

Returning the ancestors

By Tristram Besterman

"It is only on the margins of settlement now that the natives give much trouble; as civilisation advances they seem to give up the struggle. And though we hear occasionally of instances of surprise and slaughter, these are as frequently the result of cupidity and breach of faith on the part of settlers... Notwithstanding all efforts to civilise and Christianize the Australian native, and to preserve the race, there seems no chance of any prolonged success. A few generations more and he will become extinct..." (*The Illustrated Sydney News* 16 March 1878.)

Introduction

To any casual observer, it is an unremarkable event: at 9am on 30 July 2003, a large wooden crate is carefully loaded into a Securicor van parked at the rear of The Manchester Museum. But appearances can be deceptive, because the crate, which is prominently marked 'handle with care' and 'this way up', contains the skeletal remains of six indigenous Australian people.

Let us consider two possible narratives. One relates that these remains are part of a living community, returning home after more than a century of involuntary exile. They are about to embark on the return leg of a 24,000 mile forced journey that began in an illegitimate act of colonial dispossession in the 19th century. As the author closes the rear doors of the van and watches it drive away, he silently bids these ancestors well for their journey home, knowing that they will soon be re-united with their land and their people.

And then there is an alternative narrative. In a significant act of scientific dispossession, the author consigns valuable specimens from the collections of The Manchester Museum to oblivion. This irreplaceable human material is destined for Australia, where some of it will be buried by the indigenous people who claim to be 'descendants'. As the author closes the rear doors of the van and watches it drive away, he is aware that important evidence of human evolution, dispersal and diversity has been irrevocably removed from the reach of science.

So was this an act of scientific betrayal to be condemned or an act of humanity to be celebrated? Were these 'specimens' which the Museum had a duty of trust to safeguard and make accessible to the international scientific community, or were they stolen 'ancestors' whose continued presence in the Museum was morally indefensible and whose fate could only be decided by Australian indigenous nations? There is, of course, truth in both positions; there are cogent arguments for and against the restitution of indigenous human remains from museum collections. The problem is that, on this issue, there is no credible position of 'neutrality' for the museum to maintain. The museum's default position - to retain objects and to maintain the *status quo* - is a refusal, *ipso facto*, to acknowledge the possible legitimacy of claims by indigenous people. There are no comfortable ethical fences for the curator to sit upon. What this paper will describe are the events that led to the return by The Manchester Museum of the Australian aboriginal human remains in its collections, so that the process and rationale are in the public domain for discussion and challenge, perhaps to inform the development of accepted practice.

The wider context

The particular case of returning the Manchester remains was handled in the general context of a national debate, into which the author was drawn largely as a result of his membership of the Working Group on Human Remains (WGHR), established by the Arts Minister in 2001. Convened under the chairmanship of Professor Norman Palmer, the WGHR had a remit to report on, *inter alia*, the legal status and treatment of human remains in museums and the powers of museums to release these from their possession (DCMS 2003, p.1). An event that contributed to the decision to create the WGHR was a meeting between the British Prime Minister, Tony Blair, and the Australian Prime Minister, John Howard, in July 2000. This resulted in a joint statement by the two Prime Ministers:

"The Australian and British Governments agree to increase efforts to repatriate human remains to Australian indigenous communities. In doing this, the Government recognises the special connexion that indigenous people have with ancestral remains, particularly where there are living descendants."

(DCMS 2003 ¶4, p2)

The report of the WGHR (published after the Manchester Museum handed over its Australian Aboriginal remains) states *inter alia*:

"We recommend that the British Government adopt a policy for the unconditional repatriation of all Aboriginal human remains to Aboriginal people"

(DCMS 2003, ¶90, p.29)

The word 'unconditional' is important and should be noted. The terms of return are non-negotiable, because the Aboriginal and Torres Strait Islander Commission (ATSIC) does not recognise the right of western museums to hold or have rights of decision over what they regard as "morally, spiritually, culturally and legally ours." (Dillon, R. 2004, p19).

The WGHR was itself divided on the issue, and despite the best efforts of several members of the Group, unanimity, at one time just within its grasp, was ultimately not achieved. Sir Neil Chalmers, Director of the Natural History Museum, which holds a large number of human remains from many parts of the world, published, within the WGHR Report, his own statement of dissent, because he perceives an imbalance overall in the "tone and substance" of the Report, which he feels is slanted heavily in favour of claimant communities, and that some of the recommendations are "disproportionately complicated" and "unworkable" (DCMS 2003, p.117).

As well as providing a general counterpoint to and national context for the Manchester case, the WGHR enabled the link between Manchester and Australia to be revitalised. The visit of representatives of ATSIC who came to give evidence to the WGHR in 2001 provided the opportunity to draw to their attention some unfinished business that concerned them at The Manchester Museum.

The Manchester context

The decision to return Manchester's human remains to Australia was taken in 1992, following the receipt of a letter to Alan Warhurst, then Director of The Manchester Museum, from Des Griffin, then Director of the Australian Museum in Sydney, in March that year, in which the possibility of returning Australian Aboriginal human remains held in British museums was raised (**Bankes, G. 2003**). In response, the Keeper of Ethnology, Dr George Bankes, reported to the Manchester Museum Committee in June 1992 recommending that the human remains be returned. The Minute of that Committee decision reads:

- "Noted: (2) That the four skulls which were the subject of the request from the Aboriginal and Torres Straight Islander Commission dated from fairly recent times and were clearly of ethnographic, rather than archaeological interest. They were not currently on display in the Museum, nor were there plans to do so, and it was unlikely that any substantial scientific investigation would be carried out whilst they remained in the custody of the Museum. If they were to be returned to Australia, they would be lodged in a special 'keeping place' in the national Museum of Australia, Canberra, and in due course, subject to the necessary permissions, a scientific (osteological) study might be mounted there as part of a much wider survey of similar remains.
- (3) That the moral argument for their return was a strong one in this case. The skulls were regarded as being their rightful property, and the origin of one in particular was known with some certainty. Within the Aboriginal culture there was a very strongly held belief that the soul was not at rest until the body too was at rest. Given the circumstances in which the skulls were held within the Manchester collections, the moral dimension was considered to be the determining factor, and members took the view that in this case it would appear proper to respect the feelings of the Aboriginal community and accede to the request.

Resolved: That the request be approved."

(University of Manchester 1992, Actum 3.)

The first part of Dr Bankes' report placed the request in the context of the MEG *Guidelines on the Management of Human Remains* (**Museum Ethnographers Group 1991**) published the previous year.

The Committee's 1992 decision to approve return was expeditiously communicated by Dr Bankes through correspondence with ATSIC representatives (**Bankes, G. 2003**), and there, strangely, the tale paused, since no action was taken by the Australians to retrieve their ancestors until 2001, when ATSIC representative, Councillor Rodney Dillon, came to the UK to lead a delegation to give evidence to the WGHR. This provided the Museum with the opportunity to revive the issue, which was then followed up by the Foundation for Aboriginal and Islander Research Action (FAIRA), appointed by ATSIC to act on behalf of Australian indigenous nations in arranging the return of their ancestral remains from the UK.

Arranging the return from Manchester: preparation

FAIRA engaged the services of Rubena Colbey, a freelance broadcaster and indigenous Australian from Queensland, to work with UK museums which had agreed to return Australian human remains in their possession, to make the necessary transfer arrangements. Two months before the transfer took place, Ms Colbey came to the Manchester Museum to examine the human remains and discuss the detailed arrangements for their return. Ms Colbey had been contracted by FAIRA to undertake this co-ordinating role for a number of UK museums which had agreed to return indigenous human remains to Australia.

In preparation for Ms Colbey's visit, at the author's request, staff of The Manchester Museum (Susan Martin and Henry McGhie) conducted a thorough audit of all the human remains (excluding those from European, archaeological contexts) held by the Museum. The audit involved a search of accession registers and correspondence files, as well as searches of the stored collections. This not only confirmed the four skulls originally reported to the Museum Committee in 1992 in the Ethnology collection, but also revealed additional material: a fibula in the Ethnology collection, and in the Zoology collection, a human femur from Australia as well as a further human skull which had a possible but tenuous connexion with Australia through an entry in the Zoology accession register.

Whilst the internal searches were underway, the author also consulted externally. He contacted Dr Rob Foley and Dr Marta Lahr at the Leverhulme Centre for Human Evolutionary Studies, to inform them of the process that was underway at Manchester, and to ask them if they might be interested in coming to the Museum to photograph, measure and even, possibly to cast the skulls, so that as much scientific information might be captured before their return to Australia. He also asked for their help in determining whether the 'fifth skull' was, in their opinion, likely to be of Australian in origin. They readily accepted the invitation and agreed to the request for expert advice.

Before Ms Colbey came to Manchester, the author emailed her to inform her of the additional human remains that had been located in the Museum, and of the uncertain status of the 'fifth skull'. He asked her for her views on sending the latter to Cambridge for determination and the likely views of Australian indigenous communities on the author's proposal to take and retain detailed measurements and photographs of the other remains for scientific use after their return to Australia.

For Ms Colbey's visit, the seven items of human remains connected with Australia were assembled in a secure room in which they could be examined without disturbance. Photocopies of all relevant documentation were also made available to Ms Colbey (no data on the Museum's ethnographic collections then existed in digital form). Ms Colbey examined the human remains in the company of the author and Susan Martin, who had assembled the material. Standard curatorial handling procedures were followed, with all those present wearing white cotton gloves. An ultra-violet light source was provided to assist in reading information written in ink directly on some of the crania, some of which was either indistinct or incomplete presumably as a result of abrasion.

Ms Colbey was able to assist in inferring some of the missing data, from her own knowledge of indigenous peoples and Australian place names. She was interested in the names of associated collectors, which included G.A. Kennedy, FZS and R.D. Darbishire

(1826-1908) for whom the Museum provided Ms Colbey with further biographical and catalogue information. In the case of one of the crania, recorded in the Kennedy catalogue as having been 'found in the sand on a beach 9 miles from Warrnambool, State of Victoria, Australia' a somewhat convoluted chain of association emerged: the finder was J.W. Anderson, and a subsequent intermediary, Robert Gray of Edinburgh, gave it to G.A. Kennedy in 1899; Kennedy's collection of 'weapons, tools, ornaments, dress, etc. of the Natives of the Pacific Islands' was purchased in 1906 by Messrs Hoyle, Ward, Thompson, Sutcliffe, Marchetti and Mcree, who presented the collection to Bankfield Museum, Halifax; from there the collection was bought by The Manchester Museum in 1955, the purchase negotiated by Frank Willett, then Keeper of General Archaeology and Ethnology at the Museum. The name of the original, natural owner of the skull is unrecorded.

On the matter of the 'fifth skull', Ms Colbey readily agreed that the Museum should refer it to Cambridge for expert examination. She proposed that, if a definite non-Australian or 'unlikely to be Australian' determination were made, then it should be excluded from the consignment. She asked that it should, however, be *included* if the examination determined that it was either definitely or 'likely to be' Australian. In the event, Dr Marta Lahr's examination concluded that the skull showed features strongly indicative of a Polynesian rather than Australian Aboriginal origin, so the 'fifth skull' was retained by the Museum.

As to the returning remains, FAIRA vetoed the author's suggestion that the Museum might make and retain a full bio-anthropological record of these for the use of science. There was no room for negotiation on this point. The author communicated this decision to his Cambridge colleagues, who shared his sense of disappointment.

Accordingly, the six remaining items of Australian human remains were put into two groups. The two crania, whose origins could with a reasonable degree of certainty be located within the State of Victoria, would be returned to groups in that State. The other two crania and the two leg bones would go to Canberra, to a keeping place in which poorly localised Australian indigenous remains are kept, under the control of the Australian Aboriginal community. Certain practical matters were settled: bubble wrap would not be used, as culturally inappropriate, but tissue paper was acceptable. Each item would be contained in a separate wooden box, with removable lid, marked on the outside with a number uniquely attributable to its contents. The four individual boxes destined for Canberra would be placed within a larger, wooden crate, and the two for Victoria within a second crate. These two intermediate crates, each clearly labelled with its destination, would be placed in a single, large wooden carrying crate, also labelled and bearing 'this way up' symbols and 'handle with care' signs. International symbols such as the 'wine glass' were not culturally acceptable, whilst an upward-pointing arrow was, despite its directional ambiguity. The Museum prepared two sets of documentation: i) descriptions and diagrams of the remains, recorded on a proforma supplied by FAIRA, and ii) a de-accession form to be signed at hand-over. Copies of both sets of documents were to be permanently lodged with both FAIRA and the Museum.

The Museum was responsible for resourcing and managing all arrangements up to the point of departure from the Museum. From that point onwards, FAIRA, through Ms Colbey, took responsibility for all transport arrangements, including associated official clearance and costs. The Manchester consignment went first to London, whence it was carried with the Horniman Museum consignment to Australia.

The eve of the hand-over ceremony, 28 July 2003

The Australian delegation, which came to Manchester to receive the remains held in The Manchester Museum, arrived on Monday 28 July 2003, the evening before the hand-over ceremony. The delegation comprised:

For FAIRA: Robert Weatherall, Les Malezer, International Desk Co-ordinator and Rubena Colbey, UK co-ordinator

For ATSIC: Commissioner Rodney Dillon and Nora Peres, World Ambassador;

For the indigenous communities of South Australia: Major Sumner, traditional custodian of the Ngarrindjeri nation.

That evening, members of the delegation were the guests at a supper given in their honour in The Museum, at which the University of Manchester's Pro-Vice-Chancellor for Research, Professor Mike Grant, a biologist, represented the University at a senior level, and the author, the Museum. Arrangements and final details for the following day, as previously agreed with Ms Colbey, were reviewed, revised and agreed once more.

Over supper, members of the delegation also reflected on the ceremony to return human remains held at the Horniman the previous week, which had been conducted without media attention, and their treatment by the Natural History Museum, which they clearly viewed as unsatisfactory.

The boxes and crates containing the human remains had been placed in a secure and secluded room with the capacity for good natural ventilation, and in which the smoke detectors could be isolated. This room was visited by members of the delegation that evening to allow Major Sumner to assess how he would conduct the private cleansing ceremony, with an adjacent room for use as an ante-room for the other participants before they were summoned to join Mr Sumner in the private ceremony. Mr Sumner also required a room in which he could change and apply body paint for his traditional role. The author confirmed that he would supply several switches of eucalyptus leaves from a tree in his garden to be used by Major Sumner to smoke the participants in both the public and private ceremonies. A sand-filled steel tray was provided, and fire-extinguishers placed nearby.

The evening reception fulfilled a number of important functions. It provided members of the delegation and the University and Museum with the chance to meet and establish a good level of mutual understanding, confidence and trust as well as affording an opportunity to run over all the practical details and assess layout and other technicalities for the following day. It was an indispensable precursor to the smooth-running of the hand-over ceremony itself.

The hand-over ceremony on 29 July 2003

The private cleansing ceremony, which was both dignified and moving, began at 10am and was finished by about 10.30. The participants, which included the author, emerged with white clay daubed on their faces, having been 'smoked' by Major Sumner.

At 10.50am, on what turned out to be a clear, warm, sunny day, the Australian delegation and the author were joined in the Museum's entrance courtyard by Professor Mike Grant and by the Deputy Lord Mayor of Manchester, Councillor Tom O'Callaghan. The Australian Aboriginal flag was displayed prominently in three places: vertically on poles as a back-drop to the hand-over ceremony, wrapped around the table on which one box containing remains would be placed, and draping the box itself.

Just before 11am, Major Sumner, in full body paint and traditional dress, entered the courtyard from the Museum's main entrance, bearing the box draped with the Aboriginal flag, and placed it on the table. Mr Sumner then welcomed the four directions, dancing and singing, and using a pair of boomerangs as percussion instruments. At the conclusion of Mr Sumner's traditional welcome, the author welcomed the delegation and the public to the event, introduced the members of the VIP party by name and invited Bob Weatherall to speak on behalf of FAIRA. The author then responded briefly on behalf of the University, explaining why the University had decided to return these remains to Australia:

“... A hundred years ago, our... forebears removed from... Australia the remains of your ancestors at a time of great inequality of power, during the colonial era. Their removal was carried out without the permission of your people, through acts that violated your laws and beliefs.

“Today we recognise that your ancestors must now return to their rightful resting place, to re-join the people of which they are a part, and from whom they should never have been parted. We also recognise that the ancestors are an indissoluble part of the spiritual wellbeing of indigenous people living in Australia today...

“On behalf of the University of Manchester and its Museum, and in the name of our common humanity, I hereby relinquish possession of your ancestors, and commit these sacred remains to your care.”

Manchester Museum 2003, p.2

At this point, the deaccession documentation for the legal transfer of the six items from the Museum to FAIRA was signed by Bob Weatherall and the author. Rodney Dillon made a closing speech in which he explained the significance of the event in the history of Australian indigenous communities and the continuing campaign for the return of their ancestors held in other institutions in the UK.

At the end of the ceremony Mr Sumner, according to the traditions of his people, 'smoked' the participants, delegation and public alike, thereby cleansing the Museum and the people of Manchester of the taint of holding the ancestors against the laws of Australian indigenous nations.

Two hundred or so members of the public were ranged behind a temporary barrier in the courtyard, and had a good view of the proceedings. Everyone entering the Museum and the courtyard between 10am and 12noon was given a leaflet explaining the purpose of

the ceremony. The public appeared fascinated and pleased to be engaged with the event.

At the close of the ceremony, the delegation was ushered back into the Museum for refreshments, whilst Major Sumner, Les Malezer and the author responded to requests from the media for photo-opportunities and interviews over the next two hours.

Publicity

FAIRA was keen to use the ceremony at The Manchester Museum to raise awareness of the issue of claims by indigenous Australians for the return of their ancestors from UK museums. Whilst for their part, some of the returning UK museums preferred to avoid undue publicity when they handed their remains over, the author felt that to return the remains from Manchester in a blaze of publicity was appropriate, though not, of course, risk-free. His reasons were two fold. First, if it was ethically right to hand over the remains of their ancestors to Australian Aboriginal representatives, then the Museum had nothing to hide. And second, if the Museum accepted the principle that the Australian claim was justified, then promoting awareness of the Aboriginal campaign on human remains and the attendant issues was a legitimate cause with which the Museum could be publicly associated.

Accordingly, the author and Ms Colbey agreed the content of, and jointly issued, a media briefing, under a banner title proposed by FAIRA: “Manchester receives ancestral blessing”. Quotes from Bob Weatherall and from Major Sumner were provided by Ms Colbey, which the author incorporated into the final agreed version:

“At 11am on Tuesday 29 July, the Manchester Museum will hand over four skulls of Australian Aborigines, which were collected 100 years ago, back into the safekeeping of representatives of Aboriginal communities to which they properly belong.

“A delegation of Aboriginal elders will take possession of the remains of their ancestors and accompany them back to Australia, following an agreement between The Foundation for Aboriginal and Islander Research Action (FAIRA) and the University of Manchester for their repatriation. The ancestors will return to their traditional homelands in the State of Victoria and to a sacred keeping place in the Australian Capital Territory.

“Bob Weatherall, from FAIRA says ‘This will end the practice of scientific investigations and maintaining aboriginal ancestors in cardboard boxes, plastic bags and vaults in museums.’

“Mr Weatherall welcomes the decision taken by The University of Manchester, which, along with the Royal College of Surgeons and the Horniman Museum in London, demonstrates an enlightened attitude to the rights of indigenous peoples.

“Tristram Besterman, Director of The Manchester Museum said ‘The return of the remains of the ancestors of living indigenous Australians is an act that recognises our common humanity. These remains were removed during the colonial era at a time of great inequality of power. Their removal more than a century ago was carried out without the permission of the Aboriginal nations, and they have been held in the Manchester Museum ever since, in violation of the laws and beliefs of indigenous Australian people. The Manchester Museum cannot atone for the wrongs of our own forebears at a time when different values prevailed. Nonetheless, by returning these remains now, we hope to contribute to ending the sense of outrage and dispossession felt by Australian Aborigines today, and trust that we can begin to build a more rewarding relationship based on mutual understanding and respect between our peoples in the future.’

" 'The torment is ended, we now put an end to the torment. We are taking them home to our traditional lands,' said Major Sumner, a traditional custodian from the Ngarrindjeri nation in South Australia. At the hand-over ceremony in Manchester, Mr Sumner will welcome the four directions according to the traditions of his people.

Manchester Museum/FAIRA 2003, pp.1,2.

The media briefing provided details of the location and timing of the event, as well as contacts at and further information about both FAIRA and the Museum. The statement by the author in the media briefing, issued well in advance of the ceremony, was later quoted *verbatim* in the Report of the Working Group on Human Remains (**DCMS 2003**, pp. 55-56) and was then mis-attributed (**Bankes, G. 2003**, p3) as the text of the author's speech 'at the ceremony', (cf. text given under 'The hand-over ceremony' above). As George Bankes correctly points out, the Warrnambool skull has, in fact, only been in The Manchester Museum since 1955 (**Bankes, G. 2003**, p3); nonetheless, since it was originally collected by a European in 1897, the dispossession suffered by the Australian Aboriginal nation lasted for more than a century.

The level of media interest was unprecedented for an event at The Manchester Museum. Network and regional television covered it, as did network and local radio. All the UK's daily broadsheets reported the event, with Major Sumner providing the kind of photo-opportunities that picture editors clearly found irresistible. *The Times* not only ran the story but also published a thoughtful and approving Leader, drawing a distinction between contested human remains and the Elgin Marbles, which it said "should be kept among us, accessible. But physical remains can have a human and spiritual dimension that transcends the scientific imperative. When a case can be proved, those remains should be laid to rest in their native place." (**The Times**, 2003.) As well as media interviews on the day, the author was subsequently involved in a live interview on an ABC current affairs programme and a Channel Four News feature with Rob Foley and Marta Lahr at Cambridge. There was international coverage in Australia and New Zealand, which quite surprisingly continued well into November 2003. Without exception, the media reporting was positive about the Manchester decision and action.

There was only one written response known to the author that was critical of the event. A concerned academic from another university wrote to the Vice-Chancellor of The University of Manchester to express his disappointment that the University had "signed a declaration with far broader implications about the nature of academic research." He referred to a passage in the joint media briefing, which quoted from the FAIRA website: "FAIRA endeavours to promote the practical use of studies and research under the control of Indigenous Peoples to pursue rights and equality, rejecting the tendency to study Indigenous Peoples from academic or pretentious perspectives." The author replied on behalf of the Vice-Chancellor to explain that the University of Manchester "upholds and defends the principle of academic freedom. It also believes that it has other responsibilities, which sometimes involve difficult ethical choices, as was the case with the remains of Australian Aborigines. In reaching its decision, the University does not regard itself as having legally or ethically made any commitment beyond the act of repatriation of these particular items." (*Pers. comm.*)

Discussion

The 1992 decision

With the advantage of hindsight, after the passage of ten years, the assertion in the report to the Manchester Museum Committee in 1992 that the remains are of 'ethnographic, rather than archaeological interest' and that 'it was unlikely that any substantial scientific investigation would be carried out whilst they remained in the custody of the Museum' is open to challenge: the skulls would certainly be of interest to bio-anthropology, whose leading proponents deprecate such decisions. Referring to the human remains held in the Duckworth Collection at the University of Cambridge, Dr Robert Foley defends retention on the grounds that "these skeletal remains can be used to trace the history of humanity's colonisation of the world", and that any removal or destruction would represent an incalculable loss to science (McKie, R. 2003). Nonetheless, The Manchester Museum has no record of having received from a bio-anthropologist any request for information about, or access to, human remains which it held. Whilst the Museum - along with most museums in the UK which hold human remains - could be criticised for failing to publish its holdings, it seems to the author to be significant that the first formal enquiry that the Museum received in respect of its holdings of human remains was on behalf of the indigenous source community, rather than from the scientific community.

On another particular, the Report to the Museum Committee turned out to be not wholly accurate: the return destination of all the Manchester skulls would not, in fact, be to Canberra. Resulting from the documentation supplied to Rubena Colbey on 30 May 2003, FAIRA decided that two of the skulls, which had sufficient documentation to place them within the State of Victoria, would be returned to the indigenous representatives of the peoples of that region to treat according to their own customs.

The assurance given in the 1992 Report that '...in due course, subject to the necessary permissions, a scientific (osteological) study might be mounted' on the remains returned from Manchester, has also proved misleading. Those that went to the State of Victoria will have been treated in keeping with traditional custom, and can consequently be assumed to be beyond the reach of science. The remains retained in Canberra are under the jurisdiction of indigenous Australians, and it will be up to them to decide how they are treated. If such material were to be subject to scientific investigation, the application of molecular techniques might well assist in establishing lineage, a point not lost on ATSIC.

Nonetheless, the essential argument adduced in the 1992 Report, that 'the moral dimension was considered to be the determining factor, and... that in this case it would appear proper to respect the feelings of the Aboriginal community' had not, in the view of the author, been invalidated by these developments. These issues and a reminder of the Committee's 1992 decision were reported by the author to The Manchester Museum Committee on 2 June 2003, which upheld the original decision without demur.

What this process reveals is the importance of painstaking documentary research and consultation with those parties with a legitimate interest and expertise in the human remains concerned. There is the need for 'due diligence' to be exercised by the holding museum at all stages of the process.

Representation of indigenous nations of Australia

A concern often voiced in the matter of restitution of contested cultural property is ensuring that the western museum is negotiating with duly appointed representatives of the 'right' claimant community. In the case of Australian indigenous communities, ATSIC has the authority, endorsed at national level by both indigenous communities and the Government, to act on behalf of all indigenous Australians. The delegation by ATSIC of responsibility to FAIRA for the negotiation and management of the process of return largely eliminates uncertainty from the process for the returning museum, though it would be foolhardy to assume that the decisions taken under FAIRA's supervision will not be open to subsequent challenge from within the indigenous community. The returning museum has a responsibility to ensure due diligence on this issue, and in the absence of any alternative agency or contesting group, the author was satisfied that the mechanism set up by ATSIC was ethically robust.

Ceding authority and creating common ground

On the matter of FAIRA refusing permission for the Museum to commission a full scientific record before return, clearly the Museum had the power to ignore that expression of indigenous disapproval. As possessor of the remains, the Museum could have gone ahead with arrangements for the measurement by the Cambridge team of the remains before they were handed over in July, irrespective of FAIRA's opposition.

However, it seemed to the author, that this was an issue on which the exercise of legal rights ran entirely counter to moral obligation. To have ignored the wishes of the indigenous community at this stage would have felt like a betrayal of the trust that had by then been built between the Museum and FAIRA. After the decision to return the remains was taken in 1992, the visit by Ms Colbey represented a further important milestone on the journey of the remains back to Australia. In a highly consultative process, authority over the treatment of the remains was ceded by the author to FAIRA through their representative, Ms Colbey, some weeks before their hand-over.

Nonetheless, the author was keenly aware that, in acceding to FAIRA's wishes, he was denying bio-anthropology its last opportunity for access to the Australian material, a matter on which he felt far from comfortable. He also felt that FAIRA had missed an important opportunity for constructive engagement with science, which might, just possibly, have begun to reduce the very destructive climate of mutual hostility and mistrust between Australian Aboriginal groups and some western scientists. By the same token, had those same scientists established a track record of a more consultative approach for their research programmes, to include indigenous communities, a less dusty reply might have been given by FAIRA.

This experience sadly threw into stark relief the chasm that yawns between the two communities. It also revealed a more subtle sub-text to the crude characterisation of the tensions arising from a collision of incompatible cultures. The rather more interesting sub-text, from some representatives of Australian indigenous communities, appears to the author to reads something like this, "Don't assume we are anti-science. In fact, stop assuming anything about us. What about asking us, for once? Stop assuming that you have the right to possess what was taken from us without our consent. Stop assuming that you have the right to carry out scientific research on our ancestors without asking

us. These are the remains of our people, and we assert our right to repossess, control and authorise what is done to our people. Unconditionally." Rodney Dillon, who chairs the Culture, Rights and Justice Board Committee of the Aboriginal and Torres Strait Islander Commission (ATSIC), draws a parallel with the principle of 'informed consent' that underpins modern medical practice and the disposition of human tissue:

"Indigenous people are not backward or anti-science: we are aware of the possible benefits of research...The Human Tissue Bill now making its way through the UK parliament has made it clear that the scientific benefits from tissue and organs taken from deceased patients do not take precedence over the rights of those people and their families."

Dillon, R. 2004, p18.

After all, an inclusive and consultative approach is today a cornerstone of the methodology applied by social anthropologists in their research. Any other approach would be regarded as ethically unthinkable, and almost certainly scientifically flawed. The reason that some - but by no means all - bio-anthropologists do not subscribe to the same methodological ethic may well lie in fears about the thin end of a limitless chronological wedge. It is one thing to consult living communities on contemporary studies, or even about the remains of people who are connected by recent lineal descent. It is quite another, they would argue, to concede authority to indigenous communities on the disposition of, research on, human evidence from the remote past:

"In Australia, Aborigines have already had several sets of remains reburied. In one case, a 14,000- year-old skeleton from King Island, between Australia and Tasmania, was taken from researchers and reburied in special graves. Yet it is impossible for any group to claim ancestry to remains of that antiquity, say researchers. 'These weren't the bones of a living person's grandparents', said Foley. 'This is something very ancient and important that was taken and ruined. What voice will science have when repatriation decisions are made?' "

McKie, R. 2003, p14.

What indeed. As in many dysfunctional human relationships, misunderstanding and mistrust take root where there is a failure to communicate. One extreme position begets an extreme response. This is why the bio-anthropologist might profit from the methods employed by the social anthropologist. Particularly so, where there is a need to reconcile different concepts of time and kinship with the evidence of DNA and morphometrics. The author believes that mutually respectful dialogue between the scientific and indigenous communities will de-polarise the two positions and create common ground in which scientific objectives can then be negotiated.

Return *versus* retention

The author first met Ms Colbey on 2 May 2003 at the Royal College of Physicians in London, where he and Dr (now Professor) Rob Foley, Director of the Leverhulme Centre for Human Evolutionary Studies at the University of Cambridge, led a debate, convened by the Institute of Ideas, on the scientific, cultural and ethical arguments for and against return of indigenous human remains held in museum collections. Ms Colbey was the only representative of indigenous people at the debate. All four invited speakers were white Europeans. As the author pointed out at the time, this seemed odd for a debate that should, in his view, address the conflict between the cultural values of the west, as

embodied in science and museums, and the different cultural values of indigenous peoples:

"If we wish to debate the issues solely on the grounds staked out by western rationalism, we assume the right to deny the alternative realities and belief systems of indigenous communities."

Besterman, T. 2003.

Spokespersons for the Institute of Ideas, which developed from a series of events organised by LM magazine (formerly Living Marxism), have consistently opposed repatriation, and question the 'loss of confidence' in the traditional roles of museums:

"Throughout the 1980s, museums suffered from increasing doubt about their role as collectors, preservers and studiers of objects. Some museum professionals came to view their work as an activity that was both futile and elitist - repatriation became a way in which they could find a new role and relevance for themselves. Researching the provenance of remains, contacting Native groups and entering into dialogue...to some, this seemed to have more moral authority than studying the bones to further scientific understanding."

(Appleton, J. 2002, § 29.)

...and attack the report of the Government Working Group on Human Remains:

"The report's recommendations are very dangerous indeed. Science, anthropology and history have all benefited directly from research on bones. Human remains constitute 'the material memory' of past peoples and past times. They can tell us about evolution, patterns of migration and population variation - and are a unique source of information about the impact of different natural and socio-cultural environments."

(Jenkins, T. 2003, § penultimate.)

The debate was picked up by *BBC History Magazine*, which published a summary of the two opposed positions in its regular 'Counterblast' feature page, under the title, "Should human parts in museums be returned to their place of origin? Modern embarrassment over anthropologists collecting human remains for western museums has led to calls for their return..." Writing for the 'NO' camp, Robert Foley set out his position:

"Above all, though, there are two powerful reasons for the retention (*sic*). The first is that these skeletons are an irreplaceable record not just of particular cultures and populations, but of humanity as a whole, and their disappearance would be as much a loss to human history as the destruction of the statues of the Buddha in Afghanistan by the Taliban. The second is that these collections have preserved this history, and it is more likely that the descendants of people who are now calling so vigorously for reburial – often beyond retrieval at any time – would prefer to see them in museums as part of a global heritage, and as a source of historical and scientific ideas and discoveries."

Foley in Besterman, T. and Foley, R. 2003, p.51.

On the same 'Counterblast' page, the author explains some of the reasons why he feels that the claims of science should not always predominate:

"Science offers no absolutes, nor can it claim the sole road to uncovered truths. Science proceeds by exploring the questions that scientists choose to ask, and providing answers that may be toppled by later, different answers to similar questions."

Besterman in Besterman, T. and Foley, R. 2003, p.51.

Or as Sir Peter Medawar, the great immunologist put it, "If politics is the art of the possible, research is surely the art of the soluble. Both are immensely practical-minded affairs." (**Medawar, P. 1967**). On matters of theology and spiritual belief, science is out of its depth:

"Representatives of Australian Aborigines argue that the spirits of their ancestors must be released from the continuing barbaric torment inflicted on them by incarceration in the store of a museum 12,000 miles from the group's ancestral burial grounds. Furthermore, they assert that the social problems that beset Aboriginal Australians today will remain insoluble until the spirits of their ancestors are at rest. The fact that such claims can be neither proved nor disproved scientifically doesn't mean that they are unworthy of serious consideration. "

Besterman in **Besterman, T. and Foley, R. 2003**, p.51.

Of course it is possible to dismiss such traditional beliefs as nothing more than 'superstition', or worse, as an expression of political manoeuvring. As one commentator puts it, "There is no obvious relationship between better conditions, political equality and social opportunity, and the return of historic human remains" (**Jenkins, T. 2004**, p.18). By extension, these critics accuse museum curators who accede to such requests of 'political correctness' and of selling out on a western rationalist tradition originating in the European Enlightenment, which led to the establishment of museums like the Manchester Museum. The author is not arguing against the importance of science to humankind. That is not in question. What he does challenge is the assumption that the indigenous voice should be accorded so little respect in the museum and to accord science continued precedence over all other social constructs. If a museum is to reflect the complexity of the human condition and of people's understanding of the world and each other, there must be a place for the spiritual alongside the rational. Far from being a betrayal of its Enlightenment roots, admitting other cultural values into the museum's discourse is a return to those origins. The adoption of an empirical approach to understanding the natural world was a means of banishing irrationality and superstitious fear from the 16th century onwards. One of the great evils of the 21st century breeds on the irrational fear of belief systems and values quite different from our own. This fear of the 'other' feeds on prejudice and ignorance. Just as mediæval superstition did. In trying to create understanding and respect for the values of different cultures, the museum is surely a force for contemporary enlightenment. It seems entirely appropriate that museums can play a role in reducing alienation by making the alien familiar, and in addressing a sense of dispossession by redefining rights of possession.

In his work for the WGHR, the author outlined three categories of human remains in museums:

- 1 Ancient human remains without cultural descendants**, defined as 'culturally isolated' human remains from antiquity, which are not subject to current claims by overseas governments, indigenous communities or any cultural descendants.

Examples found in UK museums in this category might include mummies from the Nile Valley, Roman or Anglo-Saxon period skeletal remains from archaeological sites, and so-called 'bog bodies' from the European Iron Age. Their treatment in the museum raises important ethical questions, but as 'cultural possessions', they are currently uncontested.

- 2 Ancient human remains with cultural descendants**, defined as 'culturally affiliated' human remains from antiquity, which are subject to control or claims by cultural descendants, supported by the overseas national governments concerned. The claim of living populations to lineal descent is unsupported by scientific data.

This category of human remains has for some time been highly controversial, and continues to be so. In the United States, skeletal material from a range of sites, and dating from 2,000 to 10,000 years old has been 'repatriated' by universities and museums to indigenous American groups for re-burial, despite the questionable affinities of the remains to those who claim to be cultural descendants. Many anthropologists are understandably concerned that evidence of the first people to colonise North America has consequently been lost to science (and to indigenous peoples) (**Jones and Harris 1998**, p.253-4)

In Australia, all remains dated to pre-1770 are by definition Aboriginal, and are subject to the absolute jurisdiction of the Aboriginal authorities. **Mulvaney** (1991) challenges this new orthodoxy in ringing tones, when he likens the reburial of such remains to the destruction of the Egyptian pyramids or the razing of the Taj Mahal. Why should cross-cultural values work only one way, he asks.

"The humans whose remains have been excavated in the past 70 years were the predecessors of modern Aborigines, but not the direct ancestors of any particular Aboriginal group. Hardly a single one of the famous archaeological sites in Australia was known to modern Aborigines, much less venerated...the sites had been forgotten and deserted for as much as ten or twenty thousand years..."

(**Gough 1996**, p.133-4)

Nonetheless, under Australian federal law, the defining factor in the legal disposition of such remains is cultural affiliation, not biological (i.e. genetic) affinity. Writers like Gough and Mulvaney assess these remains as biological entities within a western scientific paradigm. This is to miss the point for Aborigines, who see the remains as cultural entities, as integral to their lives as the Australian landscape itself.

"Western scientists see time as linear...a sequence of events containing generations of people. In the western world people are usually concerned with only a few generations into the past, rarely further back than their grandparents....to indigenous people, time is circular. Those ancestors who may have died hundreds of years ago are...still members of the group of people living today."

(**Pullar, 1994**, p.19)

- 3 Recent human remains with biological descendants**, defined as culturally and biologically ancestral human remains, which are subject to control or claims by cultural descendants, supported by the overseas national governments concerned.

The distinction between the second and third categories of human remains is one that exists only in the western scientific mind. It is only made here because at least there is no dispute about whether or not a living community can claim lineal descent from the people whose remains are under consideration. The anatomical and/or molecular evidence is conclusive scientific proof of lineal descent, a matter

that may be of shared interest between science and the indigenous communities (the Maori and some North American native peoples do not rule out such scientific investigation, provided it is under their control). Most scientists do not challenge the right of individuals to reclaim the remains of near ancestors.

Honouring the spirit of the agreement

Having taken the decision to return the remains to Australia, the hand-over ceremony became, in the minds of all the protagonists, a very public acknowledgement of the moral case for return, and a celebration of its enactment. Within that context, the author makes no apology for an address that under different circumstances might draw criticism for its lack of 'objectivity' and 'balance' which society can expect from a museum director. This was no time for a measured examination of the conflicting principles at stake in the Museum's role. The ceremony became a public expression of a western university and museum standing up for an important principle, which entailed breaking with its own traditions, honouring the traditions of a source community and demonstrating the generosity of spirit that the occasion demanded.

Building a new relationship

Manchester is currently developing a more positive relationship with Aboriginal representatives in Australia, as a direct result of returning their ancestors and the conduct of the negotiations around it. Major Sumner has proposed an educational collaboration between the Museum and the Ngarrindjeri nation. Within the context of the Manchester Museum's DCMS-funded *Collective Conversations* project, which will involve a range of communities in re-presenting the Museum's anthropology collections, the Museum plans to develop cultural links with representatives of indigenous Australians. For The Manchester Museum, it provides the opportunity for developing innovative learning programmes and better informed curation and interpretation of its collection of indigenous Australian artefacts. For the indigenous nations, the partnership provides the means by which they can promote better understanding of their culture outside Australia. Within the context of Australian studies, now a growth area in the UK (**Garner, R. 2004**), the more that the voice of hitherto culturally dispossessed Australians can be both heard and respected, the better we shall understand the history of Australia both before and after European settlement.

Tristram Besterman
The Manchester Museum
University of Manchester
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