.

Acknowledgements

Expert Panel (past and present):

Patricia Allan	Curator of World Cultures Glasgow Museums
Neil Curtis	Senior Curator Marischal Museum University of Aberdeen
Dr Alison K Brown	Academic Fellow in Anthropology School of Social Science University of Aberdeen
Gill Findlay	Collections Development Manager Museums Galleries Scotland (Co-ordinator, Secretariat)
William Fox	Formerly Cultural Policy Scottish Government
Mark Hall	History Officer Perth Museum & Art Gallery
Chris Henry	Director of Heritage Royal College of Surgeons of Edinburgh
Dawn Kemp	Formerly Director of Heritage Royal College of Surgeons of Edinburgh
Dr Andrew Kitchener	Principal Curator Department of Natural Sciences National Museums Scotland
Dr Henrietta Lidchi	Keeper Department of World Cultures National Museums Scotland
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Thanks also to the Department of Culture, Media and Sport Working Group, and in particular to Hedley Swain, Head of Policy at the Museums, Libraries and Archives Council.

Chapter 1: Ethical framework

Background

The presence of human remains in museum collections raises many ethical issues and has been the subject of much debate. MGS has developed these guidelines as a starting point which will allow museums to develop their own ideas, principles and policies. In time we hope that common and consistent approaches will emerge across the sector.

The framework we are putting forward is in two parts. The first sets out some ethical principles that can be used to guide and inform decision-making on the handling and care of human remains, and in claims relating to them. The second looks at procedural principles involved in managing human remains, making decisions concerning their care, or in dealing with claims for repatriation.

The procedural and ethical principles we recommend are designed to underpin the more detailed guidance in the rest of this document. They are also designed to help with:

- decision-making about human remains
- developing an ethical approach to the care of human remains
- identifying the impact our decisions can have
- providing a basis for good communication between museums, individuals and wider communities.

Our framework builds on the work of the DCMS guidance 2005, as well as the 2005 UNESCO Declaration on Universal Norms in Bioethics, The Human Tissue (Scotland) Act 2006 and statements made to the Scottish Government during the passage of that Act. See 'Further Reading and Resources' for more information.

Ethical principles

Museums should make a clear commitment to the highest standards of governance, accountability and responsibility for the treatment of human remains. This includes making sure you follow the relevant laws and codes of ethics, such as those issued by the Museums Association, the International Council of Museums (ICOM) and the Museum Ethnographers Group.

There are other issues to consider as well, such as whether your treatment of the remains could cause offence, the potential for gaining knowledge and understanding, and whether there are any conflicts of interest. These apply not just to the collection, exhibition and display of remains but also to their documentation, storage and research. Given the sensitivity and complexity of some of the issues, there may well be cases where it is valuable to seek expert advice from outside your own organisation.

When discussions are taking place about the treatment of human remains the views of any individuals or groups who are clearly linked to them are particularly important. While it is not always possible to avoid disagreements and reach a consensus, respectful and fair consideration should be given to all points of view.

Procedural principles

Consultation should be the key principle governing the treatment of human remains by museums. One example might be the need to consult with religious groups, or other institutions, if the remains were originally from burial grounds in their care.

Procedural responsibilities

We have identified six sets of responsibilities which museums, and anyone representing them, should exercise in managing human remains, or dealing with claims relating to them.

1. Rigour: act with appropriate knowledge, skill and care so that you can justify your decisions.

2. Honesty and integrity: to declare conflicts of interest, show honesty in sharing knowledge with all interested parties, and act in a principled manner so that you can be trusted by others.
3. Sensitivity: show compassion and sensitivity for the feelings of other people and understanding of different religious, spiritual and cultural perspectives.
4. Respect: treat all people and communities with respect, ensuring that adverse impacts on them are minimised, and privacy and confidentiality honoured.
5. Openness and transparency: listen, inform and communicate openly and honestly.
6. Fairness: act fairly, giving due weight to the interests of all parties, and develop a consistent management process.

1. Chapter 2: Curation, care and use of human remains

Introduction

This section offers basic guidance on how you should approach the care of human remains. Our starting point is that human remains have a unique status, are often of high research value, and should be treated with dignity and respect. This involves the highest standards of collections management, accountability, communication and transparency. Your reasons for holding human remains should be clearly understood and we advise carrying out an ethical analysis on all aspects of their curation, care and use.

Where possible, communities should be informed about human remains you hold which relate to them – this is accepted best-practice in the Museums Association Code of Ethics - and communities should be involved in discussions about how a museum stores, researches, presents or otherwise uses human remains and information about them.

Governance and expert advice

A clear set of practices is needed for dealing with human remains. Even before these are developed, your governing body may wish to consider whether human remains should be kept in your collection. This includes discussing whether good use is being made of them, or if it would be better to transfer them to another museum or to look at return, disposal or reburial.

If you decide that there are good reasons for holding human remains, you should develop a policy for their treatment. The policy should be made public – for example by posting it on your website – and cover the following:

- acquisition
- temporary holdings
- loans
- de-accessioning and disposal
- storage, collections management and conservation

- public display
- access to collections
- research and sampling
- inventories of collections.

These issues may be considered as part of wider museum polices rather than being a separate document. There should always be a clear explanation of why your museum holds remains. You also need to identify clearly who in the organisation has responsibility for each aspect of their care. Suitably skilled and experienced staff should be made responsible for ensuring that your museum has appropriate policies and practices for handling human remains. Alternatively, you should take advice from a suitable external person or organisation, for example the subject specialist network on human remains.

Where human remains are held for purposes other than research, there should be a clear and public explanation and strategy for their use. This might include areas such as display or teaching. There should also be a clear statement on research access, including the circumstances in which researchers can work on material. We also recommend, in line with DCMS guidelines, that museums should make their inventory of human remains publicly available.

Acquisition

The law relating to the rights of ownership and possession of human remains (see relevant sections in Chapter 4: Legal Advice for the Care of Human Remains) means that the acquisition of human remains needs to be considered differently from other museum items. Remains can be added to collections where you are satisfied that:

- they are held lawfully
- provenance is clearly established
- there is no suspicion of illicit trade
- they are of potential value to the museum or wider research community.

Acquisition by transfer: It is legitimate to accept human remains from another institution. You should accurately record:

- any transfer activity
- the source of the remains
- their history
- copies of related archival material
- provenance information
- all other relevant attendant circumstances as far as they are known.

Acquisition by donation: The acquisition procedure should include a mechanism for confirming reliably that any donation is properly authorised and documented.

Acquisition by excavation: See 'Ownership of human remains collections' in Chapter 4: Legal Advice for the Care of Human Remains and for further information consult Historic Scotland's guidance – The Treatment of Human Remains in Archaeology (1997, revised 2006). Excavations conducted under the auspices of Historic Scotland, or with grant aid from them, must comply with their guidelines. Chance discoveries, which local authority archaeology advisers feel may hold significant archaeological interest, may be eligible for systematic recovery and analysis under the Historic Scotland-funded human remains rapid response call off contract. Initial contact should be made with the appropriate council archaeologist who will normally take matters forward with Historic Scotland. This support is not available where human remains have been identified as part of a planned archaeological operation, whether for research or development-led. Once the call off contract has been initiated, human remains will be treated as if from any other Historic Scotland-supported excavation project.

Temporary holdings

Where human remains are held temporarily, their provenance must be clearly established. You also need a clear justification and legal basis for holding them, for example post excavation analysis or for the purpose of identification.

Partnership agreements: Clear documentation is needed explaining the rights and responsibilities of all those involved. The circumstances in which you may set up partnership agreements include agreements for archaeological sites, for joint research with other institutions, and the holding of remains from church sites that are awaiting re-internment.

Unplanned situations: Individuals or organisations may ask your museum to look after remains. If you accept this responsibility, you will need to be very clear about the basis and circumstances of the request. If you have serious concerns about the provenance of the human remains, you should involve the police.

Loans

You may wish to loan human remains to another institution for various reasons, such as display or research. If you are asked to loan material you should make sure that the borrower meets the legal, ethical and practical considerations discussed elsewhere in this document. Condition reports summarising the state of material should be prepared before it is loaned, particularly as human remains can be more fragile than they appear. In the case of medical collections, the Human Tissue (Scotland) Act 2006 should be consulted.

De-accessioning and Disposal

If you do not wish to transfer human remains to another institution, you need to be pro-active in trying to establish whether there are genealogical or cultural descendants who may be interested in accepting them for return or reburial. See chapter 3 for information about responding to requests for repatriation and reburial.

When human remains in medical collections have deteriorated beyond use, disposal should be through an authorised medical disposal company. For organisations without a licence under the Human Tissue (Scotland) Act 2006, disposal should be arranged through a licensed organisation, for example a university which undertakes anatomical dissection. You can also get advice from authorised disposal companies.

We recommend that the relevant statutory and religious authorities should always be consulted in order to ensure that legal, religious and civil traditions are respected.

Storage, collections management and conservation

Storage

The storage of human remains should be actively managed and monitored to meet suitable standards of security, access management and environment. Best practice guidelines for the storage of collections can be found on Collections Link (see 'Further reading and resources').

The following case studies outline different ways of approaching storage which take account of the differing ethical and conservation aspects of storing such collections of human remains:

Case Study: Human Remains in the Archaeological and Ethnographic Collections, University of Aberdeen

The University of Aberdeen's archaeological and ethnographic human remains are stored alongside related cultural collections. For example, prehistoric skeletons from Scotland are housed in custom-made boxes on shelves near to pottery and other grave goods found with them and prehistoric pottery and lithics from the same area. Likewise, Māori toi moko (tattooed Māori heads) were stored next to Māori taonga ('taonga' is 'treasured thing' in Māori and relates to tangible and intangible heritage) before their repatriation, while over-modelled skulls from New Guinea are stored on the same shelves as other objects from New Guinea. All boxes are clearly labelled to show their contents.

Case Study: Ancestral Remains, Glasgow Museums Resource Centre

During Glasgow Museums Resource Centre's second phase of development, a separate storeroom was created for ancestral remains, beside the main World Cultures stores. There are regular public tours and activities in the object stores, as part of the Glasgow Museums' Visitor Programme, and it was considered inappropriate to house ancestral remains in such areas.

The human remains store contains remains from the World Cultures collection and Non-British Ancient Civilizations. These remains are not accompanied by grave goods, as most are unprovenanced and came to the collection without associated material. Provenanced human skeletal remains from Scottish excavations are housed separately. Access to this ancestral remains store is mainly restricted to staff working on the collections, though community delegations and researchers are granted access. A separate outdoor area has been set aside for ceremonies, particularly those that involve smoke or smudging.

Storage and collections management policies

Any museum holding human remains should develop and make public a strategy for their curation and care. You should include information on storage conditions, security, conservation policies, environmental conditions and loans to other institutions. As with all collections, these should demonstrate that the remains are in secure and sustainable storage conditions that do not threaten their long-term integrity. Documentation control and procedures should be developed in accordance with Museums, Libraries and Archives Council's SPECTRUM standards of good practice to ensure that the connection between remains and associated artefacts is maintained.

Whenever it is possible for remains to be separated, each should be given a storage container – specially designed storage boxes for skeletons are now available. Current UK museum practice favours the use of inert packing materials, but we recognise that other cultures may have alternative views on the most appropriate packaging.

Conservation

The integrity of human remains is important in many belief systems and is important for future research and study. The principle of minimal intervention and reversibility should always be applied, avoiding treatments that cause contamination or damage.

Conservation work should only be done when absolutely necessary and you should make sure it follows strict protocols and policies. Any preventative and remedial conservation should be carried out or supervised by an accredited conservator, trained and experienced

in caring for biological materials and overseen by an osteologist. Accredited freelance conservators can be found in the Institute of Conservation's (ICON) Conservation Register (see 'Further reading and resources').

Labelling

To reduce the risk of skeletal remains being lost or dissociated we advise the use of identification numbers, written in waterproof ink and securely attached. SPECTRUM standards offer best practice guidelines on labelling.

Public display

Please also see the legal advice on display of human remains later in this document (Chapter 4, section 1.1.5).

It is appropriate to give careful thought to the display of human remains. They can help people learn more about science and history or understand burial practices. Equally they can bring people into physical contact with past people and can encourage reflection. Surveys show that the vast majority of visitors are comfortable with, and often expect to see human remains (usually skeletons) as part of museum displays.

If you wish to display human remains you could consider the following questions:

- How does the inclusion of human remains contribute to the interpretation and could this be achieved in another way?
- What explanatory material would be provided and will it explain why human remains are on display?
- Should you put up a warning so visitors know that human remains are on display, or even create a specific area for them to be displayed?

Skin and Bone: Life and Death in Medieval Perth

The exhibition ran throughout 2010 at Perth Museum & Art Gallery and displayed human skeletal material in a gallery separate from the rest of the archaeology. Access was via a

flight of stairs and visitors could look at photographs of the gallery before going up. This encouraged those visitors who did not want to be 'surprised' by the human remains to look at the images first and decide accordingly.

The Pathology Museum of the Royal College of Surgeons of Edinburgh, Visitor Notice
(The following notice is positioned to be viewed before visitors enter the display areas.)
Note to Visitors. *The Pathology Museum of the Royal College of Surgeons of Edinburgh has been used to teach and inform medical students and the general public since 1832. The collection of the Royal College of Surgeons of Edinburgh represents the changing nature of medical and scientific teaching and research since the late 18th century. Specimens were collected at times that held different ethical and moral values from our own.*
They are displayed acknowledging the debt to those whose suffering has advanced our knowledge of disease.
Some people can find viewing human anatomical and pathological remains unsettling. Please ask for advice if you are unsure what to expect.

Access to collections

You may wish to give specialist groups or the general public the chance to closely examine and record human remains. This may be to support education courses with a medical, forensic, archaeological or osteological component as these often involve the practical study of human remains. If remains are going to be handled, we recommend that the ethical and legal obligations should be discussed properly with the students and that they should be given guidance on what respectful treatment means in practical terms.

Handling sessions at museums or at special events are a good way in which the general public may learn about archaeological remains. However, including human remains poses particular interpretation challenges. As direct contact by the general public may bring a higher risk of conservation issues or offending religious and other sensibilities, you will need to consider this carefully.

Photographing human remains for publication, research, educational and general museum use is acceptable in most cases, although the views of cultural communities and genealogical descendants should be taken into account where they are known.

Research and sampling

Please also see the legal advice on research relating to human remains later in this document (Chapter 4, section 1.1.4).

There are many reasons for carrying out research on human remains, including studies of human health, diet, aging, development, variation, genetics and mobility. Research can also assist in decisions about curation or repatriation.

Research, or research requests should be assessed in the light of best practice or within a research strategy or framework (see the next section – 'Research, frameworks and strategies').

Below are some questions to consider when assessing a research proposal:

- Will the research add significantly to knowledge about the studied human remains or people in general?
- What are the reasons for the research and how does the analysis contribute to the overall research questions?
- Do the researchers have the appropriate skills, knowledge, understanding and resources?
- Have the ethical issues been addressed?
- What is the research methodology and are the techniques reliable?
- Has a pilot study been carried out?
- How are the findings to be disseminated?
- Have the researchers sought the support of appropriate representatives of relevant communities for the research to go ahead?

We strongly recommend that research is only allowed if unused material, along with copies of analyses and publications are given to the museum on completion of the study.

Before allowing sampling for research to take place we suggest that you consider:

- Where destructive sampling is required you will need to decide whether the level of loss is acceptable.
- The sample size should be kept as small as possible to maintain the integrity of the remains and so that future research or display is not compromised. Creating a cast of parts to be damaged or destroyed is a possibility. (Nowadays, non-damaging techniques such as CT scanning are making new kinds of research access to specimens possible).

Once such issues have been discussed, you should ensure that the justifications for sampling and other analyses are fully recorded. Justifications along with the application, sample location and size, the sampling process and eventually the full records of the results of analysis should to be kept with the records for the particular remains studied.

For further information refer to: British Association for Biological Anthropology and Osteoarchaeology: http://www.babao.org.uk/index/institutions-receiving-skeletal-collections

Beakers and Bodies, University of Aberdeen

Careful consideration is often needed about when to allow research on remains. Applications to carry out radiocarbon dating on prehistoric human bones from north-east Scotland, held by the University of Aberdeen, had been turned down because they involved the destruction of large quantities of the material. However, research was allowed, as part of the University's Leverhulme Trust-funded 'Beakers and Bodies' project, thanks to the development of AMS dating, which needed samples of just one gramme.
A pillar drill was used to take samples from areas of bone which would cause the least damage and these were analysed by reputable laboratories using well-established techniques. A key aim of the project was the wide dissemination of the findings through an academic publication, contributions to popular publications, evening lectures and an exhibition.

The Greig Collection, Royal College of Surgeons of Edinburgh

The study of human remains can have great value for medical research. Gorlan's Syndrome, a form of cancer, was first identified in the 1960s but meticulous case notes accompanying a skull in the Greig Collection held at the Royal College of Surgeons of Edinburgh suggested that it may have been present in a woman patient from 1916. The extraction of DNA from tooth pulp confirmed that this was the earliest known case.

The research was undertaken in 2006 by two leading maxillofacial surgeons with the advice of the museum's Collections Manager, a fully qualified anatomical prosector.

The DNA extraction methods were discussed and agreed in advance of a written proposal being made. The extraction was conducted by the Forensic Department of the Strathclyde Police Force.

For further information visit http://archive.surgeonsnews.info/docs/issue5-3/pdfs/084.pdf

Forensic pathology of Beothuk People from Newfoundland, National Museums Scotland

National Museums Scotland has two skulls from the Beothuk people of Newfoundland. They have been identified as coming from Nonosabasut, a chief who died in 1819 in a conflict with Europeans, and his wife, Demasduit. Demasduit was taken into St Johns' society later that year, but died in January 1820 on the journey to rejoin her own people. Although the history of these individuals is well known, it is only recently that their skulls have been subjected to intensive research.

Applications for extracting DNA from teeth were received from North American universities and results were published recently (Reed, 2001; Kuch et al., 2007). NMS only approved the loan of teeth after careful evaluation of the project and the ability of the researchers to extract ancient DNA. The Mi'kmaq, also of Newfoundland, supported the research. Stable isotope analysis of the teeth also provided an insight into the individuals' diets.

More recently, NMS collaborated with Professor Sue Black of the University of Dundee and Dr Ingeborg Marshall, a world authority on the Beothuk, to carry out a forensic pathological study on the skulls to correlate any findings with the historical record (Black et al., 2008). Examination of Nonosabasut's skull revealed that he had suffered a traumatic injury to his chin from a bladed weapon that had partly detached it. This healed but there was a suppurating external wound.

Demasduit's skull had a fracture of the left parietal bone from a high-impact blunt force, resulting in an intracranial haematoma, which could have caused her death, or the fracture could have occurred shortly after death. One possibility is that Demasduit fell on an icy surface and hit her head although her death, a few hours later, was apparently caused by TB. Alternatively the damage could have happened by the mishandling of her body shortly after she died. Further research is planned, including facial reconstructions based on CT scans of both skulls.
For more information see http://www3.interscience.wiley.com/journal/121517707/abstract.

Research, frameworks and strategies

You should have a clear, publicly accessible research framework that addresses the human remains in your care. It should be regularly reviewed to make sure it remains relevant. The framework should be applicable to both in-house and external researchers, and could include the following elements:

- a research strategy that identifies priorities and methods for undertaking research and the material it adresses
- a resource assessment that identifies the nature of holdings and the current state of knowledge for the research fields to which they relate (this will draw upon the inventory: see the next section - 'Inventories of collections')
- A research agenda outlining the areas that the material may have the potential to address.

For further information see the Wellcome Trust Ethical Guidelines for medical research (Further reading and resources section).

Inventories of collections

We advise that every museum with collections of human remains should compile, and make public, an inventory of their holdings. You should include known information about the date and provenance of the remains and their exact nature, and the circumstances of their

acquisition. Information that should be made publicly available about human remains collections should include (where possible):

- Numbers of remains: This will normally be by individuals, but might also be individual remains grouped into assemblages or series. Body parts should only be grouped together if there is a clear and proven association between them.
- Physical nature: For example whether skeletal, how complete, their physical condition.
- Date: The estimated date of death, although there could be very wide parameters owing to lack of contextual or documentary information.
- Provenance: The geographical location of where the remains originated and, if known, the context of their recovery and subsequent history. In many instances detailed genealogical and geographical provenance is unknown, especially in the case of remains collected during early scientific expeditions outwith the UK.
- Status within a collection: Such as whether they are fully accessioned, or on loan from another institution.

Under the Freedom of Information (Scotland) Act 2002, (section 38) a deceased person's health records are exempt from public access.

Mummified remains, Glasgow Museums

The accessioning of human remains is not always quick or straightforward. Glasgow Museums have held eight boxes of mummified human body parts since 1982 following the sudden death of the previous holder, a pathologist. The collection comprises over 900 human remains principally from South America and Ancient Egypt, with a small number of samples from Scotland and England. They date from approximately1800 BCE to the modern era.

The remains were kept at the pathologist's workplace and were passed to the museums for storage by his colleagues. Archival information and a list of contents existed but the deceased's will and estate inventory made no mention of the collection. No additional documentation on the legal status of the collection has been found. Colleagues of the deceased stated that it was highly unlikely that the pathologist would have explicitly bequeathed the remains to Glasgow Museums at that time, as he was not expecting to die in

the near future. All efforts by Glasgow Museums' staff to contact the benefactors of the estate proved fruitless.

Finally, in 2007, 25 years after the remains came to Glasgow Museums, management decided that, as all due process had been followed, the remains should be formally accessioned into the collections. This will not prevent any future claim on the remains, but has allowed Glasgow Museums to account for them and manage them more effectively.

Chapter 3: Requests for the return of human remains

Introduction

Museums may be approached by individuals or groups seeking the return or repatriation of human remains. We strongly recommend that your governing body develops a clear, written and public procedure for dealing with such requests. This should explain the criteria on which a decision will be made and the decision-making process. We recommend that claims are dealt with on a case-by-case basis.

Receiving a request

When a claim is made, we would advise you to take it as an opportunity to open a constructive dialogue. A good first response would be to send a formal acknowledgement of the claim, along with details on how it will be handled. A museum representative should also be given responsibility for seeing the claim through and acting as the claimant's point of contact.

The nature and scope of the request

There are a range of factors you will need to consider when dealing with a claim, some of which may not be covered by the information accompanying the original request. These can include:

- The identity of the claimant and any intermediary/representative, and evidence that they do represent who they claim. For remains in medical collections, this is the 'nearest relative' as defined in the Human Tissue (Scotland) Act 2006 Section 50.
- The connection between the claimant and the deceased and the basis for the claim.
- The specific remains being claimed - the claimant may need your help in identifying these.
- The claimant's wishes for the future of the remains.
- Information the claimant has regarding other potential claimants.

This information may be available from the claimant, or you may need the advice of experts, including from the claimant's national government.

The decision-making process

Your process for handling claims needs to explain who will be involved in the process, such as establishing an expert committee to discuss the case. The final decision should rest, however, with your governing body and not with an individual. The prompt and sensitive handling of requests is very important while the decision-making process should be as open as possible, fully involving the claimant.

We advise that you keep a full documentary record of all discussions. Your governing body will need a written report covering all the facts and evidence about the remains and the claim in order to reach its decision. This should then be kept as part of your archives. Your discussions should cover the future use and display of your records, including photographs, taking full account of the claimant's views as well as the legal and ethical issues.

Sometimes a claim may be contested by a different claimant. If this happens then all claimants should be invited to take part in your decision-making process. In cases where remains are poorly provenanced, you should pursue avenues of investigation including government, indigenous organisations and community representation. The responsibility for the costs and the method of return or repatriation should be considered as part of the decision-making process.

Criteria for decisions

The points below will help you to set the parameters when considering requests for the return or repatriation of human remains and should be fully documented as part of the process.

- The identity of the remains:
  What is the evidence that the human remains concerned are those requested by the claimant?

- History of possession:

  What is known about the provenance of the remains before their acquisition by your museum and how this relates to your rights of possession? Is there documentation relating to the use and treatment of the remains since their acquisition?
- Connection between the remains and the claimant:

  What evidence connects the claimant and the human remains? Is the claimant a genealogical descendent? Claims based on cultural affiliation should be considered. This may include evidence of group identity or any continuity of cultural practices between the original possessors and those making the request. For human remains of UK origin the 'nearest relative' is as defined in the Human Tissue (Scotland) Act 2006 Section 50.
- Representatives of claimants:

  If the claimant is acting on behalf of others, what is their right to be a representative?
- Significance of the remains:

  What is the significance of the remains to both the claimant and your museum? This may include issues such as the religious, cultural, historical or scientific importance of the human remains to either.
- Consequences of return to the claimant:

  Repatriation of ancestral remains may take place under a variety of conditions, one of which is that the community to whom the remains are repatriated is entitled to decide their future treatment. However, the museum considering the repatriation is entitled to ask what the likely future treatment will be.
- Future partnerships:

  Future partnerships resulting in additions to your collections, publicity for the museum, increased contextual knowledge of your collections and research opportunities should all be considered.
- Consequences of retention:

  What is the likely future treatment and use of the human remains if you retain them? This may include display, research, destruction, alteration or restrictions of access.
- Broader implications of not returning the remains:

  Issues you may wish to consider include any publicity the decision would attract, the implications for access and research, and the effect on other partnership opportunities with the claimant, other institutions and donors.

After the decision

Once your decision is made the result should be documented and the claimant should be informed immediately. A full explanation should be provided to the claimant of how and why the decision was reached. They should then be given time to respond. If a request for return is turned down this should not prevent further dialogue with the claimant. Ideally, the claimant and the museum should work together to prepare media statements within an agreed timeframe and approach.

If the decision is to repatriate

If you decide to repatriate or return the human remains the claimant should be fully involved in all decisions regarding their treatment in the period before the transfer. This includes photography, analytical research, media comment and any other event.

For remains that are the subject of claims for return, all associated archival material should be made available to those who have made a successful claim. Some claimant communities may not wish information about the remains to be placed in the public domain. In some instances it may also be culturally unacceptable to photograph ancestral remains or to make existing archival photographs of remains publicly available. We recommend that the community or organisation making the claim be consulted.

You should work with the claimant to deal with any legislative or other procedures such as customs requirements, transport and preferred packing materials. The remains will need to be packed in the knowledge that whoever opens the container may be unfamiliar with museum practice for the transport of remains. What you consider to be necessary for health and safety might be seen as inappropriate by the community. In general we recommend that the packing should be done in a way that will result in the revealing of the remains gradually.

Your museum should provide copies of all the relevant documentary materials in the collections at the same time as the human remains are returned. If possible, precise statements should be provided in advance, with copies accompanying the remains,

describing the previous storage conditions, any chemical treatments, and type and use of packing materials (such as desiccants). Legal advice should be sought in drafting an agreement to return.

You should ask for guidance from the claimant on the management of and access to, documentation relating to remains which will be kept by your museum. This needs to take account of the Freedom of Information (Scotland) Act 2002, the Data Protection Act 1998 and museum ethics, as well as the wishes of the claimant. You should also be ready to help the claimant research provenance where you have access to archives or other material they might have difficulty obtaining.

Repatriation of nine toi moko, University of Aberdeen

In 2007 the University of Aberdeen returned nine toi moko (Māori tattooed human heads) to Te Papa Museum of New Zealand. The university followed the procedure and criteria developed for a previous case and which now form part of the museum's collection policy. Although the decision was the responsibility of the University Court, discussions were delegated to an expert panel consisting of representatives of the court, university museum curators, academic staff from law and anthropology, the director of another major Scottish museum and a nominee of Te Papa.

The main focus of discussion was whether Te Papa was a representative of Māori people as well as of the New Zealand Government, and the role of human remains in Māori culture. As with the previous repatriation case, a verbal presentation by the claimant to the expert panel was particularly helpful in enabling them to come to a unanimous recommendation.

The decision to repatriate coincided with the museum having a New Zealand artist in residence, who developed two works that formed the backdrop to the return ceremony.

The links with Te Papa have led to a study visit by one of the curators, academic publication by the museum and plans to improve documentation and access to the museum's Māori collections.

Medical Collections, Royal College of Surgeons of Edinburgh

The Royal College of Surgeons of Edinburgh receives around three enquiries a year from people wishing to trace the provenance of remains in the collection. There is a clear procedure under which the person making the enquiry is asked why they wish to trace the

provenance and a request form is sent out to be completed. The Collections Manager discusses the issue with whoever is making the enquiry and tells them about the possible outcomes, issues and options that may arise if a positive identification can be made. No positive identifications have yet been possible.

Chapter 4: Legal issues

Introduction

There are a variety of legal issues with which your museum needs to comply if it holds human remains in its collection. This chapter has been prepared by a legal consultant and is intended as an introduction to the legal issues surrounding the holding and return of human remains affecting specifically museums in Scotland.

A particularly important change in legislation in Scotland came into force with the Human Tissue (Scotland) Act 2006. This sets out rules on issues such as the retention of tissue samples, the use of cadavers and body parts for anatomical examination, and the public display of bodies and body parts.

It is essential that, if you have any specific legal enquiries, these should be handled by an appropriate legal consultant who will be able to advise you more specifically relating to your individual circumstances.

The law stated in this document is correct at the time of publication (April 2011).

Legal Advice for the Care of Human Remains in Scottish Museum Collections

Prepared by Dr Kathryn Whitby-Last, Senior Lecturer in Law, University of Aberdeen

1. Legal issues affecting human remains in museum collections

The law in relation to human tissue has changed following the enactment of the Human Tissue (Scotland) Act 2006, which came into force in April 2006. The Act sets out rules regarding, *inter alia*, the retention of tissue samples, the use of cadavers and body parts for the purposes of anatomical examination and the public display of bodies and body parts. A number of these provisions will be of relevance to museums holding human remains and may affect research on remains or their display.

1.1 Ownership of human remains

In Scots law, in common with other systems, "the issue of ownership of the human body and body parts is very controversial".[1] The explanation for this may be a resistance to any notion of human remains as a 'commodity'. It is generally accepted that human remains are *extra commercium* - that it is not possible to assert rights of ownership over them in Scots law.[2] Unlike in England and Wales, there is no exception to the rule for remains that have undergone the application of skill designed to preserve them for medical or scientific examination.[3] That said, in the case of *Dewar v H M Advocate*,[4] Lord Moncrieff implied that the unauthorised removal of a body before disposal may amount to theft and, according to Gordon, "it is possible to hold that it is theft to steal a body which … has been gifted to a laboratory, or placed in a museum."[5] However, the common law in this area is by no means settled and according to Logie, "there are obvious contradictions in judicial dicta which remain unresolved".[6]

While the law is reluctant to admit the possible assertion of a right of title *qua* ownership in human remains, there can hardly be room for the denial of a possible right of possession based on a physical holding by one intending to retain control. While the law can bar ownership in certain things, it cannot exclude the possibility of the factual circumstances of possession. Arguably, in the case of possession, the law can do no more than limit a possessor's protective remedies.

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[1] Niall R Whitty "Rights of Personality, Property Rights and the Human Body in Scots Law" (2005) 9 *Edinburgh Law Review* 194, at 221.

[2] *Robson* v *Robson* (1897) 5 SLT 351.

[3] The English exception was established in *R* v *Kelly* [1999] 2 WLR 384. Whitty argues that the Scots law doctrine of *specification* may apply to human remains to give an equivalent effect to the *Kelly* doctrine but this argument is untested: Niall R Whitty "Rights of Personality, Property Rights and the Human Body in Scots Law" (2005) 9 *Edinburgh Law Review* 194, at 226.

[4] *Dewar* v *H M Advocate* 1945 SLT 114 at 116: "a body once it has been interred can no longer be protected by the law against theft."

[5] Gordon, *The Criminal Law of Scotland* (3rd ed) (2001) para 14.27.

[6] *Historic Scotland Operational Policy Paper 5: The Treatment of Human Remains in Archaeology* (2006) annex A, page 19.

Regarding the right of possession, the common law applies a presumption that the possessor of a corporeal moveable is its owner.[7] This would be potentially relevant to a contested claim, to be decided by application of the common law, in which the present possessor would seek to resist another's assertion of an alleged legal right to possession. The presumption is open to rebuttal by proof of (a) a right of ownership in the thing and (b) that possession by the claimant was lost or parted with in circumstances not consistent with the transfer of that right.

In the case of human remains, the claimant would have to show prior possession of the remains and offer proof that the remains were not lost or parted with on a basis consistent with transmission of the right of possession.

One consequence of the no property in a corpse rule is the effect on acquisition of human remains through excavation. Because human remains cannot be owned it is not theft to remove a body from a grave or tomb.[8] However, once buried in Scotland, human remains are protected from unlawful disturbance by the crime of violation of sepulchres. This applies only as long as the remains are 'in a condition to be regarded as an object of reverential treatment'.[9] In *H M Advocate v Coutts*, Lord McLaren stated that, 'I am not prepared to hold as matter of law that there is any precise duration of time that … justifies the removal of bodies'.[10] The applicability of the offence is therefore a question of fact relating to the degree of decomposition of the body.[11] A detailed analysis of the legal position in relation to disinterment can be found in Annex A of *Historic Scotland Operational Policy Paper 5: The Treatment of Human Remains in Archaeology* (2006).

1.2 Loans

Human remains to be loaned from abroad for display in a temporary exhibition may be covered by the anti-seizure provisions in Part 6 of the Tribunals, Courts and Enforcement Act 2007.[12] This enactment protects "cultural objects" from being seized or forfeited (including diligence or sequestration) unless by a court order. Although there is no definition of cultural object in the legislation, the Explanatory Notes to the legislation state: "it will apply to objects of any description". Although human remains should not be considered objects, remains that are physically bound-up with other non-human materials to form an artefact composed of several materials are likely to be covered by the Act.

The DCMS consultation paper that preceded the legislation stated: "immunity from seizure should be available for any object of artistic, cultural, historical or scientific interest".[13] The Protection of Cultural Objects on Loan (Publication and Provision of Information) Regulations 2008/1159 set out the information which must be published by a museum or

[7] Reid, *The Law of Property in Scotland*, 1996, para 150 notes that the presumption means that the defender "is at a considerable advantage"; see also generally Carey Miller with Irvine, *Corporeal Moveables in Scots Law*, 2nd ed 2005, para 1.19.
[8] Hume, i, 85.
[9] *H M Advocate* v *Coutts* (1899) 3 Adam 50, at 61.
[10] *H M Advocate* v *Coutts* (1899) 3 Adam 50, at 62.
[11] In 2004 two youths were convicted of the crime of violation of sepulchres after interfering with the mummified head of Sir George Mackenzie, who died in 1691, in the grounds of Greyfriars Kirkyard in Edinburgh.
[12] These came into effect in Scotland on 21 April 2008: The Tribunals, Courts and Enforcement Act 2007 (Commencement) (Scotland) Order 2008 SI 2008 No. 150.
[13] DCMS, *Consultation Paper on Anti-Seizure Legislation* (2006) Para 1.34

gallery which borrows an object from abroad for a temporary public exhibition if that object is to be protected from seizure or forfeiture.

If the remains to be loaned are from the UK and were previously part of an anatomical specimen[14], in order for possession to be lawful, the institution receiving the loan must be licensed under section 5(5)(a) of the Anatomy Act 1984 or the loan must be from a person so licensed.[15]

It is important to note the restrictions on public display that may also apply. These are discussed in Section 1.5.

1.3 De-accessioning / repatriation

Museums intending to de-accession human remains, whether or not in response to a claim for return, should ensure that they have the power to do so. National Museums Scotland is subject to a statutory bar on de-accessioning objects.[16] It may be possible to argue that the terms of this prohibition do not cover human remains because they are not "an object the property in which is vested in them". However, similar restrictions applied to museums in England[17] and it was deemed necessary[18] to legislate specifically to enable the de-accessioning of remains.[19]

It is possible to transfer objects from National Museums Scotland to other institutions if they are listed in Schedule 5 of the Museums and Galleries Act 1992[20] but this would not enable repatriation. In the case of a desired repatriation it may be possible to secure the approval of the Scottish Ministers under section 8(3)(d) of the National Heritage (Scotland) Act 1985.[21]

It is also possible that the constitutional documents of a museum or conditions imposed upon a gift or bequest of human remains may restrict the ability of the museum to de-accession human remains.

Museums that rely on public funding may be regarded as public authorities for the purposes of the Human Rights Act 1998. Although the law in this area has yet to be clarified, it is possible that action could be brought under a number of different Articles of the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols if a request to repatriate remains is refused.[22]

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[14] Defined in section 1(2) of the Anatomy Act 1984.
[15] This applies only where the part is from a body that cannot be recognised simply by examination of the part: Section 5(4) and 5(4)(a) of the Anatomy Act 1984.
[16] Section 8 of the National Heritage (Scotland) Act 1985. A similar bar on de-accessioning objects applies to the National Galleries in section 4C of the National Galleries of Scotland Act 1906.
[17] For example, section 5 of the British Museum Act 1963.
[18] See DCMS, *The Report of the Working Group on Human Remains* (2003)
[19] Section 47 of the Human Tissue Act 2004.
[20] Section 6 of the Museums and Galleries Act 1992.
[21] Dispensation has been granted to National Museums Scotland for the return of a Tasmanian skull and a collection of Māori remains. The Australian Government and Te Papa Tongarewa required designation by the Minister in order to receive the remains.
[22] For a full discussion of the issues see: DCMS, *The Report of the Working Group on Human Remains* (2003)

De-accessioning must also take account of the MLA model Acquisition and Disposal Policy for museums participating in the Accreditation Scheme. This states:

'12h: A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the governing body of the museum acting on the advice of professional curatorial staff, if any, and not of the curator of the collection acting alone.'

It should be noted that this procedure may be impractical for medical collections which deal with the disposal of human tissue on a regular basis. The disposal of a body after anatomical examination has been concluded should, as far as practicable, be in accordance with any wishes expressed by the deceased or surviving relatives.[23]

If human remains are to be repatriated, museums should consider the possibility that the remains have been subjected to processes involving harmful substances. In order to avoid potential liability for harm to those handling the remains it is advisable to include a clause in the repatriation agreement specifically excluding liability.

1.4 Research

The Human Tissue (Scotland) Act 2006 requires that the removal of body parts be undertaken only with prior authorisation.[24] However, this does not apply where at least 100 years have elapsed since the date of the person's death.[25] Furthermore, where body parts have been removed prior to 1 September 2006[26] for the purpose of *inter alia* research, education or training other than during a post-mortem[27] or anatomical examination[28] they may be retained and used for any purpose.[29] Similarly, the restrictions on carrying out post-mortem examinations[30] do not apply where at least 100 years have elapsed since the date of the person's death[31]. Where an organ or tissue sample has been removed prior to 1 September 2006 during a post-mortem it may be retained and used for any purpose.[32]

The effect of these exemptions is that many research activities undertaken in relation to human remains in museums will fall outside of the restrictions in the Human Tissue (Scotland) Act 2006.

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[23] For the bodies of persons dying prior to 1 September 2006: regulation 4, Anatomy Regulations 1998 SI No. 44. For the bodies of persons dying after that date: regulation 6, Anatomy (Scotland) Regulations 2006 SSI No. 334.
[24] The rules for authorisation are set out in sections 6-11 of the Human Tissue (Scotland) Act 2006. Failure to obtain authorisation constitutes an offence under section 16.
[25] Human Tissue (Scotland) Act 2006, section 4(d).
[26] Human Tissue (Scotland) Act 2006 (Commencement) Order 2006 SI No. 251, article 3.
[27] Defined in section 23 of the Human Tissue (Scotland) Act 2006.
[28] Defined in section 1 of the Anatomy Act 1984. Restrictions on anatomical examination are set out in sections 2-6 of the Act.
[29] Human Tissue (Scotland) Act 2006, section 14.
[30] Sections 27-35 and 37 of the Human Tissue (Scotland) Act 2006.
[31] Human Tissue (Scotland) Act 2006, section 25.
[32] Human Tissue (Scotland) Act 2006, section 36.

1.5 Display

Part 5 of the Human Tissue (Scotland) Act 2006 provides for the amendment of the Anatomy Act 1984 to introduce a new regulatory regime for the holding of certain human tissue for public display. Section 53(9) of the Human Tissue (Scotland) Act 2006 introduced section 6A into the Anatomy Act 1984 to prohibit the public display of an anatomical specimen[33] or a body or body-part which has been used for anatomical examination, including one used outwith Scotland for anatomical examination, whether or not the body or body-part has undergone any preservation process. Public display in contravention of section 6A of the Anatomy Act 1984 constitutes an offence.[34] It is important to note that the public display of human remains that were not "anatomical specimens" or parts thereof is not subject to control.

The prohibition on public display in section 6A of the Anatomy Act 1984 will not apply in certain circumstances. The remains must be lawfully held under the terms of the Anatomy Act 1984,[35] a license to publicly display the body must have been granted by the Scottish Ministers[36] and the conditions of section 6A(3), or 6A(5), or 6A(7) or 6A(8) must have been met.

Section 6A(3) applies to a part of a body in two circumstances: The first requires that where a person has requested that their body be used after their death for anatomical examination[37] that the request also includes permission for public display. The second applies to imported bodies where anatomical examination is authorised under section 4A of the Anatomy Act 1984 and that authorisation includes authority for public display.

Section 6A(5) applies to anatomical specimens where the specimen is in the course of being used for anatomical examination, the deceased cannot be recognised by the body or part of the body, that no more than three years have passed since the date of the deceased's death[38] and the same requirements as in section 6A(3) have been met.

Section 6A(7) applies to body parts where the body has been used outwith Scotland for anatomical examination and where the part was removed from the body during the course of that examination.

[33] Defined in section 1(2) of the Anatomy Act 1984 as a body to be used for anatomical examination or a body in the course of being used for anatomical examination (including separated parts of such a body).
[34] Section 11(1)(d) of the Anatomy Act 1984. An offender is liable to a fine not exceeding level 3 on the standard scale or imprisonment for a term not exceeding 3 months: section 11(6).
[35] Under sections 5(5) or 3(4) of the Anatomy Act 1984. Section 5(5) provides for a licence granted by the Secretary of State for the possession of body parts after the expiry of authorisation for anatomical examination. Section 3(4) provides authority for the possession of an anatomical specimen if licensed by the Secretary of State under section 3(2)(b) to have possession of anatomical specimens.
[36] Issued under the Anatomy Act 1984, section s 6A(9).
[37] Under section 4(1) of the Anatomy Act 1984.
[38] Section 4B(2) of the Anatomy Act 1984.

Section 6A(8) applies where the body has been used outwith Scotland for anatomical examination and the body was not imported for use for anatomical examination in Scotland; and is not so used at any time.

Of most importance for museums, section 6A(2) provides for an order of the Scottish Ministers exempting persons in control of Scottish museums from the necessity of obtaining the licence for public display. An order in terms of this provision was made in Scottish Statutory Instrument 2006 No. 328[39] relating to specified museums.[40] However, despite having such a licence, no public display is allowed while any procedure[41] in relation to an anatomical examination, or any similar procedure, is being carried out.[42]

These exemptions enabling public display apply to all holdings of anatomical specimens, even those held before the commencement of the Human Tissue (Scotland) Act 2006.

In the case of anatomical specimens on loan, the exemptions still apply even if the museum is not itself licensed under section 5(5)(a) of the Anatomy Act 1984 to have possession of body parts, so long as there is permission to have possession from a person who is so licensed.[43] However, the other requirements must still be met, including the requirement of a licence for public display granted under section 6A(9) of the Anatomy Act 1984 if the museum is not one of those listed in Scottish Statutory Instrument 2006 No. 328.

1.6 Records

Records associated with human remains may fall within the remit of the Freedom of Information (Scotland) Act 2002. Public authorities as defined in section 8(i) of the Freedom of Information (Scotland) Act 2002,[44] may be subject to requests for information. A deceased person's health record is classified as exempt information,[45] which means that requests for such information must be denied. However, this exemption ceases to operate 100 years after the information was created.[46]

[39] The Anatomy (Specified Persons and Museums for Public Display) (Scotland) Order 2006 which came into force on 1 September 2006.
[40] National Museums Scotland, Glasgow Museums, the Museum of the Royal College of Surgeons of Edinburgh, the Medical History Museum (University of Dundee and Tayside Health Board), and the University Museums of Aberdeen, Dundee, Edinburgh, Glasgow and St Andrews. See Appendix 3.
[41] This includes dissection, removal and implantation: section 6A(11) of the Anatomy Act 1984.
[42] Section 6A(10) of the Anatomy Act 1984.
[43] Section 5(5)(b) of the Anatomy Act 1984.
[44] Part 7 of Schedule 1 of the Freedom of Information (Scotland) Act 2002.
[45] Section 38(1)(d) of the Freedom of Information (Scotland) Act 2002.
[46] Section 58(2)(b) of the Freedom of Information (Scotland) Act 2002.

Further reading and resources

Legislation

Anatomy Act 1984:
http://www.legislation.gov.uk/ukpga/1984/14/contents

Data Protection Act 2001:
http://www.legislation.gov.uk/ukpga/1998/29/contents

Freedom of Information (Scotland) Act 2002:
http://www.legislation.gov.uk/asp/2002/13/contents

Human Tissue (Scotland) Act 2006:
http://www.legislation.gov.uk/asp/2006/4/contents

Guidance

DCMS 2003: Department of Media Culture and Sport, Report of the Working Group on Human Remains: http://www.culture.gov.uk/reference_library/publications/4553.aspx

DCMS 2005: Department of Culture, Media and Sport, Guidance for the Care of Human Remains in Museums: http://www.culture.gov.uk/reference_library/publications/3720.aspx

Historic Scotland 1997 (revised 2006): The Treatment of Human Remains in Archaeology, Edinburgh (Historic Scotland Operational Policy Paper 5): http://www.historic-scotland.gov.uk/human-remains.pdf

Museum Ethnographers Group 1994: 'Professional guidelines concerning the storage, display, interpretation and return of human remains in ethnographical collections in United Kingdom Museums', in Journal of Museum Ethnography 6 (October 1994), 22-24
Museum Ethnographers Group website:
http://www.museumethnographersgroup.org.uk/?p=cms&pid=5

McKinley, I and Roberts, C 1993: Excavation and post-excavation treatment of cremated and inhumed human remains, Birmingham (Institute of Field Archaeologists Technical Paper 13): http://www.archaeologists.net/modules/icontent/inPages/docs/burial%20paper.pdf

Museums Association 2008: Code of Ethics for Museums:
http://www.museumsassociation.org/publications/code-of-ethics

World Archaeological Congress 1989: The Vermillion Accord, Archaeological Ethics and the Treatment of the Dead, A statement of principles agreed by Archaeologists and Indigenous peoples at the World Archaeological Congress. (See Appendix 2 of these guidelines).

UNESCO: Universal Declaration on Bioethics and Human Rights 2005:
http://portal.unesco.org/en/ev.php-URL_ID=31058&URL_DO=DO_TOPIC&URL_SECTION=201.html

Wellcome Trust 2005 Ethical Guidelines on Good Research Practice:
http://www.wellcome.ac.uk/About-us/Policy/Policy-and-position-statements/WTD002753.htm

MLA Model Acquisition and Disposal Policy:
http://www.mla.gov.uk/what/raising_standards/accreditation/~/media/Files/pdf/2010/accreditation/Model_Acquisition_Disposals_Policy_2008.ashx

Resources

Care and conservation of ethnographic objects:
http://www.conservationregister.com/ethnographic.asp?id=4

Human Remains Subject Specialist Network:
http://www.humanremains.specialistnetwork.org.uk/

Historic Scotland: Human Remains rapid response call off contract information:
http://www.historic-scotland.gov.uk/index/heritage/archaeology/human-remains.htm

Licensed Medical Waste Disposal Companies:
http://www.uk-local search.co.uk/directory/medical+waste+disposal/#7102

Museums Galleries Scotland: advice sheet 'Creating or Improving Stores':
http://www.museumsgalleriesscotland.org.uk/publications/publication/128/creating-or-improving-stores

Museums Association Suppliers directory:
http://www.museumsassociation.org/suppliers/find-a-supplier

Institute of Conservation (ICON) Conservation Register:
http://www.conservationregister.com/index.asp

Collections Link: Advice on marking and labelling museum objects:
http://www.collectionslink.org.uk/index.cfm?ct=assets.assetDisplay/title/Labelling%20and%20Marking%20Museum%20Objects/assetId/335

The British Association for Biological Anthropology And Osteoarchaeology (BABAO): List of institutions receiving skeletal collections:
http://www.babao.org.uk/index/institutions-receiving-skeletal-collections

Appendix 1

Museum Ethnographers' Group (MEG) Guidelines on Management of Human Remains

Professional guidelines concerning the storage, display, interpretation and return of human remains in ethnographical collections in the United Kingdom.

Introduction

1.1 Human remains are defined as including both prehistoric and historic biological specimens as well as artefacts (i.e. items made from human remains which have been altered by deliberate intent) in ethnographic collections in British museums. MEG acknowledges that other groups of museum professionals have overlapping areas of interest in human remains as defined above.

1.2 Different practices have commonly been applied in the curatorship of human remains from western and non-western societies. However, not all human remains in museums are problematic.

1.3 A number of interested parties claim rights over human remains. These include: actual and cultural descendants, legal owners and the worldwide scientific community. Governing bodies, museum curators and others have to evaluate these potentially competing interests and acknowledge that ideas about the legal and moral aspects of holding many sorts of material are complex and may not always coincide.

1.4 Human remains in museum collections were often acquired under conditions of unequal relationships. Ethnic and minority peoples are now taking back control over the preservation and interpretation of their heritage. This is part of the growing politicisation and cultural recuperation which is taking place amongst indigenous peoples in various parts of the world. The claim for the return of human remains may in some circumstances be a method of political self-assertion. In order to take these issues forward, it is necessary to open dialogue between museum professionals and indigenous peoples from a position of equality.

1.5 Attitudes to death and human remains differ from one culture to another, and change within cultures overtime. Curators need to address cases both in the light of the present day situation and in a full and deliberate consciousness of all the historical circumstances. The question of human remains in museums is a developing issue. Therefore, policies made now may need to be reviewed in the future.

1.6 Requests concerning the appropriate care or return of particular human remains must be resolved by individual museums on a case by case basis. This will involve the consideration of ownership, cultural significance, the scientific, educational and historical importance of the material, the cultural and religious values of the interested individuals or groups and the strength of their relationship to the remains in question.

Collection management

2.1 Museum collections are in the public domain and *bona fide* enquirers have the right of access to data on holdings.

2.2 However, it may be appropriate to restrict access to certain specified sacred items where unrestricted access may cause offence or distress to actual or cultural descendants. This may include the provision of separate storage facilities.

2.3 Governing bodies and curators should consider all the ethical and legal implications before considering the active or passive acquisition of human remains.

Display and interpretation

3.1 Curators should take a proactive rather than a reactive position with regard to the display of human remains. Existing display arrangements should be evaluated to consider whether the current treatment is likely to cause offence to actual or cultural descendants.

3.2 The process of preparing a display is a subjective editorial activity. Curators should inform themselves of the concerns of indigenous peoples and where practicable should seek their involvement through consultation.

3.3 Exhibitions in museums carry authority. Curators should be aware of the likely public effects of exhibitions. They should evaluate whether an exhibition is reinforcing cultural stereotypes or broadening an understanding of a particular group of people in a way which is relevant to the present day.

Requests for the return of human remains

4.1 All requests for the return of human remains should be accorded respect and treated sensitively.

4.2 It is the responsibility of the curator to assess the validity of the person or group making requests and to establish the credentials of their claim.

4.3 Long-term loans are considered to be an inappropriate method of responding to requests for the return of human remains.

4.4 The rules and governance of the museum or institution will dictate the parameters for any action.

4.5 Legal ownership of requested items needs to be established before any transfer can be considered.

4.6 Before any decision is made the curator should establish and inform the governing body of the long-term fate of the items under consideration. This may include either the transfer to a museum or a local keeping place, or the return to the community for customary disposal such as cremation or burial.

4.7 The cost and means of return should be considered before a decision is taken.

4.8 In those cases where a museum is free to dispose of items the Museums Association's Code of Ethics and the Museums & Galleries Commission's Registration Scheme[47] for Museums and Galleries in the United Kingdom should be followed.

4.9 Before any transfer takes place items should be fully documented and a copy should be transferred with them.

These guidelines were adopted at the Museum Ethnographers Group Annual General Meeting on 23 May 1991 and revised at the annual general Meeting on 7 April 1994. They have previously been published in the August 1991 edition of MEG News, in the Museums Journal 7l Vol. 94.7, July 1994 and in the Journal of Museum Ethnography, No. 6, 1994.

Reprinted here with the kind permission of the Museum Ethnographers Group.

[47] This is now the MLA Accrediatation Scheme

Appendix 2

The Vermillion Accord

A World Archaeological Congress position statement agreed by the delegates to a meeting held in 1989 in Vermillion, USA, on 'Archaeological Ethics and the Treatment of the Dead'.

Human Remains

1. Respect for the mortal remains of the dead shall be accorded to all irrespective of origin, race, religion, nationality, custom and tradition.

2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.

3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.

4. Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.

5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.

6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.

Appendix 3

Museums exempted from section 6A of the Anatomy Act 1984

The Anatomy (Specified Persons and Museums for Public Display) (Scotland) Order 2006

SSI 2006 No. 328.

University of Aberdeen Museums (Marischal Museum, Anatomy Museum, Pathology and Forensic Medicine Collection, Zoology Museum)

University of Dundee Museums (Museum Collections, Anatomy Museum, Pathology Museum, University of Dundee/ NHS Tayside Contact, Tayside Medical History Museum)

University of Edinburgh Museums (Natural History Collections, Anatomy Resource Centre)

University of Glasgow, The Hunterian Museum (including the Anatomy Museum)

University of St Andrews, Anatomy and Pathology Collection

Museum of the Royal College of Surgeons of Edinburgh

National Museums Scotland

Glasgow Museums

Museums
Galleries
Scotland

Museums Galleries Scotland,
1 Papermill Wynd, McDonald Road, Edinburgh EH7 4QL
Tel (switchboard) 0131 550 4100 **Fax** 0131 550 4139
Email inform@museumsgalleriesscotland.org.uk
Website www.museumsgalleriesscotland.org.uk

Published by Museums Galleries Scotland April 2011.
A large print version of the text is available on request.

Procedure for handling claims for the transfer of stewardship of human remains at the University of Cambridge

Approved by the Council on 1 December 2008

1. Making a request or enquiry

1.1 Requests or enquiries relating to the transfer of stewardship of human remains in the University's collections should be submitted in writing to:

The Registrary
The Old Schools
Trinity Lane
Cambridge
CB2 1TN

1.2 The Registrary shall take responsibility for dealing with the request or enquiry and shall act as the point of contact in respect of such request or enquiry. The Registrary may appoint a delegate to act in her or his place under this procedure, and any reference to the Registrary in this procedure shall be deemed to include a reference to any such delegate.

1.3 The Registrary will openly engage and enter into constructive dialogue with anyone making a request or enquiry. Every attempt will be made to achieve a resolution by informal means through consultation with those with responsibility for the University collection in which the human remains are located, and where appropriate by mediation.

2. Making a claim

2.1 In the event that it is not possible informally to resolve a request for the transfer of stewardship of human remains, a formal claim for the transfer of such stewardship should be submitted in writing to the Registrary at the above address and should include as much supporting information as possible, including information about:

- the identity of the individual(s) or community making the claim and any intermediary or representative;
- the specific human remains being claimed;
- the connection between the claimant(s) and the human remains in question;
- the basis for the claim and the reason for making it;
- the wishes of the claimant(s) for the future of the remains; and
- any information in the possession of the claimant(s) regarding other potential claims in respect of the same human remains.

2.2 The Registrary will formally acknowledge the claim in writing and provide an indication of how long it is likely to take for a decision to be made.

2.3 The Registrary will consider the information provided by the claimant(s) and may gather further information as necessary, either from the claimants, or from other sources, including from the national government of the country from which the claimant(s) originate. The Registrary shall also invite those with responsibility for the University collection in which the human remains are located to provide a response to the claim, together with any material which they consider to be relevant to the claim, including expert evidence.

2.4 The Registrary may take such steps as may be deemed necessary to advertise or give notice of any request or claim for the transfer of stewardship of human remains with a view to ensuring that any competing claims to the same remains are brought to the attention of the University.

3. Human Remains Advisory Panel

3.1 The information provided by the claimant(s) and by those responsible for the relevant University collection, as well as any other information gathered by the Registrary shall be presented to a Human Remains Advisory Panel, which shall be established in accordance with Annex I.

3.2 The Panel shall consider the information presented to it and, taking into account the criteria set out in Annex II, which are derived from the Department for Media, Culture and Sport's *Guidance for the Care of Human Remains in Museums*, the Panel shall give advice and make recommendations to the University Council regarding the claim. The Panel shall submit its advice and recommendations to the Council in the form of a full written report of all the relevant facts, factors, and evidence.

3.3 The Panel may itself seek additional information or evidence as appropriate from any persons in order to assist it in determining its advice and recommendations to the University Council, including independent advice from experts on ethical, scientific, legal, and political issues.

4. **Decision**

4.1 Based upon the advice and recommendations contained in the Panel's report, the University Council shall make a decision regarding the claim.

4.2 Once a decision has been made it shall be formally minuted. The Registrary shall promptly inform the claimant(s) of the decision and the reasons for it.

4.3 The claimant(s) shall be allowed time to respond. It is possible that further discussions may continue. If a request for the transfer of stewardship of human remains is declined, this shall not preclude future dialogue or communication between parties.

5. **Costs**

The costs of administrative support for the Panel, together with any approved costs of any independent expert or third party who is commissioned to provide evidence at the reasonable request of the Panel, shall be met out of central University funds. Claimants shall meet their own costs.

6. **Review**

The efficacy of this procedure shall be regularly reviewed by the University Council and this procedure shall be revised as deemed necessary or appropriate in the light of feedback and comment from interested parties.

ANNEX I

1. A Human Remains Advisory Panel shall be established to give advice and make recommendations to the University Council regarding claims for the transfer of stewardship of human remains held in the University's collections.

2. There shall be three members of the Panel.

3. The members of the Panel will be appointed by the University Council on the recommendation of the Nominations Committee. One member of the Panel shall be appointed as Chair of the Panel. The Panel shall have a sufficient and appropriate range of expertise amongst its members to enable it properly and fairly to perform its functions.

4. Members of the Panel shall be appointed in their own right, not as representatives of any interests or institutions.

5. Members will be appointed for an initial term of up to five years. Terms of appointment may be renewed.

6. The Registrary shall appoint the Secretary of the Panel.

7. The Panel may set procedures regulating its own activities, including procedures for the summary resolution of a claim by one or more members of the Panel. The Panel may at its discretion hear oral evidence or submissions from the parties involved and may at its discretion allow the parties to be represented at such a hearing.

8. The activities of the Panel shall be reviewed by the University Council every three years.

ANNEX II

A. The status of those making the request and continuity with remains

Genealogical descendants: If individuals can demonstrate a direct and close genealogical link to the human remains, their wishes would generally be given very strong weight. However, consideration should be given as to whether they are the only people in this category and if they are not, whether there was any risk of harm to others in this category if the request being made were granted.

There may be exceptional cases where remains would not be returned to genealogical descendants. However, it is expected that in the majority of cases they would be, or that consent would be required from the descendents for any further use by the University.

In practice, individuals who died more than 100 years ago may have many descendants from more than one community, so genealogical descent alone may not be the only criteria considered.

In such cases, the University will need to assess the range of potential claimants and gauge how the interests of these individuals might be balanced with any other relevant considerations. The ethical principles will help to guide the University through these cases. The principles of avoiding harm (to the particular individuals concerned) and solidarity (seeking co-operation and consensus) are likely to be particularly important here.

Cultural community of origin: The concept of a community can be a difficult one to define. The assumption is that human society is characterized by the creation of communities that individuals feel a part of and which take on a collective set of values, often identified by particular cultural behaviour. It is often far less easy to identify which particular cultural community, or part of a community, has the greatest authority in any particular instance.

When considering claims based on cultural links, the University will need to take care to verify that the group it is dealing with is the only potential claimant, or that, if it is not, the other potential claimants support them. For overseas claims, where there may be doubt on this, advice should generally be sought from the national government concerned. It might also be normal to look for precedents for how a community has acted in the past.

For a community to be recognized and their claim considered it would generally be expected that continuity of belief, customs or language could be demonstrated between the claimants and the community from which the remains originate. Cultures evolve and change through time but these changes can normally be recorded and demonstrated. The relationship between the location of the claimant community and the origin of the remains might also be a consideration.

It would be unusual to accept a claim for return from a group who did not either occupy the land from which the remains came, practice the same religious beliefs, share the same culture or language, or could not demonstrate why this was no longer the case.

The University will need to be assured that a sufficient link does exist and that the group they are dealing with has sufficient authority to make a community claim.

A clear demonstration of a continuity of association between the claimant and the remains will be of great importance in dealing with any claim.

The country of origin: In some cases a nation may make a claim for remains, either on behalf of a particular community or for all of its nationals. Such a claim would be considered along similar lines to claims based on cultural community.

B. The cultural, spiritual, and religious significance of the remains

Where claims are made it would be expected, but not essential, for the claimant group to show that human remains and their treatment have a cultural, religious or spiritual significance to their community. The claim may be being made purely on cultural, spiritual or religious grounds. The claimant group may show that remains were removed without the permission of their community, or at least outside its laws and normal practices. Further the claimant may show that the correct ‘laying to rest’ of remains is of religious or spiritual importance.

The remains might also be of a particular cultural significance to a community, for example as being from an important family or representing war dead, or victims of a particular event, such as a massacre.

Demonstration through some or all of the ways above, of strong continuous cultural, spiritual or religious significance of particular human remains, will add weight to a claim. This is particularly so in cases where there is clearly a risk of harm to the individuals or communities concerned, for example, where the continued holding of the remains by the University perpetuates a strong feeling of grief amongst claimants.

C. The age of the remains

The vast majority of claims that have been made for return have concerned the remains of overseas people who died within the last 100 to 300 years. This corresponds most closely to the period when expansion took place by European powers with its subsequent effect on Indigenous peoples – a period that does not go back further than 500 years. It is also the period in which it is more likely for a close genealogical link to be made between the living and the dead.

Archaeological and historical study has shown that it is very difficult to demonstrate clear genealogical, cultural or ethnic continuity far into the past, although there are exceptions to this. For these reasons it is considered that claims are unlikely to be successful for any remains over 300 years old, and are unlikely to be considered for remains over 500 years old, except where a very close and continuous geographical, religious, spiritual, and cultural link can be demonstrated. Some cultures put more emphasis on association with land that has a cultural, spiritual or religious importance and less on relative age. In such cases, the chronological age of the remains may be less significant.

D. How the remains were originally removed and acquired

There are many cases of human remains being removed and studied without dispute. There are other instances, particularly during the 19th and early 20th century, of remains being removed against the will of individuals, families, and communities.

E. The status of the remains within the University/legal status of institution

The University should be sure of the exact legal status of the remains within its collections and that it has the right to make decisions over their fate.

The University should identify the remains being claimed and then ascertain why they are being held and how they have been, and are likely to be, used:

1. Are the remains fully documented and the information about them publicly available?
2. Do they have continued, reasonably foreseeable, research potential?
3. Do they form part of a documented access strategy?
4. Are they curated according to the very highest standards?
5. Are they curated in such a way as their long-term preservation is assured?
6. Can the long-term security of the remains be guaranteed within the University?

F. The scientific, educational, and historical value of the remains to the University and the public

Many human remains have undoubted potential to further the knowledge and understanding of humanity through research, study, and display. In considering a request for return of human remains, the University should carefully assess their value and reasonably foreseeable potential for research, teaching, and display and should ensure that specialists with appropriate knowledge and experience have assessed this.

If the remains do have value for research, teaching, and display, the University should decide whether this can override other factors, particularly such as the wishes and feelings of genealogical descendants or cultural communities.

G. How the remains have been used in the past

In considering the future of remains, consideration may be given to what use they had been put in the past. Evidence of extensive previous research use would normally support an argument for scientific value.

H. The future of the remains if returned

The care of remains, if returned, also requires consideration. Some requests might require re-burial or removal from the public arena, whereas some claimants may be prepared to keep the remains in such a way that future research, teaching or even display is possible.

I. Records of the remains

Whether a record of the remains exists, or can be made before return, might be a factor in making a decision.

J. Other options

There may be more than two options when a claim is made. The University should explore further alternatives if this helps in reaching a consensus. For example, it may be possible that remains would stay in the relevant University collection, but a claimant group would gain a level of control over their future use.

K. Policy of the country of origin

Some nation states have developed domestic legislation or policy to govern claims for the return of remains. The University would normally expect to be aware of any policies of the national government from which a claim originated. It is worth considering how a claim would be resolved if made in the country from which the claimants originate, as well as the expectations of the claimant based on the practice in their country of origin.

L. Precedent

Claims will generally be dealt with on a case-by-case basis. However, it would be expected that the University would review past cases of claims made to it, or claims of a similar kind made to other collections and their outcomes, as well as giving some thought to the impact of any decision on future claims.

The cornerstone of ICOM is the *ICOM Code of Ethics for Museums*. It sets minimum standards of professional practice and performance for museums and their staff. In joining the organisation, ICOM members undertake to abide by this Code.

The *ICOM Code of Professional Ethics* was adopted unanimously by the 15th General Assembly of ICOM in Buenos Aires (Argentina) on 4 November, 1986. It was amended by the 20th General Assembly in Barcelona (Spain) on 6 July 2001, retitled *ICOM Code of Ethics for Museums*, and revised by the 21st General Assembly in Seoul (Republic of Korea) on 8 October, 2004.

First published in the three official languages of ICOM, the Code of Ethics has been translated into numerous other languages by ICOM's committees.

ICOM international council of museums

ICOM CODE OF ETHICS FOR MUSEUMS

ICOM Code of ETHICS for Museums

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ICOM Code of ETHICS for Museums

PREAMBLE

The *ICOM Code of Ethics for Museums* has been prepared by the International Council of Museums. It is the statement of ethics for museums referred to in the ICOM Statutes. The Code reflects principles generally accepted by the international museum community. Membership of ICOM and the payment of the annual subscription to ICOM are an affirmation of the *ICOM Code of Ethics for Museums*.

The ICOM Code presents a minimum standard for museums. It is presented as a series of principles supported by guidelines for desirable professional practice. In some countries, certain minimum standards are defined by law or government regulation. In others, guidance on and assessment of minimum professional standards may be available in the form of 'Accreditation', 'Registration', or similar evaluative schemes. Where such standards are not defined, guidance can be obtained through the ICOM Secretariat, a relevant National Committee of ICOM, or the appropriate International Committee of ICOM. It is also intended that individual nations and the specialised organisations connected with museums should use this Code as a basis for developing additional standards.

The *ICOM Code of Ethics for Museums* was first published in the three official languages of the organisation: English, French and Spanish. ICOM welcomes the translation of the Code into other languages and has set translation guidelines that can be obtained through its General Secretariat.

Ethical issues that require the attention and/or consideration of the ICOM Ethics Committee may be addressed to its Chair by e-mail: ethics@icom.museum

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— I —

MUSEUMS PRESERVE, INTERPRET AND PROMOTE THE NATURAL AND CULTURAL INHERITANCE OF HUMANITY.

Principle

Museums are responsible for the tangible and intangible natural and cultural heritage. Governing bodies and those concerned with the strategic direction and oversight of museums have a primary responsibility to protect and promote this heritage as well as the human, physical and financial resources made available for that purpose.

INSTITUTIONAL STANDING

1.1 Enabling Documentation
The governing body should ensure that the museum has a written and published constitution, statute, or other public document in accordance with national laws, which clearly states the museum's legal status, mission, permanence and non-profit nature.

1.2 Statement of the Mission, Objectives and Policies
The governing body should prepare, publicise and be guided by a statement of the mission, objectives and policies of the museum and of the role and composition of the governing body.

PHYSICAL RESOURCES

1.3 Premises
The governing body should ensure adequate premises with a suitable environment for the museum to fulfil the basic functions defined in its mission.

1.4 Access
The governing body should ensure that the museum and its collections are available to all during reasonable hours and for regular periods. Particular regard should be given to those persons with special needs.

1.5 Health and Safety
The governing body should ensure that institutional standards of health, safety and accessibility apply to its personnel and visitors.

1.6 Protection Against Disasters
The governing body should develop and maintain policies to protect the public and personnel, the collections and other resources against natural and human-made disasters.

1.7 Security Requirements
The governing body should ensure appropriate security to protect collections against theft or damage in displays, exhibitions, working or storage areas and while in transit.

1.8 Insurance and Indemnity
Where commercial insurance is used for collections, the governing body should ensure that such cover is adequate and includes objects in transit or on loan and other items that are the responsibility of the museum. When an indemnity scheme is in use, it is necessary that material not in the ownership of the museum be adequately covered.

FINANCIAL RESOURCES

1.9 Funding
The governing body should ensure that there are sufficient funds to carry out and develop the activities of the museum. All funds must be accounted for in a professional manner.

1.10 Income-generating Policy
The governing body should have a written policy regarding sources of income that it may generate through its activities or accept from outside sources. Regardless of funding source, museums should maintain control of the content and integrity of their programmes, exhibitions and activities. Income-generating activities should not compromise the standards of the institution or its public (see 6.6).

PERSONNEL

1.11 Employment Policy
The governing body should ensure that all action concerning personnel is taken in accordance with the policies of the museum as well as the proper and legal procedures.

1.12 Appointment of the Director or Head
The director or head of the museum is a key post and when making an appointment, governing bodies should have regard for the knowledge and skills required to fill the post effectively. These qualities should include adequate intellectual ability and professional knowledge, complemented by a high standard of ethical conduct.

1.13 Access to Governing Bodies
The director or head of a museum should be directly responsible, and have direct access, to the relevant governing bodies.

1.14 Competence of Museum Personnel
The employment of qualified personnel with the expertise required to meet all responsibilities is necessary (see also 2.19; 2.24; section 8).

1.15 Training of Personnel
Adequate opportunities for the continuing education and professional development of all museum personnel should be arranged to maintain an effective workforce.

1.16 Ethical Conflict
The governing body should never require museum personnel to act in a way that could be considered to conflict with the provisions of this Code of Ethics, or any national law or specialist code of ethics.

1.17 Museum Personnel and Volunteers

The governing body should have a written policy on volunteer work that promotes a positive relationship between volunteers and members of the museum profession.

1.18 Volunteers and Ethics

The governing body should ensure that volunteers, when conducting museum and personal activities, are fully conversant with the *ICOM Code of Ethics for Museums* and other applicable codes and laws.

— II —

MUSEUMS THAT MAINTAIN COLLECTIONS HOLD THEM IN TRUST FOR THE BENEFIT OF SOCIETY AND ITS DEVELOPMENT.

Principle

Museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their collections are a significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal.

ACQUIRING COLLECTIONS

2.1 Collections Policy

The governing body for each museum should adopt and publish a written collections policy that addresses the acquisition, care and use of collections. The policy should clarify the position of any material that will not be catalogued, conserved, or exhibited (see 2.7; 2.8).

2.2 Valid Title

No object or specimen should be acquired by purchase, gift, loan, bequest, or exchange unless the acquiring museum is satisfied that a valid title is held. Evidence of lawful ownership in a country is not necessarily valid title.

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 since discovery or production.

2.4 Objects and Specimens from Unauthorised or Unscientific Fieldwork

Museums should not acquire objects where there is reasonable cause to believe their recovery involved unauthorised or unscientific fieldwork, or intentional destruction or damage of monuments, archaeological or geological sites, or of species and natural habitats. In the same way, acquisition should not occur if there has been a failure to disclose the finds to the owner or occupier of the land, or to the proper legal or governmental authorities.

2.5 Culturally Sensitive Material

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 (see also 3.7; 4.3).

2.6 Protected Biological or Geological Specimens

Museums should not acquire biological or geological specimens that have been collected, sold, or otherwise transferred in contravention of local, national, regional or international law or treaty relating to wildlife protection or natural history conservation.

2.7 Living Collections

When the collections include live botanical or zoological specimens, special consideration should be given to the natural and social environment from which they are derived as well as any local, national, regional or international law or treaty relating to wildlife protection or natural history conservation.

2.8 Working Collections

The collections policy may include special considerations for certain types of working collections where the emphasis is on preserving cultural, scientific, or technical process rather than the object, or where objects or specimens are assembled for regular handling and teaching purposes (see also 2.1).

2.9 Acquisition Outside Collections Policy

The acquisition of objects or specimens outside the museum's stated policy should only be made in exceptional circumstances. The governing body should consider the professional opinions available to it and the views of all interested parties. Consideration will include the significance of the object or specimen, including its context in the cultural or natural heritage, and the special interests of other museums collecting such material. However, even in these circumstances, objects without a valid title should not be acquired (see also 3.4).

2.10 Acquisitions Offered by Members of the Governing Body or Museum Personnel

Special care is required in considering any item, whether for sale, as a donation, or as a tax-benefit gift, from members of governing bodies, museum personnel, or the families and close associates of these persons.

2.11 Repositories of Last Resort

Nothing in this Code of Ethics should prevent a museum from acting as an authorised repository for unprovenanced, illicitly collected or recovered specimens or objects from the territory over which it has lawful responsibility.

REMOVING COLLECTIONS

2.12 Legal or Other Powers of Disposal

Where the museum has legal powers permitting disposals, or has acquired objects subject to conditions of disposal, the legal or other requirements and procedures must be complied with fully. Where the original acquisition was subject to mandatory or other restrictions these conditions must be observed, unless it can be shown clearly that adherence to such restrictions is impossible or substantially detrimental to the institution and, if appropriate, relief may be sought through legal procedures.

2.13 Deaccessioning from Museum Collections

The removal of an object or specimen from a museum collection must only be undertaken with a full understanding of the significance of the item, its character (whether renewable or non-renewable), legal standing, and any loss of public trust that might result from such action.

2.14 Responsibility for Deaccessioning

The decision to deaccession should be the responsibility of the governing body acting in conjunction with the director of the museum and the curator of the collection concerned. Special arrangements may apply to working collections (see 2.7; 2.8).

2.15 Disposal of Objects Removed from the Collections

Each museum should have a policy defining authorised methods for permanently removing an object from the collections through donation, transfer, exchange, sale, repatriation, or destruction, and that allows the transfer of unrestricted title to any receiving agency. Complete records must be kept of all deaccessioning decisions, the objects involved, and the disposal of the object. There will be a strong presumption that a deaccessioned item should first be offered to another museum.

2.16 Income from Disposal of Collections

Museum collections are held in public trust and may not be treated as a realisable asset. Money or compensation received from the deaccessioning and disposal of objects and specimens from a museum collection should be used solely for the benefit of the collection and usually for acquisitions to that same collection.

2.17 Purchase of Deaccessioned Collections

Museum personnel, the governing body, or their families or close associates, should not be permitted to purchase objects that have been deaccessioned from a collection for which they are responsible.

CARE OF COLLECTIONS

2.18 Collection Continuity

The museum should establish and apply policies to ensure that its collections (both permanent and temporary) and associated information, properly recorded, are available for current use and will be passed on to future generations in as good and safe a condition as practicable, having regard to current knowledge and resources.

2.19 Delegation of Collection Responsibility

Professional responsibilities involving the care of the collections should be assigned to persons with appropriate knowledge and skill or who are adequately supervised (see also 8.11).

2.20 Documentation of Collections

Museum collections should be documented according to accepted professional standards. Such documentation should include a full identification and description of each item, its associations, provenance, condition, treatment and present location. Such data should be kept in a secure environment and be supported by retrieval systems providing access to the information by the museum personnel and other legitimate users.

2.21 Protection Against Disasters

Careful attention should be given to the development of policies to protect the collections during armed conflict and other human-made or natural disasters.

2.22 Security of Collection and Associated Data

The museum should exercise control to avoid disclosing sensitive personal or related information and other confidential matters when collection data is made available to the public.

2.23 Preventive Conservation

Preventive conservation is an important element of museum policy and collections care. It is an essential responsibility of members of the museum profession to create and maintain a protective environment for the collections in their care, whether in store, on display, or in transit.

2.24 Collection Conservation and Restoration

The museum should carefully monitor the condition of collections to determine when an object or specimen may require conservation-restoration work and the services of a qualified conservator-restorer. The principal goal should be the stabilisation of the object or specimen. All conservation procedures should be documented and as reversible as possible, and all alterations should be clearly distinguishable from the original object or specimen.

2.25 Welfare of Live Animals

A museum that maintains living animals should assume full responsibility for their health and well-being. It should prepare and implement a safety code for the protection of its personnel and visitors, as well as of the animals, that has been approved by an expert in the veterinary field. Genetic modification should be clearly identifiable.

2.26 Personal Use of Museum Collections

Museum personnel, the governing body, their families, close associates, or others should not be permitted to expropriate items from the museum collections, even temporarily, for any personal use.

— III —

MUSEUMS HOLD PRIMARY EVIDENCE FOR ESTABLISHING AND FURTHERING KNOWLEDGE.

Principle

Museums have particular responsibilities to all for the care, accessibility and interpretation of primary evidence collected and held in their collections.

PRIMARY EVIDENCE

3.1 Collections as Primary Evidence

The museum collections policy should indicate clearly the significance of collections as primary evidence. The policy should not be governed only by current intellectual trends or present museum usage.

3.2 Availability of Collections

Museums have a particular responsibility for making collections and all relevant information available as freely as possible, having regard to restraints arising for reasons of confidentiality and security.

MUSEUM COLLECTING AND RESEARCH

3.3 Field Collecting

Museums undertaking field collecting should develop policies consistent with academic standards and applicable national and international laws and treaty obligations. Fieldwork should only be undertaken with respect and consideration for the views of local communities, their environmental resources and cultural practices as well as efforts to enhance the cultural and natural heritage.

3.4 Exceptional Collecting of Primary Evidence

In exceptional cases an item without provenance may have such an inherently outstanding contribution to knowledge that it would be in the public interest to preserve it. The acceptance of such an item into a museum collection should be the subject of a decision by specialists in the discipline concerned and without national or international prejudice (see also 2.11).

3.5 Research
Research by museum personnel should relate to the museum's mission and objectives and conform to established legal, ethical and academic practices.

3.6 Destructive Analysis
When destructive analytical techniques are undertaken, a complete record of the material analysed, the outcome of the analysis and the resulting research, including publications, should become a part of the permanent record of the object.

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 (see also 2.5; 4.3).

3.8 Retention of Rights to Research Materials
When museum personnel prepare material for presentation or to document field investigation, there must be clear agreement with the sponsoring museum regarding all rights to such work.

3.9 Shared Expertise
Members of the museum profession have an obligation to share their knowledge and experience with colleagues, scholars and students in relevant fields. They should respect and acknowledge those from whom they have learned and should pass on such advancements in techniques and experience that may be of benefit to others.

3.10 Cooperation between Museums and Other Institutions
Museum personnel should acknowledge and endorse the need for cooperation and consultation between institutions with similar interests and collecting practices. This is particularly so with institutes of higher education and certain public utilities where research may generate important collections for which there is no long-term security.

— IV —

MUSEUMS PROVIDE OPPORTUNITIES FOR THE APPRECIATION, UNDERSTANDING AND MANAGEMENT OF THE NATURAL AND CULTURAL HERITAGE.

Principle

Museums have an important duty to develop their educational role and attract wider audiences from the community, locality, or group they serve. Interaction with the constituent community and promotion of their heritage is an integral part of the educational role of the museum.

DISPLAY AND EXHIBITION

4.1 Displays, Exhibitions and Special Activities

Displays and temporary exhibitions, physical or electronic, should be in accordance with the stated mission, policy and purpose of the museum. They should not compromise either the quality or the proper care and conservation of the collections.

4.2 Interpretation of Exhibitions

Museums should ensure that the information they present in displays and exhibitions is well-founded, accurate and gives appropriate consideration to represented groups or beliefs.

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, 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 Display

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.

4.5 Display of Unprovenanced Material

Museums should avoid displaying or otherwise using material of questionable origin or lacking provenance. They should be aware that such displays or usage can be seen to condone and contribute to the illicit trade in cultural property.

OTHER RESOURCES

4.6 Publication

Information published by museums, by whatever means, should be well-founded, accurate and give responsible consideration to the academic disciplines, societies, or beliefs presented. Museum publications should not compromise the standards of the institution.

4.7 Reproductions

Museums should respect the integrity of the original when replicas, reproductions, or copies of items in the collection are made. All such copies should be permanently marked as facsimiles.

— V —

MUSEUMS HOLD RESOURCES THAT PROVIDE OPPORTUNITIES FOR OTHER PUBLIC SERVICES AND BENEFITS.

Principle

Museums utilise a wide variety of specialisms, skills and physical resources that have a far broader application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum's activities. These should be organised in such a way that they do not compromise the museum's stated mission.

IDENTIFICATION SERVICES

5.1 Identification of Illegally or Illicitly Acquired Objects

Where museums provide an identification service, they should not act in any way that could be regarded as benefiting from such activity, directly or indirectly. The identification and authentication of objects that are believed or suspected to have been illegally or illicitly acquired, transferred, imported or exported, should not be made public until the appropriate authorities have been notified.

5.2 Authentication and Valuation (Appraisal)

Valuations may be made for the purposes of insurance of museum collections. Opinions on the monetary value of other objects should only be given on official request from other museums or competent legal, governmental or other responsible public authorities. However, when the museum itself may be the beneficiary, appraisal of an object or specimen must be undertaken independently.

— VI —

MUSEUMS WORK IN CLOSE COLLABORATION WITH THE COMMUNITIES FROM WHICH THEIR COLLECTIONS ORIGINATE AS WELL AS THOSE THEY SERVE.

Principle

Museum collections reflect the cultural and natural heritage of the communities from which they have been derived. As such, they have a character beyond that of ordinary property, which may include strong affinities with national, regional, local, ethnic, religious or political identity. It is important therefore that museum policy is responsive to this situation.

ORIGIN OF COLLECTIONS

6.1 Cooperation

Museums should promote the sharing of knowledge, documentation and collections with museums and cultural organisations in the countries and communities of origin. The possibility of developing partnerships with museums in countries or areas that have lost a significant part of their heritage should be explored.

6.2 Return of Cultural Property

Museums should be prepared to initiate dialogue for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national and international legislation, in preference to action at a governmental or political level.

6.3 Restitution of Cultural Property

When a country or people of origin seeks the restitution of an object or specimen that can be demonstrated to have been exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country's or people's cultural or natural heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to cooperate in its return.

6.4 Cultural Objects from an Occupied Country

Museums should abstain from purchasing or acquiring cultural objects from an occupied territory and respect fully all laws and conventions that regulate the import, export and transfer of cultural or natural materials.

RESPECT FOR COMMUNITIES SERVED

6.5 Contemporary Communities

Where museum activities involve a contemporary community or its heritage, acquisitions should only be made based on informed and mutual consent without exploitation of the owner or informants. Respect for the wishes of the community involved should be paramount.

6.6 Funding of Community Activities

When seeking funds for activities involving contemporary communities, their interests should not be compromised (see 1.10).

6.7 Use of Collections from Contemporary Communities

Museum usage of collections from contemporary communities requires respect for human dignity and the traditions and cultures that use such material. Such collections should be used to promote human well-being, social development, tolerance, and respect by advocating multisocial, multicultural and multilingual expression (see 4.3).

6.8 Supporting Organisations in the Community

Museums should create a favourable environment for community support (e.g., Friends of Museums and other supporting organisations), recognise their contribution and promote a harmonious relationship between the community and museum personnel.

— VII —

MUSEUMS OPERATE IN A LEGAL MANNER.

Principle

Museums must conform fully to international, regional, national and local legislation and treaty obligations. In addition, the governing body should comply with any legally binding trusts or conditions relating to any aspect of the museum, its collections and operations.

LEGAL FRAMEWORK

7.1 National and Local Legislation

Museums should conform to all national and local laws and respect the legislation of other states as they affect their operation.

7.2 International Legislation

Museum policy should acknowledge the following international legislation that is taken as a standard in interpreting the *ICOM Code of Ethics for Museums:*

- *Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention* ("The Hague Convention" First Protocol, 1954, and Second Protocol, 1999);
- *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (UNESCO, 1970);
- *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (Washington, 1973);
- *Convention on Biological Diversity* (UN, 1992);
- *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects* (UNIDROIT, 1995);
- *Convention on the Protection of the Underwater Cultural Heritage* (UNESCO, 2001);
- *Convention for the Safeguarding of the Intangible Cultural Heritage* (UNESCO, 2003).

— VIII —

MUSEUMS OPERATE IN A PROFESSIONAL MANNER.

Principle

Members of the museum profession should observe accepted standards and laws and uphold the dignity and honour of their profession. They should safeguard the public against illegal or unethical professional conduct. Every opportunity should be used to inform and educate the public about the aims, purposes, and aspirations of the profession to develop a better public understanding of the contributions of museums to society.

PROFESSIONAL CONDUCT

8.1 Familiarity with Relevant Legislation

Every member of the museum profession should be conversant with relevant international, national and local legislation and the conditions of their employment. They should avoid situations that could be construed as improper conduct.

8.2 Professional Responsibility

Members of the museum profession have an obligation to follow the policies and procedures of their employing institution. However, they may properly object to practices that are perceived to be damaging to a museum, to the profession, or to matters of professional ethics.

8.3 Professional Conduct

Loyalty to colleagues and to the employing museum is an important professional responsibility and must be based on allegiance to fundamental ethical principles applicable to the profession as a whole. These principles should comply with the terms of the *ICOM Code of Ethics for Museums* and be aware of any other codes or policies relevant to museum work.

8.4 Academic and Scientific Responsibilities

Members of the museum profession should promote the investigation, preservation, and use of information inherent in collections. They should, therefore, refrain from any activity or circumstance that might result in the loss of such academic and scientific data.

8.5 The Illicit Market

Members of the museum profession should not support the illicit traffic or market in natural or cultural property, directly or indirectly.

8.6 Confidentiality

Members of the museum profession must protect confidential information obtained during their work. In addition, information about items brought to the museum for identification is confidential and should not be published or passed to any other institution or person without specific authorisation from the owner.

8.7 Museum and Collection Security

Information about the security of the museum or of private collections and locations visited during official duties must be held in strict confidence by museum personnel.

8.8 Exception to the Obligation for Confidentiality

Confidentiality is subject to a legal obligation to assist the police or other proper authorities in investigating possible stolen, illicitly acquired, or illegally transferred property.

8.9 Personal Independence

While members of a profession are entitled to a measure of personal independence, they must realise that no private business or professional interest can be wholly separated from their employing institution.

8.10 Professional Relationships

Members of the museum profession form working relationships with numerous other persons within and outside the museum in which they are employed. They are expected to render their professional services to others efficiently and to a high standard.

8.11 Professional Consultation

It is a professional responsibility to consult other colleagues within or outside the museum when the expertise available in the museum is insufficient to ensure good decision-making.

CONFLICTS OF INTEREST

8.12 Gifts, Favours, Loans, or Other Personal Benefits

Museum employees must not accept gifts, favours, loans, or other personal benefits that may be offered to them in connection with their duties for the museum. Occasionally professional courtesy may include the giving and receiving of gifts, but this should always take place in the name of the institution concerned.

8.13 Outside Employment or Business Interests

Members of the museum profession, although entitled to a measure of personal independence, must realise that no private business or professional interest can be wholly separated from their employing institution. They should not undertake other paid employment or accept outside commissions that are in conflict, or may be viewed as being in conflict, with the interests of the museum.

8.14 Dealing in Natural or Cultural Heritage

Members of the museum profession should not participate directly or indirectly in dealing (buying or selling for profit) in the natural or cultural heritage.

8.15 Interaction with Dealers

Museum professionals should not accept any gift, hospitality, or any form of reward from a dealer, auctioneer, or other person as an inducement to purchase or dispose of museum items, or to take or refrain from taking official action. Furthermore, a museum professional should not recommend a particular dealer, auctioneer, or appraiser to a member of the public.

8.16 Private Collecting

Members of the museum profession should not compete with their institution either in the acquisition of objects or in any personal collecting activity. An agreement between the museum professional and the governing body concerning any private collecting must be formulated and scrupulously followed.

8.17 Use of the Name and Logo of ICOM

The name of the organisation, its acronym or its logo may not be used to promote or endorse any for-profit operation or product.

8.18 Other Conflicts of Interest

Should any other conflict of interest develop between an individual and the museum, the interests of the museum should prevail.

GLOSSARY

Appraisal
The authentication and valuation of an object or specimen. In certain countries the term is used for an independent assessment of a proposed gift for tax benefit purposes.

Conflict of Interest
The existence of a personal or private interest that gives rise to a clash of principle in a work situation, thus restricting, or having the appearance of restricting, the objectivity of decision making.

Conservator-Restorer
Museum or independent personnel competent to undertake the technical examination, preservation, conservation and restoration of cultural property. (For further information, see *ICOM News*, vol. 39, n°1 (1986), pp. 5-6.)

Cultural Heritage
Any thing or concept considered of aesthetic, historical, scientific or spiritual significance.

Dealing
Buying and selling items for personal or institutional gain.

Due Diligence
The requirement that every endeavour is made to establish the facts of a case before deciding a course of action, particularly in identifying the source and history of an item offered for acquisition or use before acquiring it.

Governing Body
The persons or organisations defined in the enabling legislation of the museum as responsible for its continuance, strategic development and funding.

Income-generating Activities
Activities intended to bring financial gain or profit for the benefit of the institution.

Legal Title
Legal right to ownership of property in the country concerned. In certain countries this may be a conferred right and insufficient to meet the requirements of a due diligence search.

Minimum Standard
A standard to which it is reasonable to expect all museums and museum personnel to aspire. Certain countries have their own statements of minimum standards.

Museum*
A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

Museum Professional*
Museum professionals include all staff of the museums and institutions qualifying as museums in accordance with the definition stated within the scope of Article 3, Section 1 and 2 of the ICOM Statutes, and persons who, in a professional capacity, have as their main activity to provide services, knowledge and expertise for museums and the museum community.

Natural Heritage
Any natural thing, phenomenon or concept, considered to be of scientific significance or to be a spiritual manifestation.

Non-profit Organisation
A legally established body—corporate or unincorporated—whose income (including any surplus or profit) is used solely for the benefit of that body and its operations. The term "not-for-profit" has the same meaning.

Provenance
The full history and ownership of an item from the time of its discovery or creation to the present day, through which authenticity and ownership are determined.

Valid Title
Indisputable right to ownership of property, supported by full provenance of the item since discovery or production.

**It should be noted that the definitions of "museum" and "museum professional" presented in this glossary are as they appear in the ICOM Statutes, as adopted by the Extraordinary General Assembly of ICOM in Milan (Italy), held on 9 July, 2016.*

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Human Remains Policy

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National Museum of Ireland – Human Remains Policy

This policy operates within the framework of the NMI Collections Acquisition Policy, and Disposals Policy and other policies as determined by the Board of the National Museum of Ireland. Because of the significance attached to Human Remains by NMI, and their separate legal status, they are covered in this discrete policy.

The National Museum holds significant collections of archaeological human remains on behalf of the State. There are also small collections in other non-archaeological categories. This policy addresses corporeal Human Remains including whole bodies, or any physical parts including teeth, bone, soft tissues, blood, hair and nails. This document does not cover artefacts associated with human remains or funerary practice. This document outlines the policy of the National Museum of Ireland on human remains in respect of its legal obligations, ethical concerns and research commitments.

Legislative Basis

Human remains in NMI are governed by Irish and European legislation, and global commitments including UNESCO treaties. Ethical and curatorial standards are also set internationally through museum organisations including ICOM. NMI recognises that Human Remains are not just scientific objects or data, and will be treated with the utmost care and respect.

1. Discoveries of human remains must be reported to An Garda Síochána, and are referred to the Coroner under the Coroner's Act, 1962. If then deemed to be archaeological, they are referred to NMI.
2. The majority of the human remains in the collections of the NMI are considered 'archaeological objects' under the terms of the National Monuments Acts 1930 to 2014.
3. Sampling of Irish archaeological human remains requires a Licence to Alter under the National Monuments Acts 1930 to 2014. This is issued by the Board of NMI and is provided for under the National Cultural Institutions Act, 1997.
4. Export of Irish archaeological human remains requires a Licence to Export under the National Monuments Acts 1930 to 2014. This is issued by the Board of NMI and is provided for under the National Cultural Institutions Act, 1997.
5. Though not yet implemented, the Human Tissue Bill has been discussed with NMI and its proposals will be followed until an Act is in place.
6. NMI is committed to the appropriate treatment of human remains through the provisions of the Valetta Convention on the Protection of European Heritage and the UNESCO Convention on the Protection of Underwater Cultural Heritage, 2001.
7. Ireland is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN, 2007) which includes the right to access/request to repatriate human remains through fair and transparent means (Article 12, 2).
8. NMI through its responsibility to care for Irish archaeological human remains has a duty to ensure that appropriate measures are in place for human remains in the care of Designated Museums. These were established under Section 68 (2) of the National Cultural Institutions Act, 1997.
9. NMI aligns its policy with the International Council of Museums (ICOM) Code of Ethics 2013 which contains specific criteria on the storage, display, research and retention of human remains.

Acquisition of Human Remains

Active acquisition of Human Remains is primarily in relation to Irish archaeological objects. Historic objects in military contexts may also be considered for acquisition, including those that may contain traces of blood or soft tissues.

1. Whether chance discoveries or found in the course of licensed archaeological excavation. Human Remains are included in the definition of 'archaeological object' under the terms of the National Monuments Acts 1930 to 2014 and may be claimed by the National Museum on behalf of the State.
2. The decision to claim Irish archaeological Human Remains rests with the Director, NMI.
3. For chance discoveries, NMI may excavate where appropriate and collect human remains where they are under threat.
4. Human Remains discovered as part of licensed archaeological excavations must be reported to NMI. They must be excavated in line with the method statement approved as part of applications for an archaeological excavation licence. Archaeological excavations of human remains must be in keeping with any additional conditions specified by the National Monuments Service in consultation with NMI. These will always include on-site presence and advice of a qualified osteoarchaeologist.
5. NMI will ensure compliance with management of Human Remains not yet in the care of NMI.
6. NMI will not actively collect human remains in other categories without reference to an internal review panel, which shall prepare a proposal for consideration by the Director, NMI.
7. NMI will not normally collect the remains of identified individuals. Artefacts which are associated with human remains of identified individuals will be considered sensitively as part of the general NMI collections policy.

Management of Human Remains

NMI holds a legacy collection of non-Irish archaeological Human Remains in its ethnographical, Egyptian and classical collections. There are also small assemblages of human remains in the historical and natural history collections, which were largely collected prior to the establishment of the State.

1. Retention of Irish archaeological Human Remains will be decided on a case by case basis. Decisions will take account of the recommendations of the specialist osteoarchaeologists, and of the potential contribution of the remains for future research.
2. Interventive conservation treatments of human remains will only take place where necessary and must be undertaken under a Licence to Alter under the terms of the National Monuments Acts 1930 to 2014. Work will be carried out by an approved conservator in consultation with an osteoarchaeologist.
3. NMI will store its collections of Human Remains separately from the remainder of its collections and in line with international museum standards (ICOM). Storage will be ethically appropriate with respect to the beliefs and traditions of communities of origin where known.
4. Where NMI has excavated Irish archaeological Human Remains it will prioritise documentation, catalogue preparation, research and publication of these.

Public Exhibition of Human Remains

NMI has a number of temporary and permanent exhibitions, which include the display of human remains. These include bog bodies, skeletons, skulls, and historic objects with bloodstains.

1. NMI will make information available at access points indicating where human remains are currently displayed. This will include guidance on respect, photography, and place them in context.
2. Proposals for new temporary or permanent exhibitions in NMI, which involve the display of human remains will pass through an internal process that will consider their ethical justification and appropriate presentation.
3. Human remains will 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. NMI will not display the remains of identified individuals, unless there are exceptional reasons for doing so. Exhibition of artefacts which are associated with human remains of identified individuals will be considered sensitively.
5. Applications for loans of Human Remains for display by other museums must demonstrate that there are valid reasons for their display that cannot be satisfied through images or other means. NMI will apply the same conditions for borrowers as apply to its own exhibitions.
6. NMI will not use original Human Remains for educational purposes other than training of osteoarchaeologists, archaeologists or associated professions. The NMI may use images or physical reproductions for public events.
7. Where images of Human Remains are used on display boards, websites or in publications, careful thought will be given to their context and positioning. NMI will take steps to make audiences aware of this content in advance.

Research on Human Remains

NMI is committed to research which furthers our knowledge of peoples on this Island in the past through the study of Human Remains. Research can advance understanding of cultural and medical practices, biological processes, genetics, diet, disease and population movements over time. NMI recognises the sensitivities around many aspects of this research and will place systems in place to manage research on human corporeal remains.

1. Research access to collections will be on the basis of formal written applications. This will include research by NMI as well as research by external applicants.
2. Applications will be judged on criteria that will include the extent to which a collection has already been studied, physical condition of the collection, and a balance between access and risk to the collection.
3. Research on Human Remains 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 remains originated, where these are known.
4. Applications for invasive processes such as sampling for radiocarbon dating, DNA, or stable isotopes will be judged on criteria that will include experience, publication record and results of the researcher(s) previous work.
5. Submissions will also be judged on the ethics involved in the proposed research and its implications, or potential applications of medical or other discoveries.
6. Applications for research on remains from known individuals will be assessed to ensure that the rights of related people or descendants are not infringed.
7. Samples will remain the property of NMI and analytical results will be lodged on closed file prior to publication.

8. Applications for imaging, replicating, or filming will be judged on criteria that will include the appropriateness, sensitivity and presentation of the results.

De-Accession of Human Remains

1. Irish archaeological Human Remains will be considered for de-accession by NMI on the basis of a written application to the Director, NMI.
2. Applications will address capacity constraints, the age and condition of an assemblage, collections of disarticulated skeletons without contextual detail, assemblages of demonstrably recent date.
3. All assemblages must have been fully recorded by a suitably qualified osteoarchaeologist and a full report completed before any such application can be made.
4. Any proposals for reburial within existing burial grounds must consider the possibility of uncovering further human remains during reinternment. They must also consider the potential archaeological implications of the proposed reburial site if it is a National or Recorded Monument. All such considerations will be discussed with the National Monuments Service, Department of Culture, Heritage and the Gaeltacht. Any such applications would require permission from the relevant church and/ or local authorities where applicable.
5. Applications to repatriate Human Remains will be in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN, 2007). Proposals will be submitted to the Director, NMI and passed to the NMI Board for consideration.

NMI Panel on Human Remains

NMI will nominate a panel of specialists to advise the NMI on applications for research, analysis, storage, collections care and ethical matters as required. The members of this panel will be recognised and experienced practitioners and academics involved in the analysis of human remains or ethical issues in relation to their study and display.