

# Resolving the Human Remains Crisis in British Archaeology: A Response

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This paper clearly frames the legal uncertainties about the curation of human remains in England and Wales and is certainly convincing that action is needed. The authors also note the importance of the archaeological community working together but, unfortunately, do not provide definitive recommendations about how to revise the legal process which would have been a very valuable contribution. In addition, the authors do not support two of the central suggestions of the paper. One assertion being that the Ministry of Justice made its determination that all burials must be reinterred within two years because of deference to Fundamentalist Christianity and the second being that Fundamentalist Christians are working to ensure that all burials be reinterred.

Comment must be made about the statement that, "...faint echoes may be heard of a pernicious religiosity that seeks to curtail the practice of science: a phenomenon more common in the United States." This is a very sweeping statement. It is unclear how the curation of human remains in the United States is an example of science being curtailed by Fundamentalist Christianity. What happens is largely determined by state and local laws which typically, such as in New York City, mandate consultation with closely linked descendants or descendant groups about the ultimate disposition of remains. The relevant federal law, the Native American Graves Repatriation Act ('NAGPRA'), mandates a process for museums and federal

agencies to return human remains, funerary objects, and sacred objects to federally recognized Native American and Native Hawaiian organizations. It also ensures that these groups are consulted about new projects that might impact such resources and about what to do with inadvertent discoveries on federal and tribal land (see NPS, National NAGPRA). NAGPRA emerged from an egregious history that treated Native American remains differently than the remains of people of European ancestry and not from the lobbying of Fundamentalist Christians. However, it may be analogous to what is now happening in England and Wales in the sense that, when NAGPRA was passed in 1990, many scientists were very concerned about the research collections that would be lost and that their views would not be of paramount concern for future projects subject to this review. The reality in the United States was not as dire as predicted and some positive benefits emerged, including detailed inventories that were made of existing collections and improved access to information that came through the consultation process (see Rose, Green and Green 1996; Ferguson 2010). This process of engagement is becoming a far more standard aspect of public archaeology in the United States and is not something to be feared (see Shackel 2011).

## References

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