

**The Duckworth Laboratory Policy the Curation and
Conservation of Human Remains**

1. Human Remains and the Duckworth Laboratory

The Duckworth Laboratory is one of the world's largest repositories of biological anthropology collections. The collection houses archaeological and anatomical human remains, non-human primate remains, fossil casts, blood, brain and hair collections, anatomical models and instruments, and an archive that are widely used for teaching and research.

The Duckworth Laboratory was established in 1945 by DWL Duckworth, who amalgamated the University of Cambridge's collections of human remains and actively acquired new materials. The human remains that form the Duckworth Laboratory collection today were originally part of different University holdings – of the Faculty of Archaeology & Anthropology, the Museum of Zoology, as well as the Anatomical Collections. Thus, the formation of the Collection spans a long period of time - some of the human remains were acquired as early as the mid-19th Century. The collection continues to add to its holdings of human remains, mainly as a result of commercial excavations and private donations.

Human remains represent an important element in the study of humans and their societies: the study of human remains provides unique and invaluable information on human evolution and history, human biological diversity, the history of disease, as well as cultural differences in relation to the body, death, burial and belief systems. It is recognised, however, that research conducted using human remains is of a sensitive nature and linked to past scientific exploitation and colonial practices of collecting and discrepancies in power.

The Duckworth Laboratory follows the *Guidance for the Care of Human Remains in Museums* from the Department of Culture, Media and Sport (DCMS) published in October 2005¹, which sets out a series of recommendations on best practice regarding human remains in museum and university collections in the UK, and complements the provisions of the Human Tissue Act 2004² on the care of human remains older than 100 years. The Duckworth Laboratory is also guided by the *Code of Ethics*³ and *Code of Practice*⁴ of the British Association of Biological Anthropology and Osteoarchaeology (BABAO), as well as *the United Nations Declaration on the Rights of Indigenous Peoples*⁵ adopted in 2007.

1.1 – Definitions of 'human remains'

Definition of 'human remains' in accordance with the DCMS Code of Practice 2005

Human remains represent the parts of bodies of once living people of the species *Homo sapiens* (defined as individuals who fall within the range of anatomical variation of living and recent human beings). This includes osteological material (whole or partial skeletons, individual bones and teeth, or fragments of bones and teeth), soft tissue (including organs and skin), embryos and slide preparations of human tissue. The definition of human

¹ www.gov.uk/government/publications/guidance-for-the-care-of-human-remains-in-museums

² www.legislation.gov.uk/ukpga/2004/30/contents

³ www.babao.org.uk/assets/Uploads/BABAO-Code-of-Ethics-2019.pdf

⁴ www.babao.org.uk/assets/Uploads/BABAO-Code-of-Practice-2019.pdf

⁵ www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html

remains also includes any of the above that may have been modified in some way by human skill and/or may be physically bound-up with other non-human materials to form an artefact composed of several materials. In line with The Human Tissue Act 2004, the definition of human remains by the DCMS Code of Practice 2005 does not include hair and nails.

Definition of 'human remains' in accordance with The Human Tissue Act 2004

As defined by section 53 of The Human Tissue Act 2004, human remains (or “relevant material” under the terms of the Act) means material, other than gametes, which consists of or includes human cells, with the exception of “(a) embryos outside the human body, or (b) hair and nail from the body of a living person”.

As most of the material contained in the Duckworth Collection falls outside the remit of The Human Tissue Act 2004 because of the time of acquisition, age, and its non-identifiability (see section III.2), the definition of 'human remains' used throughout this document is largely that of the DCMS Code of Practice 2005.

1.2 – Types of human remains curated at the Duckworth Laboratory

The Duckworth Collection contains human remains of different nature, as well as age and geographic origin. These fall into seven main categories:

- (1) osteological remains, i.e. the skeleton or part of the skeleton of individuals, cremated remains. These form the vast majority of the Collection's holdings.
- (2) dried soft tissue remains, i.e. the desiccated remains of skin, muscle or other soft tissues of a small number of individuals, usually attached to the bones they were attached to in life.
- (3) mummified remains, i.e. intentionally preserved or desiccated body, or part of a body, of a person, of a small number of individuals.
- (4) human skeletal remains modified intentionally after death, including decorated bones and skulls, or the transformation of a human bone into a cultural implement.
- (5) thin sections of human bones and teeth, some of which are mounted in slides for microscopic observation; and samples of dental calculus.
- (6) blood samples obtained as part of the British Biological Survey (BBS) in the mid-20th century.
- (7) hair, collected mostly during the first half of the 20th century. Although not considered human remains under the DCMS guidelines (2005), many of the same issues regarding care, curation, and repatriation apply, therefore it is covered in this policy.

With the exception of blood and saliva samples obtained for scientific purposes with prior individual consent in the last three years, all the human remains curated at the Duckworth Laboratory were *existing holdings* in 2004 (see below), when the Human Tissue Act came into force. Furthermore, the vast majority of these human remains consist of individuals who died more than 100 years ago (i.e., individuals who died prior to 1922).

1.3 – Legal considerations

The Duckworth Laboratory is included in the University of Cambridge's Human Tissue Licence to comply with current legislation regarding the retention, for scientific and teaching purposes, of human remains that are less than 100 years old and which may be identifiable as to donor, including recently obtained blood and saliva samples.

A small number of osteological human remains, as well as the blood samples from the BBS, represent the remains of persons who died in the last 100 years (in the case of the osteological remains and some of the blood samples), or who may possibly be still alive (in the case of some of the blood samples). The storage and use of these human remains for the purpose of display, teaching and research did not receive individual prior consent. Nevertheless, under the guidelines of the Human Tissue Act 2004, most of these are exempt of such consent because (1) they were acquired before The Human Tissue Act 2004 had come into force, and/or (2) the Collection is not in possession of information from which the person from whose body the material has come can be identified, even though it may not be 100 years since the death of the person.

The Human Tissue Act 2004 requires that human tissue stored and used for regulated activities (such as display, teaching and research) has been obtained from an individual who gave prior consent, unless:

- "it has been imported" (section 1.5.a and 1.6.a);
- "it is the body of a person who died before the day on which this section [of The Human Tissue Act 2004] comes into force and at least one hundred years have elapsed since the date of the person's death"⁶ (section 1.5.b) or "it is material which has come from the body of a person who died before the day on which this section comes into force and at least one hundred years have elapsed since the date of the person's death" (section 1.6.b); these two conditions also exempt any material from the remit of the Human Tissue Authority (section 14.3) and its licencing regime (section 16.4);
- it refers to "existing holdings", in which case regulated activities are lawful without consent as long as the "existing holdings" are composed of:
 - (a) the body of a deceased person, or
 - (b) relevant material [as defined in section 53] which has come from a human body held immediately before the day on which section 1(1) comes into force" (section 9).

The Human Tissue Act also takes into consideration the fact that human remains which were not acquired with prior consent may exist in collections, but who are no longer identifiable to the person to whom they once belonged. This is specified in section 1.9.b, where it is stated that "it [the storage and use of material] is to be, or is, carried out in circumstances such that the person carrying it out is not in possession, and not likely to come into possession, of information from which the person from whose body the material has come can be identified". Section 7.1.b of the Act also states that the Human Tissue Authority may dispense with the need for consent if it is satisfied "that it is not reasonably possible to trace the person from whose body the material has come ("the donor")" (section 7.1.b).

⁶ The 100 years are a rolling period.

Thus, except those materials obtained with consent in the recent past, the present holdings of the Duckworth Collection are largely outside the remit of the Human Tissue Authority, and their care, storage, use and retention should follow the recommendations made in the DCMS Code of Practice 2005.

1.4 – Position on the scientific use of human remains curated at the Duckworth Laboratory

The most fundamental reason for the existence of collections of human remains lies in the fact that they are a record, a form of library, of humanity, in all its spatial, geographical and temporal diversity. Human remains provide information on how different populations relate to each other, as well as how individuals have adapted to meet the challenges of diverse environments during our evolutionary history. They also provide us with information about the processes of growth and development through time; the diet and occupation of past societies, and the effect these had on nutrition and epidemiology. They open a window into the history of medicine, by recording the first appearance and changing severities of diseases in human history in varying social and environmental contexts, as well as some of the range of medical practices employed. In the context of their burials, human remains provide information on cultural traditions related to the deceased, as well as insights into the evolution of our cognitive awareness of life and death. Finally, they provide some rare evidence of intentional modifications of the body in life which affect the skeleton.

The Duckworth Laboratory actively promotes and supports scientific research on the human remains under its care. In the present circumstances of both greater concern about curatorial practices and claims for the repatriation of individual remains or groups of remains, this document sets out the Laboratory's policy for the care, maintenance and repatriation of human remains under its care.

2. Curation, care and study of human remains

2.1 – Inventory

The Duckworth Laboratory collections were assembled over 200 years, collected by different individuals and institutions and by different means of acquisition. Therefore, the original records of the acquisition of each individual or group of remains vary significantly in quality and extent. Most of these original records are in the form of lists of remains contained in 19th century hand-written notebooks, lists of remains transferred from the Museum of Archaeology & Anthropology in the early 20th century, and accession books kept by DWL Duckworth. Many of these were copied at later dates, and the fidelity of such copies is not always perfect, adding a level of uncertainty to the original information. Furthermore, the various re-housing and reboxing of the remains, as well as un-returned historical loans, means that not all the items listed in the original notebooks are still physically part of the collections.

Following the DCMS guidelines, the complete inventory of the holdings in the Duckworth Collection is being made publicly available as its compilation proceeds.

2.2 – Acquisition

The Duckworth Collection continues to take material into its care. However, the number of materials, whether human remains or others, acquired in recent years is small.

Human remains may be added to the collection if they meet the following conditions:

- (a) the remains were obtained lawfully, through either archaeological excavation or donation of an individual's or an institution's existing holdings, with no suspicion of illicit trade;
- (b) the remains do not represent individuals or parts of individuals who died less than 100 years ago, unless their use for scientific research was consented by the individual to whom they belonged prior to his/her death; such cases will be subject to the legislation set out in the Human Tissue Act 2004, and the Laboratory will be guided by the Human Tissue Authority in this regard;
- (c) that the remains are of potential value to the Laboratory and to research.

The Duckworth Laboratory will occasionally continue to acquire human remains excavated in the UK, largely by the Cambridge Archaeological Unit, and occasionally from overseas. Human remains removed in the course of archaeological excavations in the UK are subject to a Ministry of Justice⁷ licence or directions, and their acquisition by the Laboratory is carried out in accordance with legal requirements and published professional standards of archaeological investigation. Similar considerations are made for those remains originating overseas.

2.3 – Loans

The Duckworth Laboratory will consider the loan of human remains in its care for the purpose of display and/or teaching if the request meets both of the following conditions:

- (a) the request is made by a museum or university department which holds a human remains policy that does not contradict and/or conflict with that of the Duckworth Laboratory (see section 2.6);
- (b) the human remains requested on loan make a significant contribution to the aims of the exhibition being organised or course being taught;

The historical records of the collections show that material was loaned to individual researchers in the last 100 years. The information on what material was loaned, details of the recipient, or whether/when it was returned is largely incomplete. Many of the individual remains who are listed in the original catalogues but are no longer physically part of the Laboratory's collection trace their history to such loans. The Duckworth Laboratory does not loan any material to individuals.

2.4 – De-Accessioning

⁷ www.gov.uk/government/publications/apply-to-excavate-human-remains-for-archaeological-purposes

Human remains are not typically de-accessioned from the Duckworth Laboratory collections unless part of a repatriation claim.

2.5 – Storage, conservation and collection management

The Duckworth Laboratory collections are securely stored in controlled environmental conditions on the premises of the University of Cambridge. There is a curatorial plan that includes a rolling programme for conservation work on the collections, overseen by specialist staff, to ensure the integrity of the collections long term. A Risk Register is updated regularly to reflect ongoing maintenance as is standard for collections of this nature.

2.6 – Public display

The Duckworth Laboratory gives careful thought to the reasons for, and circumstances of, the display of human remains. Human remains from the Duckworth Collection are occasionally shown for teaching, public engagement, and exhibitions, or as loans for temporary exhibits by museums and other institutions.

2.7 – Access Policy

The Duckworth Laboratory provides access to its collections of human remains for education and research.

Human remains from the Duckworth Laboratory collections are used for teaching by academic staff of the Department of Archaeology where the use of actual remains (instead of scientific replicas) is considered critical for the learning process. In these cases, measures are taken to protect the remains from damage, and students handling the material are instructed to treat them with care, dignity and respect.

Human remains from the Laboratory are available for scientific research by students and researchers worldwide. Those interested in studying material held as part of the collection are requested to submit a detailed application form⁸, project and letter of reference if applicable, upon which permission may or not be granted. Special consideration is given before applications to carry out destructive sampling are approved, weighing the benefits of the scientific information to be obtained against the costs of the material destruction of samples. All data, residues, and other information resulting from destructive sampling research must be returned to or deposited with the Duckworth Laboratory Archive as soon as possible and within the timeframe specified in the *Terms and Conditions*⁹. Failure to do so, and failure to comply with any of Terms and Conditions will mean that future access applications will not be considered from the researcher or research group. The Duckworth Laboratory reminds all those working with material under its care of the ethical obligations with regard to human remains.

The Duckworth Laboratory receives national and international research visitors every year, and its biological anthropology collections have played a major role in the development of our current knowledge on human evolution and diversity, comparative

⁸ www.arch.cam.ac.uk/institutes-and-facilities-overview/duckworth-laboratory/application-instructions

⁹ www.arch.cam.ac.uk/files/dc_sop_2- dc_terms_and_conditions_november_2021.pdf

anatomy, and the history of medicine. The Laboratory will strive to continue to play this role in the context of current developments in scientific techniques and interests, promoting the use of archival information, the deposition of data in publicly available databases, and the sharing of existing data through its current project of a 3D e-library of the Collection's holdings.

Access to view, handle and study human remains in the Duckworth Laboratory is granted solely to those researchers engaged in a research project that is consistent with the broader ethical research framework of the Department of Archaeology and the University of Cambridge. No researcher who has intentionally contributed, or whose project has the intention to contribute to research agendas considered racist, sexist or unethical will be granted access to the collection.

3. Procedures for dealing with claims for the return of human remains

All repatriation claims and requests are dealt with by the Registry of the University, to whose office they should be directed in writing. Handling of claims follows clear steps, set out in the document *Procedure for handling claims for the transfer of stewardship of human remains*¹⁰. This adheres closely to the guidelines proposed by the DCMS. A response to the claim from those responsible for the University collection in which the human remains are located will be written, including expert evidence when necessary. All available information will then be assessed by the University's Human Remains Advisory Panel, which will submit its advice and recommendations to the University Council, who will make the decision regarding the claim.

Duckworth Laboratory
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¹⁰ www.governanceandcompliance.admin.cam.ac.uk/transfer-stewardship-human-remains