



SOCIETY OF ANTIQUARIES OF LONDON

Burlington House

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Professor Nick Hopkins
Law Commission
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26th October 2016

Dear Professor Hopkins

The Society of Antiquaries of London is grateful for the invitation to contribute to the current consultation on the legal framework for the excavation of human skeletal remains, in the context of the Ministry's desire to update and clarify the relevant statutory procedures.

The retrieval and study of human skeletal remains are major and vital aspects of archaeological work in the United Kingdom. The highly varied funerary practices of past populations, from early prehistory onwards, are fundamental to the interpretation and understanding of the structures, practices and cultures of those societies. Recent advances in bio-molecular techniques and laboratory analysis of bodily remains have opened up dramatic and invaluable new perspectives in the study of human demography and ecology, particularly in circumstances of serious epidemic diseases and major environmental changes. This archaeological resource is thus of vital relevance to modern science.

It was consequently a matter of intense concern within the profession when, in the years 2008–12, interpretation of the 1857 Burial Act effectively presumed that all human skeletal remains would normally be promptly re-interred rather than retained in appropriately curated conditions where they were available for further and continuing study. This problem was — and can still in some cases be — exacerbated by groups or individuals asserting kinship or some other special connexion in terms of ideological or group identification with the deceased, claiming an ability and right to speak on behalf of the dead, and thus effectively appropriating such remains for their own purposes.

The Society of Antiquaries of London has a statement of core principles and values in relation to matters of policy that recognizes and respects the importance of fully understanding the past for both present and future generations, and emphasizes the importance of high-quality research and the accessibility of material for study. It also explicitly recognizes and respects a diversity of ways of approaching and valuing the past, including non-academic positions. It is fully appreciated that there can be cases where the certain identity of either individuals or groups whose remains are excavated justifies re-interment, and/or the performance of associated ceremonies.

Within the archaeological profession there is a high level of satisfaction with the present licensing arrangements for the excavation of human remains for archaeological purposes. The Society consequently urges that provision for archaeology should maintain this system, and endorses the common standards and guidelines for the excavation and curation of human skeletal remains of the British Association for Bioanthropology and Osteoarchaeology, the Chartered Institute for Archaeologists, and Historic England. We note, however, that some clarification of matters in detail amongst the guidelines might be useful, in particular with regard to the question of what



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constitutes a 'known burial ground' in an archaeological context. Concurrently, it would be appropriate for the guidelines to stipulate that the removal or clearance of known burial grounds, which may be relatively recent in archaeological terms, should be carried out to the same satisfactory archaeological standards.

Otherwise we would look for no change to the current procedures and requirements, which are operating in an entirely satisfactory, reasonable and practical manner. We request, therefore, that the greatest care be taken with any proposed changes or adjustments to the legislation so that, intentionally or not, those do not have the effect of restricting archaeologists' ability to conduct proper study of excavated remains.

Yours sincerely,

John S.C. Lewis BSc FSA
General Secretary

On behalf of the Policy Committee of the Society of Antiquaries of London