

Examining ethical considerations for human remains

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The first, left to right: Dr. Alexandra Greenwald, curator of ethnography at NHMU and assistant professor of anthropology at the U; Glenna Begay, seated left, and her daughter, Lorena Blackwater, seated right, both Navajo weavers, Black Mesa Community, Navajo Nation; Megan Mangum, collections assistant at NHMU; and Glenna Nielson-Grimm, anthropology collections manager at NHMU. Credit: NHMU

In 2022, the Penn Museum announced that it would rebury the skulls of dozens of Black Philadelphian individuals whose remains were unethically obtained in the mid-1800s. Some in the community of the individuals' descendants, who felt they were not consulted, filed a formal opposition to Penn Museum's plan. In 2023, a judge ruled that the community had no legal standing to decide how their dead are treated.

The ruling reflects a troubled legacy that echoes through the halls of museums around the world, some that hold tens of thousands of deceased [human bodies](#). No [federal legislation](#) exists regarding the treatment of non-Native American ancestors, and despite decades of scholarship by Black scholars, Indigenous scholars and Scholars of Color, ethical perspectives have yet to be standardized and widely implemented regarding human remains.

In a comment that published on March 22, 2023, in the journal *Nature Ecology & Evolution*, a team of anthropologists examined this issue from the perspective of researchers and museum professionals. Using the National Museum of Natural History (NMNH) and its collection of at least 30,000 human remains, the authors explored the problems and opportunities for people who are responsible for the deceased, and the descendants who they represent.

"I love the questions that can be asked about our past through responsible research on human remains, but it's an honor and a privilege to do so. It's not a right," said Chris Stantis, a postdoctoral researcher at the University of Utah who previously worked at the NMNH, and lead author of the comment. A bioarcheologist who studies human remains from archaeological sites, Stantis has examined the dead from sites around the world: victims of the Black Death in London, Tongans from pre-European contact and ancient Egyptians in sandy tombs.

"I love my work, but don't want to continue the legacy of harm caused

by some researchers."

Reckoning with harmful history

In the late 18th century, the field of physical anthropology aimed to understand the history of human diversity. White scientists, doctors, private collectors and museum curators procured human remains and formed ideas about race based on physical attributes. The new discipline provided pseudoscientific justifications for racism that substantially harmed marginalized communities.

"These original anthropologists were doing research from a very strong perspective of perpetuating racialized science. In no way were these collections created to address questions that help descendant communities, or really, help science as we know it to be," said Stantis.

The field rebranded itself "biological anthropology" in the 21st century to signal a change away from its racist origins. The new field was shaped by the decades-long fight for legislative protections for the dead of Indigenous peoples in the United States. In 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) created a legal pathway for Native American tribes to repatriate their ancestors according to the wishes of their community. NAGPRA doesn't extend to non-Indigenous communities, so there are no protections for archaeological sites such as cemeteries of enslaved people. In the southeastern U.S., these cemeteries are being excavated and, without legal protection for descendent communities, consulting with them is at the discretion of the project leader.

"Despite this rebranding in name, the discipline still has to demonstrate that it is willing to wrestle with its past in a manner that demonstrates it has moved forward, is truly inclusive and interested in the voices of the marginalized others and BIPOC groups. The latter is especially

important as the foundational methods of forensic and [biological anthropology](#) were created through the non-consensual collection and use of the bodies these very same groups," said Carlina de la Cova, professor of anthropology at the University of South Carolina and co-author of the publication.

Challenges for ethical stewardship for researchers

Without standardized training for ethical research using human remains, many scientists are unprepared to address ethical issues for a collection they'd like to study. The authors call for biological anthropologists to think carefully before conducting research on human remains and address questions such as: What are the beliefs and wishes of the deceased and their community? Did the deceased or their descendants' consent to proposed research? Can descendants be identified and consulted? Whom does the proposed research serve? Consent from living descendants is only required by some institutions.

The authors write, "For collaborative and community centered research to flourish, museums must put more focus on the ethical stewardship of their collections, which could mean sharing information as well as repatriation." If the museum hasn't done this, the authors recommend that researchers pause their project until the concerns are resolved. The NMNH took this approach by temporarily pausing all studies and acquisitions of human remains until they finalize a formal policy.

Challenges for ethical stewardship as a museum professional

Institutions must develop clear guidance on what constitutes ethical research on human remains. A first step is data management. For large museums, there are big gaps of institutional knowledge of collections

due to haphazard early recordkeeping and high personnel turnovers. Older collections may not be digitized, requiring lengthy deep dives into archives to do an ethical assessment. Here, the authors see an opportunity for museum curators to prioritize their responsibility as the stewards of the people in their collections. They should understand, communicate and enforce ethical practices, including obtaining informed consent from their descendants.

The authors also task administrative leaders to decide whether a museum should retain control over a collection. They cite the NMNH's decision to develop a plan for ethical returns and shared stewardship of its collections.

"It shouldn't be all on the researcher to come in, understand what ethical research is and to implement ethical research. By distributing the obligations across multiple actors, I think we can lighten the load for people," said Stantis.

Research as a celebration of life

Biological anthropologists are pushing for change. The American Association for Biological Anthropology (ABA), the biggest association of biological anthropologists, created a task force on the ethics of curating and using human remains. The American Journal of Biological Anthropology, the flagship journal of the ABA, will soon demand that academic papers include how they confirmed that the human remains were acquired legally and ethically. But without uniform guidance, policies for managing human remains are at the discretion of the institution.

The authors celebrated current research that exemplifies ethical collaboration. The African Burial Ground project in New York was a true collaborative project from the outset. Michael Blakley, the lead

biological anthropologist, developed the research design with the community so people understood the goals from the outset. Blakley understood what methods were and weren't OK with the descendants. The research became a beautiful experience for all involved, where right from the beginning of the investigation to the when the remains were buried in a culturally traditional way. It was a celebration of their lives.

In a [2021 article](#), co-author Dorothy Lippert, an archaeologist and tribal liaison at NMNH and a citizen of the Choctaw Nation, put it this way. "People think about repatriation as something that's going to empty out museum shelves, but in reality, it fills the museum back up with these relationships and connections."

The Natural History Museum of Utah: Ethical stewardship in action

The Natural History Museum of Utah (NHMU) has human remains from past excavations of [archaeological sites](#) of Indigenous people in western North America, all of which are protected under NAGRPA legislation. Most human remains previously held by the museum have been repatriated.

For over 30 years, NHMU has worked to build trust with Native communities in a variety of ways. Most notably, the Indigenous Advisory Committee has guided the museum on a broad range of issues related to the use, care, study and interpretation of Native American collections to meet the needs of tribal communities in the Intermountain West. A recent effort, funded by the National Endowment for the Humanities, is focused on centering Indigenous knowledge in collections, research, exhibits and educational outreach through extensive consultation with tribal community leaders, elders and artists.

"It's important to us to complete repatriations and make every possible effort to return ancestors to their descendants for reburial," said Alexandra Greenwald, curator of ethnography at NHMU and assistant professor of anthropology at the U, who was not involved in the published comment.

Those human remains still in NHMU collections are there for one of three reasons. NHMU is a state repository institution and is legally responsible for housing repositis that were recovered from federal property in the region, such as the Bureau of Land Management. These federal agencies are responsible for NAGPRA compliance of their repositis.

The museum is also holding some remains in trust until some tribal communities identify an appropriate place to rebury their ancestors. "In many cases, these communities have been dispossessed of their land, and lack resources because of the deleterious effects that colonization has had. Not all tribes have access to land that they feel comfortable repatriating on," said Greenwald. "It's critical to work with tribal communities to understand and acknowledge their concerns and needs for a safe and respectful place for repatriation."

In these cases, the museum helps find land solutions for repatriations, such as working with state parks to make land available for reburial that addresses security, privacy and access concerns.

Finally, the museum holds remains from the Fremont People. Currently, the NAGPRA law requires that Native communities prove cultural affiliation with ancestors to repatriate. Many tribal communities in the Intermountain West don't identify ancestry with the Fremont. A future NAGPRA update will allow repatriation based on geographical affiliation. The change is long overdue, Greenwald explained.

"Cultural affiliation is a deeply flawed and fraught process for a variety of reasons. It puts the onus on Native communities to prove that they are culturally affiliated, and it prevents institutions from repatriating individuals who have no known modern descendants based on the standards established by the government."

Stantis and the authors emphasize that institutions must develop clear guidelines for researchers who wish to study human remains. Many institutions before NAGPRA, and sometimes after NAGPRA, gave carte blanche to archeologists to do research on human remains without consent of tribal communities. NHMU's policy is clear: They forbid destructive analysis. Any researcher who wants to conduct non-destructive analysis must do extensive consultation with tribes in collaboration with NHMU and get explicit consent. Functionally, no studies are happening on the [museum's human remains](#) because that is the preference of Utah's tribal communities.

There are other collaborative projects where research is done responsibly—Greenwald works with Muwekma Ohlone Tribe from California who are enthusiastic about collaboratively pursuing the scientific analysis of their ancestors.

"Descendants are experts about their ancestors and about their culture. They are amazing research partners in thinking of research questions and pursuing answers to them," Greenwald said. "Tribal consultation needs to be consistent and respectful, and incorporate tribal perspectives into the research that's happening. This can build trust and results in better and more interesting research."

More information: Chris Stantis et al, Biological anthropology must reassess museum collections for a more ethical future, *Nature Ecology & Evolution* (2023). [DOI: 10.1038/s41559-023-02036-6](https://doi.org/10.1038/s41559-023-02036-6)

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