

Ethical issues in paleopathological and anthropological research experiences

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Summary. *Background and aim:* In recent years, archaeologists and anthropologists involved in the study of human remains have had to take into consideration ethical issues, which have come to the fore. The aim of this study is to illustrate the ethical and religious issues involved in relation to the positions of researchers. *Method:* Ethical issues involve the different study phases of human remains: archaeological excavation, anthropological analysis and, finally, museum display. *Results:* Osteoarchaeological remains may find a place in museums. However, in recent years, even the display of human remains museum has had to face new important ethical issue involving previously ignored or neglected aspect. The adoption of Native American Grave Protection Act in 1990 in the United States and the Human Tissue Act in 2004 in England, has created new scenarios relating to the storage of human remains in museum. *Conclusion:* All this caused a series of changes in the study of human remains, but many issues remain open to debate. (www.actabiomedica.it)

Key words: ethics, ancient human remains, museum, anthropology

Background

The anthropology, which deals with the identification of human remains, have two main fields of investigation: one devoted to the study of ancient skeletal remains, where anthropological analyses aim at the historical-scientific reconstruction of a community of the past; the other devoted to the study of recent human remains, the identification of which aims at solving a court case (1, 2). It is clear that, faced with two such different aims (historical and forensic), anthropological recovery methods and the analysis of human remains are subject to different ethical viewpoints (3). Because the treatment of human remains in the case of personal identification triggers two opposing moral judgments: on the one hand, the manipulation of the ancient skeleton during the study phase and museum display is seen as a form of violation of the individual to whom the remains belong, while on the other, the analyses aimed at personal identification in forensic

cases are necessary for the restoration of the human rights of an individual.

Aim

The intention here is to briefly illustrate the problems and the solutions of an ethical nature concerning the three stages of the study of human remains, both the ancient remains in the archaeological field, and remains of interest to scientific and forensic police, i.e., recovery, identification and destination.

The recovery of human remains in archaeological research campaigns or in occasional excavations

The excavation of a necropolis offers the opportunity to investigate aspects of community life dating back to the past and otherwise undiscoverable; in

particular, when we investigate prehistoric eras, which leave scholars without any written documentary evidence. The survey of a burial site enables us in practice to recover data related to the funeral cult, the type of burial and the grave goods (all dating elements). It is evident that the archaeological study of a funerary context also involves the extraction of the skeletal remains from their place of burial, to ensure that these are examined in detail in a laboratory. Some people consider that taking the skeleton out of its grave is a lack of respect of the person and of his/her religious beliefs. Important in this regard are the laws passed in the U.K. to protect human remains buried in sacred areas. The *Burial Act* or *Disused Burial Grounds Act* dates back to 1857 (4) and rules that, to remove any human remains from a burial site, the permission is required of the Senior Secretary of State of Her Majesty (5). The removal of remains, however, is not the only violation of the person during the recovery phase. Consider when the skeleton, to be transported to the laboratory, has to be divided into sections and packed in boxes. The integrity of the body, a necessary condition for resurrection according to some religions, is therefore not considered during this phase. These reflections aim at increasing awareness with respect to the skeleton, despite this being considered a cultural asset at the time of discovery. Greater awareness of the treatment of human remains increases whenever some living cultures recognize the dug-up remains to be those of their ancestors and consequently the excavation of burial sites is seen as a form of profanation. In this regard, in the late Seventies, in geographically and culturally diverse regions (North America, Australia), native communities began to protest against the freedom of archaeological and anthropological investigation, and to hinder the excavation of burial sites (6). From what has been said above, it appears clear that the removal of human remains from burial sites implies a lack of respect for the funeral cult of the exhumed person or persons. Totally different instead is the case of osteological remains found occasionally, outside burial sites. Bones or bone fragments can come to light by chance, e.g., during excavation work on a construction site. These sometimes turn out to be ancient human remains which have never undergone ritual burial, but may also be the remains of murder

victims. Normally, these remains are handed over to the forensic operator for identification. In this case, respect mainly involves performing field tests, during the recovery of the corpse, in the best possible way and with the utmost caution. In both these different situations, archaeological research or forensic investigation, a well-performed recovery can minimize the loss of data which is fundamental for reconstructing the event and identifying the victim. In forensic circumstances of course no mention is made of lack of respect for the remains, except in cases of exhumation ordered by judicial authorities after a funeral service. Procedures are respectful of both people and the investigation, and the professional figures involved are trained, in order to avoid any risk of contamination and improper curiosity. Special cases are those regarding the recovery of skeletal remains in multiple burial sites, commonly related to war crimes. Forensic anthropology is constantly concerned with identifying the bodies exhumed from mass graves that probably belonged to the victims of massacres.

Identification

The next step in recovery concerns identification. In the forensic field, investigation aims at solving a court case, identifying a “nameless body”, solving a case of disappearance and determining the cause of death (7, 8). Giving a name back to a corpse is not only a contribution to criminal investigation. The identification of human remains may be required for economic and social reasons: for inheritance rights, life insurance, marriage dissolution and joint ownership of property reasons, etc (9). Anthropological studies in archaeology on the other hand permit obtaining access to historical data concerning populations, recognizing gender and age at the time of death (9), while paleopathology can even make it possible to discover the causes of death. Ethical problems mainly concern respect for the integrity of the corpse, during the handling of the various skeletal parts (during macro and microscopic observation) (10). Behind such debates are mainly religious beliefs. Suffice it to think of those religions which require corpses to be adequately preserved, but in general, a common awareness exists that

the integrity of a corpse should not be manipulated and violated without justified reason.

Display or reburial

Skeletons from archaeological contexts may, if deemed historically or scientifically interesting, find a place in museums. However, in recent years, even the display of human remains in museums has had to face new and important ethical issues involving previously ignored or neglected aspects. The adoption of laws such as the *Native American Graves Protection Act* in 1990 (NAGPRA) (11) in the United States or the *Human Tissue Act*, in 2004 in England (2), has created new scenarios relating to the storage of human remains in museums, putting into a state of crisis the cultural concepts and organization of museums themselves, and thus opening the doors – in English-speaking countries – to the return of human remains and sacred objects to native communities desirous to have them back (12, 13). Even the *International Council of Museums (ICOM)*, in its Code of Ethics of 2006, presents guidelines on the management of human remains, which must always be preserved for study and research purposes, ruling that they should be exhibited in accordance with the origins and beliefs of the person and communities to which they belong (12). Human remains of interest from an anthropological (and paleopathological) point of view may be exhibited in museums, as long as they do not belong to that group of remains recognized as ancestors of existing communities and which should not even be removed from the place of burial. In addition, the regulation proposes, especially in medical museums, that osteological remains be accompanied by a relative pathological description. Exhibitions such as Günter von Hagens' recent *Body Worlds*, which count millions of visitors, have instead prompted in-depth consideration as regards ethical issues linked to the display not only of skeletons, but of all human remains, as well as in-depth debate and clarification as regards policies appertaining to the acquisition, preservation and study of displayed bodies and organs and, in this particular case, also on profit-making aspects (14). A neglected problem, in our opinion, is that of ancient skeletal remains

which, in our country too, are stored in the warehouses of Museums and Government Departments, because of lack of exhibition space or because they are of no particular interest. It is an improper, but unfortunately very widespread situation. In these warehouses the skeletons, deprived of their burial places, remain in storage at the risk of being forgotten, without any specific research project. In fact, we believe it is not even realistically feasible, aside from carrying out a targeted selection, to generically send such remains to academic institutions in need of such materials for scientific or educational purposes, for degree courses in Medicine and Anthropology. This is especially true for the skeletal remains of major anthro-paleopathological interest. For all those osteological remains of no special scientific interest, the possibility should be considered of returning them to a burial site. Important in this sense are some case studies such as that of a number of English skeletons exhumed during archaeological excavations in the medieval churches of Wharram Percy and Barton-upon-Humber and regarding which, a reburial proposal was made in 1990 (15). The same decision was taken concerning a skeleton from the Church of San Martino in Ispra which, after remaining unburied for the time necessary for anthropometric studies conducted by a team from Varese University (16), was reburied in the town cemetery, following a decision in this sense by the municipal authorities; this meant that the remains of a man who lived in medieval times were reburied in a modern cemetery. In fact, scientific experts in the field are not all in agreement in this regard. Many argue, in fact, that uncovered ancient human remains, even if they have already undergone study in the present, should remain available for possible further, and almost certainly more effective and in-depth investigation, in the future. When addressing the research and study of osteological remains however, one is bound to ask oneself: is it right to sacrifice the burial and integrity of a body for scientific purposes? Human remains, mummified or skeletonized, are kept in museums and universities for study or after being studied; some of these are put on display, while others lie forgotten in cellars. It is evident that the discovery of human remains, besides providing information on past populations, configures the recovery of a person's identity which had been lost. A person of whom we

know almost nothing, and who is again remembered, whether on display in a museum or reburied. To make the moral goal of scientific inquiry involving human remains explicit, all those involved in the archaeological and anthropological research of such remains should therefore act in a way which is respectful of the individual. Today, the legal provisions of various countries can guide experts during the phases involving the study of biological remains (recovery, study, display), but the debate, currently widespread on the international stage and which is also bioethical, could also lead to the definition of new rules (17).

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