**German Museums, Human Remains and the Challenges of Colonial Legacies**

*by Ciraj Rassool*

The „Recommendations for the care of human remains in German museums and collections", produced by a „Human Remains Working Group" on behalf of the German Museums Association (DMB), and published by the Association in 2013, seek to address the need for „clear regulations and guidance" by museums for their daily work, especially in „problematic cases" and „claims for return". They are a response to international developments in this contentious field and are also intended as the basis for „every establishment" in Germany to „develop its own guidelines" on how it would „handle such remains in the future" (p. 4).[1]

Instead of pointing to any national, coherent and systematic approach that may require proactive provenance and ethical work by German museums within a national policy system, the DMB seems to envisage an ad hoc, case-by-case, dispersed approach in which individual museums address claimants (seen as descendants), and not seek a „state-to-state" framework. Yet, the notion of „context of injustice" that the DMB raises presents an opportunity to place any national guidelines or policy on a more ethical footing.

In showing the variety of types and categories of human remains in German museums that form the basis for the recommendations, the DMB has listed cases ranging from „shrunken" and „tattooed" heads, hair and bones incorporated into ritual objects, to archaeological collections of skeletons and bog bodies. In wishing to show this diversity of cases of human remains in museums, the DMB has chosen perhaps to remove attention from skulls and human remains whose presence in museum collections is a result of colonial violence and even genocide, such as highly contentious skulls from Namibia, some of which have recently been returned by the Charité in Berlin.

It is also perhaps regrettable that in the effort to ensure that the interdisciplinary working group consisted of all relevant disciplines, no space was found for expertise in German colonial history, especially on those dimensions that are difficult and contentious and still subject to international claims. It is also a pity that there seems to be little awareness about how the categories, boundaries and divisions that underlie the „recommendations", such as „non-European" and „our Western European mindset", and disciplinary spaces such as „Ethnology" are colonial in their origins and character. Colonialism refers to more than just the formal political experience of colonialism as coloniser or colonised and to more than a specific experience of violent conquest. There needs to be a deeper appreciation of how categories, institutions and disciplinary formations may be marked by coloniality, even long after colonialism's end.

In seeking to delineate what is included and excluded in the category of human remains, it is interesting that the „recommendations" have expressly excluded „mouldings of human bodies or body parts" and „death masks" (p. 9). In addition, artefacts previously associated with human remains, as part of burial goods, have also been omitted. This seems to go against some international experience whereby records and representations associated with remains have been deemed to be inseparable from those remains. The South African experience has also shown how closely life casts made from bodies retain such a close association with those bodies in the transfer of surface skin and hair that they have been deemed to fall inside the category of human remains. Yet South African experience has also seen grave goods separated from returned remains, such as the well-known golden artefacts from Mapungubwe which were not returned with the remains that were reinterred at the site. On the state's insistence, human remains were returned from university collections to this Iron

[1] German Museums Association / Deutscher Museumsbund, 2013 Recommendations for the Care of Human Remains in Museums and Collections, April 2013. See http://www.museumsbund.de/fileadmin/geschaefts/dokumente/Leitfaeden_und_anderes/2013__Recommendations_for_the_Care_of_Human_Remains.pdf (12.12.2016).

Age archaeological site, now a declared world heritage site. However, the archaeological artefacts made of gold, also removed from the same graves, remain in museum collections as prestige objects of the nation.

The DMB raised the significant issue of the „context of injustice", which calls attention to the „circumstances of the death" as well as the „acquisition of the remains". While cases of human remains originating from a person who was „a victim of injustice" were cause for „greater sensitivity" and „special treatment", as these were „particularly problematic" (p. 9), the DMB was also careful to state that „context of injustice" was „not a legal term or an established ethical concept" (p. 10). It was important for museums or collections to establish whether „in a particular case a context of injustice can be assumed". However there was no problem in cases where killing and using the physical remains therefrom were „socially accepted acts" in certain cultures as with „fashioned trophies from the heads of ... killed enemies" which originated in acts of „honouring" victims as „worthy opponents" (p. 10). Another „context of injustice" was when human remains were added to a collection pursuant to „physical violence, coercion, theft, grave robbery or deception" (p. 11), in other words, against the will of those with the right to dispose. What seems missing, however, is a recommendation that museums be proactive in enquiring into their human remains collections for any evidence of such „contexts of injustice".

In arguing for a „careful balance" to be struck, and for a „case-by-case" approach (p. 10), the DMB also recommended that exceptions to the „context of injustice" be recognised, such as when it was „no longer possible to identify direct descendants for whom the injustice could continue to have an effect". The general guideline, it was suggested, for such „genealogical mapping" was 125 years, but was possibly longer when perpetrated injustices and cases of persecution were so acute that the experiences endured in memory. Another exception was when the violent, coercive or deceptive acquisition or the act of theft or grave robbery took place „so long ago in the past that it no longer continues to have an effect in the present day". It was argued that the „values" in the „states of origin" might have „changed" and that „such events" in the „distant past" might now be „viewed differently" (p. 11). These exceptions also have the potential to blunt any operation of the notion of „context of injustice".

It is quite telling that the presumption underlying these recommendations is that the competence for engaging in negotiations would lie with individual German museums in accordance with their own individual museum policies perhaps developed in relation to these recommendations. And it is also presumed that the people with whom they would negotiate directly would be the „people of origin", that is „the ethnic and indigenous communities which are direct descendants of those peoples from which the human remains originated". While they might have „transferred the representation of their interests" to the states into which they've been „incorporated", people of origin „are not to be regarded as identical to the higher-level state agencies which represent them" (p. 11).

This preference for dialogue and negotiation with „ethnic groups" points to a fundamental flaw with the DMB's recommendations. They fail to recognise that these are matters that need to be escalated to the level of national law and policy, and even to the operation of international policy, such as through a possible „UNESCO International Convention on the Reassessment and Return of Human Remains". Ideas about source communities and „peoples of origin" need to be taken out of an ethnological frame, with presumptions of continuity and purity, and also need to take account of modern political identities and structures that such people have been incorporated into. This includes new forms of citizenship and nationality that have been achieved or are still contested in an age of international relations that seeks to find ways out of the deep legacies of colonialism.

The world's most prominent cases of contestation over human remains involve Indigenous groups in Australia and New Zealand, in which national governments have remained involved in return pro-

cesses, even when these may have been led by representatives of those groups, with assistance perhaps from national museums. The preoccupation with direct, „ethnic“ descendants represents a strange attempt to address these problems through a depoliticised approach that prioritises older social forms instead of the early 21st century world of international relations and the need to rethink what museums are in a postcolonial age. It is not appropriate that German museums become the determiners and verifiers of the *bona fides* of claimants. This is a matter that belongs to the complexities of relationships between local communities and national governments, even when the continuities of local and national identities have been complicated by disruptions of colonisation and recolonisation, shifts in borders and changes in national authorities.

In its consideration of the „history and context“ of human remains collections in Germany and in Europe more generally, the range of cases presented is indeed wide. It includes relics from the 4th to the 13th centuries and early anatomical specimens incorporated into chambers of curiosities and later, specialist anatomical theatres and museums of medicine, collections of physical anthropology interested in human evolution and the physical attributes of „primitive races“ as distinct from „civilised peoples“ (p. 14), tattooed heads from New Zealand and shrunken heads from Ecuador, as well as mummies and bog bodies. The DMB acknowledges that some of these collecting histories involved frameworks of race and „primitive peoples“, especially „purebred“ specimens of „nearly extinct tribes“ (p. 14) from direct colonial relations or from expeditions to Oceania, Asia and Africa, as well as a trade in such materials, in addition to theft and grave robbery having occurred amid histories of bartering, gifting and purchasing.

However, the DMB has failed to show an appreciation of how these histories of typology, making race and inventing evolutionary scales were key elements of colonialism. Here colonialism certainly refers to the violence of war, conquest and genocide, as in the case of Germany's history in early 20th century Namibia. Importantly, it also refers to the epistemic violence of the entry of human remains and artefacts into a classificatory order of collections, museums and knowledge. This failure is most powerfully reflected in the DMB's characterisation of how some remains were acquired under colonial conditions, which is couched in very restrained terms:

„From time to time, situations caused by war in the colonies (such as barracking in concentration camps or direct acts of war) were also exploited to acquire bodily 'materials' on a larger scale and to ship those 'materials' back to the collecting institutions in far-off Europe. This procurement practice, immoral also by the ethical standards of the colonial powers, was justified by a significance for the world of science on which greater value was placed or simply hushed up“. (p. 15)

In considering the potential usefulness of human remains for scientific research, the DMB has recognised the shift that occurred in the past decades from „the typological view“ to a „genetic concept of populations“, in which it is possible to understand how „human beings react to their environment and how use is made of their biological capacity“ (p. 23). For the DMB, skeletal collections can be seen as „genuine research laboratories“ (p. 23). With „known biographical data“ they offer the possibility of „validat[ing] different osteological or palaeodemographic methods“ and constitute a „realistic, three-dimensional textbook of palaeopathology“ (pp. 23). Significantly, for the DMB, this scientific value is only possible if human remains were not acquired in a „context of injustice“.

While the DMB also considered the ethical aspects of the collections management of human remains, such as the care that needed to be taken about any proven or suspected „context of injustice“, and the appropriate, respectful storage of remains, with due attention to cultural sensitivities of source societies (named irritatingly by a colonial short-hand, „non-European“), it also noted the ambiguity of the legal position of such remains. They were „equivalent to objects to the extent that they cannot hold rights“, but they were nevertheless

protected „under the concept of human dignity“ and thus not to be „treated like other objects“ (p. 44).

Any project of research on human remains would need to ensure that there was „an overriding scientific interest“, that the „provenance“ has been established, and that the „historical context“ of their acquisition was „no cause for concern“ (p. 55). It is recommended that research be prohibited where there was „clear proof“ (p. 57) that human remains originated from any context of injustice, and, importantly, where a context of injustice was suspected, until clear provenance was investigated and established. This matter of a lack of documentation and an inability to establish a clear provenance without a „context of injustice“ constitutes a significant „grey area“ around which it is necessary for the DMB and German museums more generally to find consensus. The immediate signs are that while human biologists look forward to ethical authorisation to conduct research on as wide and diverse a layer of human remains as possible, those who lead German museums at this time of its renewal and restructuring (as in Berlin) insist on a clear and unambiguous provenance for this research. For them any possibility of doubt should exclude such remains from the purview of the researchers.

What is at stake for these recommendations is precisely how far the idea of „context of injustice“ should be taken. In South Africa, the „Human Remains Policy of Iziko Museums“, one of the country's national museums, has made it clear that any remains stolen or acquired for racial research should be regarded as having been unethically collected. It is indeed a pity that the full force of the category of „context of injustice“ which the DMB has so boldly inaugurated may not be allowed to be realised.[2] Contexts of „injustice“ should not merely refer to theft, illegal disinterment, or documented cases of illegal acquisition. This category should be extended to address not only those collections acquired under formal colonial conditions, but also those that were inserted into discursively colonial classificatory systems and processes of knowledge production, including racial research.

German museums should embrace the challenges of return and „repatriation“ of human remains more seriously on a proactive basis in their policies and practice. This needs to be seen as part of an approach that offers new opportunities to develop reconnections with societies and communities around the world from which collections hail. This is also part of the process of re-establishing the authority that museums have over their collections more generally, of rethinking what museums are beyond their collections, and as residing in the „museum frictions“ of these negotiations and reconnections. Such an approach will also ensure that the process of remaking German museums will also address the challenge that they become postcolonial.

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[2] Iziko Museums of Capetown, Policy On The Management Of Human Remains In Iziko Collections, 2005, in: http://iziko.org.za/PDF/05_Iziko_SA%20Human%20Remains%20Policy.pdf (14.12.2016).