

Stakeholder Approaches to the Handling and Return of Human Remains to Source Communities

Policy Recommendations from within the project “Reciprocal, interdisciplinary and transparent: provenance research with a restitutorial perspective in a colonial context — on the appropriate handling of a collection of human remains using the Alexander Ecker Collection in Freiburg as an example”, funded by the German Lost Arts Foundation (DZK), handed over to the rector of Freiburg University and to the representative of the Land (MWK) on 27 April 2023

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In provenance research projects on human remains, we have to think first and foremost in terms of **finality and closure**: This involves more general prerequisites of transitional justice, namely a recognition of wrongs perpetrated as well as an active and credible intention of setting things right again (“Wiedergutmachung”). In the case of deported human remains, who have been treated and abused as objects of ‘race science,’ such an approach hinges on the overriding principle of rehumanizing these dead bodies viz., the detached parts of those bodies: Even where the willingness to repatriate can be taken for granted, this central concern needs to be stated again and again – loud and clear and above all else.

At the same time, a pervasive difficulty needs to be taken into account and addressed in all honesty and openness: The very principles of ‘race science’ which have informed the practice of collecting human remains now found in collections of various scientific institutions the world over have resulted in an almost pervasive anonymization of these human remains. They were treated precisely as specimen which were amassed in numbers as high as possible, not related to human beings with individual names and origins. Experience with provenance research concerning such human remains has painfully shown the limits of undertakings actually to identify the origins and individual names of such human remains. In a number of cases, not even broad communities of origin could be identified, let alone concrete localities of origin or names which would be prerequisite for closure in the sense of burial at home. The celebrated repatriation of Klaas and Trooi Pienaar from Vienna to South Africa (2012) remains a template for how rehumanization might or ought to look like. However, such aspirations remain elusive when vital information is systematically excluded precisely by the workings of a ‘science’ that lay at the origins of present-day predicaments – the collection of human remains on a mass and global scale.

1. As recent experience has also made clear, this should not aver from the necessity of repatriation, nor should requirements be scaled down. Still, repatriation and provenance research must proceed in the clear and explicit knowledge of the limits of what expected results can be. Moreover, the possibility to actually proceed with **repatriation or return** depends on a number of preconditions to be determined by provenance research:

a) Sufficient evidence about the identity of the relevant person whose skull or body parts are stored in the relevant collection. This condition cannot always be met automatically. ‘Sufficient evidence’ could be established by a transnationally composed group of experts; it should not be just based on predetermined biased perspectives. However, previous experience has demonstrated the serious problems associated with the identification of concrete individuals from human remains. This is because their acquisition was often predicated on generic properties and on achieving high numbers in collections. Individual identity determination, in most cases, was mostly deemed irrelevant. A further issue concerns patchy documentation.

b) Calls and requests from leaders of communities of origin or families for the repatriation/return of ancestral remains presuppose their prior knowledge about the presence of such human remains in a particular collection. In best case scenarios, such knowledge could have been obtained from their prior research, confirmed oral accounts, accessible databases with appropriate interfaces or from sustained awareness created by such repositories. In the case of holding institutions/repositories, such awareness revolves around an ethically proper and scholarly sound approach. Efforts need to be deployed to facilitate decision-making by communities of origin in view of the repatriation (or not) of anonymized human remains. Creating the appropriate conditions of reception should be financially facilitated by governmental support from the side of countries where the human remains in question are held at present, if this demand is expressed.

c) Both the described complexities and the lack of knowledge accentuate the need for proactive approaches of holding institutions. The 2020 Guidelines of the so-called “3 roads strategy” on the documentation and digital publication of collections from colonial contexts held in Germany stress the need of transparency¹, but this is in need of greater precision: Holding institutions need not only investigate their holdings but they also need to reach out to communities who may be concerned. They also need to raise awareness about specific remains in such holdings and assist specific communities with information about specific human remains that have been identified to have a high likelihood of relating to members of these communities. Holding institutions therefore need to be urged to contribute to the awareness creation and empowerment of communities of likely origin by providing information on options for claiming or returning the remains of their ancestors. These communities must be invited to be involved at the earliest possible stages of the investigation.

¹ [The Guidelines](#) refer to the “Framework Principles” from 13 March 2019; Considerable efforts to raise transparency have been deployed recently to create one central access to [a digital public repository of collections from colonial contexts](#) in Germany. By 24 May 2022, the Deutsche Digitale Bibliothek [has made 6.639 objects searchable](#), but not any human remains.

d) The possibility of countervailing claims, mainly by African states vs. communities of origin, can pose a conceivable problem. Holding institutions should avoid instigating or aggravating such conflicts. Encountering such problems should not in any case impinge on the resolution to go ahead with requisite steps, in particular with provenance research and a proactive information policy, as stated above.

e) After repatriation, the former holding institution has to deal with the resulting ‘voids’ in the collection. Different forms of remembering problematic aspects of its history can be conceived, but minimally, both the history of a collection and the proceedings around repatriation need to be safely documented and made accessible at all times.

f) It is important to note that the remains in many collections do not hail from one single continent. There might be a need to prioritize the holdings by favouring well-established contacts for the sake of early repatriation. However, it is essential not to leave any known community of origin out².

g) Correspondance by letters and other important written sources that prove the implication of individual German military officers, collectors or intermediaries can help in elucidating the provenance of human remains from colonial times in existing collections. Frequently they are in private hands or locked away by the families of relevant historical protagonists. Appropriate legislation – and also diplomacy, particularly when nationals in other countries are involved – may be necessary to enable access to such private archives.

h) The German set-up of relevant institutions on a national, state and municipal level is at times an obstacle to swift restitution, but also complicating research endeavors. The establishment of a clearing house at a national level - where decentralised research results and restitution claims are screened and further orientation given - is necessary.

2. **Ethical concerns** have to be incorporated in research designs and documentations. For communities of origin, human remains stored in collections are most of the time still considered as “ancestors” and not as research objects or specimens. This means great care is needed as far as terminology, photographic documentation and display of older published results (potentially racist in their essence or form) are concerned. Existing information should be commented, critiqued and deconstructed with new scientific facts and confronted with provenance findings. The overarching consideration should be the aim of re-humanizing objectified human remains in and through the process of restitution, viz., repatriation/return.

3. Criteria for establishing a **priority list** of human remains to be investigated (and repatriated) on the basis of various appropriate forms of provenance research have to be discussed and made transparent to all parties concerned. Such transparency needs to pertain to the partners/communities who

² These Policy Recommendations have been written in the framework of a German Lost Arts Foundations-sponsored research project on provenance research with a repatriation perspective at the University of Freiburg and focussing on the colonial „acquisitions“ within the Alexander Ecker collection, which contains not only colonially acquired human remains – and the former do not only hail from Africa. This policy paper will be complemented by an annex with recommendations particularly for the University of Freiburg.

will receive the human remains through repatriation. Given the frequently high number of itemized human remains in storage, it is essential to focus on specified parts of the holdings – criteria for prioritization could be adjusted in light of ongoing research – otherwise no repatriations are to be expected in a foreseeable future. Again, such decisions involve ethical risks and dilemmas such as neglecting research-intensive cases in the interests of finalizing a dossier quickly. Research-related problems (paucity of methodological tools, insufficient documentation, lack of funding) need to be communicated clearly, and full information (such as inventories) about the basis of such decisions must be laid open. This is again in line with the Guidelines for a “3-road strategy”.

4. It can be surmised that the full set of available research methods cannot always be totally applied in each particular case. From this follows the fact that, an **informed identification of (necessary/sufficient) methods** is important to reach an acceptable level of accuracy in identification (or identity determination processes). Triangulation of relevant methods is the strategic approach – not application of all thinkable methods. Communities of origin must be involved in such decisions and choice of methods wherever possible. It would not be sufficient to supply ex post information.

5. Where repatriation in the sense of burial at home turns out unfeasible or impossible, alternative solutions need to be explored in close consultation with relevant stakeholders. The **range of options** in such cases should be addressed openly and with a clear awareness that such options will not be defined exclusively or even primarily by holding institutions. Relevant avenues can include a dignified burial. Indeed, the recent debate about human remains found in the proximity of the former Kaiser-Wilhelm-Institut für Anthropologie in Berlin also points to potential risks and pitfalls. In this case, the destruction of evidence through cremation raises eyebrows. Cremation decisions should in no case be taken unilaterally by holding institutions.

This brings to the fore questions about **appropriate remembrance** of past injustices which might involve the need for further investigation. Such needful investigations can be conducted into issues such as de-personalisation or even criminal acts committed in the name of scientific research in Universities (and there-in particular faculties or departments) in the past. Eugen Fischer’s account of the grave robbery he ordained near Walvis Bay (Begegnungen mit Toten), is a case in point, conveying a clear awareness of the transgression on Fischer’s part. Holding institutions are invited to invest in documentation and publication of such acts by their former members and employees, issue public apology and create sites of remembrance.

6. Bio-anthropology, with its sophisticated methods, could in some cases bring back identity to human remains and therefore help in their **re-personalisation**. The choice of such methods as applied to specific cases cannot be a unilateral decision to be taken by only a group of researchers; such a choice must be guided by a high ethical standard that systematically and continuously involves the wishes of communities concerned and/or the posterity of the respective victims. Re-personalisation could be a further stated finality or closure of provenance research.

7. Some human remains of the same individual could be distributed over several collections, a further aspect of inhumane objectified handling. **Reuniting the human remains** is an imperative before any

restitution can happen. In such cases, appropriate measures must be taken for a dignified procedure that takes into account ritual and spiritual requirements.

8. Provenance research on human remains may reveal continued **maltreatment of human remains in their afterlife**, i.e. in collections. Frequently, skeletons were assembled from different bodies, teeth glued in at the wrong places, some parts stolen or disappeared etc. – contradicting the narrative of “exact science” that racist researchers wanted to convey about their approaches. Provenance research should expose not only the denial of human dignity suffered by the human remains concerned, but also the lack of accuracy which is expressed in such practices. Such research needs to deconstruct dominant narratives and help echo counter-narratives of the formerly colonized (and other vulnerable, but non colonized) societies. Where possible, one should conduct investigations into why practices that were in obvious violation of any scientific standards (even under the premise of race ‘science’) were so common.

9. Confronting an obsession to prove superiority/inferiority of races in bio-anthropological research (particularly between mid-19th and mid-20th centuries) should not be confined to the acquisition of human remains within a “colonial situation.” This is because it was not only areas under European colonization that were subjected to these cruel practices. Other, non-colonized and vulnerable populations, e.g., in the case of the Alexander Ecker Collection, remains of inhabitants of Black Forest villages, of the poor and of executed culprits also ended up in collections. Notably, the lack of access to information, lack of research capacities, lack of voice, and anti-colonial resentments still characterize **asymmetrical relations** between holding institutions in various parts of the world and communities of origin. This overall situation necessitates a profound new beginning of research cooperation based on mutual respect. Such an approach may imply serious interrogation of fundamental tenets of science, such as those critiqued in some quarters as objectification of ‘study materials,’ in this case, human remains.

10. The advocated new form of transparent, cooperative, dignified and circumspect provenance research on human remains should gain more visibility in Germany and should influence **memory politics** on Germany’s colonial past – which still is underrepresented in the public sphere. Multisited research including in African countries is frequently necessary in order to clearly identify locations of colonial crimes and enable a better targeted restitution. Local knowledge, mostly contained in oral history, but at times also in African archives, is an underrated element in provenance research. In many cases where research projects have offered only a rough identification, follow-up research projects in Africa are needed. In this context one further practical issue has to be dealt with: Transferring research funds directly to African research institutions must be made possible, responding to the currently voiced grievances on limitations of German research cooperation with the Global South.

11. From African perspectives, transparency also is lacking on account of the intricacies of the German multi-level political system, which often translates into complex relations of formal ownership of holding institutions. Pending the creation of the above-mentioned clearing institution, it is incumbent on German researchers involved both to clarify these issues for their African partners as well as communities of origin, and to **facilitate the necessary intra-German negotiation processes**.

12. The **contribution of African scholarship** to scientific progress in the described field should be clearly acknowledged and appreciated to enhance collegial spirit by German scholars and above all to highlight the indispensable perspectives of the Global South (not only) in issues concerning human remains.

13. While it is rather obvious that **rituals** are performed upon the reception of human remains back in African communities, the lack of any such high-profile ceremonial acts on the German side in most instances of restitution is blatant. German authorities are invited to develop decent circumstances and provide more solemnity and visibility to these processes.

14. What happens before, during and after repatriation to source communities **in Africa** should not be viewed as banal. Governments may not respect the wishes of communities concerning their repatriated ancestors. Cross-border communities may lack access to governments or may not feel adequately represented by any government exercising control in the relevant region. A top-down ambition to celebrate “freedom fighters” may not dovetail with the bottom-up wish for a decent burial in a given home area. Again, burial at home is predicated on a kind of provenance research that seems to be feasible only in very few cases (given precisely the practices of depersonalization). Empowerment, representation, participation, public education and public discussion could form part of memory politics on the African side. At the same time, utmost transparency and serious efforts to communicate the methodological issues, including limitations of various kinds (in terms of information available or implications of methods employed) falls within the responsibility of holding institutions.

15. Obviously, many of these considerations will also apply to collection practices **in Germany** and western countries in general³. This opens a perspective for such work to take into consideration some of the more basic tenets of the scientific quest, to do with processes of abstraction, categorization, objectification which are inherent in any case in mainstream science. This is certainly an issue too large for a project such as ours, but still a trajectory that may help to de-provincialise the approach we are looking for.

³ Cf. Hund, Wulf D. *Entfremdete Körper: Rassismus als Leichenschändung*. transcript Verlag, 2009.

Annex: Recommendations for the University of Freiburg

In the following, we elaborate on some of the elements developed in the main Policy Paper with a view on possible action by the authorities at different levels of Freiburg University. It is obvious that major decisions cannot be taken by the University independently – most decisions pertaining to restitution are dependent on decision-making at the level of the State of Baden-Württemberg –, but some latitude of action does exist. The collection of human crania in Freiburg University, though composed of a broad range of origins, is one of the most obvious remnants of a colonial past of the University; but not the only one.

The following recommendations – with a focus on Africa – have been formulated at this stage within the provenance research project related to the Anatomical-Anthropological Collection. However, they need to be discussed within the Rectorate, the Academic Senate and possibly by all relevant Faculties from a broader perspective.

General aspects:

- a) **Identifying and acknowledging all problematic aspects of the University’s history during colonial times** is an urgent task. The available information collected in some earlier work has to be complemented by aspects that have not yet been appropriately researched. It is recommended that the University should spell out its own research agenda in this regard. One possible and desirable way forward is the creation of a Chair of “Studies in Decoloniality”⁴ at the University of Freiburg. Introspection is necessary: From life sciences through the humanities, entire fields of study were developed in relation to the colonial experiences, either participating in the legitimation of the entire colonial endeavor or formulating research agendas that called for an often violent intrusion into the lives of subjugated population/groups in colonized territories.
- b) The obsession with “scientifically” proving or justifying perceptions of superiority/inferiority of races has not been confined to bio-anthropological research at Freiburg University; it is evident in other disciplines as well. It would be a good start to more broadly investigate the University’s role in the legitimation of the colonial endeavor and in formulating colonially inspired research agendas by convening a **symposium** with representatives of all faculties and institutes involved. It is also essential to question current research practices in order to decolonize/discontinue research based on colonial legacies.
- c) However, introspection is not enough: **The University is invited to formulate appropriate policies of publicly remembering** not only its role during the Nazi dictatorship, but also to factor in preceding developments, including the widely supported science of race/eugenics studies that was instrumental in crimes against humanity already from the late 19th century onwards. It is suggested to link these activities to a dedicated and visible space for continuous information and exchange (*Lernort*) about the University’s Colonial Past,

⁴ See the [definition of “Decoloniality” by the “Decolonizing the Humanities” project](#) at the William & Mary Public Research University: “Decoloniality is a way for us to re-learn the knowledge that has been pushed aside, forgotten, buried or discredited by the forces of modernity, settler-colonialism, and racial capitalism”.

- d) It is urgently recommended that the University should involve **international, including African, experts** in this work of decolonisation.

Specific aspects of recommendations pertaining to the Anatomical-Anthropological Collection:

- e) Provenance research on the so-called Alexander Ecker collection (correctly Anatomical-Anthropological Collection) has to be continued with the aim to provide **sufficient evidence** of the identity of as many persons as possible whose skulls or body parts are kept in this collection.
- f) The **history of the collection** and the proceedings around repatriation have to be carefully documented, safely stored and made accessible at all times.⁵
- g) **Documentation needs to be made broadly available** in order to allow communities of origin / families to be informed on ancestral remains and consequently, putting them into a position to ask for the return of such remains.⁶
- h) **Scholars from Africa** (and other colonized areas) should be proactively invited to contribute to all aspects of research and decision-making in this context. The University of Freiburg already has a network of contacts and structures to welcome our colleagues (but not all of them are sufficiently equipped).⁷
- i) The Rectorate of the University of Freiburg should instantly nominate a **committee with a mandate to formulate recommendations/guidelines** of decent remembrance of persons that can be identified and also any persons who remains anonymous and whose body parts were stored and/or used in the University's teaching and research.
- j) **„Repairing“ post-mortem injustice** associated with the fragmentation of human remains is a concrete purpose in the Freiburg-based collection: a skull originating from a Berlin-based collection has been found. Reuniting dispersed human remains is an imperative before any restitution can happen. At the University of Freiburg this applies currently in particular to a human crania which has been severed from the skeleton, which is known to be in Berlin (M0001/1570). Here, the University is called upon to proactively negotiate with the holders of the Richard Virchow collection (Berliner Gesellschaft für Anthropologie, Ethnologie und Urgeschichte). It should be stressed that also transferring body parts of “ancestors” from one place to the next must be “accompanied” in an appropriate manner and preferably by appropriate members of the relevant community.
- k) A first **priority list of human remains** to be fully investigated and repatriated on the basis of appropriate forms of provenance research should be quickly established. Currently, priority should be given to the Maka skulls and the Wahehe skull in the collection. The University should provide a sound process for a continuous review of this priority

⁵ The [University Archive already provides notable transparency](#) on the collection.

⁶ The University of Freiburg is one of the 25 institutions included in the [pilot project of the Onlineportal Sammlungsgut](#) aus kolonialen Kontexten. Documentation on Alexander Ecker [has been made available](#) in the Deutsche Digitale Bibliothek.

⁷ For some [information of the underlying project for this Policy Paper and annex read here](#). Both ACT and FRIAS have been involved in welcoming individual African scholars committed to research on provenance and repatriation/restitution, but they lack resources to expand their activities in this regard.

list. A vital step towards rehumanizing the remains would be the deaccessioning of human skulls of colonial origin. This will moreover allow their return, but will also signal the willingness to end “ownership” in the sense of a property claim. Clearly, this move entails that the University and/or the Land of Baden-Württemberg would no longer be the legal “owner” of “objects”. In legal terms, a separate entity would have to be designated to serve as a trustee for the relevant part of the collection. In this perspective, the university should enter into talks with the state government.

- l) The University of Freiburg (and possibly the trusteeship after deaccessioning) must be prepared to **handle countervailing claims**, while striving to avoid the instigation or aggravation of conflicts between communities of origin or communities and state of origin.
- m) While it would be desirable to achieve the return of a maximum number of human remains to their places of origin, this will most probably be achieved only for part of the collection. The University – assisted by the “Land” – has to be prepared to **provide a decent place of storage** of human remains whose return is not requested. The minimum requirement for a dignified way of doing so is to relocate them in miniature coffins (rather than in boxes).
- n) **Re-personalisation** might be a way of doing justice to individuals whose human remains have ended up in Freiburg’s University collection. The University may have to think about appropriate methods to allow for re-personalisation, including different disciplines and strands of research. This can be one scope of work for the proposed ‘Chair of Decoloniality Studies’ in Freiburg University.
- o) The University’s **memory politics** on its involvement in colonial injustice relating particularly to the aforementioned collection would potentially and minimally include installing a commemorative plaque, or contextualizing the once publicly available Alexander Ecker bust (today in storage) or any other appropriate and sincere way to show recognition of yet another problematic aspect of its history.
- p) It is also important to think about the **afterlives of this project** funded by the German Lost Arts Foundation. Foreseeable institutional changes at Freiburg University should not preclude further research or restitution. Quite to the contrary: There are a number of loose ends whose investigation are both promising and urgent, including the complex multi-stage voyage of Doctori Jacob Koffie as a living individual and his skull after his death in 1838 in the Netherlands, ending up in the Freiburg collection. In other cases, the exploration of further archival records including the papers of the key personality of Eugen Fischer now privately held in Zürich could reveal more detail on the provenance of other human remains. This urgent task would persist also after any restitution.

It is important to note that the remains in the Anatomical Anthropological Collection in Freiburg University are not only from Africa, but also from other communities in other regions of the world, including Germany. The collection was not specifically designed to include human remains from non-European regions, but in fact includes mostly European human remains from various periods. It is beyond the scope of this project to recommend further action in their regard. However, we should be aware of them, and the overarching problems related to the use of human remains in various science disciplines.