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MAGISTER HEREDITAS CULTURAEQUE SCIENTIAE: HERITAGE AND MUSEUM
STUDIES

A BONE TO PICK: CURATION VS REPATRIATION – UNDERSTANDING
THE CONTESTATION OF HUMAN REMAINS IN SOUTH AFRICAN
MUSEUMS (AT DITSONG NATIONAL MUSEUM OF CULTURAL
HISTORY)

by

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Acronyms and Abbreviations

BGG	Burial Grounds and Graves
DAC	Department of Arts and Culture
ICOM	International Council of Museums
NFI	Northern Flagship Institution
NHC	National Heritage Council
NHRA	National Heritage Resources Act, Act 25 of 1999
SAHRA	South African Heritage Resource Agency
SAHRIS	South African Heritage Resources Information System
SAMA	South African Museum Association.
UNISA	University of South Africa
MA UK	Museums Association United Kingdom
AAM	American Alliance of Museums
CAM	Commonwealth Association of Museums
WAC	World Archaeological Congress

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DECLARATION OF ORIGINALITY

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Abstract

This research explores the history and dynamics of curation and repatriation of human remains in South African museums. In this dissertation, I interrogate the role played by colonialism and apartheid in the acquisition of human remains in museums. This research will shed light on the role and significance of repatriation in museums. Hence, this research on the repatriation of human remains in museums aims to understand issues of identity, cultural values, race politics and stakeholder relations with indigenous communities. Legislative implications post-democracy, faced by South African museums with human remains collections, are probed closely.

Prologue

My career began as a curator at the Ditsong National Museum of Cultural History in April 2005: an interesting journey of hard work and constant learning. What I had learned at UNISA in the undergraduate portion of my journey towards becoming an archaeologist had inadequately prepared me for the real work of a museum. On the first day on the job, I was instructed that, due to staff shortages, museum staff must embrace many tasks: a first impression that stayed with me over the years while I worked for the museum, and quite the opposite of what I was taught at university. As a curator of the Archaeological Collection at Ditsong, I was immersed in diverse cultures; stretching from Mapungubwe in South Africa to Egypt in Northern Africa. For me, the most interesting aspect of the job was my introduction to the human remains which formed part of the Archaeology Collection. The collection included an Egyptian mummy from Fayum, a Korana mummy from the Northern Cape and some skeletal remains. The human remains collection had its own dedicated curator, Mr. Frank Teichert, since the year 2001.

As I got to know the collection, I was taught that human remains must always be treated and handled with respect when under the curation of the museum. In my professional archaeologist career thus far, I have found human remains fascinating. One is taught during one's studies that museums deal with 'specimens' or 'objects'. However, when it came to human remains, I encounter just 'the person'. This perspective I retain today. However, this collection left me conflicted because I had questions about it. I wanted to know why they were there, and what the reasons were for them being collected by the museum? Why were these human remains still being kept there, decades or centuries later? The conflict I felt stemmed as I deduced, from my own cultural background, as well as a personal curiosity: to know who they were, how long the museum had kept them and particularly why they had not been buried? For me, the presence of human remains in a museum raised ethical and moral issues. Usually, when it comes to death there is closure, but not in a museum. In many cultures, when death occurs there is a perceived transition into an afterlife accompanied by ceremonies or customs, e.g. a funeral, the performance of burial rites, religious and/or ancestral rituals (Simpson 2006:173).

Working for a museum, I had to learn the protocols attached to the appropriate exhumation of human remains or graves more than sixty years old, as their disturbance is forbidden by the National Heritage Resources Act (NHRA) legislation. However, if they are under threat of destruction, damage or desecration due to development, mitigating steps may be taken to protect them, through exhumation or relocation. The protocols and practicalities surrounding the exhuming human remains or relocating graves was something I embraced in the interests of personal ethics and accountability. This got me to think about the eventual fate of the human remains at the Ditsong National Museum of Cultural History: continuous curation or repatriation? Is it ethical for museums to have human remains collected in the during the ‘racial science era’ still retained in their collections?

In November 2012 I resigned from Ditsong to grow my career. An opportunity had arisen for work for the South African Heritage Resources Agency (SAHRA), where, from December 2012 until October 2016, I was a resident archaeologist for the Burial Grounds and Graves Unit. The job afforded me the opportunity to gain experience in the application of Heritage Management and Conservation. I have learnt how to navigate the process of the issuing of SAHRIS exhumation permits and the administration of Section 36 of the NHRA.

SAHRA was part of the steering committee involved in the repatriation of Moses Kotane and J.B. Mark, MK cadres back to South Africa from Russia in 2014. The steering committee was a government initiative appointed by the Department of Arts and Culture. I represented SAHRA in that committee. SAHRA’s role in the Kotane and Marks case was to advise on the reburial process in accordance with the NHRA. It was also to convene to handle the construction of tombstones and the erection of memorials for Kotane and Marks. SAHRA sought to have the two graves in South Africa declared National Heritage Sites in March 2015. This experience illustrated how heritage can be monopolised by politics.

Initially, when I was appointed at SAHRA in 2012 I was assigned the Crown Mines Reburial Project that needed a conclusion. I had to formulate a plan for this project, the conclusion of which I came to regard as a moral necessity. Although not easy, I managed to secure funding for the project after two years at SAHRA. The project initially arose in 2010 after the discovery of human burials exposed because of water erosion at an old Crown Mines dump on Crownwood Road, Johannesburg. The reclamation of the mine dump by Crown Gold

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Recoveries resulted in very little topsoil remaining, exposing the burials. The site is located on a portion of the farm Langlaagte 224 IQ and on an old Crown Mines dump. During 2010, Archaetnos cc, was appointed by SAHRA's BGG Unit to assist with the proper treatment of the remains. The burials were of indentured mine workers. Archaetnos was able to rescue about 146 persons' remains at the time of discovery. The remains were exhumed and examined on-site during the rescue operation of the formal archaeological excavations. However, after 2010, funding dried up and the remains of the 146 workers stored by Avbob a funeral undertaker in Johannesburg.

From 2014, I had the daunting task of engaging relevant stakeholders on behalf of SAHRA to play a role in the reburial of the rescued remains. The stakeholders for this project were Johannesburg City Parks, the Chamber of Mines, the National Union of Mineworkers (NUM), and Mr. Anton Pelsler, the archaeologist who conducted the rescue operation. Johannesburg City Parks was initially identified as a stakeholder since SAHRA was looking for a final resting place for these indentured mineworkers. That was a key element in the process as, without an identified burial site, SAHRA could not proceed with the project. Johannesburg City Parks granted SAHRA's request for a burial plot at the Brixton Cemetery. My responsibility included the design of the memorial and sourcing service providers to erect the memorial headstone for these 146 indentured mineworkers. On the 4th of December 2015, the remains were finally reburied with dignity.

However, my interaction or rather contact with human remains over the years has left me wondering about the curation and repatriation of human remains that are kept in South African museums. I found the whole thing intriguing and wanted to know more about the implications for museums. Post-1994 South African museums, might still be faced with issues of caring for human remains that had connections to Colonialism and even Apartheid. But it should be expected post-1994 some museums were trying to reinvent themselves to fit into a democratic society. Curation and repatriation of human remains can be complex and fascinating and that led me to conduct this study.

Introduction

This introduction describes the topic, methodology, and objectives of the research project. The author's own biases will be declared and explained. Curation is the care, treatment, preservation, and management of museum artefacts or objects for posterity (Fagan 2001:531, Macdonald 2011:466). However, standard practice for curation in museums is to always respect and treat human remains with dignity (Giesen 2013:13-14, Fletcher *et. al.* 2014:3). There are a number of questions that need to be addressed by museums in their day-to-day handling of human remains within their collections. These concern the responsibility of curators, and the way museums should care for and treat human remains: the specifics of how museums curate, manage and sometimes conserve human remains in their collections. The need to have proper collection management policies is vital in ensuring that the curator's responsibilities are carried out according to strict, yet credible, ethical guidelines (Calugay 2015:2), as such policies allow museums to be measured in terms of how they deal with issues of conservation and collections management with regard to human remains. This highlights the controversy regarding the studying and curation of human remains in museums, which, historically, has been a tug-of-war between the interests of scientists and descendant communities (Morris 2008:1, Morris 2014:189, Jenkins 2011:2). The issues surrounding human remains, particularly those in museum collections, often leads to highly emotive and unsettling debates (Shepherd 2007 and Rassool 2011).

According to Verna (Verna 2011:3), repatriation is the physical return of something with cultural significance to the rightful owner, in this case, descendants (Ambrose & Paine 2012:180, Corsane 2005:107, Macdonald 2011:447)¹. Around the world, repatriation has become politicised within museum circles, due to previously marginalised communities demanding some form of restitution or recognition (Simpson 2006:185-186). Repatriation is one of the processes, besides restitution, that can help to reclaim the identities of human remains in museums. In museums, human remains are often regarded as 'specimens' or 'objects'. Repatriation may help to address that with museums being participants in the

¹ South Africa. 1999. *National Heritage Resources Act, No. 25 of 1999*. Pretoria: Government Printer.

preservation of a particular culture by working together with indigenous communities in the repatriation processes² (Verna 2011:14). However, understanding the dichotomy between curation and repatriation of human remains is at the core of this research. It is hoped that we will arrive at a coherent, respectful standard on how human remains are curated or repatriated by South African museums. Post-colonial era museums are faced with this complex issue, for which there are no simple solutions (Simpson 2006:171). To repatriate is not as simple as digging a hole in the ground and creating a mass grave. The matter is far more complex. Leggasick and Rassool (2000:49) advocate that museums should conduct mass reburials because preserving human remains is no longer viable if the ethical need is to rebury. Upon reflection, mass reburials may be perceived as an injustice inadequately dealing with reclaiming and recognition of the identity of individuals' human remains contained in museums. Collective reburials may sometimes be a solution for unidentified human remains (Araguete-Toribio 2015:5). The issue of mass reburials is a sensitive one for South African museums since most of the human remains were collected during the colonial and apartheid period in the pursuit of 'racial science' research (Leggasick & Rassool 2000:48-49).

Globally, the majority of the literature about human remains tends to be more about repatriation or reburials, than curation (Alberti *et al.* 2009: 133). This is reflected locally in South Africa in that a lot has been written about repatriation, especially in regards to exiled struggle stalwarts who died in foreign countries³. Another example is political prisoners who were hanged at the Kgoshi Mampuru Prison were repatriated back to their respective homes from the paupers' section at the Mamelodi Cemetery in Pretoria⁴. The repatriation of Saartje Baartman's remains in 2002, from France to South Africa was widely publicised and documented (Deacon & Deacon 1999:197, Cassman *et al.* 2007:153). The Mapungubwe repatriation in 2007 was also recorded (Nienaber *et al.* 2008:164-169), as was Klaas and Trooi Pienaar's repatriation from Vienna, Austria. The Pienaars' two bodies were illegally exhumed in the Northern Cape in 1909 and shipped to Austria, where they were used in medical institutions for racial studies by an Austrian anthropologist, Dr. Rudolph Poch. The Pienaars' repatriation took place in 2012 (Rassool 2014:1, Rassool 2015: 653-670). Questions of

² Indigenous communities can be defined as the original inhabitants of the land before Colonialism.

³ https://www.gov.za/sites/default/files/gcis_documents/moses-kotane-and-jb-marks-programme.pdf

⁴ <https://www.timeslive.co.za/news/south-africa/2017-05-31-families-of-hanged-udf-members-find-closure/>

ownership and ancestral communities making requests for repatriation and restitution has politicised the issue of repatriation and ensured focus on this area. (Giesen 2013:1, Cassman *et al.* 2007:160& Kelly 2004:465).

Research Question

The broad research question that frames this study is whether the practice of human remains curation has a place in post-apartheid South African museums. This research will focus on the Ditsong National Museum of Cultural History as it is a national museum according to the Cultural Institutions Act of 1998 no.119⁵. This particular museum will be able to give a perspective as a national museum in this country. This will show aspects of how museums deal with human remains in their collections on a national level. This research provides the opportunity to investigate the role and significance of human remains repatriation in museums, aiding us to better understand issues of identity, cultural values, race politics and stakeholder relations with indigenous communities.

The following sub-questions form part of the research:

- What is the current legal status of human remains in South African museums?
- Do museums have the authority to deaccession?
- What is the value of continuous curation, as opposed to the repatriation of human remains?
- What is it that museums in other countries are doing to deal with issues of curation and repatriation of human remains?
- Is there a symbiotic middle ground between curation and repatriation in museums?

⁵ South Africa. Cultural Institution Act of 1998 no.119. Pretoria Government Printer.

Theoretical Framework and Research Design Methodology

The premise of this research project is underpinned by Postcolonial theory. The post-colonial theory does look into the impact of colonialism on culture and society (Burney 2012:173). However, Post-colonial theory is able to show how colonised communities can be in a position to reclaim their identity, their ideologies and historical narratives (Burney 2012:175, Sawant 2011:5). Hence, this research does attempt to find ways to better synthesise and understand the history of human remains in museums. Postcolonial theory plays a very specific role by acknowledging and recovering the incomplete or lost historical narratives of colonised peoples by extrapolating existing evidence as it with the case study of this research. The aim would be to shape the epistemologies, philosophies, practices and shifting identities of what was not considered as dominant Western subjects and subjectivities. The postcolonial theory does provide an intellectual platform that gives voice to the voiceless in their own voice to yield a cultural discourse of philosophy, language, society, and economy (Burney 2012:176, Sawant 2011:4). This way to even the playing field for colonists and colonial subjects who were marginalised. This in a way to correct the imbalance between us-and-them binary power-relationship dynamics. Postcolonial theory is the best way to critique colonialism because it has the theoretical tools to do that (Burney 2012:175-176). Therefore, the theoretical framework influences and forms the bases for this project. The theoretical framework will help give a clear picture of the collection of human remains specifically at the Ditsong National Cultural History Museum.

Therefore, as an Archaeologist, I tend to view things chronologically, and that has also informed the research design methodology for this project, of which it is collection-based research with the Ditsong National Museum of Cultural History being used as the case study. The qualitative research design will reflect the purpose of the research inquiry, which can be characterised as exploratory, explanatory, descriptive as well as historical (Maxwell 2013:1-4, Maree 2016:106-108). The study is qualitative, as the research methods employed are usually associated with an inductive approach, due to the empirical nature of the evidence examined (Corsane 2005:3-4, Fagan 2001:134-135).

This will imply: -

- This project is collection-based research, that is exploratory in nature with the use of primary sources such as acquisition registers, cataloguing forms, accession forms and archival material from Ditsong.
- The research will be augmented by examining existing literature on the curation and repatriation of human remains within museums.
- Analysis of the human remains policy at Ditsong National Museum of Cultural History
- Analysis of all human remains records at Ditsong with respect to provenance.
- Structured interviews with the curator and collection manager/registrar, to ascertain their views on repatriation.
- The future plans of Ditsong when it comes to human remains curation and repatriation will be interrogated.

Research Aims

The main research aim of this project is to explore and examine whether the practice of human remains curation has a place in a post-democratic South African museum.

The research objectives for this research project are as follows: -

- To explore the authority of museums regarding the deaccessioning human remains in their collections.
- To ascertain the value of continuous curation, as opposed to the repatriation of human remains
- To investigate if there could be a symbiotic middle ground/ co-existence between curation and repatriation in museums.

Assumptions

As a qualified archaeologist and trained museologist, I am predisposed to certain biases. In my experience, museums in South Africa have not always been accessible to the ordinary person. However, while working as a curator at Ditsong, I felt conflicted when finding some older objects that were not properly documented and described. The historical narrative for some of these objects has never been properly documented. In such, I would often ponder about where museum practice meets ethics. How and why did these particular objects find their way into the museum? This may be attributable to the legacies and history of colonisation and apartheid in South Africa when most museums in South Africa were founded. Colonialism was a pillar of imperialism where the capitalist model was used to exploit resources of the land, and allow the domination of its civilisation by settlers from a different country⁶ (Bulhan 2015:240-241, Burney 2012:174). Colonialism was about creating inequality yet exploitative relationships between the colonists and indigenous populations. This meant that colonisers had sovereignty over the colony. This was achieved by acquiring the metropolis and this led to a change in the ruling of social structures by colonisers (Burney 2012:182). Colonialism, as well as imperialism, has had a major impact on almost the rest of the world and that had implications that still play out today in diasporic spaces. The effects are ever so present most of the countries that were colonised are developing countries due to colonialism (Burney 2012:174,188). Colonialism has shown to be a worldview and practice that has negatively impacted the national narrative of a country like South Africa (Oliver & Oliver 2017, Sommer 2011:187, Kohn & Reddy 2017:1). Historically, South Africa was colonised in two waves, first by the Dutch and then by the British. Officially, colonialism in South Africa began in 1652 by the Dutch at the Cape of Good Hope, with the arrival of the Dutch East India Company. This company, an early multinational, was a huge shipping trade merchant, responsible for the establishment of the Cape Colony's first settlement and the erection of the Castle (Sonneborn 2010:18). In 1806 the British occupied the Cape, seizing control from the Dutch⁷. The British managed expanded their colonised territory than the

⁶ Borocz, J. and Sarkar, M. (2016). *Colonialism. Encyclopedia of global studies*. Los Angeles: Sage Reference, Cop.

⁷ Sonneborn, L. (2010). *The end of apartheid in South Africa*. New York: Chelsea House, pp.21.

Dutch to include the vast territory that is the South Africa we know today. The British were eager to control the well-established trade routes to Asia (Sonneborn 2010:21). The Union of South Africa was established in 1910 when the previous Cape Colony was renamed the Cape Province. South Africa eventually became an independent republic in 1961.

The Afrikaans word 'Apartheid' when translated into English it means 'apartness'. The Apartheid government regime remained in power from 1948 until the dawn of democracy in 1994. Mills's racial Contract may be used as a theoretical framework to better understand the Apartheid system. The Mills' racial contract is founded on the premise of critical race theory, where people are divided into human and subhuman categories (Mhlauli *et al.* 2015: 209-210). Apartheid was a legislated system where the white minority group enshrined segregation of white and non-white population groups (Krantz 2008: 290-291, Mhlauli *et al.* 2015: 204). This also allowed the white minority total control of the economy. The Apartheid government was formulated and implemented the Natives Land Act of 1913, allocating to minority white group a lion's share of the land (Sonneborn 2010:31). This regime further promulgated additional racially-based segregation legislation on segregation, such as the Population Registration Act of 1950. The legislation was able to place emphasis on being separate but certainly not on being equal (Mhlauli *et al.* 2015: 205). The laws will be further explored in the next chapter. Post-colonial and post-democratic South African museums have made some effort to transform. However, those efforts have been insufficient in totally deconstructing the colonial narrative in museums. The establishment of new museums and amendments to policy do not give an indication of how much transformation has really taken place in museums that existed prior to democracy (Ngcobo 2018:150). South African museums can transform further by reinvention, adapting to cultural changes taking place in society, by being more inclusive and fully representative and reflective of the cultural diversity within South Africa (Sleeper-Smith 2009:3-4, Arinze 1999:2).

Upon reflection, more awareness could be created by the Department of Arts and Culture, together with the museum and heritage sector, to ensure that museums are more easily accessible. Secondly, museums should be recognisable agents of change and transformation. How South Africans engage with museums, and vice versa needs to change. Museums can play a crucial role in shaping both individual and national identities, through their collections, research and public programmes. Museums in a post-democratic South Africa remain

embroiled in the politics of memory and representation. Hence, the role of museums is not seen as being sufficiently pertinent in the daily lives of ordinary South Africans perhaps due to some museums still being in the transition stages of their transforming journey from a historical narrative that was not inclusive. Transformation is a shift away from old museological practices and discourse influenced by colonialism and apartheid. Museums need to be ethically responsible and be inclusive of everyone's' history. The move from the National Monuments Act no.28 of 1969 to the National Heritage Resources Act no. 25 of 1999 has aided the museum sector in the transformation process and this has been an impetus for change from a legislative point of view. The concept of transformation carries a lot of expectations and implications when it comes to South African museums. Arinze eloquently elaborates on the excerpt below what should be expected from museums and their role should be in society (Arinze1999:1 -2).

“Today, museums must become agents of change and development: they must mirror events in society and become instruments of progress by calling attention to actions and events that will encourage development in the society. They must become institutions that can foster peace, they must be seen as promoting the ideals of democracy and transparency in governance in their communities, and they must become part of the bigger communities that they serve and reach out to every group in the society.”

Arinze E.N. 1999 pg.,2

We should not be afraid, as ordinary South Africans, of our past when it comes to museums. Museums are meant for each and every one of us. Through transformation, museums should be spaces of holistic engagement and memorialisation.

Chapter 1

History of Museums

The purpose of this chapter is to examine the history of museums, as to when they were established and with a focus on the institution in South Africa. This chapter will look at the history of the museum as a modern, western institution. The chapter will discuss the establishment of this institution and its relationship to colonialism and apartheid in South Africa. Today museums are not just educational centres, they are spaces that help to promote, as well as conserve, our shared cultural and natural heritage. Museums differ from one another, their vision and mission statements often reflected by their collections and exhibitions (Richman-Abdou 2018:1). In order to comprehend how this institution called ‘a museum’ came into existence, it is important to know how museums originated: how they evolved and how their roles have changed over time⁸. The word “museum” has a Latin root, which is in turn derived from the Greek term *mouseion*, meaning “a shrine to the Muses” (Richman-Abdou 2018:2, Lehman 2008:15). In Greek mythology, the nine muses were the goddesses of the arts and sciences, perfect inspiration for this knowledge-based institution⁹. The history of museums dates back to the 3rd century B.C. in Alexandria, Egypt when the first museum was founded by Ptolemy Soter¹⁰. This was a place for scholars and had a famous library: an intellectual environment, in effect a university, i.e. a place where knowledge was gathered and shared¹¹ (Edson & Dean 2005:3). ‘Curiosity cabinets’ amassed by the nobility and wealthy during the sixteenth century Renaissance contained rare and novel objects (Macdonald 2011:23). During this particular period, the collecting of natural history specimens, as well as scientific wonders, seen as curiosities, steadily increased and were the foundations of curiosity cabinets or wonder-rooms. (Edson & Dean 2005:3, Lehman 2008:17, Macdonald 2011:83). The first time the word museum was used formally was during the 15th century, to describe the Medici Collection in Florence, Italy (Edson & Dean 2005:4).

⁸ Richman-Abdou K. 2018. *How Museums Evolved Over Time from Private Collections to Modern Institutions*. <https://mymodernmet.com/history-of-museums>

⁹ *Ibid.* pg 2

¹⁰ Arinze E. N. 1999. *The role of the Museum in society*. Museums, Peace, Democracy and Governance in the 21st Century – Post Conference Workshop. Guyana Workshop, Public Lecture, May 17, 1999

¹¹ Lehman K. 2008. *Museum and marketing in an electronic age*. Phd. University of Tasmania, pg15

Gradually, over time, these cabinets evolved to become ordered taxonomic collections, as well as classifying of natural history specimens¹² (Macdonald 2011:119). Initially, although these collections made early attempts at cataloguing, this did not deter people from collecting everything and everything that was unusual (Knell *et al.* 2007:3-4, Macdonald 2011:84). Georges Curvier used the Linnaeus classification method for his *cabinet d'anatomie* in Paris (Knell *et al.* 2007: 3). Figure 1 below illustrates a curiosity cabinet/wonder room of Natural History specimens during that period. The emergence of more structured museums started to be seen more elsewhere after the French Revolution began in 1789. The Louvre museum subsequently opened in 1793¹³ (Edson & Dean 2005:4, Lehman 2008:16-17).



Figure 1: This engraving in Ferrante Imperato's Dell'Historia Naturale (Naples 1599) is the earliest pictorial record of a Cabinet of Curiosity.

During the middle years of the twentieth century, a number of issues impacted museums. This was evidenced by the change in how objects were stored and exhibited. From a museological perspective, this brought to the fore issues of funding, curation, and improper storage and the lack of proper conservation of the objects contained in their collections (Edson & Dean 2005: -5). These issues played a major role in the dwindling number of visitors. In a bid to combat the issues museums that were facing, seeking to increase visitor statistics was viewed as the

¹² Macdonald S.(Ed) 2011. *A Companion to Museum studies*, pg23

¹³ *Ibid*, pg116.

only solution¹⁴: finding new ways to introduce museums to a newer audience¹⁵. This why museums were adapted to be able to cater to the specific needs of the community in which they reside. This led to museums remaining centres of learning and education and to their moving with the times (Edson & Dean 2005:5-6).

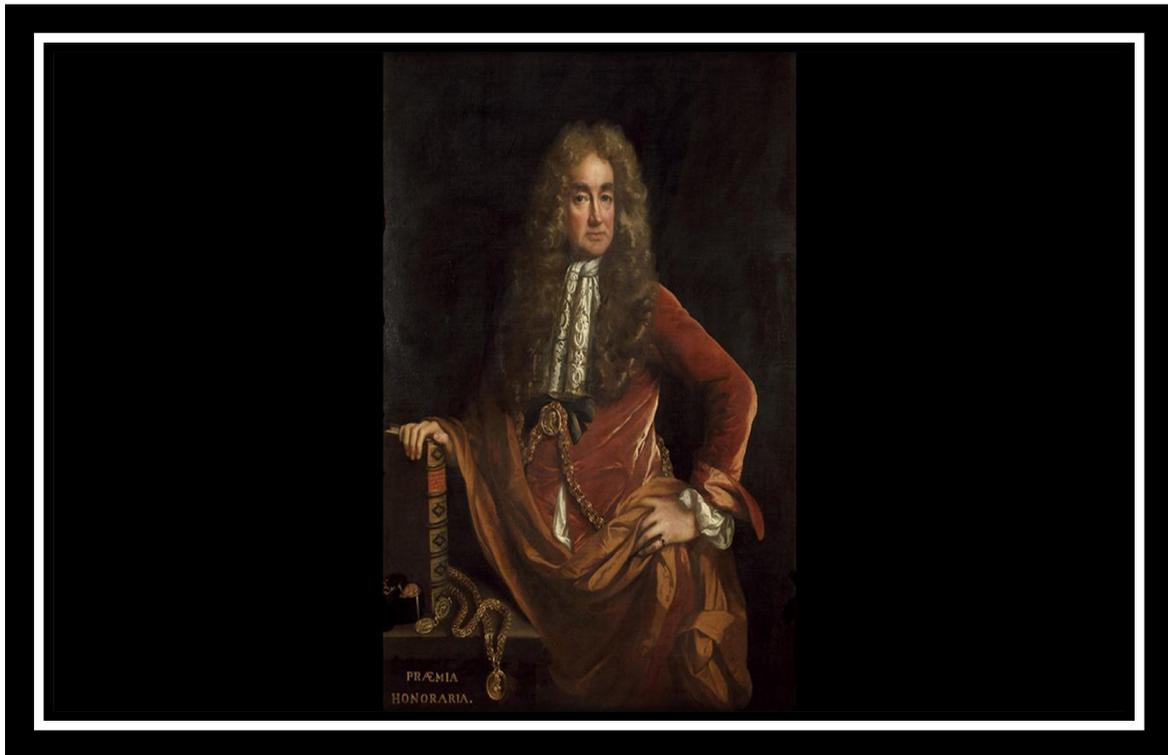


Figure 2: *Ashmolean Museum Oxford University, a portrait of Elias Ashmole founder of the Ashmolean Museum.*

In 1683, Elias Ashmole, a freemason, donated the contents of his wonder room to Oxford University, which was the foundation for the Ashmolean Museum in Oxford (Macdonald 2011:58). This collection was a reflection of the founder's view that "the knowledge of Nature is very necessary to human life and health" (Rickman-Abdou 2018: 2-3). Ashmole wanted to ensure that the collection should be preserved for posterity (Macdonald 2011:124-125). The donation of his collection provided an opportunity to educate the public which created a paradigm shift in museological thinking. Collectors moved away from private to public exhibitions to their collections during the Enlightenment period. The Enlightenment Period

¹⁴ Edison G. & Dean D. .2005. *The Hand Book for Museums*. Routledge: Taylor & Francis Group London & New York, pg5

¹⁵ *Ibid*.pg.,5

(roughly between 1685 and 1815) where a major shift in politics, philosophical doctrine, science, and education: The Age of Reason, an era associated with intellectual and social developments that flourished especially in Europe and America (Brysaert 2015:1). The challenging of traditional authority by Enlightenment thinkers throughout Europe. For example, that could be seen in Britain and France by the predication of the notion that mankind can be emancipated through rational change (Potter 1990:1). The Enlightenment yielded many literary works, in the form of books and essays and a rise in the invention, scientific discoveries and the creation of new laws. The Enlightenment period, in turn, ushered in the 19th-century Era of Romanticism (Potter1990:2) providing a stimulus for the establishment of institutions like the British Museum in London in 1759 and the Louvre in Paris, their collections accessible to the public. Museums became public institutions¹⁶ (Macdonald 2011:115).

The establishment of this institution and its relationship to colonialism and apartheid in South Africa

The concept of a museum was seen during the 18th century as collections of objects presenting phenomena dating back thousands of years¹⁷. That museums have been a construct of western society is almost indisputable. The development of museums in South Africa is inextricably linked to its colonial, and later apartheid past. where, historically, their collections and exhibitions focused on a tangible heritage that was of European origin, especially the period of British colonial rule from 1815 to 1910¹⁸. The first museum in South Africa was founded in 1825, known today as the Iziko Museums of South Africa according to their website¹⁹. A second museum, the Albany Museum in Grahamstown, was established in 1855²⁰. The third was the Bloemfontein National museum in 1855²¹, followed by the Transvaal museum in

¹⁶ Richman-Abdou K. 2018. *How Museums Evolved Over Time from Private Collections to Modern Institutions*. <https://mymodernmet.com/history-of-museums>

¹⁷ Edison G.& Dean D. .2005. *The Hand Book for Museums*. Routledge: Taylor &Francis Group London & New York. Pg. 3

¹⁸ https://en.wikipedia.org/wiki/History_of_South_Africa

¹⁹ <http://www.iziko.org.za/museums/south-african-museum>

²⁰ <http://www.am.org.za>

²¹ <http://www.nasmus.co.za/museum/introduction>

1893 (Fransen 1969:109). The McGregor Museum in Kimberley was established in 1907 (Jacobs 2007:10)²². The above-mentioned museums were all established during the colonial era and continued to exist through and after the apartheid years. Post-democracy, these museums still exist and have been operational throughout this historical and political discourse. Kasibe writes extensively about the historical discourse of human remains in museums, specifically about craniometric studies for racial science²³. The extract below it is from an opinion piece Kasibe wrote for the Mail & Guardian where he tackles the issue of how colonialism and apartheid are heavily embedded in the history of South African museums.

“In South Africa, there is a long history with direct connections between the founding of the South African Museum and the institutionalisation of racism as a practice, for example, in 1906 the museum embarked on a Human Casting Project, to support the grandiose colonial idea that San people were going into extinction and were defined as the "missing link", thus had to be studied and preserved in museums for future generations.”

W. Kasibe 2017 pg1

Colonisation brought about identity distortions, obscurity, and the perpetuation of cultural heritage stereotypes, in the guise of ethnographical and racial science research in places like museums. (Dubow 2006:2-4, Sleeper-Smith 2009:107-108). The Apartheid era between 1948 to 1994 was a continuation and extension of racial discrimination and segregation that was carried out by the Afrikaaner Government's National Party after the British Rule²⁴. The segregation brought on by apartheid was introduced as a national program to systematically solidify authority and dominance of the African population (Dubow 1989:1). Segregation was further entrenched by increasing industrialisation. This was seen for example in the establishment of mining that was used as a form of retaliation against any possible militant African proletariat, a way to diminish the status of Africans and forming them into an

²² <https://www.museumsonc.co.za/home.html>

²³ Kasibe W. 2018. The skulls of our ancestors. *City Press*. 18/03/2018

²⁴ https://en.wikipedia.org/wiki/History_of_South_Africa

overused and exploited labour force (Dubow 1989:1-2). Colonialism and apartheid created an economy that was beneficial only to the white settler communities²⁵: This was an ideology of political separation and inequality (Dubow 1989:2). This was legislated through a number of acts like the Native Affairs Act of 1920 that promoted tribalism. The 1913 Natives Land Act was created for the sole purpose of placing land ownership solely in the hands of white settlers²⁶ (Dubow 1989:3-4, Ngcobo 2018:153). The implication of this, in some cases, meant the alienation and exploitation of individuals and communities through the Group Areas Act of 1950, from their own histories, such as in District Six in Cape Town (Coombes 2003:116, Mhlauli *et. al.* 2015: 205, Trotter 2009:50, Witz 2010:3).

This was the historical context against which museums were established in South Africa. However, museums chose to be platforms presenting the history of colonisation (Mdanda 2016:49). This was often visually demonstrated by museum exhibitions and collections, where social theory and political ideology merged with museum practice (Bennet 2004). During the colonial era, South African museums actively disregarded the history of black people. Western cultures were held in higher esteem than African cultures, thus museums were places of exclusivity (Sleeper-Smith 2009:2). In a way, museums were used as tools for government control and propaganda (Kayster 2010:2, Mdanda 2016:47). The relationship of museums to colonialism and apartheid had a major influence on the historical discourse of museums in this country. Museums were sites of contestation and political arenas where cultural identity was stripped deliberately by racism and segregation (Ngcobo 2018:154). This chapter was able to shed light on the history of museums as to when they were established, with a focus on this institution in South Africa. This chapter examined the history of the museum as a modern, western institution. A discussion on the establishment of this institution and its relationship to colonialism and apartheid in South Africa was also explored.

²⁵ Yende N. 2013. How colonialism and apartheid impoverished the African population. *MyNews24*.
<https://www.news24.com/MyNews24/How-colonialism-and-apartheid-impoverished-the-African-population-20130218>

²⁶ <https://www.sahistory.org.za/topic/segregationist-legislation-timeline-1920-1929>.

Chapter 2

History of Human Remains in Museums

This chapter is about the history of human remains in museum collections. Collecting practices will be explored in detail. This chapter will pay a closer look at the history of the collection of human remains specifically in Europe, the USA, and South Africa. The contestation of human remains in museums will be discussed, as will the de-accessioning thereof by museums, by looking at South Africa, New Zealand, Australia, the United States of America, Canada, and the United Kingdom.

Human remains collection in Europe and North America started during the nineteenth century. Museums in these countries had specimens that dated back to the eighteenth century and focussed on deformed anatomical anomalies (Cassman *et al.* 2007: 152). But at the beginning of the nineteenth-century, the emphasis shifted changed to racial origins and race taxonomy (Redman 2016:16-17). However, the use of scientific hypotheses relating to the race was widely noted during the eighteenth and nineteenth centuries. Globally, these hypotheses have influenced, and to a large extent shaped debates surrounding race and also informed how identity is perceived. Race and scientifically presented racism became an institutionalised concept in museums through Physical Anthropology (Bancel *et al.* 2014:1).

There was a paradigm shift during the nineteenth century that was an extension of scientific racism extended to incorporate exhibitions of racialised bodies. The exhibitions were referred to as human zoos and had strong foundational ties to raciology. The human zoos were at their core all about degrading and humiliating the human spirit while creating an ethnical spectacle (Bancel *et al.* 2014:220). This was a platform to spread the old propaganda in a new way, presenting culture from a racial perspective to the public in Europe and sometimes in the United States (Bancel *et al.* 2014:120). Therefore, it is vital to examine the notion of race and how it was exhibited in a wider context. Europe had a large role in disseminating these ideas of racial inequality and places like museums were participants, and instrumental in perpetuating, these racial theories with the aid of colonialism (Bancel *et al.* 2014:3).

Racial taxonomy was formally used during the eighteenth century through Buffon's and Linnaeus's work on taxonomical classification (Bancel *et al.* 2014:1). During this time there was a clear adoption by museums of the Linnaean system of classification of bones to classify human typological variation. By way of example, Blumenbach's collection in Germany and Morton's collection in America both used the Linnaean system. Although neither collection was large, they were created to represent a variety of human types (Cassman *et al.* 2007: 152). During the mid-nineteenth century, there was a growing tendency to collect human remains from colonised countries by European museums as well, evidenced by the increase in the number of skeletons from colonised countries in European museums, especially in the United Kingdom, France, and Austria. This led to colonies like South Africa and Australia beginning their own museum collections based on the European model. Museums began to record groups and collect human remains of peoples whom they imagined would become extinct (Cassman *et al.* 2007: 153). This was due to the colonialist mentality in institutions such as museums that propounded the thinking that indigenous populations would not survive due to their being racially inferior. Darwin's theory of human evolution was applied in this context to illustrate the concept of 'survival of the fittest' (Bancel *et al.* 2014:121-122).

In the United States, Samuel George Morton was a pioneer physical anthropologist in the 1820s and a keen collector of human skeletons. Morton, very opportunistically, focused on collecting skulls for racial taxonomy and was able to formulate his theories about the existence of specific races (Legassick & Rassool 2000:3, Redman 2016:18). The theories advanced by Morton implied and promoted the argument for white superiority, even though he was not explicit (Redman 2016:25). Later, in 1862, the Army Medical Museum (AMM) was established in America by the then Surgeon General, William Hammond. The AMM was created to acquire skeletal samples for battlefield pathology during the Civil War (Redman 2016:26). Eventually, Morton joined the AMM on a fulltime basis and continued to systematically collect human skeletal remains (Legassick & Rassool 2000:3, Redman 2016:18). The AMM human remains collection in the late 1890s was moved to the Smithsonian Museum, as was then agreed with the United States Army, where it was re-catalogued into an anthropological collection. The astonishing thing about this collection is that the majority (about 80%) of it comprises crania without postcranial remains. The number of females and males in this collection is uneven due to the extensive looting and grave robbing that was taking place across the American West (Redman 2016:35). South African

museums also have a long history of acquiring and storing human skeletal remains. Until the nineteenth century, most of those remains were of Khoisan descent (Legassick & Rassool 2000:1, Morris 2014:189). The research by Legassick and Rassool on museums and the trade in human remains and how human remains came to reside in museums in this country²⁷. This particular research confirmed that the South African Museum (Iziko), the National Museum in Bloemfontein, the Albany Museum the McGregor Museum in Kimberley and the University of the Witwatersrand (between 1907 and 1917) collected human remains and that currently these human remains are housed in their storerooms²⁸. In the Northern Cape, the McGregor Museum played a major role in the gathering and distribution of skulls and skeletons of Bushman people (Bancel *et. al.*2014:177, Legassick & Rassool 2000:). The reason that the Bushman skulls and skeletons were collected was that they were seen as representative and evidence of the earliest existence of the human race and informed racial science. Rudolph Poch, an Austrian anthropologist was to a large extent responsible for the trading of these human remains in the Northern Cape. Poch was unscrupulous and unethical in the way he went about conducting his research, robbing graves and exhuming people who were recently buried (Legassick & Rassool 2000:12,15-16)²⁹. This goes to show that the history of archaeology, anthropology, and museums is intertwined as to how human remains were seen as natural history fossil relics.

Collecting practices

Collecting objects or specimens has a long history alongside and the starting of collections in general and has proven to be a complex and fascinating field of study. Collecting is one of the main functions of any museum and is often conducted according to the theme or type of museum (Ambrose & Paine 2012:11, Macdonald 2011:81)³⁰. Over the years, it has become possible to trace collecting trends at different time periods. That has made it easier to analyse collecting patterns (Ambrose & Paine 2012:173). Museums have a variety of collecting methods that they use and that assists in growing their collections (Ambrose & Paine 2012:174-175, Edson & Dean 2000:30-31). Figure 3 below illustrates these methods.

²⁷ Legassick M., & C. Rassool 2000. *Skeletons in the cupboard: South African museums and the trade in human remains, 1907-1917*. Cape Town, pg.1

²⁸ *Ibid.*, pg. 1

²⁹ Bancel N. *et al.*(eds). 2014. *The Invention of Race: Scientific and Popular Representations*. Routledge *Studies in Cultural Studies*, pg.177

³⁰ Ekosaari M., Jantunen S. & Paaskoski L.2015. *A Checklist for Museum Collections Management Policy*. The National Board of Antiquities' guidelines and instructions 9, pg. 18



Figure 3 Methods for collecting in museums, Ambrose & Paine 2012

Collecting is a human trait seen in and outside of museums that may exist for a number of reasons, including sheer curiosity (Pearce 1994:327). According to Ambrose and Paine collecting is an intellectual rationale that forms the basis for, and has been an influence in, the development of museums. The urge to collect has been extensively studied by scholars Jones, Abrahams and Fenichel in an effort also to explain Freud's biological drive theory (Pearce 1994:327). In other psychological quarters collecting is seen to be driven by intellect and is assumed to be motivated by psychoanalytic drive theory (Pearce 1994:328). Figure 4 below demonstrates the intellectual rationale behind museum collection (Ambrose & Paine 2012:174).

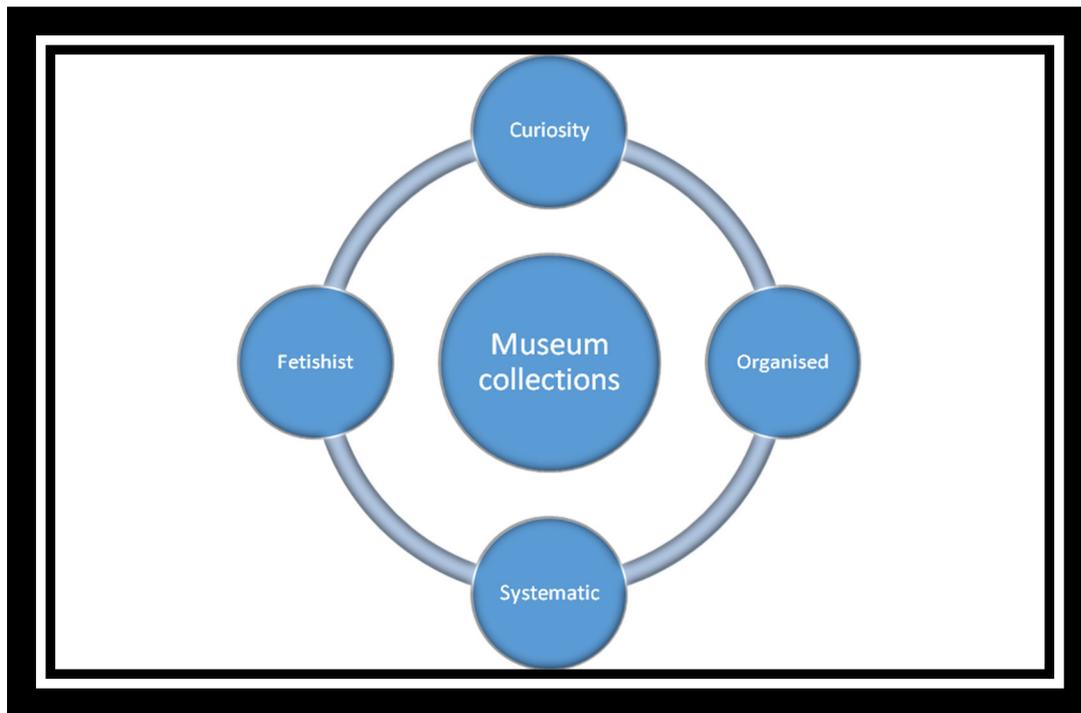


Figure 4: *The intellectual rationale behind collecting, Ambrose & Paine 2012*

Collecting is inclusive of accumulation, possession, and hoarding, often been seen as compulsive behaviour. Collecting is purpose-driven and intentional often determined by the individual collector (Pearce1994:317-318). The collector always places value on the objects they collect other than just their aesthetic value (Pearce1994:320). However, in museums currently, the agenda is different in that the curatorial aspect dictates what needs to be collected³¹.

Collectors have influenced museums in a major way by the means in which they have collected objects and how these objects were curated and preserved. Objects themselves have proven to be a source of information for museums (Sleeper-Smith 2009:67). Research in the past has focussed on individual collectors, but this is not the only way to understand the link between collecting and museums. Although this research has focused thus far more on individuals who collected for their own personal interests, rather than for scholarly advancement. However, past collectors who had focused on the greater good of museums still impact what is in those collections today. Assumptions have been made about collectors as to

³¹ Pearce M. 1994. *Interpreting Objects and Collections*. Leicester Readers in Museum Studies. Routledge, pg.317-319

what kind of people they are why they collect and how they use collecting as a form of escapism to create a different reality for themselves (Pearce 1994:317-319, Sleeper-Smith 2009:67). The excerpt below demonstrates show the implications associated with collecting by private collectors and museums.

“To understand collectors’ legacies, we must understand what they intended to create, how they did it, and what they said and recorded about their collections. At the same time, we must also examine museums’ motives and intents and how they have made use of collections for their own purposes, even when the museums’ purposes are vastly different than those of collectors themselves”.

Sleeper-Smith 2009.pg.,68

Early European museums were inspired to collect due to a fascination with nature and antiquities. The collecting of artefacts in most cases was aided by colonialism, especially in non-western communities of indigenous people (Sleeper-Smith 2009:68). Eventually, this informed how the identity of the indigenous people was portrayed by museums. Collections depicted notions of what identity was, even though this was not a true picture. The discipline of Anthropology in the past has contributed to an ethnographic presence in museum collections. At the same time, there was a disconnect between museums and indigenous people as to how they were presented and are perceived (Sleeper-Smith 2009:68). Upon reflection, this implies that during the colonial period the perception of indigenous people was formulated through the collected objects instead of the actual people themselves. That has led to distorted narratives about who the indigenous people were and what made them who they are (Sleeper-Smith 2009:69). The collecting human remains since the inception of museums was largely influenced by Darwin’s theory of evolution, racial hierarchical theories stemming from the disciplines of anthropology and archaeology (Morris 2014:190, Redman 2016:56-58). Not all human remains in museums were acquired by museums through professional avenues such as archaeological excavations. There are many questions and concerns about how human remains in museums were unethically collected early in the twentieth century (Legassick & Rassool 2000:1, Giesen 2013:14). Human remains were mainly collected for racial science during colonisation, hence the political controversy associated with them.

Craniometric research involved the measuring of the cranium in order to differentiate among races (Legassick & Rassool 2000:2, Simpson 2006:174-175). Therefore, the very notion of race, including craniometric research, during the nineteenth century is a far more complex matter than just a careful examination of the skeletal remains themselves (Bancel *et. al.* 2014:37, Roque 2018:69). In museums, there was a blurring of lines where race formed part of the documentation processes and that denoted to the narrative (Roque 2018:70)³². Often museum professionals were part and parcel of the authentication process and the verification of the narratives and the recording of skulls, as is often observed seen in cataloguing cards (Roque 2018:71). This does raise questions about the reliability and genuineness of such records and documentation processes as to their veracity. Due to these narratives making assumptions with questionable modalities and no acknowledgement of indigenous peoples' cultural and traditional practices, or the meaning behind their histories or narratives (Roque 2018:78-79). During the eighteenth and nineteenth centuries, European scientists and museums showed more interest in rapidly collecting human remains (Bancel *et.al.* 2014:33, Giesen 2013:14, Roque 2018:73). That was also taking place in South Africa through documenting and acquiring specimens to take back to Europe (Legassick & Rassool 2000:1). Human skeletal remains were seen as forming part of the native fauna of the colony. The skeletal remains were seen as curiosities by travellers who came into Southern Africa, who either sold or donated them to museums. This meant that the European museum's collections were seen to have gaps because they did not have a representative number of human skulls (Morris 2014:189). Hence, by 1850, some of the major European museums had in their collections African and Khoisan skeletons³³. Standard practice was that human remains were racially verified first and accessioned in museum records, then placed in a drawer or shelf in a bone room (Redman 2016:18). Figure 5 below shows what a bone room looks like in a museum.

³² Roque R.2018. *Authorised Histories: Human Remains and Economies of Credibility in the Race Science. Kronos 44*. Institute of Social Sciences, University of Lisbon.

³³ Morris A.G.2014. *Controversies about the Study of Human Remains in Post-Apartheid South Africa. Archaeological Human Remains*, Chapter 13 pp.189-198. DOI: 10.1007/978-3-319-06370-6_14



Figure 5: A tray of skulls in the Bone Room from the Mütter Museum. Photo by David Orr

In South Africa, museum collections of human remains were unethically collected for racial scientific research in the early twentieth century (Morris 2008:1, Leggasick & Rassool 2000:12, Seidemann 2004:555, Sleeper-Smith 2009:118). Collectors like Dr. Louis Peringuey, Mr. Mehnarto, H. Kling, and Dr. Rudolph Poch were some of the main figures involved in collecting and trading in human remains in South Africa, especially skulls (Leggasick & Rassool 2000:17). The consent needed to collect the majority of human remains in museums was never obtained, which meant that the spiritual beliefs of their descendants were totally disregarded (Jenkins 2011:5, Simpson 2006:175-176). This form of unethical collecting was never questioned (Seidemann 2004:558). During colonial times tombs were robbed and raided, the collecting was focused on lots of Khoisan or Korana skeletons (Leggasick & Rassool 2000:13,51). Museums were key players in the illicit trade of human remains locally and with Europe (Cordeo & Maza 2011:49, Sleeper-Smith 2009:117-118). The South African government at the time promulgated the Bushman Relic Act of 1911 to directly deter the foreign trafficking of human remains. The act was a first of its kind to speak to the issues of conservation concerning rock art (Legassick & Rassool 2000:1).

The contestation of human remains in museums

Human remains have an intrinsic and instrumental significance in promoting the knowledge about what it means to be human, they carry a sense of place that is linked to (cultural) identity (Legassick & Rassool 2000:2, Simpson 2006:174-175). The controversy over the study and curation of human remains in museums has historically been a tug of war between the interests of scientists and indigenous people (Morris 2008:1, Morris 2014:189, Jenkins 2011:2). The tug of war is also underpinned by the somewhat lost identity of the human remains. The highly contested robust debate about human remains, as Morris puts it, their “spirituality”, is an issue that is constantly brewing because the human remains are still there (Cassman 2007:151). Human remains are remnants of lived lives that had been full of intricacies and vibrant behaviours (Verdery 1999: 27-28). Cassman touches on what human remains are, their significance and how they are perceived, which gives a better understanding as to why there are controversies associated with human remains in museum collections. The extract below from the 2007 book titled “Human Remains: a guide for museums and academic institutions” eloquently explains:

“Human remains are not just another artefact; they have potency, they are charged with political, evidentiary, and emotional meanings but can also be quite mundane, such as classroom anatomical study collections. Where once [...] considered standard materials for museums to curate and the ‘property’ of lone curators and researchers, they are now numerous voices to be heard and considered on the subject. The acts of collecting and studying human remains have become political and socially more complex, and new unwritten rules of order are slowly developing into standard practice.”

Cassman *et al.* 2007, pg.,1

Human remains carry a narrative that represents the person that was. In part, that is an identity. It is vital to acknowledge that human remains are remnants of that person, of what was left behind after death. In principle, human remains are represented by proxy of a “person” that was alive and he/she needs to be afforded some rights because of that. According to Bienkowski (2006:7), death will always co-exist with the body from when consciousness first arises. Human remains by proxy are seen as a material reminder of what once was, and assert the preservation of memory amidst death itself. Therefore, the consideration of human remains as persons is important because of the integration of their remains within the

community. Besides that, bones are able to tell us about a person's dietary habits and lifestyle (Morris 2014:195, Verna 2011:13), in a way, who they were when they were alive. That recognition is vital when it comes to determining identity. In the past, the identity of black people in South Africa was colonially ascribed through ethnic reformulation. Colonialism and apartheid were about repression and exploitation of indigenous cultural identity under the European rule of law (Meskell 2005:72-73). It is on the premise of human remains being seen as "persons" and how that denotes identity that a closer look as to how curation takes place in museums and an examination of the dynamics of repatriation is warranted. In South Africa, there has been controversy about the study of human remains especially as with regard to issues of race, as well as of racial politics. Contestations also arise as to how museums and academic institutions collected and treated these human remains due to the game-like practice among museums that involved living people being put on display as racialised bodies and to the digging up of graves of recently deceased persons for their collections (Bancel et. al. 2014:120, Redman 2016:21). The Empire exhibition in 1936 was held in Johannesburg where the N/u San people were displayed as racialised bodies (Shepherd 2015:75). This particular exhibition was termed the "Bushman Camp" by its organiser Donald Bain³⁴. The intention of this particular display was meant to force the government to establish a reserve for Bushman people again the reason was to prevent the extinction of Bushman people (Shepherd 2015:76). This went even further the San/Bushman people were treated as specimens under a microscope. During July 1936, the University of Witwatersrand went to Tweerivieren being led by Raymond Dart. This visit by the university was an example of what Racial science was. This visit proved to be very dehumanising with the conducting of degrading the medical examinations, physical measurements, and the tagging of human beings like animals (Bancel et al. 2014:178, Shepherd 2015:79). In all of this what became clear was the strong links between archaeology and photography in this country. Photography was a preferred method of documenting archaeological evidence in the nineteenth century (Shepherd 2015:7-8). Photography became a silent witness to the atrocities of racial science a visual historical record was created in the process. Photography exposed the exploitation of native labour on archaeological sites, too many images of skeletons and displays of racialised bodies (Shepherd 2015:71-74). Another example of contestation was the case of Saartje Baartman being

³⁴ The term Bushmen is not politically correct it is rather a derogatory term that was used during Colonialism and Apartheid. But it is term that will be used to capture accuracy of the time periods within this research. Post-democratic South Africa the preferred term that is used is Khoi-san.

displayed in a racialised way, as an exotic figure - the “Venus Hottentot” (Bancel *et. al.* 2014:170,223). The below excerpt details how Saartje Baartman was treated when she was alive and also what happened to her when she died.

‘Another prominent example of this new concern with race arose around a woman called Sara Baartman (“the Hottentot Venus”)—who has become the subject of a long stream of academic works. Baartman’s distinctive physiognomy led to her being employed as a “Living Hottentot” in shows in England and, later, in France. But she also attracted the attention of scientists, particularly that of Georges Cuvier, the professor of anatomy at the Museum of Natural History in Paris. When Baartman died in 1815 Cuvier made a plaster cast of her body (which was then painted and put on display). But he also dissected her body and, being interested in the shape and size of the cranium, removed her head with a saw. He had the cadaver placed in a tub of boiling water that removed the flesh—and later displayed the skeleton and brain in case no. 333 in the museum. Cuvier was clear: the Hottentot apron was the product of culture and not nature. It was not the product of physiological difference, but rather, had been produced over time. However, at the same time, Cuvier declared the “Bushmen” (of which Baartman, like a plant, was the “type” kept in a museum) were the species of humanity closest to the apes. The Bushmen were the “missing link” in the Great Chain of Being between animals and humans.’

Bancel *et al.* 2014, pg.,176

The claims brought on by ancestral communities for the reburial and restitution of human remains to museums and medical school collections also fuelled the contestations. In order to fully understand the contestations, it is vital to take into account South Africa’s colonial past. Post-democratic South Africa is still grappling with the past and it is still trying to find its identity, further complicated by complexities of racial politics (Morris 2014:189).

De-accessioning of human remains in museums in South Africa, New Zealand, Australia, the USA, Canada and the UK

Australia, Canada, the USA, the UK, Namibia, Zimbabwe, and New Zealand along with South Africa have all experienced colonialism and hence all face the issue of deaccessioning as well as the disposition of human remains in museums (Seidemann 2004:546). It is vital to first understand what accessioning is in order to understand the deaccessioning process for museums. Accessioning is a formal process of documenting acquired objects into a museum's official database through catalogues and register, (Edson & Dean 2000:35)³⁵. Deaccessioning is a process that involves how what is retained or and discarded through the transferring, exchanging of a particular object (Desvallées & Mairesse 2009:67, Gerrard 2013:1, Edson & Dean 2000:38). In the United States alone the selling of objects takes place as well³⁶. Accessioning and deaccessioning are vital processes within collection management in museums. At times there are valid reasons that museums have to de-accession like duplication of objects or perhaps a change of policy mandate³⁷. In some countries like New Zealand and the USA de-accessioning, an object might mean selling it to generate funds for the collection to aid in conservation measures, for example (Searle 2016:12). The discourse on deaccessioning and disposal in museums began in Western countries. These countries have changed their stance from practical disposal to thinking about deaccessioning and disposal from a curatorial perspective, economic as well as a philosophical perspective (Wijsmuller 2017:10-11). A Paradigm shift is evident from the twentieth to the twenty-first century way of thinking on collections. Deaccessioning no longer necessarily implies destruction but through disposal or attrition from neglect, it could possibly mean transferring to another institution, a move from the concept of permanent ownership and towards reconfiguring and collaborative efforts³⁸.

Australia

³⁵ Ekosaari M. Jantunen S. & Paaskoski L.2015. *A Checklist for Museum Collections Management Policy*. The National Board of Antiquities' guidelines and instructions 9, pg. 17

³⁶ Desvallées A.& Mairesse F(Eds).2009. *Key Concepts of Museology*. ICOM International Committee for Museology, pg. 65-66

³⁷ Searle C.2016.De-accessioning and museum ethics. *New Zealand Journal of Public History*, pg1

³⁸ Wijsmuller D.2017. *Deaccessioning & disposal in Europe 2008-2017: A research on possibilities and attitudes across the European Member States*.Mondriaan Fund. Creative Culture Consultancy, pg. 11-12.

In Australia the National Museum is a cultural institution tasked with researching, collecting, preserving and exhibiting historical material of the Australian nation. The National Museum of Australia was established in 1980 with statutory authority guaranteed by the Commonwealth Arts portfolio³⁹. The Museum focuses on Aboriginal and Torres Strait Islander history and culture and Australia's history and society since European settlement in 1788 and the engagement of people with the environment. The National Museum has a policy in place that allows the deaccession and disposal of historical material to take place as part of a necessary collection management program. This policy itself does cover the deaccessioning and disposal of historical material that includes human remains from the National Historical Collection (NHC). However the national museum of Australia has a Council that has authority and powers to dispose of historical material forming part of the NHC, this conducted under the terms of section 9 of the National Museum of Australia Act 1980⁴⁰.

United States of America

In the United States, museums are run as non-profit corporations or as charitable trusts. However, if a museum is a registered charitable trust this might have implications on the deaccessioning of museum objects (Paterson 2013:1-2). Trust legislation could be applicable which demands a higher fiduciary standard for museums. The museums that are non-profit corporations are seen as academic institutions and can better navigate the legislation with regard to deaccessioning, due to the business judgement rule (Paterson 2013:3, Strong 2016:254-255). Hence, in a non-profit corporation museum, deaccessioning decisions are taken by its director with the public's interest in mind. The non-profit corporation museums do have the legal authority to permanently remove objects from their collections. State lawyers deal with museum deaccessioning, especially when the public has concerns. In the US museums are able to create their own policies and guidelines that help them self-regulate (Strong 2016:255). In the US deaccessioning in some museums ensures survival for others, even where that means closing their door temporarily or permanently (Strong 2016:256).

³⁹ National Museum of Australia (2011). *Deaccessioning and disposal policy POL-C-035*, pg.,3.

⁴⁰ *Ibid.* pg3

Canada

Museums in Canada are established in the same way as in the United States as non-profit organisations under the Federal Museums Act. In Canada, museums are seen or recognised as Crown (government) Corporations and include the National Gallery of Canada and the Canadian Museum of Civilization (Paterson 2013: 2-5). Canadian museums tend to be much less dependent on private financial donors than American museums. Presently, Canadian museums have to face the issue of what criteria should apply when deaccessioning is concerned and what its policies on disposals should be. The Canadian museum association does have ethical guidelines that are influenced by the ICOM Code of Ethics for deaccessioning that museums in Canada adhere to (Paterson 2013:7).

United Kingdom

The London Museum in the UK holds has an archive that has about 17,000 skeletal human remains acquired from archaeological excavations covered by the Ministry of Justice licences. Basically, this gives permission to the study and research and, when necessary, even reburial. A policy does outline the conditions under which the Museum cares for human remains and this is good practice⁴¹. The de-accessioning licences need to be obtained from the Ministry of Justice for curatorial considerations, for instance, to continue to keep human remains if they have the potential to continue to make an important contribution to future knowledge. For that reason, human remains are continually reviewed as to their research value⁴². Museums in the UK, through the Human Tissue Act of 2004. Allows some national museums to de-accession human remains from their collections⁴³.

South Africa

The South African Heritage Resources Act (Act 25 of 1999), also known as NHRA (Act 25 of 1999) it is the main piece of legislation protecting South African heritage resources that include museum objects. But South African museums are the decision-makers when it comes to deaccessioning and often this is aided by their own collections management policy or deaccessioning policy⁴⁴. The NHRA does not have provisions for deaccessioning. Currently,

⁴¹ Policy for the Care of Human Remains in Museum of London Collections 2011, pg1

⁴² *Ibid.* pg 3

⁴³ <https://www.loc.gov/law/help/repatriation-human-remains/united-kingdom.php>

⁴⁴ Mulafhi-Montla J. 2019.Registrar discussions and interview from Ditsong.

section 32 of the NHRA act regulates heritage objects. But human remains that are above 60 years are also recognised to be culturally significant according to section 36 of the NHRA. However, in museums, human remains are seen as heritage objects or specimens. Hence, a full margin of protection for human remains in museums provided in the NHRA, even though it is implied by section 32 of the act. According to portions of section 32 of the NHRA below:

-

(4) SAHRA with the approval of the Minister may by notice in the Gazette—

(a) declare an object, or a collection thereof, or a type of object or list of objects, whether specific or generic, to be a heritage object;

(b) amend any notice published under paragraph (a); or

(c) withdraw any notice published under paragraph (a) or amended under paragraph (b).

(5) SAHRA may not exercise its power under subsection (4) unless—

(a) in the case of a specific object or collection, it has served on the owner a notice of its intention and has given him or her at least 60 days to lodge an objection or suggest reasonable conditions regarding the care and custody of such object under which such declaration is acceptable; or

(b) in the case of a type of objects, it has—

(i) published a notice of provisional declaration in the Gazette;

(ii) by public advertisement and any other means, it considers appropriate, made known publicly the effect of the declaration and its purpose; and

(iii) invited any interested person who might be adversely affected to make submissions to or lodge objections with SAHRA within 60 days from the date of the notice, and has considered all such submissions and objections.

(6) An object or collection shall be deemed to be protected as a heritage object for six months from the date of service or publication of a notice under subsection (5)(a) or (5)(b)(i), or until such notice is withdrawn or the object or collection or type of objects is declared to be a heritage object, whichever is the shorter period.

ICOM does have a Code of Ethics for Museums that museums must adhere to Section 2 of the code does talk about the assumption to offer a deaccessioned object to another museum first (Paterson 2013:6). However, museums do need to keep all records associated with the disposal of objects or artefacts⁴⁵.³¹ The ICOM Code advocates that funds generated through disposal should be used only for acquisitions for the museum's collection. But it does not elaborate on funds generated through deaccessioning and therefore should be used only for the benefit of the collection and usually for acquisitions to that same collection.

It is apparent that human remains are still seen as objects or specimens in museums and that that needs to change. Deaccessioning policies need to be more integrated and more inclusive of the requirements of human remains. In some cases, it is evident that deaccessioning specific legislation together with museum policy can aid in proper restitution and repatriation of human remains. This chapter sheds light on the history of human remains and collecting practices in museums. The contestation of human remains in museums was explored. The deaccessioning of human remains by museums was examined, considering what countries like New Zealand, Australia, the US, Canada, and the UK and South Africa do with regard to deaccessioning.

⁴⁵ Paterson R.K. 2013. Museums and the Dilemma of Deaccessioning. *Faculty Publication Emeriti*. Allard School of Law, University of British Columbia, pg.,6

Chapter 3

Case Study: Ditsong National Museum of Cultural History

The history of Ditsong National Museum of Cultural History and its Archaeology Collection

This chapter will provide a historical background of the Ditsong National Museum of Cultural History and its Archaeology collection. This chapter will look into the collection of human remains at Ditsong National Museum of Cultural History with regard to the collections management policy and provenance and will explore de-accessioning, repatriation, return and redress at Ditsong.

Ditsong Museums of South Africa (DMSA) are recognised collectively as an agency of the Department of Arts and Culture as well as a national museum⁴⁶. The Ditsong National Museum of Cultural History will be used as a specific case study because it has a long history with human remains that spans over 100 hundred years. From a national and historical perspective, this museum offers the opportunity to reflect on how a national museum in South African engages with the issue of human remains and will discuss aspects of, and challenges associated with the curation and repatriation of human remains.

Ditsong National Museum of Cultural History is part of an amalgamation of museums previously known as the Northern Flagship Institution (NFI) established under the Cultural Institution Act no.119 of 1998⁴⁷. The NFI appellation was later changed to the Ditsong National Museums of South Africa⁴⁸. The Natural History Museum, which was formerly known as the Transvaal Museum, which was established in 1893⁴⁹. The Cultural History Museum, which was previously known as the National Cultural History Museum and Open-air Museum, or the African Window Museum used to form part of the Transvaal Museum

⁴⁶ <https://www.ditsong.org.za>

⁴⁷ South Africa. 1998. *Cultural Institutions Act, No. 119 of 1998*. Pretoria: Government Printer.

⁴⁸ <http://www.dac.gov.za/content/launch-new-name-northern-flagship-institute-ditsong-museum>

⁴⁹ http://www.archivalplatform.org/images/resources/Draft_National_Museum_Policy_Framework_version

until 1904,⁵⁰ when it became independent⁵¹ (Fransen1969:109-113). The photograph below (figure 6) of the Transvaal Museum, a sandstone building that has not changed over the years, retaining its original architectural design. At first glance, this building is impressive and almost feels sacred, the architecture is clearly Greek inspired with iconic-type columns anchoring this temple-like building⁵².



Figure 6: Transvaal Museum-Ditsong National Museum of Natural History, Pretoria.

Archaeological collections in museums are regarded as precious and considered exclusive in terms of their artefacts and their antiquity. But to the archaeologist, separate collections are part of a much larger framework of objects and visual data that needs to be stored, curated, conserved all in trust for the whole of society. However, this was not always the case in South Africa where colonialism and apartheid were a major influence on the archaeological discipline. Archaeology as a scientific discipline emerged in the 19th century and had close links to nationalism (Schlanger 2019:22). South African archaeology in the past benefitted from racial capitalism where museums and universities were funded by the government since they were hubs for apartheid ideology (Shepherd 2019:15-16). Archaeology as a discipline developed around that time was seen then as science prehistory that reflected the political

⁵⁰ It was before and after the South Africa War, the war started in 1899 and ended 1902. It was a war between the British coloniser and the Boers.

⁵¹ <https://www.ditsong.org.za/about-us/>

⁵² <https://sites.google.com/site/arth372exhibition/greek-architecture>

context. As a consequence, in South Africa, archaeology is viewed as a colonially inclined discipline (Delmas & De la Pena 2019:4). This implied that the accountability of the discipline as a whole could be questionable and unreliable in this country. This was clearly evident in the research generated during the colonial and apartheid eras that were not inclusive of the narrative of the history of black people (Shepherd 2019:17). The focus of the narrative was always on the primitive nature and lack of any achievements by indigenous people and this was seen as providing justification to treat them badly⁵³.

Archaeology as discipline thrived under apartheid because it was solely dependent on and heavily subsidised by the government for funding for its development⁵⁴. Archaeology during that time in South Africa owes much of its achievements to native labour. This meant that black men, referred to as “boys” were carrying out those excavations, sorting and documenting those artefacts, were never acknowledged for their role in the history of the discipline, their roles often downplayed are not even mentioned (Shepherd 2015:35-36). Colonialism and apartheid facilitated the conception of archaeology as racial science. At that time, the discipline focused on constructing narratives on the bases of racial typology, hence the need to source and acquire human remains for most museums (Shepherd 2015:102). This is the historical backdrop of the archaeology discipline that underpins the archaeology collection at Ditsong National Museum of Cultural History museum. The archaeological collection housed at the National Cultural History Museum was established in the early 1900s⁵⁵. The construction of the Cultural History Museum is seen in figure 7 below. This particular collection contains evidence related to indigenous knowledge systems concerning the heritage of Southern Africa⁵⁶. This simply means that the museum uses indigenous knowledge systems (IKS) that are ways to better understand the skills and philosophies, rituals and traditions developed by societies with histories of interaction with their environment within their collection⁵⁷. It was only after 1903 that the systematically collected collection of George Leith was acquired (after his death) by the Board of the

⁵³ Schlanger N. 2019. *Recomposing Identities: Prehistory and Human origins from Jan Christiaan Smuts to Thabo Mbeki. South African Archaeological society Goodwin Series 12, pg. 22-23.*

⁵⁴ Shepherd N.2019. *Archaeology in the shadow of Apartheid, Race, Science and Prehistory. South African Archaeological society Goodwin Series 12, pg. 17*

⁵⁵ Teichert F.2019. Curator discussions and interview.

⁵⁶ Archaeology Register-ARG. Register Vol. 1. Ditsong National Museum of Cultural History.

⁵⁷ <https://www.herald.co.zw/indigenous-knowledge-systems-explained>

‘Staatsmuseum’. George Leith can be regarded as the father of the archaeological collection at the National Cultural History Museum⁵⁸. The Leith collection ranged from the Early, Middle to Late Stone Age with assemblages from all over Southern Africa and other parts of the world. The stone tools represent various stone tool manufacturing industries⁵⁹.



Figure 7: Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

But when entering the storeroom one is struck by a prominent feature of the collection, the San rock engraving collection. This is possibly the largest in-house collection in the country, containing over 200 rock engravings, filled with animated images and figures⁶⁰. The archaeology collection has an extensive Southern African Iron Age assemblage, for example, the artefacts from Schroda, which form part of the largest collection from an Iron Age settlement situated in the culturally rich Limpopo Shashe Basin⁶¹. The archaeological storeroom also houses Egyptian artefacts representing several periods in the history of Egypt, from the Old Kingdom through the Middle Kingdom to the New Kingdom. The Egyptian collection was mostly donated by a certain Mrs. Boywer between 1940 to 1950⁶². The Peruvian collection, another of the museum’s treasures, was donated during the 1960s. This collection includes rare and exquisite ritualistic and ceremonial vessels associated with daily life and spiritual beliefs of the Peruvian people⁶³.

⁵⁸ Teichert F.2019.Curator discussions and interview.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ Archaeology Register-ARG. Register Vol. 1. Ditsong National Museum of Cultural History

⁶² *Ibid.*

⁶³ *Ibid.*

The History of the Human Remains Collection at Ditsong National Museum of Cultural History

In some South African museums, there are human remains that form part of their collections. The processes and management involved in caring for human remains rest in depositories like museums, medical schools, and universities. Iziko museum in Cape Town, the McGregor Museum in Kimberley and the Albany Museum in Grahamstown are some of the South African museums that have human remains in their collections (Legassick & Rassool 2000:1, Morris 2008: 53-54). Towards the end of the twentieth-century fossil human remains were seen as national heritage objects that formed the bases for palaeoanthropology research in the country. In South Africa, the fascination with the collection of human remains particularly of the San people came about because of the perception that they were intellectually inferior (Bancel *et al.* 2014:94, 177, Legassick & Rassool 2000:3-5), a trend that fuelled museums to accumulate human remains in this country, along the same lines as their European counterparts (Roque 2018:71-73, Sleeper-Smith 2009:117)⁶⁴. This is another illustration of the failures of the archaeological discipline at the time: the immoral and unethical treatment of human remains. As to the spurious claim that the San people being regarded as prehistoric relics, the question remains as to whether the called evidence accumulated proved that assertion (Sleeper-Smith 2009:118). Controversial claims of this nature were abetted by colonialism and have been the cause of much attrition to the San people, in that they were alienated from their culture, identity and a sense of being. Presently, the human remains at Ditsong National Museum of Cultural History form part of the archaeology collection⁶⁵. The human remains collection was split into two separate collections, respectively housed at the Ditsong National Museum of Natural History (Transvaal Museum) and Ditsong National Museum of Cultural History (African Window)⁶⁶. Prior to consolidation, the Ditsong National Museum of Natural History human remains collection formed part of the palaeosciences collection⁶⁷ some the remains, especially those of San people were classified as fossils. However, from everything that has been observed, it may be reasonable to infer that the collecting of the human remains in this particular collection was to support the case for racial

⁶⁴ Legassick M., & C. Rassool 2000. Skeletons in the cupboard: South African museums and the trade in human remains, 1907-1917, pg.1.

⁶⁵ I.N. Masiteng 2011. Consolidation of the two Human remains collection was done while I was employed at Ditsong as a curator.

⁶⁶ *Ibid.*

⁶⁷ Teichert F.2019. Curator *discussions and interview.*

differentiation. The Ditsong National Museum of Natural History has a hominid fossil collection recovered from the Cradle of Humankind World Heritage Site⁶⁸. The hominid fossil collection formed part of the palaeosciences collection. This museum is the official home of the fossil skull of Mrs. Ples, a distant ancestor of all⁶⁹. The Ditsong National Museum of Natural History is the only place in South Africa where the public may view original fossil material. The Broom Room is named after Dr. Robert Broom and houses many of the most important fossils of early hominids in the world⁷⁰. Broom was a trained medical physician yet a non-conformist who strongly believed in evolution. Broom had claims and notions of a plan and purpose in evolution. For Broom, the origin of Homo Sapiens was the driver for evolution (Bowler 2001:133-134, Lewin 1997:311). In 1934, Broom was asked by General Jan Smuts to accept a position at the Transvaal Museum in Pretoria as an assistant palaeontologist⁷¹. Once he became involved with the museum he actively searched for hominids in the wake of Raymond Dart's discoveries of *Australopithecus Africanus* (Shepherd 2015:29)⁷². In 1947 Broom and John Robinson discovered the most complete *Australopithecus* skull, which Broom named *Paranthropus robustus* also known as Mrs Ples⁷³. A bust was commissioned by the museum to commemorate the discovery of Mrs. Ples, as seen in figure 8⁷⁴.

⁶⁸ <https://www.travelground.com/attractions/ditsong-national-museum-of-natural-history>

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ <https://www.sahistory.org.za/dated-event/dr-robert-broom-born>

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Teichert F. 2019. Curator discussions and interview.



Figure 8: A bust of Robert Broom holding Mrs. Ples on display at the Ditsong National Museum of Natural History (Transvaal Museum), Pretoria. Photo by I. Masiteng.

However, there was another side to Broom. He had a track record of collecting human remains in the most unethical manner (Legassick & Rassool 2000:51-52). This involved a total violation of the dead, either ancient or the recently deceased which involved raiding graves for their human remains and burial goods boiling the corpses to remove the flesh (Legassick & Rassool 2000:52, Sleeper-Smith 2009:118-119). There is also evidence indicating that he traded human remains with museums in other countries. Furthermore, Broom committed these atrocities in different parts of South Africa⁷⁵. It is important to touch upon the background of Robert Broom since he was such a prominent figure and because he was the main collector of the human remains for the now Ditsong National Museum of Natural History. It was only after 2010 that the two human remains collections were consolidated into one at Ditsong National Museum of Cultural History⁷⁶. The consolidation of the two collections from the two

⁷⁵ Legassick M., & C. Rassool 2000. *Skeletons in the cupboard: South African museums and the trade in human remains, 1907-1917*. Cape Town, pg51.

⁷⁶ I.N. Masiteng 2011. Consolidation of the two Human Remains Collections was done while the author was employed at Ditsong as a curator.

museums was an attempt to try and redress the mistakes and atrocities of the past by committed by Transvaal Museum authorities. In the store-room at Ditsong human remains are stored in acid-free boxes as part of passive conservation measures employed, as may be seen in figures 9.1 and figures 9.2⁷⁷ respectively. The majority of the human remains from the Ditsong National Museum of Cultural History were largely acquired through formal archaeological excavations (Appendix 4)⁷⁸ before consolidation with the Transvaal Museum collection.

However, at the Transvaal Museum the cataloguing system “officially” records that the collection owes its existence to a combination of fieldwork and donations⁷⁹. The salient point about the majority of the human remains collection now at Ditsong National Museum of Cultural History is that most of the collection was collected during the eras of colonialism and apartheid respectively. The acquisition registers and cataloguing cards attest to that being the case,⁸⁰.



Figure 9.1.: Storeroom where the human remains are currently kept at Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

⁷⁷ Teichert F. 2019. Curator discussions and interview.

⁷⁸ Appendix 4: List of human skeletal material in the collection of the National Cultural History Museum (Ditsong National Museum of Cultural History), pg1-4.

⁷⁹ Teichert F. 2019. Curator discussions and interview.

⁸⁰ *Ibid.*



Figure 9.2: Boxes with acquisition numbers containing the human remains are currently kept at Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

The Ditsong Cultural History Museum boasts an Egyptian mummy from Fayum as part of the collection of the human remains. The mummy was donated by a mining engineer Mr. J. Klimke in 1899 to then Staatsmuseum⁸¹ (ARG. Register vol. II, p. 279), more than a hundred years ago. Today, the mummy is on display as part of an exhibition titled “Objects Telling Stories” at the Ditsong National Museum of Cultural History⁸². Furthermore, the museum has a policy on displaying human remains which, they claim, justifies the Egyptian mummy’s exhibition. The policy is specific to the Egyptian mummy and not to the rest of the collection of human remains. Figure 10 below is an extract from the poster on displaying relevant to mummy’s exhibition⁸³.

⁸¹ ARG Register Vol. 2, pg. 279

⁸² Teichert F. 2019. Curator discussions and interview.

⁸³ *Ibid.*

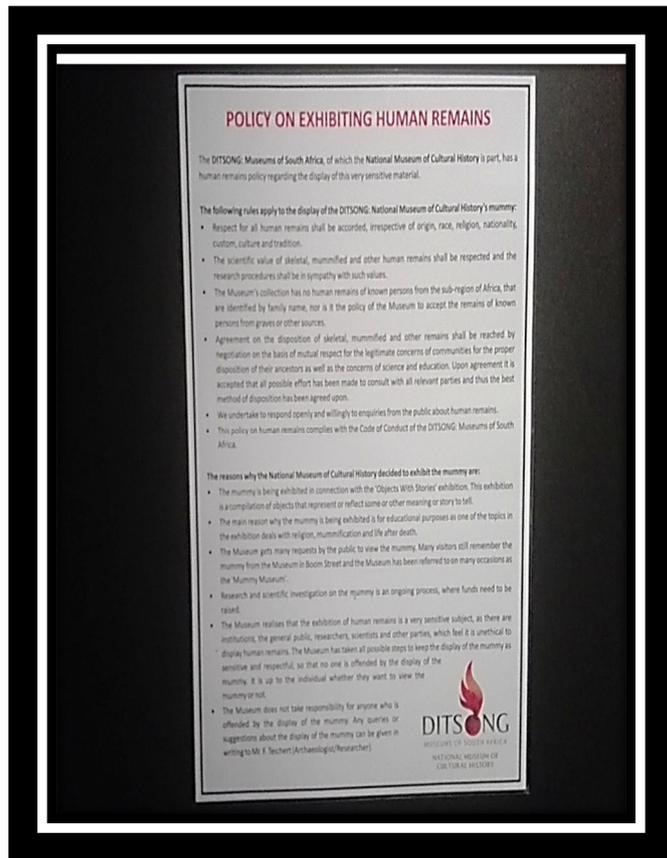


Figure 10: A poster currently displayed since 2012 about the policy concerning exhibiting human remains at Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.



Figure 11: Egyptian Mummy on display at Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

The human remains collection also has a South African mummy known as a Korana mummy. The Korana mummy, which is naturally mummified, was found in a cave many years ago in Bronkspruit. This mummy was part of the collection that was in the Transvaal Museum. The catalogue card of the Korana mummy as shown in figure 11⁸⁴. The description of the cataloguing card does not express the clear essence of the true history of the Korana mummy.

⁸⁴ *Ibid.*

SPECIES:	<i>Homo sapiens</i>	NO.:	TMPAL 92-13a
SKELETAL PART:	Mummified skeleton + skull		
LOCALITY:	Brankhorpspruit		
HORIZON:			
HOW OBTAINED:	Donated by Dr W. E. Ludorf		
REMARKS:	Identified by Broom as Koranna. Ron Clarke says it's ♀ Associated with mat of grass; hoe.		

Figure 12: Korana mummy - Catalogue card from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

According to the curator, the Korana mummy was cramped into a glass display cabinet for many years (figure 13 below shows the glass cabinet). The cabinet was certainly not large enough to contain the skeletal remains of an average size person. The remains were part of the display at the Transvaal Museum, but they were removed from display in the early 1990s⁸⁵. The Korana mummy was never afforded the respect and dignity it deserved, in the way it was handled, how it was collected, accessioned, even in the way it was displayed.

⁸⁵ *Ibid.*



Figure 13: Glass cabinet that previously-stored the Korana mummy currently kept at Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

Subsequently, the archaeology collection at the Ditsong National Museum of Cultural History was routinely made available to qualified researchers for scholarly purposes, upon request⁸⁶. However, the human remains are held in trust by the museum on behalf of the public. The museum does not own the human remains and it is only responsible for the care and management of the remains. Arrangements can be made for on-site study by visiting scholars or materials that can be transferred to approved curation facilities for long-term intensive analyses when necessary⁸⁷. The museum also conducts research on the archaeology collection itself. For example, in May 1965 an X-Ray analysis conducted on the Egyptian mummy discovered that some bones were broken and some disorientation of the remains within the wrappings was evident. The mandible and pelvic structures showed that it was a 35-year-old person. According to an article published by the Pretoria News on the 7th of July 2002, the

⁸⁶ Teichert F. 2019. Curator discussions and interview

⁸⁷ *Ibid.*

mummy was found to have bacteriological destructive activity. The gender of the mummy was previously unknown until a non-invasive scan examination conducted in July 2002 at the Muelmed Hospital in Pretoria revealed that it was a male specimen, despite the small stature⁸⁸. The Museum is engaged in a research project on the mummy, in association with the Anatomy Department of the University of Pretoria⁸⁹. In 2006, for example, the Korana mummy was part of a Masters Research project by a Witwatersrand University student. A movement form was filled in by the curator permitting the student to move the remains to the University for further study including stable isotope analysis, as seen in the below figure 14. However, at the end of the project, the student donated a Perspex box that was able to house the remains horizontally without being cramped, as shown in figure 15.

Reason for movement: RESEARCH BY WITS STUDENT FOR A MASTERS DEGREE
 Movement requested by: FRANK TEICHERT Collections Manager: FRANK TEICHERT

Acquisition no.	Object name: Short description/ condition	Previous locality (moved from)	Date packed	Signed	New locality (moved to)	Date unpacked	Signed
A PAL 92-36	MUMIFIED KORANA Mummy/GOOD	KG 68/NCHM	24/05/06	<i>[Signature]</i>	ORIGINS CENTRE WITS UNIVERSITY	24/05/06	<i>[Signature]</i>
		WITS	25/05/06	<i>[Signature]</i>	THE HOSPITAL	25/05/06	<i>[Signature]</i>
		THE HOSPITAL	25/05/06	<i>[Signature]</i>	ORIGINS CENTRE WITS	25/05/06	<i>[Signature]</i>
		WITS	08/05/06	<i>[Signature]</i>	ANATOMY DEPT. UP	08/05/06	<i>[Signature]</i>
		UP Anatomy	22/08/06	<i>[Signature]</i>	NCHM	22/08/06	<i>[Signature]</i>
		NCHM	23/08/06	<i>[Signature]</i>	NCHM/K697	23/08/06	<i>[Signature]</i>

Figure 14: Movement form for research used by the Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

⁸⁸ Pretoria News, July 7, 2002

⁸⁹ Ibid.



Figure 15: Korana mummy horizontally layered out covered by a perspex cover at Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

Collections management policy and provenance at Ditsong

Collection management policies are important for every museum as they provide a blueprint on how objects should be acquired, as well as how they should be managed. A collections management policy is integral in implementing a proper collections management system for any museum (Grobler 2006:48). According to the American Association Museum, Technical Information Service, a collections management policy is explained as “a written statement articulating the purpose of the museum, and how this purpose is pursued through the museum’s collection goals, activities and methods”⁹⁰. A viable collections management policy ensures consistency in the day-to-day handling of an institution’s collections⁹¹.

⁹⁰ Boylan P.(eds).2004. *Running a Museum: A Practical Handbook*. ICOM – International Council of Museums, pg,17-18.

⁹¹ American Association of Museum Technical Information Service (AAMTIS), Writing a collections management policy, <http://www.aam-us.org/tiswcmp.htm> , p. 1.

Collection management of the archaeology collection at Ditsong National Museum of Cultural History is informed by the overall DMSA's own collections management policy, as approved in 2018⁹². Currently, there is no specific policy for human remains, other than an older policy, created at the Transvaal Museum in 1996, as seen in figure 16⁹³. The curation policy was created prior to the consolidation of the two collections at one of the DMSA museums. This was a basic policy which did not elaborate in-depth on curation and also did not indicate any conservation measures to be administered already in the collection at the time. This particular policy created easy access for any type of research to be conducted. This facilitates research that is destructive and invasive, and allowed stable isotope analyses or extracting of DNA samples from the bone. The policy did not meet the minimum standard of curation as set out by SAHRA⁹⁴. This highlights the need for strict vetting processes for research of human remains by museums in this country. Destructive and invasive research methods go against what museums are intended to be for, namely the preservation of history as mankind. Ethically, human remains should be treated with respect and dignity even when it comes to research. However, the Ditsong human remains curation policy was an attempt to put a policy in place in 1996 after the collection had been in existence for a considerable period of time⁹⁵. Other national museums in South Africa, such as Iziko Museums of Cape Town, took the matter a step further by implementing a fully detailed policy, in 2005, on the management of human remains in Iziko collections⁹⁶. The Iziko policy provided a framework on how to manage the human remains in their collection⁹⁷. It touches on a number of areas concerning human remains from management to research, including sections on repatriation and restitution. The policy from Transvaal Museum (Ditsong) is very limited and it should be reviewed to be more inclusive of the issues surrounding human remains in their museums.

⁹² DMSA Collections Management Policy 2018.

⁹³ Ditsong National Museums of South Africa (1996). *General Policy on the curation of human remains housed in the dept. of Palaeontology and Palaeoenvironmental Studies, Transvaal Museum.*

⁹⁴ APM 4.1.1 SAHRA APMHOB. Permit Committee Archaeological Permitting Policy.

⁹⁵ Iziko Museums of Cape Town: (2005). *Iziko Museums of Cape Town: Policy on Human Remains.*

⁹⁶ *Ibid.*, pg1

⁹⁷ *Ibid.* pg1

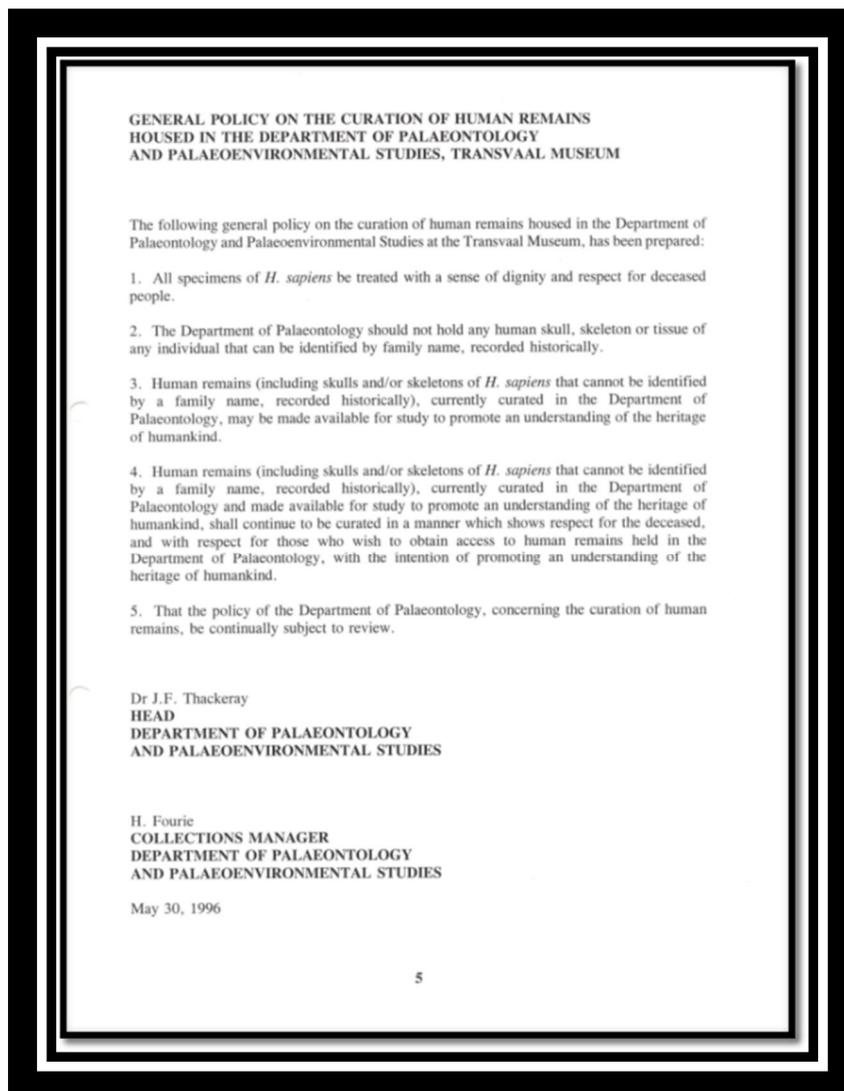


Figure 16: Curation policy for human remains from the Transvaal Museum. Photo by I. Masiteng.

Provenance and the history of museum objects or artefacts are often listed in chronological order, starting with the earliest known owner or origin and that will be carefully documented in acquisition registers, cataloguing cards, etc. that does help the museum with due diligence in their research methods⁹⁸. In the excerpt below, Giesen elaborates on the consequences and implications of not capturing proper provenance documentation of human remains for museums.

⁹⁸ <https://collectionstrust.org.uk/cultural-property-advice/provenance/>

“Conversely, human remains of unknown origin or provenance may be deemed to have limited educational and research value. This lack of provenance impacts on various aspects of their care, such as access, loans, display and storage, and is likely to mean that the remains will not feature in research unless further attempts are made to establish provenance.”

Giesen 2013, pg.,17

It is standard practice that most museums are also repositories, do not see the need to consult with any cultural groups or stakeholders when the remains they in their collections have no provenance to speak of. This process is seen as part of collection management (Giesen 2013:18-19, Sleeper-Smith 2009:11). However, at Ditsong National Museum of Cultural History establishing provenance for most of the human remains proved to be problematic. Working through the acquisition register, inventory lists, and the cataloguing system, a lot of discrepancies were noted in terms of how timelines, descriptions, and classifications were recorded. The cataloguing system from the Transvaal Museum is easily recognisable being denoted by the letters TM in all the cards, as seen below in figure 16.



Figure 17: Cataloguing cards from the human remains collection from the Transvaal Museum. Photo by I. Masiteng.

On close examination, the majority of the cataloguing cards do not have a lot of information, in that there is no indication of origin and very scant information on how the human remains were collected. For example, the catalogue cards in figures 17 to 21 illustrate that provenance is questionable, given that there are no specifics. What can be seen on the cards is that the focus was on determining the species and part of the skeleton.

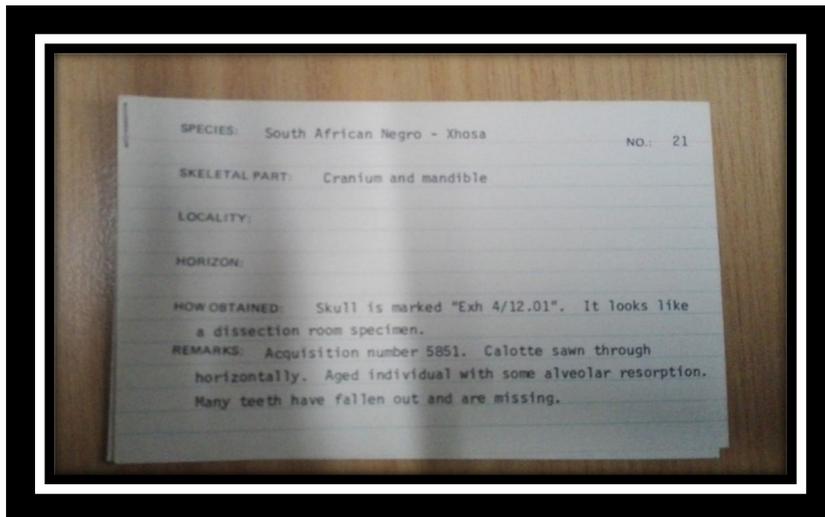


Figure 18: Catalogue card no. TM 21 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

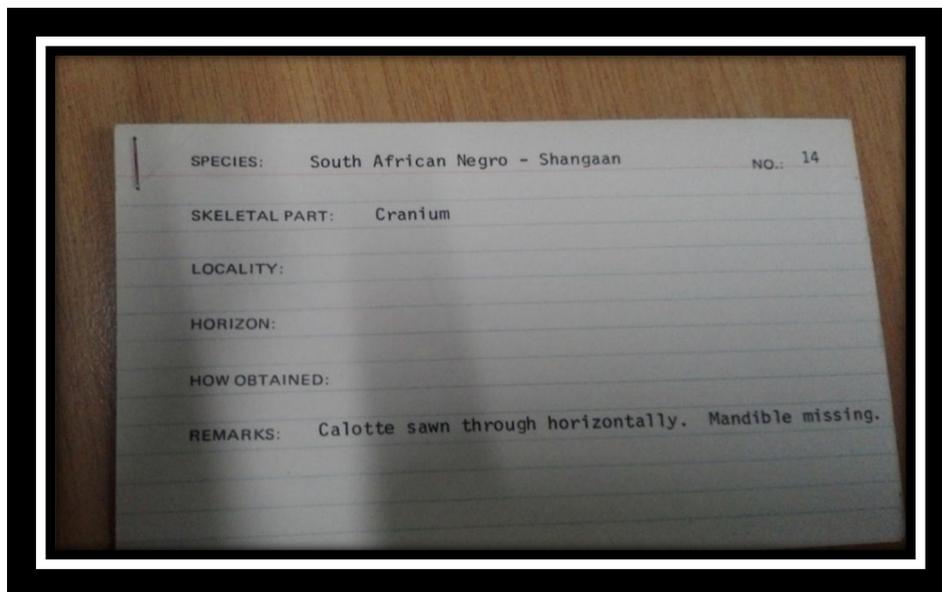


Figure 19: Catalogue card no. TM14 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

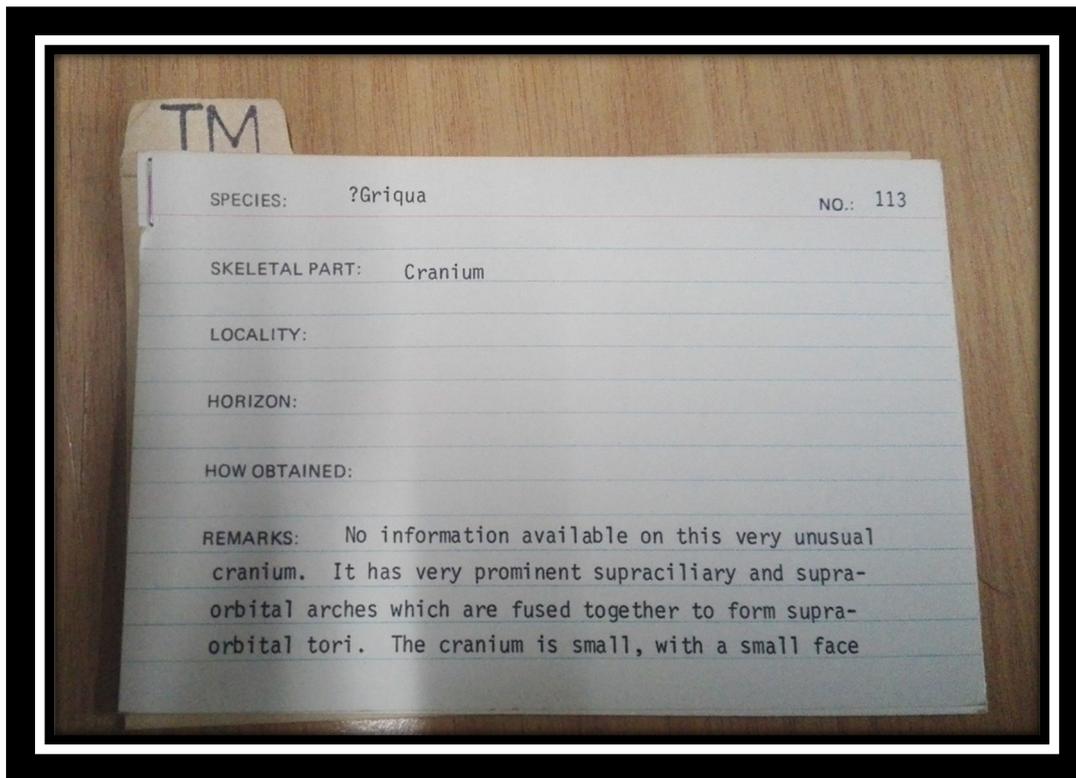


Figure 20: Catalogue card no. TM 113 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

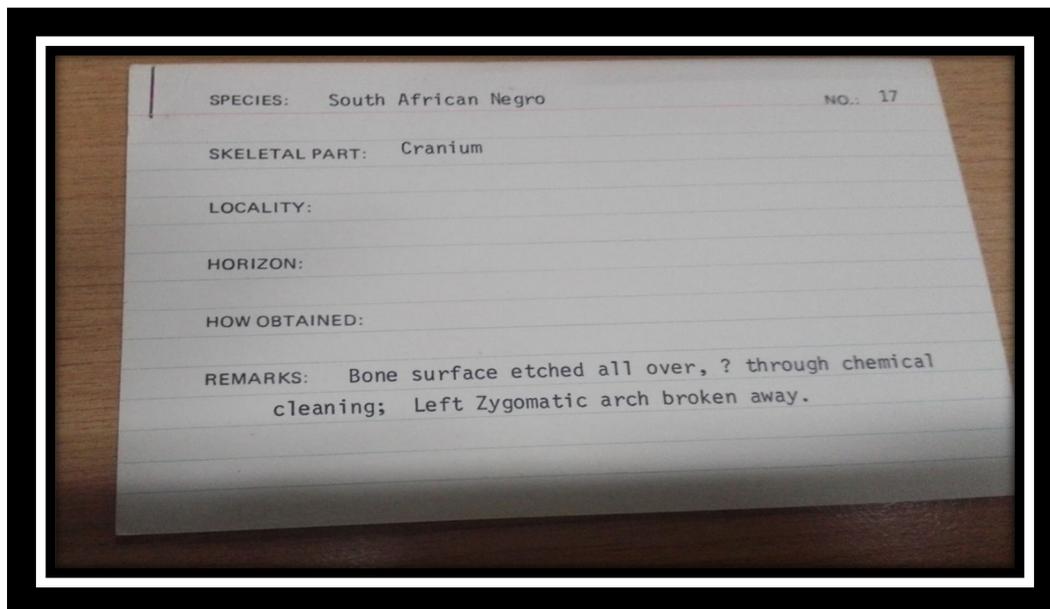


Figure 21: Catalogue card no. TM17 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

The cataloguing cards that do have the information, provide as much information as possible from who, where, how. From all observations of the acquisition register and the cataloguing cards, however, it appears that limited information was noted or was available as to the circumstances surrounding the cause of death, which is not mentioned. In certain cases, it may also be noted that in most of the donations the collecting method is not mentioned. Figure 22 to figure 27 show that some of the cataloguing cards do have information.

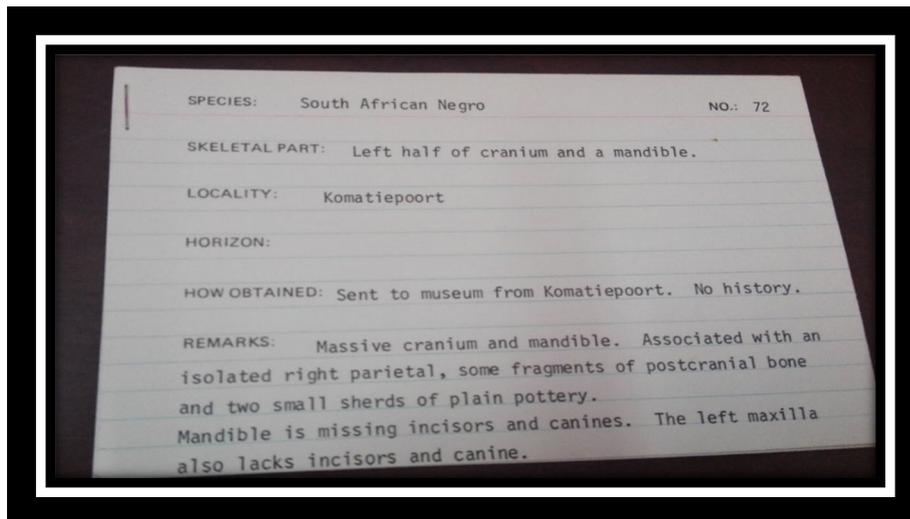


Figure 22: Catalogue card no. TM 72 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

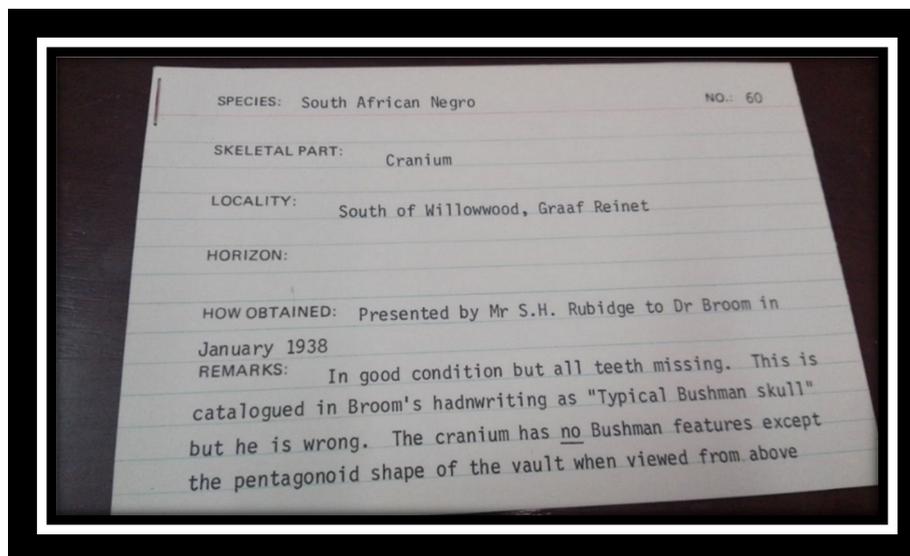


Figure 23: Catalogue card no. TM60 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

The above catalogue card TM 60 in figure 23 has contradictory information in that Broom did not conduct proper assessments when determining the identification of the cranium. Although that was later corrected, it raises questions as to how many human skeletal materials were wrongly accessioned into the cataloguing system and acquisition register by Broom, deliberately or not.

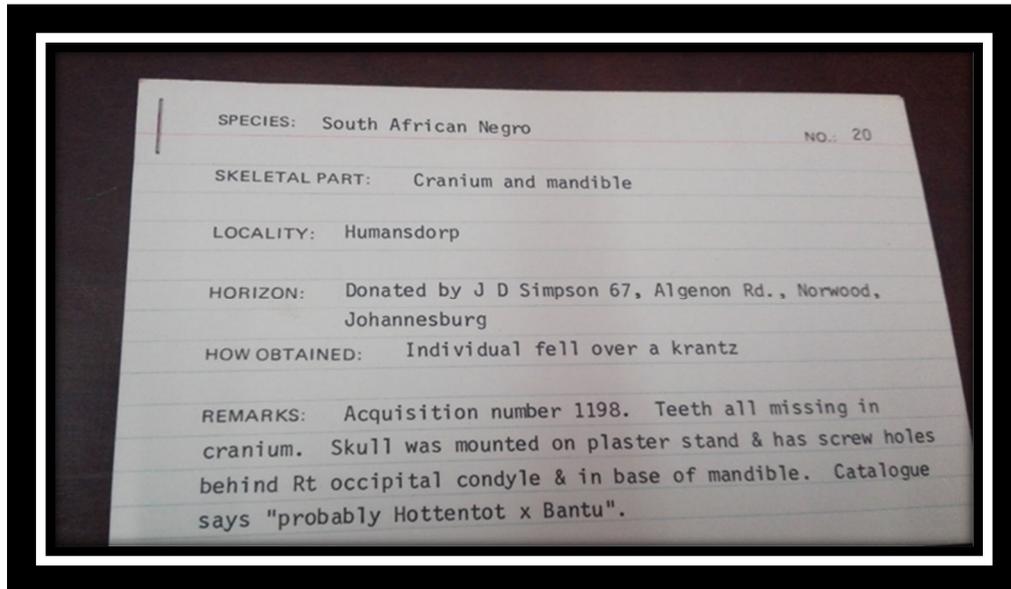


Figure 24: Catalogue card no. TM20 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

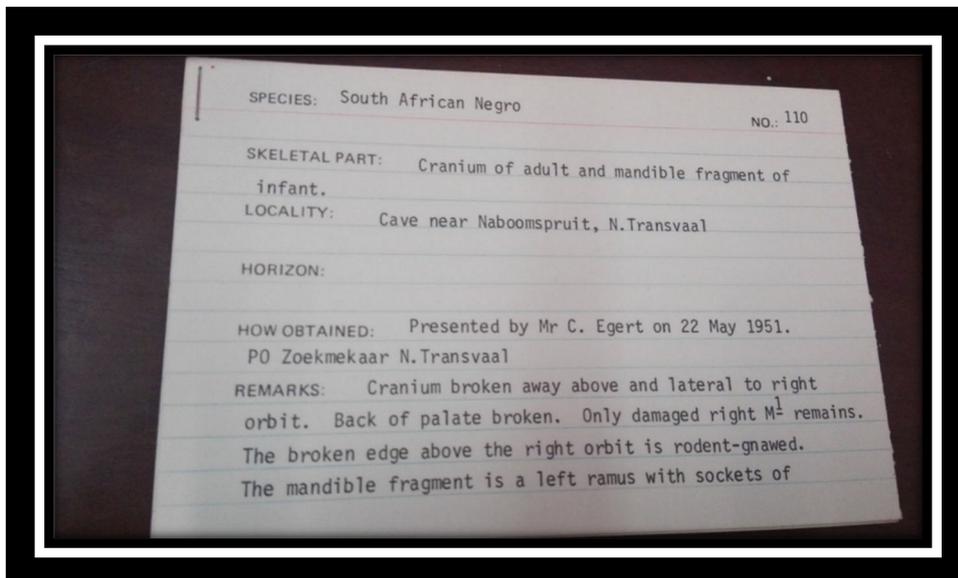


Figure 25: Catalogue card no. TM110 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

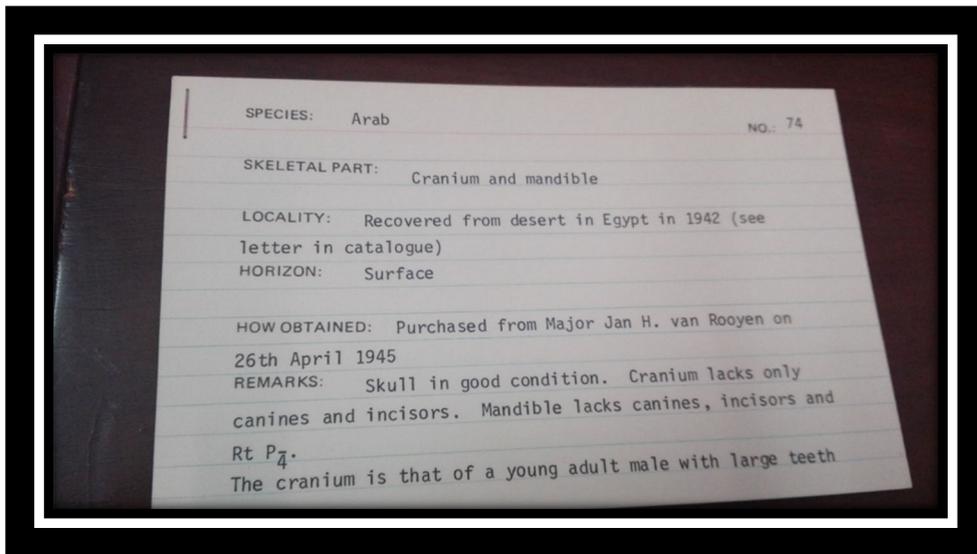


Figure 26: Catalogue card TM74 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

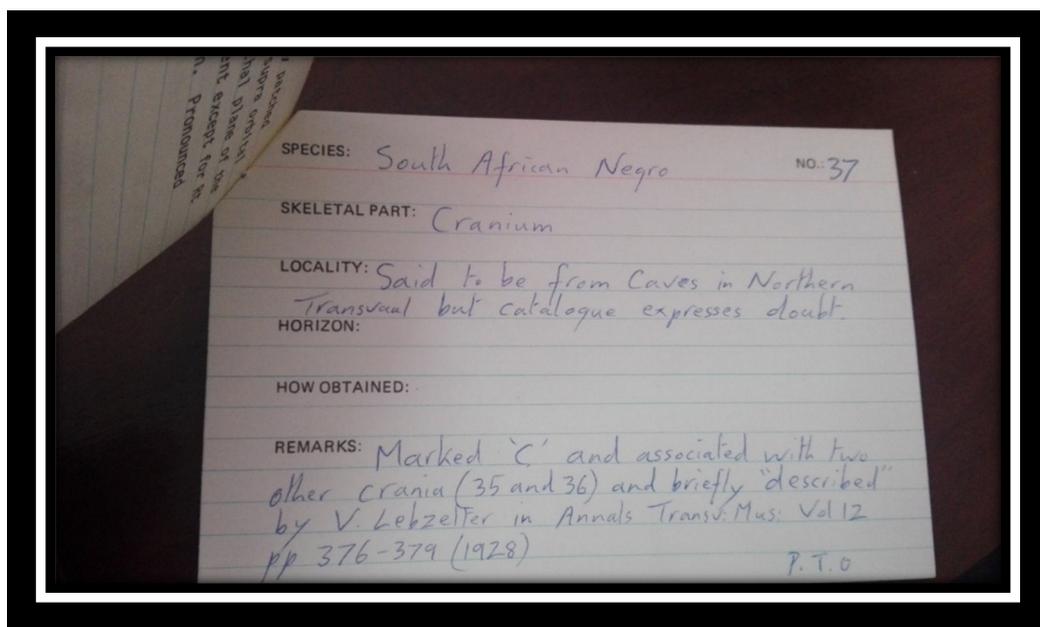


Figure 27: Catalogue card TM37 from Ditsong National Museum of Cultural History, Pretoria. Photo by I. Masiteng.

The human remains collection documented in the cataloguing systems represents various racial groups, for example, white and black as seen in figure 16. The human remains originate from across Africa, from south of the Sahara (Egypt) to North and West Africa. There are

some skeletal remains from other countries, such as Australia and others from parts of Europe. The cataloguing system highlighted that most of the identifiable skeletal material, according to them, was of persons of Korana descent. The main thing observed in scrutinising the cataloguing cards it that most of the skeletal parts documented are the cranium, with less post-cranial skeletal material. This was a clear indication that during the colonial and apartheid eras Ditsong partook in craniometric studies in support of racial sciences, particularly during the period when Broom was employed there.

De-accessioning, repatriation, return and redress at Ditsong

The DMSA does not have a deaccessioning policy that deals specifically with human remains.⁹⁹ The human remains are regarded as part of the overall collection of the DMSA and are therefore also covered by Heritage Asset Management policy¹⁰⁰. Specifically, this collection management policy facilitates the administering of acquisitions, loans, conservation, and display, access in storage, use by an individual or other institutions, physical control and safeguarding and deaccessioning¹⁰¹. The only time that the museum was involved in repatriation was with the case of the Mapungubwe repatriation. This was a daunting task for a young impressionable curator such as the author. The Collections Manager at the time, Mr. Glyn Balkwill, was instrumental in assisting me at the request of the then CEO Mr. Makgolo Makgolo, as the curator was on leave during that period. There was very limited interaction between myself and the collection of the human remains, as the collection had its own designated curator. I had to carefully document each skeletal bone as to from which trench it was recovered and the various layers of the excavations from which they originated. This involved correlating the information from the collection of the human remains with the archaeology acquisition register and the inventory list and filling in of movement forms for the repatriation. Mapungubwe was, and still is, a site very important to the historical and cultural landscape of South Africa, as well as a world heritage site as determined by UNESCO (Nienaber *et. al.* 2008:164). It was one of the earliest known Iron Age kingdoms to be formed (Schoeman & Pikirayi 2011:389). The below excerpt details the timeline of when Mapungubwe existed and whom its inhabitants were:

⁹⁹Mulafhi-Montla J. 2019.Registrar discussions and interview.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

“During the K2 period (AD1000-1220), a period that preceded Mapungubwe (AD1220-1290), at least three groups with different material culture identities were present in the Shashe Limpopo Confluence area. These identities are visible in Leopard’s Kopje ceramics, Zhizo-Leokwe ceramics and hunter-gatherer (ancestral San) stone tools. Clearly then, the K2-Mapungubwe area was occupied by people with different modes of production as well as ethnic origins. Together these communities shaped the Mapungubwe state, and it is likely that these communities intermarried (Calabrese 2007; Schoeman 2006a, 2006b; van Doornum 2005, 2008). This work resonates with the historical complexity and layered and interconnected landscape.”

Schoeman & Pikirayi 2011 pg.,394

During the 1990s, ancestral communities called for the return of the Mapungubwe human remains housed at the museums apart from those held by the University of Pretoria and the University of the Witwatersrand (Nienaber *et al.* 2008:164). In the archaeological sector, there were some sentiments beginning to be expressed that a more pro-active process for repatriation was needed and should be initiated. The National Heritage Resource Act (Act 25 of 1999) made repatriation a reality. There were no regulations promulgated setting out a procedure to be followed¹⁰². This led the University of Pretoria’s Department of Anatomy to develop a repatriation policy (Nienaber *et al.* 2008:165). The Department of Environmental Affairs and Tourism arranged the repatriation of all the Mapungubwe remains including associated sites, namely Schroda, Skutwater and Pont Drift¹⁰³. Ditsong National Museum of Cultural History held only the human remains from the three abovementioned associated sites¹⁰⁴.

¹⁰² Keough, Natalie; Nienaber, Willem C.; Steyn, Maryna.2008. *Repatriation of the Mapungubwe human remains: an overview of the process and procedure*. Creative Studios, Dept. of Education and Innovation, University of Pretoria.

¹⁰³ *Ibid.*

¹⁰⁴ Teichert F. 2019. Curator discussions and interview

A Steering Committee was established with various stakeholders, including the relevant government departments, SAHRA, the University of Pretoria as well as museums that had the human remains in their collections (Nienaber *et. al.* 2008:168). The stakeholders included the communities claiming the human remains. The Mapungubwe human remains were repatriated, buried in sealed containers in tomb structures on dedicated sites. The human remains were buried in such a manner that they would well be preserved, should future research into them be required¹⁰⁵. The Mapungubwe repatriation was important in that it altered the status quo for the museum in many ways, as this was a challenge that the museum had never faced before. The museum had to find a way to deal with deaccessioning human remains for the first time in its history without a deaccessioning policy that was specific to human remains.

The Ditsong National Museum of Cultural History is willing to redress the imbalances created in the past, which included Eurocentric attitudes as well as colonial and apartheid-era practices¹⁰⁶. A new dawn has evolved for Ditsong, as it has become an active participant in changing the narrative and rewriting the wrongs of the past, especially where human remains are concerned¹⁰⁷. The museum is open to considering requests for repatriation by ancestral communities provided they have sufficient evidence to support their request¹⁰⁸. This mind shift by the Ditsong National Museum of Cultural History is not an isolated case. Other museums have also added to their collections of human remains through grave robbing and trading, for example, the McGregor Museum and Iziko (South African Museum). Leggasick and Rassool describe them as ‘Skeletons in the Cupboard’ in their eponymously named book. This implies that at Ditsong some of the collecting conducted was demonstrative of

¹⁰⁵ Keough, Natalie; Nienaber, Willem C.; Steyn, Maryna.2008. *Repatriation of the Mapungubwe human remains: an overview of the process and procedure*. Creative Studios, Dept. of Education Innovation, University of Pretoria.

¹⁰⁶ Teichert F. 2019. Curator discussions and interview.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

epistemologically unethical behaviour in the classifying, ordering and the hierarchical systems used to support racial science theory. This leaves the question as to how biases and preconceptions influence the work by museums as to how they acquired human remains.

Chapter 4

Ethical and Unethical Collections

This chapter critically discusses the notions of ‘ethical’ and ‘unethical’ collections of human remains in museums in South Africa. The de-accessioning of human remains will also be considered from a global perspective. Museums are directed by their mission and vision and are intended to as well as be of service to the public as regards their collections (Edson & Dean 2005:28-29). Museums are obliged to be responsible in how they maintain their collections and associated documentation, which is of paramount importance (Edson 1997:189). Museums are custodians of the collections they curate ensuring that collections are preserved and used for educational purposes (Bounia 2014:1, Corsane 2005:221).

Besterman, an expert on the museums and their associated ethics, does emphasise that museum professionals have a duty to look after collections. But he does note that this duty can only mean something within the context of human interactions as pertains to the ethics of social responsibility (Macdonald 2011: 431). This implies that ethical practice stems from the museum’s relationship with people rather than with objects it curates, as is more traditionally thought¹⁰⁹. Besterman’s argument that possession and interpretation of material culture do bring awareness to issues of “representation” and “ownership” (Corsane 2005:6-7, Macdonald 2011:440). Although the ethical framework indicates that museums put people first. In this way museums are constantly reflecting the society in which they reside, while respecting and nourishing the human spirit and mind and attempting to keep abreast with current developments while being of relevance to society (Besterman 1992:29, Edson 1997:90, Maranda 2015:163). However, Bienkowski does argue that museums should be about fostering understanding between cultural groups and that representatives of these groups should be part of the process when interpretation and study of objects occur¹¹⁰ (Bienkowski 2015). In order to accurately know and understand properly what museum collections are

¹⁰⁹ Macdonald S.(Ed) 2011. *A Companion to Museum studies*. Wiley-Blackwell Publishing. ISBN: 978-1-405-10839-3, pg. 431

¹¹⁰ <https://conalmccarthy.wordpress.com/2015/05/30/museum-practice-chap-19-a-critique-of-museum-repatriation-and-restitution-practices/>

ethical and unethical, it is necessary to know what ethics are and how they pertain to a museum context. Ethics are the moral compass of any museum, as they set the foundation for integrity, good conduct and professional practice (Desvallées A. & Mairesse F.2009:32, Macdonald 2011:431). Ethics are a moral philosophy that is defined as a complex system of defending and recommending the concepts of right and wrong behaviour (Edson 1997:5, Maranda 2015:162)¹¹¹. More than just a synonym for morality ethics do pertain to the values espoused in terms of how museums go about conducting their operations¹¹². Ethics are there to provide guidance both to the museum and as to how they interact in their contact with the public. (Edson 1997:6-7)¹¹³. Ethics play a pivotal role and influence each and every museum function (Macdonald 2011:431). Although ethical conduct is not being not legally required it is museum-specific and does have an influence on legislation (Maranda 2015:160). Ethics are a catalyst for museums to operate within norms and standards and principles that set out common values including treating and caring for human remains with the respect that they deserve (Jenkins2011:129, Knell *et. al.* 2007:349). Ethics do create a platform for a social contract that fosters trust between museums and the public (Maranda 2015:161). However, traditional institutions, such as fine arts galleries seem to adhere to an existing order where their collections appear to be treated as sacred and a model of conduct is clearly defined for curators and visitors (Desvallées & Mairesse 2009:33). Some museums do consider the practical realities of the daily lives of people in that they are constantly trying to find a better way to interact and understand them. That implies those museums are not subject to the absolute, immovable value system and that, instead, these are constantly reassessed¹¹⁴. The authority museums have over the ethics discourse has changed by prioritising skills development and the way standards are set, giving museums a sense of character, seen across the museum sector in an effort to grow professionalism (Marstine 2012:4). Ethics bring about an understanding of museum practice and they do not about impose outside values on museums¹¹⁵. According to Marstine, museums can only assert their moral urgency through three strands of thought elucidated in museum theory and practice, these being social

¹¹¹ <https://www.iep.utm.edu/ethics/>

¹¹² Desvallées A.& Mairesse F(Eds).2009. *Key Concepts of Museology*. ICOM International Committee for Museology, pg32

¹¹³ *Ibid.*, pg32

¹¹⁴ *Ibid.*, pg33

¹¹⁵ Marstine J.2012. *The Routledge Companion to Museum Ethics: Redefining Ethics for the Twentieth Century*, pg. 4

inclusion, radical transparency and shared guardianship to ensure proper museological practices¹¹⁶ (Kreps 2015:8, Marstine 2012:5). This chapter will examine the background of the American Association of Museums(AAM), United Kingdom Museums Association (UK MA) and South African Museum Association (SAMA) as well the International Council of Museums to gain a better understanding of ethics within museums.

In 1925 the American Association of Museums created its first code of ethics that also incorporated museum standards (Edson 1997:160)¹¹⁷. However, this document was not equipped to address questions of illicit acquisitions. Nevertheless, the AAM revised their code of ethics, in the 1970s and around 2000 to address some issues not previously considered (Bounia 2014:3, Macdonald 2011:433). However, the AAM ethics framework presents an argument that museum programs should be reflective of scholarship and visibly demonstrate intellectual integrity while being easily accessible and inclusive of a wide audience (Corsane 2005:43, Macdonald2011:433-435)¹¹⁸. The American Association of Museums Code of Ethics does not elaborate in detail about human remains in museums but they acknowledge that they occupy a special position. Presently the AAM Code of Ethics for Museums states the following:

- *“Collections in its custody support its mission and public trust responsibilities”¹¹⁹*
- *“Collections in its custody are lawfully held, protected, secure, unencumbered, cared for, and preserved”¹²⁰*
- *“Collections in its custody are accounted for and documented”¹²¹*
- *“Access to the collections and related information is permitted and regulated”¹²²*
- *“Acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials”¹²³*
- *“Acquisition, disposal, and loan activities conform to its mission and public trust responsibilities”¹²⁴*

¹¹⁶Ibid., pg. 5-6

¹¹⁷ Bounia A. 2014. Codes of Ethics and Museum Research. *Journal of Conservation and Museum Studies*, 12(1):5, pg. 1

¹¹⁸ Ibid., pg. 3

¹¹⁹ <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums>

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

- *“Disposal of collections through sale, trade, or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of non-living collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.”¹²⁵*
- *“The unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections”¹²⁶*
- *“Collections-related activities promote the public good rather than individual financial gain”¹²⁷*
- *“Competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.”¹²⁸*

In the United Kingdom the Museums Association (MA) is seen as guardian for British museum ethics and in 1977 introduced the first code of practice and conduct (Edson 1997:160). The ethical standards continued to be revised in 1987, 1991, 2002 and 2007. The revisions assisted museums in Britain in being socially and politically relevant while placing the interest and needs of the museum visitors first (Macdonald 2011:434). In November 2015, at the Museums Association's annual general meeting all British museums committed themselves to abide by the code of ethics as set out by the MA¹²⁹. The code provides support for museums and their staff in order to be able to resolve any ethical issues and conflicts pertaining to their work and collections. Although this code of ethics prescribes higher standards than are legally required. However, this implies legislation outweighs ethics in this scenario¹³⁰.

The UK MA code emphasises three important points for museums:

- (a) Public engagement and public benefit
- (b) Stewardship of collections
- (c) Individual and institutional integrity

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ <https://www.museumsassociation.org/ethics/code-of-ethics>

¹³⁰ *Ibid.*

The South African Museums Association (SAMA) was established in 1937 and has a long history serving the museum community¹³¹. For the first time since SAMA was established, museum professionals gathered in 1987 with the intention of looking at change and representation in museums¹³². At that time SAMA and its stakeholders saw an opportunity for museums to reposition themselves strategically as the custodians of the heritage of all South Africans within the context of ‘world heritage’¹³³. Presently SAMA creates and provides opportunities for participation and development of the museum sector. SAMA has a vital role in the preservation and management of heritage resources in South Africa. SAMA as an association constantly aims for the improvement of museum standards within member institutions, as one way to build capacity¹³⁴. SAMA encourages South African museums to have an acquisition and disposal policy that is in accordance with the ICOM Code of ethics for museums¹³⁵. SAMA has a code of ethics for the museum sector that was initially adopted in 1979 and went through a process of revision from 1999 to 2000 (Teitz & van Zyl 2001:14). The SAMA code of ethics encourages professional practice and provides guidelines for policy formulation for South African museums¹³⁶.

ICOM is committed to the development and advancement of museums by creating public awareness while setting professional standards and ethics guidelines for museums (Edson 1997:143). The ICOM ethics statement sets a universal precedent for ethical and professional practices for museums in general (Ambrose & Paine 2012:19, ICOM sec. 3.7). In 1986 ICOM created a code of ethics that had a focus on acquisition policies. The International Council for Museums’ guidelines on acquisitions deals with the collections held in museums in trust for the public. This stipulates that any acquisitions should be properly documented in such a way that rightful ownership is demonstrated and that there are processes in place that allow accessibility and responsible disposal (Corsane 2005: 135-137, Macdonald 2011:424-425). ICOM has key principles that the code of ethics for museums are founded on. The below excerpt details those principles that should form part of management practices and policies in museums (Ambrose & Paine 2012:20-21).

¹³¹ *Daily News*, 16 May 1989

¹³² Presidential comments.1998. *SAMAB*, vol.22, no.2.

¹³³ *Ibid.*

¹³⁴ <http://www.samuseums.co.za/about-us>

¹³⁵ SAMA.2006. *Professional Standards and Transformation Indicators*.

¹³⁶ Teitz N.& van Zyl S.2001.*SAMAB*, vol.27, p14

Principles

- *“Museums are responsible for tangible and intangible natural and cultural heritage. Governing bodies and those concerned with the strategic direction and oversight of museums have a primary responsibility to protect and promote this heritage as well as the human, physical and financial resources made available for that purpose”¹³⁷.*
- *“Museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their collections are a significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal”¹³⁸*
- *“Museums have particular responsibilities to all for the care, accessibility and interpretation of primary evidence collected and held in their collections”¹³⁹.*
- *“Museums have an important duty to develop their educational role and attract wider audiences from the community, locality, or group they serve. Interaction with the constituent community and promotion of their heritage is an integral part of the educational role of the museum”¹⁴⁰.*
- *“Museums utilise a wide variety of specialisms, skills and physical resources that have a far broader application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum’s activities. These should be organised in such a way that they do not compromise the museum’s stated mission”¹⁴¹.*

¹³⁷ ICOM Code of Ethics for Museums 2017, pg2

¹³⁸ *Ibid.*, pg8

¹³⁹ *Ibid.*, pg18

¹⁴⁰ *Ibid.*, pg24

¹⁴¹ *Ibid.*, pg28

- “Museum collections reflect the cultural and natural heritage of the communities from which they have been derived. As such, they have a character beyond that of ordinary property, which may include strong affinities with national, regional, local, ethnic, religious or political identity. It is important therefore that museum policy is responsive to this situation”¹⁴².
- “Museums must conform fully to international, regional, national and local legislation and treaty obligations. In addition, the governing body should comply with any legally binding trusts or conditions relating to any aspect of the museum, its collections and operations”¹⁴³

ICOM Code of Ethics 2017

However, the ICOM Code of ethics does recognise human remains as culturally sensitive material¹⁴⁴. Museums should take cognisance of collection and management policies that give guidance into the care and use of human remains and that should be reflected in their collection management policy (such as the Iziko human remains policy)¹⁴⁵. Human remains in a museum are usually used for research and in some cases for exhibitions. The human remains in museums may only be exhibited with respect and in a way that is consistent with professional standards. Hence, the Egyptian mummy on display at Ditsong has its own display policy (as seen in chapter 3). The research generated by museums on human remains should be conducted according to professional standards while being sensitive to the interests and beliefs of the public as well as particular ethnic or religious groups (ICOM sec. 4.3). Presently, the ICOM ethics are also endorsed in principle by the American Association of Museums' Code of Ethics for Museums and are inclusive of the codes of professional disciplines represented at the museums¹⁴⁶. The MA code of ethics is also in line with and supportive of the ICOM Code of ethics (Edson 1997:161). SAMA does adhere to the ICOM ethics code as well ¹⁴⁷. Overall the ICOM ethics code is in place and is used by museums to resolve ethical

¹⁴² *Ibid.*, pg32

¹⁴³ *Ibid.*, pg36

¹⁴⁴ Corsane G.(Eds) 2005. *Heritage, Museums and Galleries: An Introductory Reader*.

¹⁴⁵ Iziko Museums of Cape Town 2005. Policy on Human Remains.

¹⁴⁶ Desvallées A.& Mairesse F(Eds).2009. *Key Concepts of Museology*. ICOM International Committee for Museology, pg34

¹⁴⁷ Teitz N.& van Zyl S.2001.*SAMAB*, vol.27, p14

issues that are beyond their scope. The ICOM Code of ethics is there to provide guidance for museums, their staff, and management as they carry out their duties¹⁴⁸. However, collecting and maintenance human remains are dealt with by the ICOM Code of ethics as shown by the excerpt below of section 2.5 of the code.

“Collections of human remains and material of sacred significance should be acquired only if they can be housed securely and cared for respectfully. This must be accomplished in a manner consistent with professional standards and the interests and beliefs of members of the community, ethnic or religious groups from which the objects originated, where these are known”

ICOM Code of Ethics 2017, pg11

In 1970 the Convention on the Prohibiting and Prevention of illicit export, import and transferring of ownership of cultural property (Macdonald 2011:439) was adopted. This convention aims to combat the illicit trade and export of cultural property (given that this illicit trade and export) and contributes to the vacuum of cultural heritage property experienced by their countries of origin (Ambrose & Paine 2012:207, Macdonald 2011:440). The convention has a provision that deals with the protection of ownership of cultural objects like human remains, which in turn can lead to restitution to the country of origin. All the associations' code of ethics mentioned above does have one main primary shared objective, namely to promote good ethical conduct and practice for museums. It is worth noting that ethics that deal with human remains are often museum-specific, while ICOM does give museums a road map on how to create their own ethics that are in accordance with the ICOM code of ethics. Museums that are members of and affiliated to ICOM do have their own collections policies and code of ethics that are ratified by ICOM.

¹⁴⁸ Desvallées A.& Mairesse F(Eds).2009. *Key Concepts of Museology*. ICOM International Committee for Museology, pg34

Notions of 'ethical' and 'unethical' collections of human remains in museums in South Africa

The understanding of ethics is vital in order to be able to distinguish between ethical and unethical collections. Museums in South Africa do have human remains that were collected during the colonial and apartheid eras, notably prior to the implementation of present museum standards and practice¹⁴⁹ (Legassick & Rassool 2000:1-2). The unethicity can be demonstrated before and after an object or specimen becomes part of a collection in a museum. The unethical behaviour is often initially noted when dubious means of collecting are used which occurred particularly during colonial times were museums did have formal structures in place to encourage ethical ways of collecting. Hence now they have items in their collections that were not collected ethically. Once an object or specimen is brought into the museum if omissions are apparent about its origins and even its previous ownership when accessioned, this is cause for concern. This is evidenced by entries made in the registers that revealed a lack of historical background, documentation, provenance and acquisition information about an object or specimen¹⁵⁰, for example, cataloguing cards as seen in the previous chapter (Corsane 2005:112). In some cases, museums being involved in the illicit trading of human remains with other museums¹⁵¹. In the past, classification and the assessment of human remains specifically in museum collections proved problematic, due to the historical colonial context in which they were acquired and treated (Corsane 2005:109, Edson 1997:142-143). Ethically and legally the manner in which they found their way into museums and how they were documented was unacceptable. The ICOM Code of ethics section 2.4 details this matter of unethical objects or artefacts in museum collections as may be seen in the following excerpt.

¹⁴⁹ *Draft National Museums Policy*.2014., pg24

¹⁵⁰ Legassick M. & C. Rassool 2000. *Skeletons in the cupboard: South African museums and the trade in human remains, 1907-1917*. Cape Town, pg1-2.

¹⁵¹ *Ibid.*

“Objects and Specimens from Unauthorised or Unscientific Fieldwork.

Museums should not acquire objects where there is reasonable cause to believe their recovery involved unauthorised or unscientific fieldwork, or intentional destruction or damage of monuments, archaeological or geological sites, or of species and natural habitats. In the same way, the acquisition should not occur if there has been a failure to disclose the finds to the owner or occupier of the land, or to the proper legal or governmental authorities”.

ICOM Code of Ethics 2017, pg.,9

How human remains have been treated by museums has led to contestations that placed archaeologists and museum curators under legal, moral and political pressure (Curtis 2003:22). Standard practices acquired from the western paradigm and its various human sciences brought a shift on how a human corpse was treated, one that encroached on traditional and religious practices associated with death and burial rites (Curtis 2003:23). How the human corpse was handled gave rise to conflict on how human remains were viewed and treated: as scientific specimens to be studied (Curtis 2003:27, Satyapal 2012:55). The controversy was further stoked by the belief that it is disrespectful to the dead and to their contemporary descendants for their remains to be exhibited in a museum or stored in other ways (Scarre & Scarre 2006: 206-208). In most of the cultural groups in society, it is a norm to have good relations between the living and the dead because their transition to their becoming ancestors critically depends on their being afforded a proper burial (Verdery1999:42). The living is expected not only to mourn their dead but, in some cases, to fear them. In some cultural groups, there is a belief that the dead can cause harm, especially if a proper burial is not conducted (Corsane 2005:108-109)¹⁵². Anthropological literature does attest to many examples of burial practices designed to set relations with dead ancestors on the right path. This is noted where the human community is viewed as being made up of both the dead and living¹⁵³.

¹⁵² K. Verdery 1999. *The Political Lives of Dead bodies: Reburial and Postsocialist Change.*, pg42

¹⁵³ *Ibid.*

As human beings, we espouse preconceived ideas and practices concerning what is deemed a “good death.” This is seen in how we think about how dead people should be handled and what should happen to their remains¹⁵⁴. Cultural and traditional belief systems concerning the dead are widely practised by African cultural groups, the Aboriginals in Australia, Native Americans in the United States as well as the Maori people in New Zealand (Corsane 2005:74-75, Jenkins 2011:5). The mentioned cultural groups are some of the groups that are involved in making requests for the return of their cultural material including the repatriation of human remains held in museums (Corsane 2005:357-358). In the past, museums saw themselves as institutions who were established for the greater good of society and that is why they placed importance on the needs of living people. This was the norm dead people did not factor in at all in museums’ thinking. The need to consider and entertain religious beliefs and traditional practices for the dead was not a museum ‘thing’. As a consequence, the rights and dignity of the dead were stripped away (Curtis 2003:24). The duality that exists between the body and culture which is prevalent in archaeological accounts and museums has not been being helpful in this matter at all (Satyapal 2012:57). People like Robert Broom in South Africa saw corpses of the recently dead as a way to harvest bones to enlarge their collections at any cost. Broom is one of many examples of individuals or institutions who routinely desecrated graves and violated corpses (Legassick & Rassool 2000:51-52). Peers Cave in Fish Hoek near Cape Town comes to mind, where amateurs or fringe archaeologists’ exploited the site (Shepherd 2015:65). The excavations at the Peers cave were conducted by a father and son team, Victor and Bertie Peers, the son being involved from 1927 to 1929. Strangely enough, A.J.H. Goodwin, one of the founding fathers of archaeology in this country encouraged the Peers duo to continue with the excavation (Shepherd 2015:66). Currently, a mere shell of what it was, the actual narrative in the archaeological record was destroyed because of the compulsion to get the skeletons out of the ground (Shepherd 2015:71). The skeletons uncovered were treated as caricatures, as things to be mocked by the Peers family (Shepherd 2015:70-71). However, now more than ever it is important that museums should have a code of ethics to aid in their practices in the treatment of human remains (Satyapal 2012:58-59). We all have to make decisions when it comes to our demise for example, whether to choose to be buried or cremated. Internationally there is in place the Vermillion Accord on human remains which forms the basis of an agreement of cooperation and understanding when dealing with the issue

¹⁵⁴ *Ibid.*

of human remains in museums. The 1989 Vermillion Accord on human remains was adopted by the World Archaeological Congress and is basically a code of ethics that museums need to adhere to (Corsane 2005:111). The Vermillion accord has six points that deal with the issue of respect for mortal remains of the dead; respect for the wishes of the dead where known; respect for the wishes of local communities, relatives, or guardians; respect for the scientific value of human remains; the need for negotiated agreements on the disposition of human remains; and the recognition of concerns held by various ethnic groups (Seidemann 2004:581-582, Cassman *et al.* 2007:101). The accord is also there to guide museums to be able to make the right and informed decisions about human remains. Currently, museums, with the help of ICOM, are aware and that they need to take cognisance of their interactions as they apply to the human dignity of the dead and be equipped to understand and assess the ethical implications of dealing with human remains. The collecting and management of human remains by museums have gone through a number of changes over the years. Hence, it has become imperative for museums to increase the scope of their policies to have sections that speak to the ethical acquisition and management of human remains.

A global perspective for the deaccessioning of human remains in museums

De-accessioning is part of the collection management practice in museums. In this context, this means the object is formally removed from the museum's permanent collection (Searle 2016:1). Once human remains are removed from the museum they are either repatriated and/or reburied in their country of origin (Macdonald 2011:436). De-accessioning and disposal ethics are closely linked to collecting ethics that entail rigorous competency assessments that need to be conducted by museums. Hence, the decision to de-accession by the museum is not taken lightly because of the ethical implications (Ambrose & Paine 2012:180, Macdonald 2011:437, Searle 2016:11). One of the main reasons that human remains are deaccessioned by museums is upon receipt of requests for repatriation or restitution (Corsane 2005:7). Internationally, the debate on repatriation or restitution is contentious for museums, particularly as regards the matter of Egyptian mummies and the Benin bronzes, for example¹⁵⁵. However, most archaeologists do not support the notion of universal repatriation because once artefacts or mummies are returned to their place of origin, there are concerns about them being sufficiently conserved and the availability of adequate

¹⁵⁵ Corsane G.2005(Eds). *Heritage, Museums and Galleries: An Introductory Reader*, pg7

protection measures in place (Thomas 1996:600). However, various ancestral communities across the world from Australia, New Zealand, the United States and even South Africa are still fighting against their ancestors being kept in museums (Corsane 2005:107, Seidemann 2004:581-582). Globally there has been an increase of museums embracing the removal of human remains in their collections and returning them to their countries of origin for repatriation and even reburial. The deaccessioning of human remains has been a policy-driven activity, but in some museums, this does include legislative imperatives (Ambrose & Paine 2012:181, Knell *et al.* 2007:349, Macdonald 2011:444-445). From all observations, this is largely represented by an increasing number of policies on human remains created for this purpose like in the UK, US, Australia, New Zealand and locally, for example, is Iziko. Museums are managing to find ethical processes for deaccessioning human remains with guidelines set out by these policies. Thus far, UK museums have returned human remains, beginning in the 1990s, where previously old legislation had prevented most national museums from deaccessioning human remains in their collections. To date, nine UK national museums have the power to deaccession human remains held in their collections under Section 47 of the Human Tissue Act 2004 (Working Group on Human Remains in Collections 2003:161, Macdonald 2011:440). There has been an argument in some sectors for the retention of human remains on the grounds of proper conservation¹⁵⁶. In all fairness, there are two sides to this argument that is further detailed by the report of the Department for Culture, Media and Sport (DCMS) working group on human remains in the UK, as published in 2003 (Giesen 2013:3, Jenkins 2011:13)¹⁵⁷. In 2005 this led to the creation of the Guidelines for the Care of Human Remains in Museums by the DCMS. UK museums also accord human remains special treatment and respect, whereas in the past they tended to be treated as 'objects' or 'specimen'¹⁵⁸. The guidelines are not there to alter the existing debate on human remains (Giesen 2013:5). Instead, they involve putting processes in place for potential claimants to understand the deaccessioning and procedures for repatriation¹⁵⁹. Presently the DCMS assists museums by providing approved advisors to give guidance where requests for the return of human remains are received (Giesen 2013:44-45). In the USA, the deaccessioning of human

¹⁵⁶ DCMS (2003). *Department for Culture, Media and Sport Guidance for the Care of Human Remains in Museums 3 Guidance for the Care of Human Remains in Museums*. [online] Available at: <https://www.britishmuseum.org/pdf/DCMS%20Guide.pdf>.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

remains is conducted upon request and it is very much informed by the NAGPRA Act as it relates to repatriation processes, overseen by the Museum's NAGPRA Committee (Corsane 2005:46, Macdonald 2011 453). However, all deaccessions of human remains must be approved by the Trustees of the Museum concerned, in accordance with NAGPRA (Corsane 2005:112). In South Africa, accessioning and deaccessioning of human remains is handled individually by museums as the NHRA does not provide directives about the deaccessioning specifically for human remains. However, there is a draft policy on the table concerning the Repatriation and Restitution of Human Remains and Heritage Objects¹⁶⁰. The draft national policy provides proper guidelines and principles on dealing with repatriation of human remains and their or associated grave goods or objects. Once the Policy is approved, restitution and repatriation can properly be addressed, which will assist museums with deaccessioning guidelines for human remains¹⁶¹. Colonialism has been a major factor in the development of museums leading to the disenfranchisement and reduction of indigenous people as regards their status and culture (Edson 1997:142-143). There has been some international debate positing that ethnic or ancestral groups have a verifiable right to the return of human remains kept in museums, as stated by article 12(2) of the UN Declaration on the Rights of Indigenous Peoples (Corsane 2005:129-130, Edson 1997:144). The International Council of Museums (ICOM 2006) places emphasis in Section 6 of its code of ethics, detailing the matter of international collections (Edson 1997:143). This states that the values and needs of ethnic groups should be treated with respect by museums, and demonstrates that museums must be ready and willing to enter into a dialogue regarding the proper return of cultural property to a country or to a people of origin (Edson 1997:143). There are many questions and concerns about the deaccessioning of human remains in museums. Especially the human remains that were unethically collected early in the twentieth century. Human remains have an intrinsic and instrumental significance and convey knowledge about what it means to be human, they carry a sense of place that links to (cultural) identity. Therefore, deaccessioning human remains in museums needs to be cautiously and ethically navigated especially because of the legacy of colonisation and apartheid in South Africa. This chapter explored notions of 'ethical' and 'unethical' collections of human remains in museums in South Africa. Deaccessioning of human remains was discussed from a global and local perspective.

¹⁶⁰ Thotse L. 2007. *Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects*. 2017, pg3-4

¹⁶¹ *Ibid.* pg. 15-16

Chapter 5

Curation, Repatriation and Legislative Implications

This chapter aims to take a closer look at the dynamics of curation and repatriation. Secondly, the impacts of legislation policy on curation and repatriation of human remains in museums will be examined.

Curation

The curation of human remains by museums needs to be conducted with care, dignity and obviously respect (Giesen 2013:5-6). Despite how old the human remains might be it is important that they are curated with ethical considerations. The curation of human remains needs to be multidisciplinary in approach in order to deal with the legacies of colonialism. The curation of human remains can be conducted properly if a museum has a human remains policy in place (Fletcher *et al.* 2014:3). The case study in chapter 3 shows that having an adequate policy on human remains is important without it, establishing good curatorial standards and practices becomes challenging. The challenge is seen when there are no processes in place for example for deaccessioning. Therefore, it is vital for museums and curators to take into cognisance that human remains should not be seen as objects or even data (Kelly 2004:465)¹⁶². Although through this study we get to know more and more about the human remains and that informs how they are looked after and even how they are exhibited by museums. However, there is more to being human remains than just objects¹⁶³. Antoine (2014:3) does emphasise and encourage museums to curate human remains in an approach that brings a strong awareness of the importance of respecting and caring for. Respect means a different thing for a number of museums but respect might imply recognising and incorporating religious beliefs and involving society in those processes (Cassman *et al.* 2007:265, Giesen 2013:35). The way human remains are dealt with within collections as well as exhibitions, it is important to note that it is appropriate in terms of how they are described and the language that is used should be respectful to them (Cassman *et al.* 2007:281, 292). With curation, there are often ethical considerations that need to be in place with regard to access to the human remains to prevent inappropriate use (Cassman *et al.* 2007:282). It is beneficial for museums to incorporate

¹⁶² Fletcher *et al.* 2014. *Regarding the Dead: Human Remains in the British Museum*. The Trustees of the British Museum, pg.,3

¹⁶³ *Ibid.* pg.,3

indigenous ways of curating human remains in order to establish a holistic approach. In 2003 UNESCO Convention was introduced on the Safeguarding of Intangible Cultural Heritage, it implies that indigenous curation qualifies as intangible heritage (Kreps 2005:3). This is one way to find out the role museums and UNESCO agencies have and play. It also examines the role of museums and UNESCO agencies as the ICOM in promoting the recognition and application of indigenous curation¹⁶⁴.

Intangible curation could be seen in non-Western models of museums, curatorial methods, and concepts of cultural heritage preservation (McDonald 2011:457). This would imply working more with indigenous communities to know about their way of life and beliefs about the dead. The discourse of museology is often seen from a western perspective that stems from the assumption that the idea that a museum is a western concept. But in the same breath, cultural groups on their own do keep objects that carry a special significance that also informs the way they are curated and preserved (McDonald 2011:458). This simply implies that indigenous communities do have the inherent intimate knowledge of their objects and that needs to be acknowledged by museums. This inherent knowledge is often lost or unknown to museums so it is imperative for indigenous communities to form an intricate part of the curatorial process within museums of which is referred to as indigenous curation.

Indigenous curation aims to protect the actual materials while retaining their integrity in respect of religious belief systems and cultural practice when it comes to the care of objects including human remains (McDonald 2011:459-460)¹⁶⁵. But this is an opportunity for museums to be more receptive to indigenous ways of curating. Indigenous curating creates an opportunity to look at the role of indigenous cultural heritage to help define indigenous identities, the promoting of indigenous rights, and more broadly shaping notions of 'indigeneity'. Museums do impose that sense of ideology and identity. That is seen by the construction of identity through objects in museum collections (Özlü 2017: 66-67). The dynamics of object and subject become conflicted with the establishment of identity in the past that meant a divergent discourse on the historical narrative on the actual narrative (Özlü

¹⁶⁴ Kreps C. 2005. Indigenous Curating as intangible Cultural Heritage: Thoughts on Relevance of the 2003 UNESCO Convention. *Theorizing Cultural Heritage, Vol.1 no.2* pg3.

¹⁶⁵ *Ibid.*, pg. 3

2017: 68). However, the use of indigenous curating can help museums to better understand identities from different cultural groups in order to equate the value of significance, handling, and preservation of objects (Kreps 2005:4). This is one way for museums to be more inclusive especially here in South Africa by embracing indigenous models of curation as well as the concept of cultural heritage in relation to preservation (Kreps 2005:5-7). Indeed, curation plays an important role in museums. However, that role has been tainted by colonialism and apartheid for most South African museums that made museum collections to be decontextualized and alienated from their culture of origin. In the post-1994 era South African museums needed to be pro-active and reconstructive in their curatorial approach. Pearce does emphasise that objects need to be recognised as ethnographic in a bid to inform while being inclusive and accommodating of other cultural groups (Pearce 1989:100). This would practically mean that museums must adapt from their old ways of curating and how they view collections in their museums.

Due to the 2003 UNESCO Convention on the Safeguarding of Intangible Cultural Heritage, museums must see indigenous curation as a way to keep intangible heritage as an integral part of collections to make them vibrant more authentic and inclusive. This is one way to find out the role museums and UNESCO agencies have and do play. This will help to examine the role of museums and UNESCO agencies as with the ICOM in promoting the recognition and application of indigenous curation. Intangible curation can be seen in non-Western models of museums, although curatorial methods and concepts of cultural heritage preservation may vary. Although the ultimate goal for curation is to ensure the conservation of human remains by maintaining their integrity, context and research worthiness. This shows that curation cuts across acquisition, documentation, preservation measures, storage, and display processes. This implies that the scope of research can be reduced or increased by curation (Pearce 1989:99). But in 2002 SAHRA created guidelines to ethical and curatorial considerations for accredited South African repositories for archaeological or palaeontological material¹⁶⁶. Although the scope of the guidelines is somewhat limited to only scientific standards they also help inform what museums need to do when handling human remains. This document does provide guidelines for approved repositories such as museums that curate material acquired in terms of section 36 of the NHRA that could be archaeological and palaeontological research and

¹⁶⁶ SAHRA.2003. *Ethical and curatorial considerations for accredited repositories*, pg.,1

rescue work¹⁶⁷. However, these guidelines do ensure that material recovered is curated, stored and made available for research and that the best possible scientific standards are maintained. But the guidelines only work within the ambit of the National Heritage Resources Act. Although, human remains are covered under “material”, and the guidelines are used on material recovered from archaeological or palaeontological excavations¹⁶⁸. The guidelines are very explicit about maintaining the integrity of the collections. Ethically there is a dilemma human remains are curated by repositories (museums, universities, etc.) and are seen and treated as objects¹⁶⁹. The SAHRA curatorial guidelines need to address this by being specific about human remains.

Repatriation

Museums are key role players in repatriation because they offer an educational resource for society to use to learn about cultural values, practices, and traditions, as well as the various belief systems from different cultural groups (Simpson 2009:128). The present status quo for most museums is that they have inherited collections, mostly acquired during colonialism. Museums here in this country are not immune to this dilemma like McGregor museum, Albany museum, Bloemfontein National Museum, Iziko including the case study in chapter 3 have also inherited human remains that were acquired during colonial times. The main reason for such collections being collected during that era was under the pretence of extinction. The act of collecting being justified as a way to preserve disappearing cultures¹⁷⁰. Currently, some museums are exploring alternatives to better deal with the legacies of the past. Iziko National Museums are at the forefront of making positive strides first by having a human remains policy to be able to address the legacies of the past. The excerpt below explains what museums are faced with, which includes the South Africa context.

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ Simpson M.2009. Museums and restorative justice: heritage, repatriation and cultural education. *Museum International* Vol. 61, No. 1–2, pg.,128

“The challenge that museums face today is to facilitate the preservation of objects within the context of their broader social and cultural significance and develop strategies that offer the best protection and utilization of these resources to the benefit of all humankind.”

Simpson 2009, pg.128

Repatriation can aid museums to be active participants in the preservation of a particular culture by working together with indigenous communities (Verna 2011:14). It is important to have respect for the cultural and indigenous beliefs of ancestral or descendant communities. Ancestral or descendant communities have close links to the human remains by affinity or biological lines and will have established *bona fide* interest (Nienaber *et al.* 2008:164-165). Claims made by ancestral communities to museums for repatriation of human remains and cultural objects should be considered when the need to return should be more important than research. But, with the great support for the return of human remains, will result in proper recognition and acknowledgement of claims made by ancestral communities¹⁷¹ (Scarre & Scarre 2006:9). Although each and every museum across the world deal with repatriation differently, with each depending on policy guidelines or legislation (Pickering & Gordon 2011:1-2). Repatriation is a process that can bring healing and the restoration and revival of cultural practices. This is one way where people can find common ground that would bring meaning to their traditions and act as a catalyst towards healing (Simpson 2009:125, Pickering & Gordon 2011:3-4). Verna talks about repatriation and that it is the physical return of something with culturally significant ties to the rightful owner, in this case, descendants (Verna 2011:3). The excerpt below eloquently explains the main intention and purpose behind repatriation.

¹⁷¹ Gallagher S. 2010. Museums and the Return of Human Remains: An equitable solution? *International Journal of Cultural Property Vol.17 pg.66.*

“After decades of suppression and social injustice many colonized indigenous peoples are seeking to revive traditional values and cultural practices as part of a process of renewal intended to strengthen cultural identity, heal personal and community ills and provide a stimulus for new creativity. Cultural heritage in its tangible and intangible forms is integrally linked to social structure, ceremonial life, and cultural identity.”

Simpson 2009, pg.,123

Human remains, when repatriated, become change agents in that they bring about cultural renewal while inspiring new contemporary cultural practices (Simpson 2009:127). Repatriation of human remains is not as simple as digging a hole in the ground and creating a mass grave. The issue is far more complex than that. Leggasick and Rassool do advocate that museums should conduct mass reburials of human remains because preserving human remains is no longer viable if the ethical need is to rebury (Leggasick & Rassool 2000:49). But repatriation through the agency of museums can assist ancestral communities to renew their cultural practices. In doing so, museums can become active participants in the preservation of living heritage (Simpson 2009:128-129)

Legislative Implications

Australia, Canada, USA, UK, Namibia, Zimbabwe, and New Zealand along with South Africa have all experienced colonialism and hence they all face the issue of disposition and repatriation of human remains (Seidemann 2004:546). Legislation pertaining to human remains across the world is aided by museum policies, treaties, accords, conventions and that has made strides on the issue of human remains and repatriation, especially for museums. This does show how important legislation is and the role it plays in dealing with human remains.

In the U.S.A. a specific piece of legislation directly deals with repatriation or reburial processes and issues. The Native American Graves Protection and Repatriation Act or commonly known as NAGPRA. This act provides a process for museums and Federal agencies to return certain Native American cultural items including human remains as well as grave goods, sacred objects, or objects of cultural significance. Initially, when the NAGPRA came into existence there was some concern that a loss would occur of museum research pertaining to human remains. In a way, the NAGPRA act was seen to deprive research science of vital sources of information by advocating reburial of human remains held in museums (Cassman 2007: 236, Fagan 2001:511, Rose *et al.* 1996:88-89).

In Australia, the Aboriginal Cultural Heritage Act and the Torres Strait Islander Cultural Heritage Act of 1984, seeks to address this issue (Cassman *et al.* 2007:228, Seidemann 2004:570.) However, the Aboriginal Cultural Heritage Act focuses on giving proper recognition, protection, and conservation of Aboriginal cultural heritage (Knell *et al.* 2007:251). This implies that Indigenous people legally speaking are the main guardians and knowledge carriers of their own cultural heritage, with recognition of Aboriginal ownership of human remains, sacred materials and also cultural heritage removed from the land. Aboriginal and the Torres Strait Islander people who have familial linkages with human remains can seek ownership of these remains or choose to have the remains continue to be held at a government institution or museum. The two Acts make that possible. In Australia repatriation is aided legally, hence it is more specific (Knell *et al.* 2007:251-252, Seidemann 2004:572).

Canada, on the other hand, does not have national legislation but does have a policy on repatriation of human remains, grave goods and objects of cultural significance. The policy was established in 1992¹⁷². The policy itself is meant to provide procedures when it comes to repatriation. According to Seidemann 2004:575, legislation management systems of human remains repatriation is often done differently in every province in Canada, not nationally. That

¹⁷² Canada.2011. *Repatriation Policy* pg.1

can be tricky¹⁷³. Hence, the policy is a good foundation for museums to follow in Canada in matters of repatriation.

In New Zealand, the Treaty of Waitangi came into existence in 1840 between the British Crown and the Māori people. This entailed a declaration of British sovereignty over New Zealand. The treaty itself proved not to be sufficient when it came to repatriation. However, with the reinforcement of the Antiquities Act of 1975, repatriation of human remains could take place with ease (Cassman *et al.* 2017:228-229, Seidemann 2004:568-569, Knell *et al.* 2007:215-216). Seidemann dissects and compares legislation pertaining to archaeological human remains from five countries including South Africa, that were formerly colonised and is able to shed light on the applications and implications of the law. The UK has a number of institutions that have human remains as part of their collections (Kelly 2004:465). However, some of the human remains are from other countries and they were collected unethically while the British Empire was extending its colonial grip. Legally most of these institutions were not allowed to de-accession human remains, which made repatriation difficult. Only when the Human Tissue Act of 2004 was enacted it provided some institutions like museums the ability to repatriate to ancestral communities¹⁷⁴. However, MA does have a policy statement that talks to the matter of repatriation of cultural property the excerpt below highlights the points made by this policy statement.

*1.1" The Museums Association (MA) is an independent membership organisation representing museums and galleries in the UK and people who work for them. The Association has over 5000 individual members and 600 institutional members. Formed in 1889, it receives no regular government funding. It seeks to inform, represent and develop museums and the people who work for them in order that they may provide a better service to everyone.'*¹⁷⁵

¹⁷³ Seidemann R.M. 2004. Bones of Contention: A Comparative Examination of Law Governing Human Remains from Archaeological Contexts in formerly Colonial countries. *Louisiana Law Review Vol. 64* no.3, pg. 576

¹⁷⁴ <https://www.loc.gov/law/help/repatriation-human-remains/index.php>

¹⁷⁵ <https://www.museumsassociation.org/policy/01092006-policy-statement-on-repatriation-of-cultural-property>

1.2. *“This document amalgamates previous advice and opinion given by the MA regarding the repatriation of cultural property in response to consultations. It discusses repatriation in general terms, rather than involving specifics of issues such as spoliation and it excludes human remains’.*¹⁷⁶

1.3. *“Repatriation is a complex issue involving a range of emotional, ethical, legal and political factors. It has been a hotly debated topic since repatriation requests began to be received by UK museums in the 1980s, with a report commissioned from Moira Simpson by the MA in 1997 entitled 'Museums and Repatriation' and a Museums and Gallery Commission publication 'Restitution and Repatriation: guidelines for good practice' in 2000. Repatriation can occur in a variety of circumstances involving a number of different parties. Although individuals have requested the return of the property, for example following spoliation in World War II, requests are more often initiated abroad by indigenous communities in former colonised nations of the Western world including the USA, Canada and Australia.’*¹⁷⁷

1.6 *“In dealing with repatriation requests, and therefore potentially with iconic, sacred or funerary objects, there is no guarantee that repatriated cultural property will be preserved in perpetuity or be publicly accessible. In addition, the museum holding the property in the UK may have restrictions on whether it can deaccession the object. Balancing all of these considerations and taking into account the interests of all parties is what makes careful repatriation decisions so difficult”.*

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

1.7. *“The MA has included repatriation in its statements on illicit trade as the two issues are closely related, so would like to highlight the relationship again here. Illicit trade has looted cultural property from areas across the world and continues to do so today. While the majority of UK museums now avoid acquiring illicitly traded objects there remains a body of material in UK collections that would not be accepted if it arrived today. Some believe that the presence of this material in UK collections continues the degradation of the culture of other countries and communities’.*¹⁷⁸

This is a good example of how legislation and policy can work together to holistically address repatriation. In this issue of repatriation, it is important to also acknowledge and recognise ancestral communities. The communities are the ones who bring meaning, traditions and cultural value to the process of repatriation. Hence, the below excerpt from the MA code of ethics explains why it is important to recognise the interest of ancestral communities. The MA’s section 7 code of ethics does recognise the interests of people who made, used, owned, collected or gave items in collections. This means museums should:

*‘7.4 Inform originating communities of the presence of items relevant to them in the museum's collections, wherever practical.’*¹⁷⁹

*‘7.5. Respect the interests of originating communities with regard to elements of their cultural heritage present or represented in the museum. Involve originating communities, wherever practical, in decisions about how the museum stores, researches, presents or otherwise uses collections and information about them.’*¹⁸⁰

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

'7.7. Deal sensitively and promptly with requests for repatriation both within the UK and from abroad of items in the museum's collection, taking into account: the law; current thinking on the subject; the interests of actual and cultural descendants; the strength of claimants' relationship to the items; their scientific, educational, cultural and historical importance; their future treatment'¹⁸¹.

Namibia is another country that experienced colonialism. Formerly known as German South-West Africa, later known as South West Africa and Namibia, this country was colonised by Germany from 1889 to 1915. This led to the genocide between 1904 and 1908 of the Herero and Nama people (Forster 2013:3). The majority of human remains from the genocide were taken to Germany for racial studies (Marima 2014:1, Forster 2013: 2). Then South Africa colonised Namibia until it gained independence on 9 February 1990¹⁸². Although Namibia does not have specific legislation pertaining to the repatriation of human remains, the Namibian government together with interest groups including the indigenous communities works together to push the agenda of repatriation with other countries, especially Germany, to return the human remains held at their institutions. However, as it stands, Namibia requested a formal apology for the atrocities Germany committed in their country. The request has not been met (Forster 2013: 3, Marima 2014:1-2).

Zimbabwe has also dealt with many issues of repatriation of human remains. On one occasion the former President Robert Mugabe was compelled to write to the British Museum for the return of the human remains of the Chimurenga fighters who fought against British colonial rule (Meier 2015:1). Zimbabwe also does not have any specific legislation pertaining to the repatriation of human remains. However, they use the National Museums and Monuments of Zimbabwe Act 25 no.11, Urban Councils Act 29 no. 15, Traditional leaders Act 29 no.17,

¹⁸¹ *Ibid.*

¹⁸² <http://www.namibian.org/travel/namibia/history.htm>

Burial and Cremation Act 5 no.03, Cemeteries Act 5 no.04 for exhumation and relocation of Historical graves¹⁸³.

Currently, in South Africa, the NHRA is not adequately addressing the deaccessioning of human remains in museums. Heritage legislation does not have provisions for the repatriation of human remains. However, the National Heritage Resources Act, 1999 (Act No 25 of 1999) has provision for the restitution of movable heritage resources that are part of the national estate that are curated in museums. But, it is only section 41 of the NHRA act that talks to restitution. The NHRA legislation on this point does not provide specific clarity when it comes to deaccessioning and disposal of human remains (Nienaber *et al.* 2008:164-165). This has left a loophole for museums so that museums are the ones making decisions on accessioning and deaccessioning on human remains in their collections (Morris 2014:194). In accordance with the provisions of Section 41 of the NHRA in the event that a descendant community who make a claim for restitution. Therefore, a museum in consultation with the Advisory 20 Committee, must enter into a process of negotiation with the claimants regarding the future of the particular object or the human remains. If museums do not have a policy in place for deaccessioning of human remains the South African Museum Association does assist.

The de-accessioning guidelines as ascribed by SAMA are there to assist museums with repatriation requests because this issue tends to be complex¹⁸⁴. The NHRA legislation is not specific, progressive and transformative enough when it comes to the repatriation of human remains in our museums. The new 2017 draft national policy on the Repatriation and Restitution of Human Remains and Heritage Objects it is a detailed and informative document that was created specifically for repatriation and restitution of human remains. The excerpt below explains properly the overall purpose of the policy and what it is intended for.

¹⁸³ Muchanyangi T. & Pasipanodya T.B.2019.*Exhumations and relocation of historic graves within the Renin housing project in Redcliff town, central Zimbabwe*. ASAPA Kimberley Conference. Oral Presentation.

¹⁸⁴ Carman J.(Eds) 2001.*Deaccessioning Guidelines*. SAMA

- a. 'outline guidelines for the management of the processes of negotiating the repatriation of South African human and ancestral remains including associated secret sacred (heritage objects) and data with overseas countries, private entities or individuals;'¹⁸⁵
- b. 'outline guidelines for the management of human remains and restitution of secret sacred objects in South African Museums;'¹⁸⁶
- c. internationally, seek on behalf of the South African people, the voluntary and unconditional return of (ancestral) remains and associated notes and data;'¹⁸⁷
- d. ensure that the e.g. exhumation processes are conducted in a coordinated, regulated manner within the framework of service provider's mandates and relevant legislation;'¹⁸⁸
- e. 'provide clarity surrounding the roles of the other relevant government department, be it at national, provincial and local government whose services are required at specific phases of the exhumation process;'¹⁸⁹
- f. 'provide clear delegations in respect of financial responsibility regarding specific services;'¹⁹⁰

The draft policy mandates DAC to establish a national Advisory Committee on the Repatriation and Restitution of Human Remains and Heritage Objects (ACRRHR) that will be appointed by the Minister of Art and Culture (and Sport) to help with the implementation and policy review¹⁹¹. This ACRRHR committee will be able to advise strategically on cultural and management issues that affect a lot of different communities in terms of looking after ancestral remains and sacred objects with an unidentified community or family of origin. This draft policy does address the issue of claims and gives guidelines as to how South African museums should deal with requests from ancestral communities for the return human remains.

¹⁸⁵ Thotse L. 2017. *Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects*, pg. 4

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*, pg11.

The below excerpt from the draft policy clearly articulates the processes involved in the claims and return of human remains¹⁹². The following processes below should apply when claims for the return of human remains are made:

- *'Claims can be made by a genealogical descendant;'*¹⁹³
- *'Claim can be made by a source community which displays a cultural continuity with the remains in question, and;'*¹⁹⁴
- *'the claim can be made through a national government, national agency, or equivalent, and where, after taking any relevant independent advice on questions which the museum with the guidance of the Advisory Committee and through the Repatriation and Restitution Program, formulates as needing an answer to help it make a decision, it is in its view likely that the cultural and religious significance of the human remains to the community making the claim outweighs any other public benefit;'*¹⁹⁵
- *'Claims should be made through the Repatriation and Restitution Program located at SAHRA;'*¹⁹⁶
- *'For any claim to be considered, the claimant would have to establish a sound evidential base for a prima facie claim;'*¹⁹⁷
- *'The RRP and host museums commit themselves to consideration of and consultation on all other claims and requests which may fall outside the above mentioned narrow definitions.'*¹⁹⁸

¹⁹² *Ibid.*, pg. 17

¹⁹³ Thotse L. 2017. *Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects*, pg17

¹⁹⁴ *Ibid*

¹⁹⁵ *Ibid*

¹⁹⁶ *Ibid*

¹⁹⁷ *Ibid*

¹⁹⁸ *Ibid*

Another issue that museums are dealing with that needs to be considered is that human remains collections in South African museums are expanding as a result of rescue excavations due to development taking place such as the construction of buildings or trenching for electrical cabling (Seally 2003:238). The human remains are often accidentally discovered during developments. If they are proven to be above 60 years, they are taken to museums as their national depositories according to the NHRA (Morris 2014:194). Hence here in South Africa, other legislation that is used when dealing with human remains when conducting rescues and exhumations NHRA of 1999 no.25 section 36 for older graves. However, section 36 of the NHRA act itself focuses on the exhumation permit process of human remains that are above 60 years (Morris 2014:194). According to Section 36 of the NHRA, it states the following below:

(1) “Where it is not the responsibility of any other authority, SAHRA must conserve and generally take care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1) and must maintain such memorials.

(3) No person may, without a permit issued by SAHRA or a provincial heritage resource authority –

a. Destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

b. Destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority;

or

c. Bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.”

Section 36, subsection 6 reads as follows:

“Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which, must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

a. Carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

b. If such grave is protected or is of significance, assist any person who or community, which is a direct descendant to make arrangements for the exhumation and re-internment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.”

Then there are a number of acts that are used for exhumations and (re)burials Graves and Dead Bodies Ordinance No 7 of 1925 – re-instituted by Proclamation 109 of June 1994, Exhumations Ordinance, 1980 No 12 of 1980; Human Tissues Act No 65 of 1983); National Health Act, 2003 (Act No 61 of 2003); Military Veterans Act No. 18, Military Veterans Burial Policy (Dept. of Military Veterans), and The Promotion of National Unity and Reconciliation Act No. 34 of 1995. From all observations thus far it is clear that there are guidelines in

heritage legislation and policies are clear on heritage objects, there are no explicit guidelines or principles on human remains.

In South Africa, ancestral communities can influence the repatriation process especially for museums although this matter can be time-consuming it will be worth it at the end (Nienaber *et al.* 2008:169). That on its own raises a lot of questions and concerns about the human remains in museums that were collected early in the twentieth century, since they also deserve a dignified final outcome. It is never too late to correct this injustice by means of ethical curation as well as proactive programs for repatriation in museums in order to move positively forward. South African museums can be participants together with ancestral communities that can bring an end to this gruesome chapter in our History.

The dynamics of curation and repatriation of human remains were probed in this chapter to better understand them within the museum sphere from a local to an international perspective. This chapter was able to look at legislation on human remains, from different countries and comparatively see how these laws are implemented and which laws had deficiencies that needed reforms.

Chapter 6

Remarks and Conclusion

This chapter aims to give concluding remarks and reflections of this research to ascertain in response to the contestation of human remains in museums that could be reached within a South African context. Post-de-accessioning and retention of human remains in museums will also be discussed in relation to the post-apartheid museums' articulation of the history of human remains.

Post-de-accessioning and retention of human remains in museums

Post deaccessioning and retention of human remains in museums is centred around cultural heritage and cultural property that on its own raises questions of ownership (Gallagher 2010:65, Kelly 2004:465). Hence, the contestation is brought on by this descriptive labelling of human remains as cultural property or cultural heritage for racial sciences (Kelly 2004:466)¹⁹⁹. Death and the handling of human remains are an emotional matter because of how society deals with them. But not least of all South Africa has a long and violent history with the value of life. The controversy in the past stemmed from museum being quick to categorise human remains as cultural property and what does this imply about ownership²⁰⁰. Ownership questions do fuel contestation so it necessary as archaeologists and museums are aware and conscious of the fact that they can only be in stewardship or a custodial role entrusted by society to look after human remains (Scarre & Scarre 2006:6-9, Gallagher 2010:69). Yet in South Africa, human remains have brought contestation, especially into the public domain, especially with the discovery of the Prestwich burials in 2003 (Grunebaum 2011:126, Malan *et al.* 2017:81). The whole experience of unearthing human remains saw the long-forgotten trauma, brought on by apartheid where class and racial divisions were sown relived once again (Malan *et al.* 2017:84). This is one example that shows how development took precedence over proper treatment, respect and justice that was due to the Prestwich human remains (Grunebaum 2011:132)²⁰¹. This whole saga exposed the deficiencies within

¹⁹⁹ Gallagher S. 2010. Museums and the Return of Human Remains: An equitable solution? *International Journal of Cultural Property* Vol.17 pg. 65

²⁰⁰ *Ibid.*, pg65

²⁰¹ http://www.archivalplatform.org/blog/entry/prestwich_place/

the NHRA as well as how public consultations with descendant communities were handled by SAHRA and the government. It was a confusing and overwhelming situation especially with decisions being made about the remains (Malan *et al.* 2017:82).



Figure 28: Prestwich Ossuary, Cape Town. Photo by J. Duggan.

Currently, the Prestwich human remains are still in limbo, kept in an ossuary without any means of curation and no future plans for repatriation being allowed as part of a ministerial agreement (Bancel *et al.* 2014:179, Grunebaum 2011:131). Another major issue is also that the grave goods are not kept together with the remains and are currently looked after at UCT²⁰². This generated a lot of controversial debates because the ossuary is also a coffee shop, as seen above in figure 28. The funds generated by the coffee shop are only used for the upkeep of the

²⁰² During 2014 to 2016 I visited the ossuary when I was employed by SAHRA on several occasions for meetings.

building. Should damage occur to the boxes storing the human remains, in the past SAHRA provided the funds to replace the boxes²⁰³. Although the Prestwich human remains are not in a museum it is an important case that museums can learn a lot of lessons from this experience when dealing with human remains.

In museums of formerly colonised countries, these museums have retained human remains in various ways, as part of their collections for research, educational and exhibition purposes, as is the case in South Africa (Gallagher 2010:66, Shelbourn 2015:1-2). Across the world, there has been a great support for the returning of human remains by museums to ancestral communities for reburial. This has been seen with the adoption of the Vermilion Accord on human remains in 1989 at the World Archaeology Congress. This meant advocating for respect and the rights of the dead (Scarre & Scarre 2006:10, Shelbourn 2015:6-7). The main thing is to find ethical ways of deaccessioning or disposal of human remains in museums. However, when that occurs museums will be in a better position to handle repatriation. From all observations using the case study in chapter 3, for example, the returning of human remains that do not have provenance will prove to be difficult if ancestral communities cannot be traced. Hence, a lot of museums find themselves in a similar position to continue with the retention of unprovenanced human remains in their collections.

Post-apartheid museums' articulation of the history of human remains

The post-apartheid museums' articulation of the history of human remains in practical terms has meant that museums need to adopt a people-centred approach (Dlamuka & Ndlovu 2002:46). Post-apartheid and post-democracy saw museums reinventing themselves by transforming museums' councils with diversity and re-contextualising of exhibitions, among other steps, all in a bid to be more inclusive of other racial groups (Dlamuka & Ndlovu 2002:46-47). For South African museums it is a suggestable method to articulate the history of this country and its people by incorporating parts of Indigenous Knowledge Systems and Western Epistemology to move towards multiculturalism and inclusivity²⁰⁴.

²⁰³ In 2016 I gave authorisation for the funds to be used for replacing boxes when I worked for SAHRA.

²⁰⁴ Dlamuka M. & Ndlovu B.2002.Post-apartheid museums: a community centred approach. *SAMAB Vol. 28*, pg. 46

The Transvaal museum, as a natural history museum, tried this concept which proved fruitful wherein marginalised groups through various outreach programs were able to be included in the post-apartheid historical narrative of that museum²⁰⁵. In order for the historical narrative of human remains to be more inclusive, community involvement is key, especially the involvement of ancestral communities. The Ditsong National Museum of Cultural History which is the case study of this research is a museum that is trying to adapt with the times, by being open to engaging with the public about their human remains collection and repatriation. There was a commitment that was announced in an address by Mark Raath at a SAMA conference in 2001 about Ditsong being ready to engage in the process of repatriation (Sleeper-Smith 2009:118).

The symbiotic relationship between policy and legislation is needed in establishing co-existence between ethical curation and the repatriation of human remains in museums. Countries such as the USA, Australia, New Zealand, and the UK have found ways and solutions specific to them by using policy and legislation to aid in curation and repatriation. Thus far for human remains housed in museums previous chapters in this thesis attest to that. However, in South Africa, Iziko is still the only museum to have a human remains policy. Recently the Albany museum in the Eastern Cape found itself on a similar journey to establish their very own policy with ethical principles embedded in it²⁰⁶. The NHRA is lacking in providing proper support for museums in curation and repatriation of human remains. It is commendable that these two museums are being proactive in this matter. Hopefully, other museums will follow this example by getting involved through policy and advocating for legislative reforms in this country.

An opportunity that addresses repatriation challenges is found in the Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects. This will assist museums greatly in that the many issues associated with the repatriation of unethically acquired human remains. The unethically acquired human remains are a stark reminder of colonial and apartheid exploits that haunt the present. Post-democracy museums remain in

²⁰⁵ *Ibid.* pg.,46

²⁰⁶ Booth, C. (2019). A social justice approach to human remains management. In: *ASAPA 2019 Biennial Conference, Kimberley Northern Cape*.

limbo due to their unsavoury past through retaining these remains. The matter is that museums do not know how to properly tackle this matter. It should not be about each to its own. Human remains in museums should be handled as a collective and that is DAC, SAHRA and the public because of the contention surrounding them. Firstly, the DAC and SAHRA should be bold and start constructively dealing with the issues, instead of running in circles. But through the revision of the Act and approving the Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects. Secondly, museums should be empowered to be able to formulate policies that are specific to human remains.

The Commonwealth Association of Museums (CAM) has been working closely with Iziko Museums of South Africa, the National Museum of Botswana, ICOM Namibia, ICOM Botswana, and ICOM South Africa, ICOM ICME (the International Committee for Museums of Ethnography) to help with Human Remains held in museums²⁰⁷. CAM has been able to achieve that through workshops. In 2017, the first workshop was held at Iziko Museums of South Africa in Cape Town and focused on the issue of human remains in southern Africa and internationally; and the Iziko collection of ‘unethical’ remains, unethical in terms of how or why they had been obtained²⁰⁸. The second workshop on Human Remains Management and Policy was held in March 2018 at the University of Namibia in Windhoek²⁰⁹. This project is another positive step that museums in this country should engage with. This particular project was successful to date within southern Africa because of the identified need for guidelines for working with ancestral communities on the provenance and management of human remains in museum collections and the repatriation of remains from foreign museums.

²⁰⁷ <http://www.maltwood.uvic.ca/cam/>

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

Conclusion

In conclusion, the study sheds light and leads towards an understanding of the contestation of human remains in museums within a South African context throughout the six chapters. Every chapter was able to bring different perspectives about human remains. The history of museums was explored especially as to how they were established in South Africa. The history of human remains and collecting practises showed how museums conducted themselves in the past. The study highlighted and brought about questions about the ethical behaviour of museums during colonialism and apartheid. The study was able to look into notions of races, identity and explored what racial science was within the discipline of archaeology. Nick Shepherd's book "Mirror in the ground" depicts aspects of Archaeology through photography this body of work shows the injustices of racial science this was able to support and corroborate the findings of this study. This study was able to explore how the San people were treated during colonial and apartheid times as well as to how they were at the centre of racial science, discrimination, and segregation in South Africa. Throughout the study implications for policy and legislation were explored in relation to curation and repatriation of human remains is intertwined and complex in some cases. The study was a chance to also examine what other countries are doing when it comes to curation and repatriation of human remains as well as here in South Africa.

Nonetheless, the historical discourse of Westernised ethnographic type museums is that of collecting institutions holding artefacts of 'non-Western' cultures, has long been intertwined with colonial as well as postcolonial trajectories. Decolonisation and postcolonial perspectives and politics has placed many museums including museums in South Africa under a lot of pressure to change. Recently ethnographic museums have also been touched by the proliferation of discourses of multiculturalism and associated issues of belonging and citizenship while some policy reforms intend to, show museums as spaces for the promotion of intercultural dialogue. In the context of this research, South African museums must holistically embrace decolonisation by rethinking their mandates, institutional identity, ethical displaying and interpreting the heritage as well as the human remains that their custodians of. However, decolonisation of South African museums can potentially help museums to move beyond being colonial repositories, whilst acting as postcolonial and mindful institutions.

However, the South African Government needs to do more to assist museums to radically transform from the past. Museums should be completely reflective of the diversity of our

country in ethical respectful ways. It would be suggested that new reforms are needed on how museums are managed and funded. Then the NHRA legislation needs revision because it is not specific enough, progressive and transformative when it comes to human remains. With these recommendations or suggestions being implemented we can make positive inroads on curation and repatriation of human remains in South African museums.

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APPENDIX 1
***Approval from Ditsong National Museum of Cultural
History***





an agency of the
Department of Arts and Culture
PO Box 4197, Pretoria 0001, Republic of South Africa
70 WF Nkomo Street, Pretoria Tel: 012 000 0010
www.ditsong.org.za

Our Ref/Ons Verw	Your Ref/U Verw	Date/Datum	Contact/Kontak
17/6/1 Archaeology	None	2018/06/06	F. Teichert

Ms. I. Masiteng
Junior Lecturer: Heritage Studies

Research for a Master's Degree into the Human Remains Collection housed at DITSONG: National Museum of Cultural History.

I hereby give consent that the above-mentioned collection can be utilised for a Master's Degree by Ms. I. Masiteng for research purposes at the Ditsong National Museum of Cultural History.

The applicant has agreed to abide by the Terms and Conditions of using Ditsong Collections for research. This agreement addresses issues such as the ethical handling of Human Remains, Ditsong accreditation and payment, if applicable, amongst others. The Terms and Conditions will be sent to you on request or will be signed at the Cultural History Museum.

Yours faithfully

F. TEICHERT
CURATOR OF ARCHAEOLOGY AND HUMAN REMAINS

DATE: 2018/06/06

APPENDIX 2

Ditsong

***General Policy on the curation of human remains housed in the dept. of
Palaeontology and Palaeoenvironmental Studies, Transvaal Museum.***



**GENERAL POLICY ON THE CURATION OF HUMAN REMAINS
HOUSED IN THE DEPARTMENT OF PALAEOLOGY
AND PALAEOENVIRONMENTAL STUDIES, TRANSVAAL MUSEUM**

The following general policy on the curation of human remains housed in the Department of Palaeontology and Palaeoenvironmental Studies at the Transvaal Museum, has been prepared:

1. All specimens of *H. sapiens* be treated with a sense of dignity and respect for deceased people.
2. The Department of Palaeontology should not hold any human skull, skeleton or tissue of any individual that can be identified by family name, recorded historically.
3. Human remains (including skulls and/or skeletons of *H. sapiens* that cannot be identified by a family name, recorded historically), currently curated in the Department of Palaeontology, may be made available for study to promote an understanding of the heritage of humankind.
4. Human remains (including skulls and/or skeletons of *H. sapiens* that cannot be identified by a family name, recorded historically), currently curated in the Department of Palaeontology and made available for study to promote an understanding of the heritage of humankind, shall continue to be curated in a manner which shows respect for the deceased, and with respect for those who wish to obtain access to human remains held in the Department of Palaeontology, with the intention of promoting an understanding of the heritage of humankind.
5. That the policy of the Department of Palaeontology, concerning the curation of human remains, be continually subject to review.

Dr J.F. Thackeray
**HEAD
DEPARTMENT OF PALAEOLOGY
AND PALAEOENVIRONMENTAL STUDIES**

H. Fourie
**COLLECTIONS MANAGER
DEPARTMENT OF PALAEOLOGY
AND PALAEOENVIRONMENTAL STUDIES**

May 30, 1996



APPENDIX 3

Curator and Senior registrar questionnaire responses



A BONE TO PICK: CURATION VS REPATRIATION - UNDERSTANDING THE CONTESTATION OF HUMAN REMAINS IN SOUTH AFRICAN MUSEUMS

INTERVIEW QUESTIONS

- What are your museum's curation principles with reference to the human remains?
All Human Remains are treated with respect, they are kept in their own boxes, with site names and they are kept behind their own enclosed area.

- What is Ditsongs' current position on the research in reference to their human remains collection?
Ditsong has no problem with students from Universities doing research on Human remains.

- Does your museum have a human remains policy?
The museum has a policy but it is coming up for review this year.

- What is the museum's stance on the repatriation of human remains?
Repatriation of Human Remains is not a problem if the family can prove that the Human Remains are theirs. All repatriated Human Remains must be treated with respect and done in a dignified way.

- Has Ditsong ever been involved in any repatriation of human remains? If yes, what were the lessons learnt from this experience?
Yes, Ditsong was involved in one repatriation in its history the Mapungubwe Repatriation. But I was on leave at the time my former colleague Ms. Itumeleng Masiteng was able to help in my absence, she might have a better perspective on the lessons learnt.

- Does your museum have an active programme of repatriation?

No

- What is the value of continuing curation as opposed to the repatriation of human remains?

The forensics of Human Remains is forever changing and the more we know about the people the better it is in understanding the past.

- What contestation issues, if any, has your museum experienced with curation and repatriation of human remains?

The Makgoeba and Mampuru Families, these are ongoing research studies.

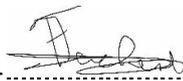
- What are the museums' future plans for its human remains collections?

To preserve them to the best of the museums' ability as they give valuable research potential for future generations and with an ever-changing forensic research potential can help in understanding the past.

Name: Frank Teichert.....

Designation: Archaeology and Human Remains Collection Curator

Museum: Ditsong.....

Signature: .....

Date: 09.05.2019.....

A BONE TO PICK: CURATION VS REPATRIATION - UNDERSTANDING THE CONTESTATION OF HUMAN REMAINS IN SOUTH AFRICAN MUSEUMS

INTERVIEW QUESTIONS

- **What is the current legal status of the human remains in your collection? Who owns them?**

The human remains collection at the Cultural History Museum is under the custodianship of the DMSA. During the GRAP 103 process, the Human remains have been verified and classified as being the heritage although it has not been assigned value because of its sensitiveness.

- **Does your museum have a deaccession policy specifically for the collection of human remains?**

Currently we don't have a deaccessioning policy that deals specifically with human remains, the human remains are regarded as part of the holistic collection of DMSA and its covered under Heritage Asset Management policy in terms of Acquisition, loans conservation and display, access in storage, use by individual or other institutions, physical control and safeguarding and deaccessioning.

(please refer to the attached Heritage asset management policy)

- **What are the museums' future plans for its human remains collections?**

In my opinion, Human remains have a unique status and, and should be treated with dignity and respect. As far as I know, there has been some research done on the DMSA human remains. The history of the human remains will determine the kind of research that can be undertaken, how they were collected and of whom determine if there may be a possibility of research without offending anyone. In the future, I think a policy should be developed that deals specifically with human remains to layout

professional standards concerning the collection, the care, and the use. That is where it would state the history of the collection and be able to align the policy to accommodate all aspects such as culturally appropriate, sensitive and informative manner and that will always be accompanied by an explanation and appropriate interpretation.

Name: Mrs. Julia Mulafhi-Montla

Designation: Senior Registrar

Museum: Ditsong national museum of Cultural History

Signature: 

Date: 02/05/2019

Appendix 4

*Inventory list of Archaeological excavated human
remains Ditsong National Museum of Cultural
History*



**LIST OF HUMAN SKELETAL MATERIAL IN THE COLLECTION
OF THE NATIONAL CULTURAL HISTORY MUSEUM**

- * Those not documented fully yet, look in old registers and field notes of Hanisch, etc.
 - * Also get info on sites, context, any other form of information (analysis, reports)
1. **Nearly complete skeleton (Female)** excavated during 1999 by Anton Pelsler at Askoppies Late Iron Age site **(2627CC1/A1)** near Potchefstroom, on the Vredefort Dome, in the Northwest Province. Will possibly be re-buried after final analysis (Osteological, Isotope, C14 and other) has been completed. See report by UP Anatomy for detail on skeletal analysis
 2. **Nearly complete infant skeleton** excavated by Anton Pelsler in 1999 at Askoppies. See report by UP Anatomy for detail on skeletal analysis
 3. **3 Bones (humerus, tibia, femur) of foetus** excavated in 1999 by Anton Pelsler at Askoppies. In same grave as infant skeleton. See report by UP Anatomy for detail on skeletal analysis
 4. **Single femur (cut & polished)** found on surface of site during excavations at Iron Age site on Novengilla 562 LT near Letsitele
 5. **Incomplete skeleton**, found at Schroda Iron Age site **(TSR 1/1 (6) A2/2.1)**. Consists of approximately 60 skeletal parts & other associated artifacts. Fully documented. **Box 227**.
 6. **Nearly complete skeleton**, excavated at Schroda Iron Age site **(TSR 1/1 (6) 5D/6.1)**. A number of glass beads (24 in total) associated with skeleton/burial. Fully documented. **Box 238**.



7. **Fragmentary skeletal material**, from Schroda (**TSR 1/1 (6) 5E/5**). Consists of 80 bones & fragments. Fully documented. **Box 240**.
8. **Incomplete skeleton** from Schroda (**TSR 1/1 (6) 2E/.1**). Consists of about 30 identifiable and other bones. Fully documented. **Box 422**.
9. **Incomplete infant skeleton**. Schroda Iron Age site (**TSR 1/1 (6) 1AA/4**). Consists of 10 cranial bones of an infant child. Fully documented. **Box 422**.
10. **2 Incomplete skeletons** from Schroda (**TSR 1/1 (6) B5/4.1.4 & TSR 1/1 (6) 1E/3**). Consists of 1 mandible (B5/4.1.4) and 2 cranial fragments (1E/3). Both fully documented. **Box 422**.
11. **Nearly complete skeleton** from Schroda (**TSR 1/1 (2) 2AA/3{i}.1**). Fully documented. **Box 442**.
12. **Nearly complete skeleton** from Schroda (**TSR 1/1 (1) B1/4.1**). Fully documented. **Box 448**.
13. **Incomplete skeleton**. Schroda (**TSR 1/1 (2) 2AA/3{i}.3**). Fully documented. **Box 449**.
14. **Fragmentary skeleton** from Schroda (**TSR 1/1 (2) 2B/2.5**). Fully documented. **Box 450**.
15. **Nearly complete skeleton** from Pont Drift Iron Age site (**TPD 1/2 (2) 2B/5.1**). Fully documented. **Box 451**.
16. **Incomplete skeleton** from Glannel Iron Age site (Botswana) [**BGL 1/1 (1) D35/1.1**]. Fully documented. **Box 452**.
17. **Human skeletal remains** from Glannel (**BGL 1/1 (?) D35/1.1**). Could be part of no.13. Consists of 53 bones. Fully documented. **Box 463**.



18. **Incomplete infant skeleton** from Glennel (**BGL 1/1 (1) A27/1.4**). Fully documented. **Box 453**.
19. **Human skeletal remains** from Glennel (**BGL 2/1 (1) Test trench A1/5.1**). 3 Bones. Fully documented. **Box 454**.
20. **Incomplete skeleton** Glennel (**BGL 1/1 (1) D36/1.1**). Fully documented. **Box 455**.
21. **Nearly complete skeleton**. Glennel IA site (**BGL 1/1 (?) A25/1.1**). Fully documented. **Box 456**.
22. **Incomplete skeleton** from Glennel (**BGL 1/1 (?) A24/1.1**). Fully documented. **Box 457**.
23. **Nearly complete skeleton** from Glennel (**BGL 1/1 (2) A26/1**). Also includes 1 potsherd found with skeleton. Fully documented. **Box 458**.
24. **Incomplete infant skeleton** from Glennel IA site (**BGL 1/1 (?) B26/1.1**). Fully documented. **Box 460**.
25. **Incomplete skeleton** from Glennel (**BGL 1/1 (?) A25/1.2**). Fully documented. **Box 461**.
26. **Human skeletal remains** from Glennel(**BGL 1/1 (?) C23/1.1.1**). Consists of 50 bones, as well as other bone and piece of shell (mother-of-pearl/achatina) found with it. Fully documented. **Box 462**.
27. **Human skeletal remains**. Glennel IA site (**BGL 2/1 (?) A1/2.1**). 2 Cranial bones. Fully documented. **Box 463**.
28. **Human teeth** from Glennel (**1 tooth BGL 1/1 [?] A1/2.1; 7 teeth BGL 1/1 [?] C24/1.2.1**). Fully documented. **Box 463**.



29. **Complete skeleton** from Schroda Iron Age site (**TSR 1/1 (6) 4F/4.1**). 295 glass beads found with skeleton. Fully documented. **Box 466**.
30. **Human molar** from Askoppies. Excavation 3 midden, Layer 2: Adult
31. **Human 2nd phalanges** from Askoppies. Excavation 3 midden, Layer 3: Young child/Juvenile

List will be updated from time to time as new material is excavated and fully documented.

SKELETAL MATERIAL NOT FULLY DOCUMENTED YET

- (1) Skeletal material in Hanisch collection discovered during move to African Window
 - (2) Skeletal material in gypsum 'containers' not yet fully excavated and analyzed
- # Store according to Site; Excavation; Block; Layer
 - # Any material associated with burials could be stored with skeletal material?
 - # Information on all individual skeletons/burials (reports, analysis, articles...) should be stored with skeletal material

