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Bones and Museums

An Anthropological Perspective

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1. Collections are not always innocent. Their artefacts, whether singly or as smaller collections, sometimes change hands, and these exchanges are not always ‘balanced’. Where sources permit, historical transfers of ownership can sometimes be reconstructed with reasonable accuracy, enabling the evaluation of transactions on the basis of certain moral and ethical principles. Where a judgement is made according to norms that are general, universally accepted, unambiguous, and not in conflict with other considerations, a clear verdict as to whether an object’s addition to a collection is problematic can be delivered. In the majority of cases, however, these conditions are not met, and the attempt to reach a moral evaluation runs into obstacles.
2. In this paper, I will attempt to analyse the moral status of human bones – in particular human skulls – in public collections. Such assemblages are not only part of the general history of Western collections but also have been a focus of the specific study of human appearance. As a reference point toward this discussion, I offer the U.S. Federal Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) for the fundamental reason that it is not only a pioneering piece of legislation but also instructive in the way it has been applied.
3. Thus, this study will interest itself in part with how such collections are viewed today, and in part with how they came to be in the first place. I will make every effort to handle the issue within as general a framework as possible, while also examining the situation as it currently stands in Hungary. As the material to be covered here is prodigious, I have chosen to limit my approach to the anthropological perspective.
4. Until the middle of the 20th century, physical anthropology was seen as integral to anthropology as a whole, as it was hoped that it held answers to certain questions within the broader discipline. During the second half of the 20th century, this hope was abandoned, primarily in response to the emerging science of genetics, and the ties between anthropology and physical anthropology grew considerably more distant. While the study of physical anthropology and human bones continued to be pursued independently, it was to the tune of different methods, questions, and paradigms. Though a significant proportion of previously collected bones found themselves moved to physical (biological) anthropological institutes, some human remains continued to be housed in ethnography and anthropology museums, whether as bones or as the raw materials for ethnographic objects.

5. There can be no doubt that human bones, skulls, and other remains occupy a peculiar position among collection artefacts. Certainly, there exist universal values – e.g., our relationship to our departed and the inalienability of their remains – on which to base an argument to this effect; and given this universality, to do so does not require cultural relativism, nor must we take into account the cultural context of the *other*, i.e. that differs from our own.
6. Respect for human remains transcends religious and cultural models, resting instead on the universal value of human dignity (Harding 1997: 766–767): care for and commemoration of them is a duty. Such ‘things’ are not a means to an end, but an end unto themselves. The essence of *cultural property* is its distinguished place, its rarity, its special nature; and the importance of caring for it as a result (Harding 1997: 760). Human remains are no exception to this rule.
7. Still, how did such collections come to be? Why are they still around? The short answer is this: because of the primacy of scientific inquiry. At the time and place of their founding, science regarded their examination as a priority, while science was itself a priority in the view of society. Thus, collections of skulls arose as bodies of scientific, rather than exotic material, their contents earning scrutiny for scientific purposes. In the heyday of bone collecting, these studies consisted fundamentally of measurements, though with some exceptions: early on, during the 18th century, the emphasis was on description, with measurement becoming the predominant form of analysis only later. From the second half of the 20th century onward, inquiry moved rather in the direction of genetic and histological study.
8. One set of ideas to impart significant momentum to the activities of skull collecting and analysis was social Darwinism, though it was not the only such factor: studies focusing expressly on skulls (bones, remains) existed both before and after credence in its tenets. Today, however, the questions, methodologies, frequency, and weight of such studies have changed. At the same time, the status accorded human skulls has shifted radically, such that the ethical side of scientific study is, as a norm, given much greater consideration.
9. Thus, scientific collections of skulls are a result of positivist enlightenment thinking. Clearly, the exploration, description, and classification of the things of the world could not skirt the subject of humankind itself. Systemisation extended to living and non-living alike, seeking out all possible lineages and relationships. This line of inquiry received particular impetus as national ideologies strove to delineate and evaluate various languages, ethnicities, and races and to clarify how they were linked. Lurking in the background (or, in some cases, foreground) were both the state of competition among nations and their relationship to the institution and practice of slavery. Though the general, scientific categorisation of the races we usually attribute to Linnaeus, the effects of international competition, too, are easy to spot, the French-German rivalry of the 18th century offering a ready example. For the purposes of classification, researchers found skulls, being measurable, the most useful. The phenomenon is encapsulated in the collection of Johann Friedrich Blumenbach (1752–1840), professor at the University of Göttingen from 1776 to 1835, whose collection of 245 skulls and skeletons, most of them procured from field collectors, was the first to be methodologically ordered (McMahon 2007: 53). As a result of the work of Blumenbach and his followers,

the human skull became the paradigmatic object of physical anthropology. At the same time, the focus on the measurement of skulls witnessed the expansion of museum spaces to include laboratories.

10.

Though it is clear that the first skull collections arose as a pursuit of the medical profession, for whom they served educational purposes, their role and significance in anthropological collecting stemmed from the quest to classify groups within the human species. It was an endeavour that yielded numerous approaches, each exerting its own effect on collection quality, but none enjoying a higher status than any other. In other words, collections of skulls, as points of departure for the establishment of different human lineages, do not at the outset posit racist or evolutionist perspectives or ideologies. Rather, the skull was construed as an effective illustration of lineage as a product of heritable or environmental factors.

11.

The sources for these skulls depended largely on the intentions, scientific aims, and interests of the researcher in question. For producing a general description of humanity, material suitable for making universal comparisons was needed. Thus, 18th-century collectors strove to acquire skulls from as many different places as possible. At the same time, scientific inquiry in the 18th century focused with increasing frequency on problems of a more regional nature, and this, too, is reflected in collections of the period.

12.

The dominant program in the natural sciences during the 18th and 19th centuries was taxonomic. In their nascent period, studies of skulls were oriented toward more general questions. While the Linnaean taxonomy of the 18th century sought common traits, the comparative studies of the 19th century had grown more interested in differences, occupying themselves with regional lineages and how they related to each other. Notably, in 1809, Charles de Villers was still describing the French and Germans as ‘races,’ switching to the term ‘nations’ only in 1814. The word ‘race’ as a scientific concept was typically an enlightenment phenomenon (Golf-French 2019: 170), though Johann Friedrich Blumenbach (1775) used the term *Verschiedenheiten* (‘variety’). In any case, the word ‘race’ was still in general use around 1800, with Eichhorn, de Villers, and numerous of their contemporaries applying it to distinguish between cultures, thus politicising moral differences. In many cases, this was linked to the heredity of traits on the one hand, and viewpoints that stressed physical differences on the other (Golf-French 2019: 171). In Blumenbach’s view, the races were transiently connected, while also bearing the marks of adaptation to environment (Golf-French 2019: 175). Christoph Meiners, teacher of fellow Göttingen employee Sándor Kőrösi Csoma, divided humanity into two ‘chief lineages’: Caucasian and Mongolian, the latter of which was subordinate (Golf-French 2019: 175) and included, for example, even the Finns. It was Meiners who first used the term ‘Caucasian’ in reference to ‘Europeans,’ a convention adopted and promulgated widely by Blumenbach (Golf-French 2019: 179), though in a division of five subgroups. Biological traits played a major role in this classification (Golf-French 2019: 295). In 19th-century German ideology, biology and race were closely intertwined (Golf-French 2019: 296). The concept of culture, on the other hand, gained significance in describing human differences during the 1770s and until the end of the 19th century, was used only in the singular, i.e. as a measure of degree of development (Golf-French 2019: 63).

13. During this early period, race was seen as biologically inherited and describable by means of physical characteristics (with primary reference to cranial dimensions, seen as the most precisely measurable). At the same time, almost all researchers in the field came from a medical background.
14. During the 1830s and '40s, following upon Blumenbach's own skull collection, an entire succession of (private) anatomical collections were founded, including an increasing number housed at institutions, with primary reference to university anatomy departments. The founders of these collections shared a conviction in the primacy of science and encouraged various travellers to gather bones and skulls for them to add to them (Pöhl 2008: 39).
15. Though, at first, skull analysis was clearly rooted in the biological paradigm of the age, at the same time, those involved offered not only physical data on the variants they encountered but also aesthetic and valiative commentary. During the 19th century, researchers began to assess skulls differently. Some prominent anthropologists of the day, such as Bastian, Virchow, and Boas (unlike Haeckel), did not accept the theory of evolution and thus did not discern biological development in the variety they saw. It was precisely to counter the notion of social evolution that Boas, for example, developed his theory of cultural relativism. This group constructed no hierarchy of European races and stood against any linking of race (lineage) to nation or ethnicity. Despite this, thinking in terms of race as a paradigm did feature as part of their overall mentality. For them, the study and empirical evaluation of skulls was equally a (positivist and reductionist) basis for comparison, but as a method rather than a general theory.
16. The skull collections of Europe quickly garnered a following in America, as well. One early figure was enthusiastic collector Samuel George Morton (1799–1851, *Crania Americana* 1839), who, as a physician, was an adherent of the theory of polygenism. Today, Morton's collection is housed by the University of Pennsylvania Museum of Archaeology and Anthropology. In his lectures, Morton favoured the breakdown proposed by Blumenbach and was always on the lookout for (collectible) examples to support the theory's geographical claims. The call he circulated to collectors in 1832 would eventually bring his specimen total to 857, including examples from all parts of the world. Morton, who paid careful attention to ethnographic context and who conducted comparisons based on his own measurements, is still regarded as the father of American physical anthropology today.
17. Of course, as these same questions seemed to lend themselves equally to other forms of description and measurement, researchers set to analysing living humans, as well, often via the creation of plaster casts. The second half of the 19th century, for example, saw anthropometric measurements taken in massive quantities, usually among a given domestic population and/or its component ethnicities (McMahon 2007: 53). Such efforts notwithstanding, a physical skull collection clearly permitted measurement and analysis in a more intensive, thorough, and repeatable fashion.
18. By the mid-20th century, the number of skulls lurking in museum collections neared half a million, most of them anthropological, rather than archaeological in nature.

19.

As to how these came to be and where the material came from, a significant proportion of those contributing to scientific collections were travellers and field researchers, some of whose movements are difficult to reconstruct. The field activities of anthropologists, however, are better documented, in particular by way of their journals. On this basis, at least, it can be said that the primary acquisition model in skull collecting was that of grave robbery. In the 1880s, Franz Boas, considered the father of not only European but also American anthropology, regularly employed one George Hunt, his primary informant, to ‘collect,’ that is, to steal skulls from the graves of Native Americans (Pöhl 2008: 41). According to his notes, Hunt sometimes used his men – a photographer, for example – in distracting indigenous people’s attention from the fact of the theft (Pöhl 2008: 42). Today, such methods would be regarded as wholly and unequivocally unacceptable. One might argue that in Boas’s time, science and scientific collecting operated on different premises, yet it is not, in fact, clear that this is the case. Boas himself, it would seem, lamented more than once about the ‘unpleasantness’ of such work (which at times resulted in literal nightmares); it was simply that in his view, ‘someone had to do it’ (Redman 2012: 36, Pöhl 2008: 41), in the name and for the benefit of science, naturally. It is furthermore difficult to abstract oneself from the observation that in many cases, Boas collected in exchange for money. In one letter, for example, he wrote the Smithsonian to inquire whether they would buy skulls from him; if so, he would begin collecting them; otherwise, he would abstain (Pöhl 2008: 42).

20.

Early Hungarian ethnographers and physical anthropologists reported similar experiences. In a presentation given to the Hungarian Geographic Society on 9 March 1899, János Jankó, then director of the Ethnographic Department of the National Museum told of his departure on 10 June 1898 for the old Ostyak (Khanty) settlements along the Irtysh and Demyanka, where he disturbed burial sites in search of skulls and other body parts. He then gathered more skulls in the Yugan Valley to supplement his work in measurement-taking. In a separate remark, Jankó noted that excavating graves at night had put his life in danger and that he had at one point been forced to board the ship and leave the site in a hurry (Ethnographia 1899: 168). In the course of the scientific expedition in question, Jankó purchased a total of three hundred ethnographic objects, took three hundred photographs, recorded some five thousand anthropological measurements of 125 Ostyaks, dug up thirty skulls from forest Ostyak graves, and even procured two complete skeletons (subsequently exhibited to the public). To do so, he emphasised, had required the excavation of 114 graves (Ethnographia 1899: 167). The work of stripping the Ostyak skulls of their meat and boiling them for the purposes of preservation was conducted by one of the Ethnography Department’s lab technicians (NMI 2/899). What this story reveals is that the skulls had come from fresh graves and that the museum had even created a separate lab for the processing and analysis of such ‘objects’. Karoly Pápai (1861–1893), another ethnographer and physical anthropologist, who ten years prior had visited the Voguls and Ostyaks in search of peoples related to the Hungarians, noted with regret in his report of 1890 that he had mostly ‘just observed,’ having been able to take only a few measurements and procure just two skulls. In other words, he, too, had found grave robbing too hazardous an enterprise. A third such researcher was Benedek Baráthosi Balogh (1870–1945), who, at the outset of the 20th century, journeyed to places like the Amur Region in search of objects related to the idea of

an ancient Magyar homeland, while simultaneously collecting for various museums. The single skull he brought back had, in contrast to the above, been removed from an abandoned grave.

21.

What precipitated these Hungarian anthropological collecting efforts, and how were they later institutionalised? From the mid-19th century onward, a primary factor was the connection between Hungarian history, language, and ethnography research on the one hand, and the (initially closely intertwined) medical and anthropological inquiries conducted at German universities on the other. Another likely impetus was the succession of 19th-century world's fairs. Exemplifying the first of these were Sándor Kőrösi Csoma and Antal Reguly, scholars concerned with the identification of a Magyar ancestral home. Both men maintained direct personal contact with their peers in Germany, where efforts to evaluate and classify European nations, their peculiarities, and their histories as relevant to national ideology had been intensifying since the late 18th century.

22.

In Hungary, regular anthropological inquiry commenced in the 1870s. As early as 1873, the prosecutor Sámuel Henrik Scheiber (1834–1906), himself on the vanguard of Hungarian skull collecting, proposed (to Minister Ágoston Trefort) the creation of a number of institutions for the study of physical anthropology, including a university department, a society, and a museum (to be operated as part of the National Museum), toward which he offered up his own collection of twenty skulls. Two years later, in 1875, József Lenhossék published his book *The Science of the Human Skull: Cranioscopy*. Though Lenhossék did not himself hold the significance of cranial dimensions, his belief in a hierarchy of human groups was firm (Bolgár 2019: 124). Publication of the volume was followed in 1876 by an international anthropological congress in Budapest, organised by Flóris Rómer and (not leastwise) Sámuel Scheiber.

23.

From the mid-19th century onward, the role of the world's fairs in presenting, representing, and (therefore) promulgating scientific paradigms and everyday stereotypes was by no means trivial. Not only did international expositions function as markets for objects of natural history and ethnography, but their organisers and participants, too, were classifiers of nations, ethnicities, and races, whose results coincided with the comparative (later evolutionist), fundamentally taxonomic, but almost always Eurocentric hierarchising anthropological, linguistic, and material studies of the age. It was at the 1878 Paris World's Fair, for example, that Aurél Török and his colleagues (Török would go on to do decisive work in anthropology) encountered a collection of anthropological skulls (some of them Hungarian) exhibited by physician one Paul Broca (Maracskó 2014: 99). Having found both the selection and the exhibit itself a touch distasteful regarding the representation of the Hungarians, the group felt motivated to see their own national group studied at home, leading to the establishment by Flóris Rómer and Ferenc Pulszky of the Hungarian Anthropological Society in 1878. Rómer was the first to propose that the study of Hungarian history be bolstered by *external archaeological excavations*. It was at this prompting that in 1898, János Jankó began collecting skulls in Siberia for the Museum of Ethnography.

24.

In the 1880s, Hungarian physical anthropology, a discipline that – embedded in the national sciences – served as a reliable support toward the study of ancient Hungarian history, while also maintaining its decades-long ties with the field of

ethnography, moved to institutionalise in the worlds of both the university, and the museum. In 1881, Aurél Török (with the support of Minister Ágoston Trefort), founded an anthropology department at the University of Budapest. In 1895, János Jankó, spurred by the intensification of skull and bone collecting efforts, founded an anthropology collection and laboratory within the Museum of Ethnography, directed first by Vilibald Semayer, then, from 1921 until 1945, by Lajos Bartucz. Jankó understood that the university department was unable to care for, develop, and study its growing anthropological collection on its own, and, given the encyclopaedic approach of the time, felt that an anthropological collection was lacking beside the museum's collections of flora, fauna, minerals, and ethnographica. For both Jankó, who was well-versed in anthropology and ethnography, and for his colleagues, the task was clear: to begin documenting and studying the peoples of Hungary and to collect, analyse, and exhibit anthropological objects and data, just as had been done before in the field of ethnography. It was for this purpose that the anthropology laboratory was designed, i.e. for collecting skulls and bones and taking anthropological measurements and photographs. Like the acquisitions concept pursued by the Museum of Ethnography both then, and for a long time to come, here, too, the priority was on domestic bones, skulls, and data, supplemented by work conducted among kindred peoples – which enabled comparative study – and objects collected from other parts of the world – which provided a wider context.

25.

The result of these initiatives was a collection representative of Hungarian physical anthropology that, between 1895 and 1945, was housed by the Ethnography Department of the Hungarian National Museum. In addition to the university's anthropology department, for a considerable time, Aurél Török worked toward establishing an independent anthropology museum (collection and laboratory), as well. In 1883, his collection consisted of 974 items. This number would eventually reach 1667. In 1885, Török organised an independent Hungarian exhibition of the material. A decade later, the collection numbered around ten thousand skulls and one thousand skeletons. In the absence of an independent anthropology museum, in 1906, Török placed the material with the Ethnography Department of the Hungarian National Museum. The doctor's own work, which focused on the examination of skulls, is well-reflected in the collection's composition.

26.

Between 1900 and 1912, a group of Török's students consisting of ethnographers János Jankó, Károly Pápai, and Vilibald Semayer sought to create within the National Museum's Ethnography Department a dedicated physical anthropology workshop. The facility drew on human remains, photographs, and data collected within the field of ethnography, in addition to the enormous collection provided by Török himself. In the end, curation of the collection fell to another of Török's students, Lajos Bartucz, whom director Zsigmond Bátky charged with the processing of the material contributed by János Jankó. This work he conducted starting in 1921, first as an agent, then, from 1924 onward, as an appointee (Farkas 1987: 109).

27.

Both Török and Bartucz held the view that only archaeology, anthropology, and ethnography together could solve the mystery of certain segments of Hungarian history (Farkas 1987: 103). This national approach, coupled with the absence of an independent anthropology museum, would bind the field of anthropology to the Museum of Ethnography until as late as the 1940s, despite attempts to function

separately throughout the initial decades of the 20th century. At the same time, under Bartucz's influence, during the Interwar Period, the study of human skulls became (and remained) a central focus within physical anthropology in Hungary, too (Farkas 1987).

28.

Between the 1870s and 1910s, beyond the material contributed by physical anthropologists Török and Bartucz, field ethnographers collecting for the Ethnography Department also regularly brought in human skulls and (in smaller numbers) bones. As a rule, these were placed with the ethnography (rather than the anthropology) collection. The vast majority of these skulls and bones were officially transferred to the Hungarian Museum of Natural History in 1942, to be placed in the newly created Anthropological Repository in 1945. With this move, the near century-and-a-half link between ethnography and anthropology in Hungary came to a permanent end, though a few skulls did remain with the Museum of Ethnography, some of them trophy objects, others collected for expressly anthropological purposes. The earliest of the institution's skulls came from the 1869–1870 expedition of János Xantus. Added later were (discounting the plaster casts prepared earlier by Antal Reguly) those collected by Sámuel Fenichel and Lajos Bíró in German New Guinea; by Sámuel Teleki and Pál Bornemissza in Africa; by Benedek Baráthosi Balogh in the Amur region; and by Károly Pápai and János Jankó in North-West Siberia. Together, these totaled approximately one hundred human skulls and ten skeletons, along with several other body parts (e.g., jawbones). Two of the skulls were from the territory of Hungary itself (specifically, from Regöly in Tolna County). Clear from the above is that the skulls and bones in the ethnographic collection partly reflected general trends in physical anthropology (i.e. mapped out a sample of the Earth's inhabitants), while also representing national efforts to document peoples thought to be related to the Magyar ancestors. By contrast, the collection swelled by Aurél Török and Antal Bartucz for expressly physical anthropological purposes was composed in large part of skulls and bones of domestic origin, though a significant fraction constituted archaeological material.

29.

It is in this way that the development of European and American skull collections can be traced from the late 18th to the mid-20th century. The efforts that produced them were fundamentally shaped by a desire to map out both the world, and the human groups that populated it and framed by notions of Eurocentrism, nationalism, and, in many cases, racism. A point of departure for European scientific thinking during the period extending from the Enlightenment until the Second World War was that humanity as a species existed in distinctive groups, lineages, or races and that these, for one reason or another, functioned at different levels of culture and development. European scientists presumed that races might be identified on the basis of outward features, for which skulls represented a primary and methodologically useful tool. The result of these combined forces was the amassment of enormous bodies of skulls in various museums, housed alongside other natural history or anthropological collections. Typically, the fractions of these stemming from ethnographic pursuits came from 'exotic' peoples who had come to live in external or internal colonial settings. The 'collection' of such material was, in almost every case, founded on the act of grave robbery, a method no researcher or collector would have dared to use among people regarded as 'fully human'. As a result of these processes, by the first third of the 20th century, several hundred thousand skulls had been deposited in European and American

collections, a material whose processing proceeded until mid-century, when it came to an abrupt halt, at least as regards Western European and American collections. In Eastern Europe, due to the persistence of national ideologies and interest in ethnogenesis, race differences, and ancient history, measurement, and analysis of this kind remained fashionable until as late as the mid-1960s (see, e.g., Levin 1958).

30.

There were several reasons for this turn of events. Museums' relationship to human remains during the past two decades has changed significantly. Indeed, in many places, institutions had begun to view the objects, heritage, and actual parts of human beings they housed in a different light. No longer did these represent mere documents – objects without context – but one-off links between the past and those living today. Pieces had begun to be seen individually, thus regaining their unique status and life stories.

31.

In addition, during the decades following the Second World War, the racism that had preceded and accompanied the conflict discredited the field of physical anthropology, prompting it to rethink its approaches. From the 1960s onward, comparative studies in the United States and Western Europe were shifted onto the alternative foundation of genetics (see Marks 2012). Though as early as the beginning of the 20th century, developments in skull analysis had suggested the unsustainability of race classification, the genetic approach made it clear that the concept of race that had been used for more than a century and a half was simply unscientific – a reference to a non-existent fiction – and this rendered the collected material useless, at least *for these purposes*.

32.

How did this significant change impact existing skull and bone collections?

33.

As we have seen, in Eastern Europe, little had changed in terms of *methodology*, as until the mid-1960s, interest in Soviet ethnogenesis (and by corollary, skull comparison) and its impact on countries under Soviet sway did not decrease appreciably, even as Western European and American anthropology had taken a marked turn. The collections that underpinned race studies were no longer subject to measuring, remeasuring, and classification, nor were they exhibited in illustration of this or that approach. Yet the collections themselves were not discarded. In the eyes of the researchers who curated them, what awaited this material was a raft of new, radically different questions.

34.

When one examines this process from beginning to end, what is apparent is the extent to which scientific collections functioned not only as databases toward the resolution of various scientific questions but also as collections with weight and momentum of their own. Even with the demise of both of the scientific purposes for which they were created and of the network of concepts by which they were understood, this material continued to have relevance as a focal point for an infinity of new questions and will continue to do so into the future.

35.

The above notwithstanding, following several one-off returns, there was born the 1990 NAGPRA, a U.S. federal law that brought a radical end to America's enormous bone and skull collections. Since then, many writings have discussed the law, its antecedents, its implementation, its varied reception, and the lessons it

holds. Here, I would like to highlight a few experiences relative to our own perspective on the topic.

36. NAGPRA is viewed as a milestone as regards both the fate of native heritage preserved in museums, and our relationship to it – even if it covers only a thin cross-section of it and is also poorly worded on multiple counts. What the law has done is to compel American museums to enter into dialogue and, in specific cases, to repatriate previously held artefacts.
37. The conceptualisation of human remains as representing unique individuals – our acceptance of links to the dead as inalienable ties – stems from the influence of the human and civil rights movements, with the extension (and generalisation) of civil rights also playing an important role. These rights were accorded especial attention starting in the 1960s in places where ‘internal colonisation’ had left colonisers and colonised alike living in the same nation. It is no coincidence, therefore, that processes like the one behind NAGPRA – and the re-evaluation of human remains it represented – arose first and foremost in places like the United States, Canada, Australia, and New Zealand. At the same time, in countries considered to be external colonisers, civil rights pressures were not able to push past the threshold for acceptance of a NAGPRA-type law, in part due to the distance between colonised and coloniser. In Spain and Italy, as in Europe in General, debates of this type are pursued only within some institutions (Licata et al 2020: 2). In Italy to date, the general tendency has been for museums to stress the scientific value and integrity of human remains, meaning that in a situation of this type, the scientific aim supersedes all others (Licata et al 2020: 4; see Pap et al 2014). At the same time, there are European institutions where methodical debate on the topic is underway (Fletcher et al., eds. 2014) or where a path has been taken where the interests of the remains’ own source community have been given due consideration (Stoeker-Winkelman 2018). It cannot be forgotten, furthermore, that even within the United States, the curators of scientific collections hold more or less the same view, but must adhere to the law nonetheless.
38. Thus, thirty years after NAGPRA, the views of affected professionals, states, institutions, and groups are still divided (Licata et al 2020: 4). To date, the right to scientific heritage and the right to cultural heritage represent the two major opposing bases for argumentation in the matter. To this are added various broader, regional, i.e. European, American, and pro-world heritage arguments as context. The question is: in the case of debate or conflict, who decides, and upon what basis? Moreover, the usefulness of scientific study according to science itself (i.e. its representatives) is to advance universal well-being, meaning that everyone benefits, both now and in the future (Bateman 2002: 8). So truly: who determines – and who *can* determine – what constitutes heritage? For now, NAGPRA has broken one path, a way forward that cannot be ignored for the immediate future. At the same time, the debates act to deepen – ever so gradually – our understanding of these labyrinthine phenomena.

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