

Book Chapter

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The Auction of Human Remains: Challenges, Case Studies and Reflections

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Introduction

The trade in human remains is a multifaceted issue that touches on deep ethical, legal, and cultural concerns. From historical practices to contemporary challenges, the commercialization of human remains raises critical questions about respect for the deceased, consent, and the potential exploitation of individuals whose remains are commodified. This chapter aims to provide a thorough examination of the issues surrounding the trade in human remains, exploring both the legal and illegal dimensions, the ethical implications, and the role of various stakeholders in this complex landscape with a focus on a United Kingdom (UK) perspective.

The commercialization of human remains has been a contentious topic for centuries, rooted in historical practices of anatomical study and medical education. Today, the trade has evolved, encompassing a range of activities from legitimate scientific use to questionable auctions and online sales. The issue is compounded by the existence of a grey market where legal and illegal activities often intersect, making regulation and ethical oversight challenging. The sale of human remains, whether through traditional auction houses or online platforms, raises significant ethical concerns about the objectification of human bodies, the potential for exploitation, and the violation of cultural and personal dignity.

Understanding the legal trade in human remains is crucial for comprehending the broader context of illegal activities. Legal sales, often justified for educational or scientific purposes, can inadvertently fuel illegal markets by creating demand and providing a cover for illicit transactions. This interconnectedness complicates efforts to regulate the trade and protect human rights. Examining how legal avenues can facilitate illegal activities provides a nuanced understanding of the challenges faced by law enforcement and regulatory bodies. It also highlights the need for comprehensive legal frameworks and robust ethical guidelines to mitigate these issues.

The primary purpose of this chapter is to illuminate the ethical, legal, and societal dimensions of the trade in human remains.

By tracing the historical evolution of the trade, from early medical and anatomical uses to contemporary practices, the chapter will offer insights into how past practices inform present-day challenges. A significant focus will be on the ethical dilemmas posed by the commercialization of human remains, including real-world examples drawn from personal experience. This includes discussions on consent, respect for the deceased, and the implications of treating human bodies as commodities. Through these case studies, the chapter will illustrate how these ethical concerns manifest in practice, particularly in the context of modern auctions. The chapter will review existing laws and regulations governing the trade in human remains, highlighting both strengths and gaps. This includes key legislation such as the (Human Tissue Act 2004) and its impact on current practices. Auction houses and online platforms play a pivotal role in the trade of human remains. This chapter will scrutinize their responsibilities, the challenges they face, and the criticisms levied against them. Through detailed case studies, the chapter will illustrate the real-world complexities and ethical dilemmas associated with the trade in human remains. These case studies will provide a grounded understanding of the theoretical discussions. The role of new technologies, such as computer vision and machine learning, in monitoring and regulating the trade will be explored. While these technologies offer significant benefits, they also raise new ethical concerns. Finally, the chapter will propose pathways towards more ethical and regulated practices. This includes recommendations for stricter regulations, better enforcement, and more responsible handling and display of human remains.

By addressing these objectives, the chapter aims to contribute to a more informed and ethical approach to the trade in human remains. It seeks to foster a dialogue among stakeholders, including policymakers, academics, auction houses, social media companies and the general public, about the importance of respecting human dignity and preventing exploitation in the trade of human remains. Through a comprehensive exploration of historical context, ethical considerations, legal frameworks, and modern practices, this chapter will provide a robust foundation for understanding and addressing the complex issues surrounding the commercialization of human remains.

The legal sale of human remains

The commercialization of human remains has evolved significantly from historical practices to contemporary challenges, shaped by various legislative milestones and ethical considerations. Understanding this evolution is crucial to appreciating the current regulatory and ethical landscape that governs the handling and sale of human remains.

Timeline

Throughout the sixteenth to eighteenth centuries, the sale of human remains was prevalent, often associated with anatomical dissections for medical education and research purposes. The lack of regulations led to the unauthorized procurement and sale of bodies for anatomical studies (Ghosh 2015). Moving into the nineteenth century, the Anatomy Act of 1832 in the UK was a significant legislative development aimed at regulating the supply of bodies for anatomical purposes. This act sought to address the illicit trade in human bodies and introduced measures for the legal procurement of cadavers (UK Parliament 2014). By the mid-twentieth century, the Human Tissue Act of 1961 in the UK further refined regulations concerning the use and storage of human tissue for medical and scientific purposes. This legislation aimed to ensure ethical practices in handling human remains (Human Tissue Act 1961). Following a major scandal across several hospitals who retained human tissue without consent, significant legislative changes were required. The Human Tissue Act of 2004 in the UK was a pivotal moment in the legal framework surrounding the sale of human remains. This act introduced stringent regulations governing the removal, storage, and use of human bodies, organs, and tissue, including provisions to prevent unauthorized trading (Human Tissue Act 2004).

Between 2012 and 2013, researchers analysed data from 454 sales of human skulls on eBay, shedding light on sales trends. This review highlighted the challenges of regulating the online trade of human remains (Halling and Seidemann 2016). Although focused on a USA rather than a UK perspective, Halling and Seidemann's review discussed the effectiveness of state laws in deterring such transactions. Especially as in 2015 the sale of a human skull at an auction in Sussex raised ethical concerns, emphasizing the need for continued discussions on the commercialization of human remains and the implications of such transactions (della Dora 2009; McCorristine 2015). More recently, in 2019, advancements in technology, such as computer vision and machine learning, were used to investigate human remains trafficking online. These technological developments aimed to enhance understanding of the online trade in human remains and address ethical dilemmas associated with such activities (Huffer et al. 2019).

The timeline in Figure 1 depicts the evolution of the sale of human remains from historical practices to contemporary challenges, highlighting key legislative milestones and ethical considerations surrounding the commercialization of human remains.

<Insert Figure 3.1 here.>

Legal Frameworks

In the UK the handling and commercialization of human remains are governed by strict consent requirements as outlined in the Human Tissue Act (2004). The Act emphasizes the necessity of obtaining informed consent for the removal, storage, and use of human tissue. It also stipulates that consent must be explicit and documented, ensuring that the wishes of the deceased and their families are respected. These ethical guidelines are critical in preventing the commodification of human remains and maintaining public trust.

Ethical considerations in the handling and commercialization of human remains are rigorously addressed by the Human Tissue Authority's (HTA's) guidelines. According to the public guide, consent is fundamental to the lawful removal, storage, and use of body parts, organs, and tissue. The Human Tissue Act (2004) specifies that appropriate consent must be obtained for different purposes, whether from living or deceased persons. This ensures that the dignity of the deceased is respected and that activities involving human tissue are conducted ethically (Human Tissue Authority 2024).

The Act outlines "scheduled purposes" for which human tissue can be used, including anatomical examination, determining the cause of death, public display, research, and transplantation. For these activities, consent is required to ensure legal compliance and ethical integrity. However, the Act does not cover human remains over 100 years old or certain human materials such as hair and nails, which may not require the same level of regulation but should still be handled with care and respect.

The ethical handling and commercialization of human remains are rigorously overseen by the HTA. The framework agreement with the Department of Health and Social Care underscores the HTA's responsibility to ensure that all activities involving human tissues are performed ethically, with proper consent, and under stringent regulatory oversight (Department of Health and Social Care and Human Tissue Authority 2022). This framework not only protects individual rights but also addresses broader ethical concerns, ensuring that the commercialization of human remains does not compromise ethical standards and public trust.

The HTA's commitment to ethical standards and public accountability is evident in its rigorous inspection and licensing processes. The Annual Report 2022/2023 highlights that the HTA conducted 210 inspections, focusing on high-risk areas while using innovative inspection models to enhance efficiency and effectiveness (Human Tissue Authority 2023). High-risk areas identified by the HTA include the post-mortem sector, due to the need for careful handling of recently deceased individuals, and the anatomy sector, involving the use of human bodies for medical education and research. While the report does not explicitly list the sale of human remains as a high-risk area, it emphasizes the importance of consent and proper documentation for any activities involving human tissue. This includes ensuring that human remains are more than 100 years old if they are to be exempt from certain regulations under the Human Tissue Act (2004). This approach underscores the importance of maintaining high ethical standards in the handling and commercialization of human remains (Department for Culture 2005).

The ethical considerations in the public display of human remains are meticulously addressed by the HTA's standards. The guidance emphasizes the importance of obtaining informed consent and maintaining the dignity of the deceased. It outlines procedures for ensuring that human remains are treated with respect, including specific requirements for the documentation and verification of consent, governance frameworks, and traceability measures. These protocols are essential for maintaining public trust and ethical integrity in the display and potential commercialization of human remains. The ethical considerations in the public display of human remains are meticulously addressed by the HTA's Code of Practice. It also provides guidance on handling sensitive material, which includes ensuring that human remains are treated with the utmost respect and that their display serves an educational or commemorative purpose rather than mere spectacle (Human Tissue Authority 2024).

The British Association for Biological Anthropology and Osteoarchaeology (BABAO) Code of Ethics (British Association for Biological Anthropology and Osteoarchaeology 2019a) provides a comprehensive framework for the respectful and lawful handling of human remains. The code emphasizes that human remains should never be considered private property and must always be treated with dignity and respect. It explicitly prohibits the trafficking, selling, or illegal appropriation of these remains, ensuring that any transactions involving human remains are transparent and ethically justified. Proper handling, packing, and transportation protocols are essential to prevent damage and ensure the respectful treatment of remains during auctions (British Association for Biological Anthropology and Osteoarchaeology 2019a).

Ethical Considerations

The commercialization of human remains raises profound ethical considerations regarding respect for the deceased, consent, and the potential exploitation of human skeletal material. Auctioning human remains can lead to the objectification of individuals and their remains, sparking debates on the ethical implications of treating human bodies as commodities. An example of a sale of a human skull at an auction in Sussex serves as a poignant example that underscores the ethical concerns surrounding the commercialization of human remains (McCorristine 2015).

Consent

A paper by McCorristine (2015) looks into the ethical considerations surrounding the sale of human remains, specifically focusing on the auction of John Parker's skull, who was executed in 1813 for robbing Henbury Church and De Boudrie's School. The sale of Parker's skull raises significant ethical concerns due to the likelihood of it being illicitly obtained by medical professionals, leading to a discussion on consent and the implication of objectifying human remains without proper context. McCorristine (2015) underscores the need to address issues of context and consent when dealing with the sale and display of human remains, urging for a more intimate and informative approach, especially in museum settings.

In museum settings, the ethical considerations surrounding the sale and commodification of human remains involve educating the public while respecting the dignity of the deceased. This requires providing comprehensive contextual information to explain the historical, cultural, and scientific significance of the remains, avoiding their objectification as mere curiosities. Museums must also navigate the complex issue of consent, increasingly seeking and honouring the wishes of descendant communities in decisions about the display and interpretation of remains.

The issue of consent in relation to historical medical collections presents a significant ethical challenge. Often, consent was either not obtained at the time of collection or, if it was, the documentation has not been preserved. This situation prompts critical questions regarding the continued use of such remains: does their historical use for teaching purposes justify their ongoing utilisation? Additionally, the concept of an expiration date on consent must be considered, especially in cases where no living relatives can be contacted. Moreover, there is a need to determine the appropriate course of action for remains that are no longer used for educational or research purposes. Addressing these complex issues requires a thorough re-

evaluation of the ethical guidelines governing the handling and use of historical human remains.

In the context of educational use, Coman et al. (2022) stress the ethical principle of autonomy, which requires explicit consent for using human remains in education. They argue that without such consent, the use of these bones cannot be ethically justified, especially when high-quality replicas are available. The authors call for a nationally consistent process to manage the legacy of human bone sets in education, underscoring the need for respectful disposal and handling of human remains.

Jarus (2020) highlights the ethical implications of the online trade of human remains, noting that the sale of looted skulls and other remains often occurs without proper consent or provenance. This lack of transparency not only violates ethical principles that mandate respect and dignity for the deceased but also facilitates the exploitation of vulnerable communities. Jarus's insights reinforce the ethical concerns raised by other researchers about the commodification and objectification of human remains in digital marketplaces.

Furthermore, the paper written by McCorristine (2015) draws attention to the historical injustices related to the movement and display of human skulls, particularly those of executed criminals, emphasizing the risks of theft and objectification by collectors. It also touches upon the broader issue of the global marketplace in objectified body parts, shedding light on the disturbing nature of such practices. The author advocates for a nuanced understanding of the complexities surrounding the display and sale of human remains, urging for a more thoughtful and ethical approach that considers the wishes of the deceased individuals.

The ethical considerations surrounding the commercialisation of human remains are further complicated by the advent of new technologies. Huffer, Wood, and Graham (2019) explore the ethical questions posed using computer vision and machine learning in this context. They argue that while these technologies can significantly enhance the monitoring and regulation of online human remains trafficking, they also raise concerns about privacy, consent, and the potential for surveillance overreach. These ethical issues must be addressed to ensure that the use of technology in this field is both effective and respectful of individual rights.

Commodification

The commodification of human remains raises profound ethical dilemmas, particularly concerning the dehumanization of individuals through commercial practices. The ethical

considerations extend beyond simple legality, involving deep-seated moral questions about respect and dignity (Volper 2023). Breda (2023) critically examines the commodification of human skeletal remains in online marketplaces, highlighting the transition from personhood to objecthood. This transformation often occurs without considering the provenance or obtaining consent from the deceased, raising significant ethical concerns about the respect and dignity accorded to human remains. Breda argues that when remains are transformed into art or collectibles, they are stripped of their human identity and reduced to mere objects, posing profound ethical dilemmas.

This issue of commodification is further elaborated by Mahoney (2000), who discusses the ethical tension between commodification and altruism in the market for human tissue. Mahoney emphasizes that while the commercialization of human biological materials is widespread, it raises significant ethical concerns about treating human body parts as commodities. She advocates for ethical guidelines that balance commercial interests with respect for human dignity, echoing Breda's concerns about the objectification of human remains. Similarly, Huxley and Finnegan (2004) address the ethical dilemmas posed by the online sale of human remains. They emphasize the commodification of human bones without proper consent or provenance, which leads to the exploitation and objectification of human remains. The lack of transparency and documentation in online sales exacerbates these ethical concerns, aligning with the critiques raised by Breda (2023) and (Mahoney 2000).

The ethical implications of trading human remains on social media platforms are profound. According to Graham and Huffer (2020), the visibility and accessibility of human remains for sale on the social networking site Instagram raise significant ethical concerns. These include the commodification of human bodies, the potential for exploitation, and the disrespect towards the deceased. The authors argue that the ease with which these remains can be bought and sold online necessitates stricter ethical guidelines and a more vigilant approach to monitoring and reporting such activities. Considerations often hinge on the question of ownership and property rights. Wall (2011) argues that while control rights over body parts can be justified based on personal autonomy and self-ownership, income rights, where individuals can profit from the sale of body parts, are harder to justify ethically. This distinction is vital in the context of auctions, where the ethical implication of treating human remains as commodities must be carefully examined.

The ethical considerations surrounding the commercialisation of human remains are deeply intertwined with the concept of body ownership and property. (Phillips 2011) argues

that treating bodies as property commodifies them, which can obscure the power relations and inequalities inherent in such transactions. She highlights the importance of recognising bodies as integral to personal identity, not just as objects for trade. This perspective questions the ethical acceptability of markets in human remains and calls for a re-evaluation of our approach to bodily integrity and autonomy.

However, even with the advent of new technologies through imaging and modelling capabilities it is important to consider that the creation and use of 2D and 3D digital images of human remains must be justified with a valid educational or research purpose and carried out with the utmost respect for the dignity of the deceased (British Association for Biological Anthropology and Osteoarchaeology 2019b). Digital imaging offers significant preservation benefits by reducing the need for physical handling, thus preventing damage and degradation. This is particularly relevant in auctions, where the remains might be handled multiple times. Moreover, the sharing and display of digital images should be conducted transparently and ethically, ensuring that all necessary permissions are obtained, and that the images are contextualized appropriately to avoid sensationalism (British Association for Biological Anthropology and Osteoarchaeology 2023). These guidelines help ensure that the auction of human remains adheres to high ethical standards, protecting both the integrity of the remains and the sensitivities of associated communities.

Lavoie (1989) considers the ethical dilemmas of treating human tissue as property, particularly concerning consent and the potential for exploitation. Lavoie argues that a property-based approach to human tissue can undermine ethical principles, leading to commodification that conflicts with public trust and ethical standards. This perspective aligns with Herring and Chau (2014), who emphasize the ethical complexities of treating human bodies as property. They argue that such an approach fails to respect the dignity and interconnected nature of human bodies, advocating for a view that emphasizes the social and ethical dimensions rather than reducing them to mere property.

Cultural Sensitivity

The ethical implications of collecting and commercializing human remains are deeply rooted in historical practices. Govor and Howes (2020) illustrate how the acquisition of remains, such as the ornamented skulls from Nuku Hiva collected during Russian expeditions, often disregarded the sanctity of Indigenous cultures and burial practices. This historical context underscores the ethical issues we face today, where the commercialization of human remains

must be carefully weighed against the need for respect and reparative justice for affected communities. These implications are starkly illustrated by the historical skeleton trade in India. During the Bengal famine of 1943, entrepreneurs profited by exporting skeletons of famine victims, a practice that continued for decades. This trade not only commodified human remains but also involved unethical sourcing practices, such as body snatching and exploitation of the impoverished Dom community, who traditionally handled the dead (Banerjee 2014). These historical practices highlight the ongoing ethical challenges in the commercialization of human remains, stressing the importance of ethical guidelines and respect for human dignity as the commercialisation is deeply intertwined with their historical acquisition. Agarwal (2024) discusses how skeletal remains from India, often obtained through dubious means during colonial times, continue to be used in educational institutions without sufficient ethical scrutiny. The commodification of these remains, stripped of their personhood and historical context, raises significant ethical questions about consent and the dehumanisation of individuals (Agarwal 2024). Addressing these issues requires a re-evaluation of current practices and the development of ethical guidelines that respect the dignity of the deceased.

The ethical considerations of commercialising human remains are further complicated by the illicit trade, as detailed by Huffer and Chappell (2014). The authors discuss how the trade often involves remains that are “nameless and faceless,” lacking proper provenance and often obtained through unethical means such as looting and grave robbing. These practices not only violate the dignity of the deceased but also disrupt the cultural and historical heritage of communities. Addressing these ethical concerns requires a multifaceted approach, including stricter regulations, ethical guidelines, and public awareness.

In the context of cultural heritage, Klesert and Powell (1993) argue for respecting the cultural values and rights of descendant communities in the treatment of human remains. They emphasize that archaeologists have no inherent right to access or retain human remains and that respecting diverse cultural views does not undermine academic freedom. This view is supported by Gareth Jones and Harris (1998), who stress the importance of considering the cultural and spiritual significance of human remains in archaeological and anthropological research. They highlight the guidelines provided by the Human Tissue Authority in the UK, which ensure that human remains are handled with cultural sensitivity and respect, preventing their commodification.

Kaufmann and Rühli (2010) and Jones and Whitaker (2013), explore the ethical challenges posed by the public display and study of ancient remains. Kaufmann and Rühli argue that modern bio-medical ethics, which emphasize informed consent and respect for individual autonomy, are often not applicable to ancient remains. Similarly, Jones and Whitaker highlight the lack of consent and potential disrespect towards the deceased in the public display of human bodies, raising significant ethical concerns about dignity and respect.

Goold et al. (2014) discuss the ethical complexities involved in the use of human body parts, particularly balancing scientific advancement with respect for human dignity. Goold argues that while the property model provides a means to regulate tissue use, it may not adequately capture the emotional and psychological significance of human bodies. Foster, on the other hand, emphasizes human dignity as a comprehensive ethical framework, supporting the view that human tissue should not be treated merely as property but respected as part of a relational and thriving human being.

Dias (2015) extends the concept of human dignity to include the treatment of human remains, arguing that ethical frameworks must address the sanctity of human remains to ensure they are treated with respect and not commodified. This is particularly relevant in the context of public displays, as seen in the BODY WORLDS exhibition, which underscores the importance of obtaining informed consent and maintaining the dignity of human remains.

Halperin (2007), and Cassman and Odegaard (2004) highlight the historical and ethical issues associated with the use of cadavers and the preservation of human remains. Halperin documents the disproportionate targeting of marginalized and vulnerable populations for dissection in medical schools, emphasizing the importance of historical awareness in shaping contemporary ethical practices. Cassman and Odegaard (2004) argue for cultural sensitivity and respect for indigenous communities in the preservation of human remains, ensuring they are not commodified.

Balachandran (2009) and Licata et al. (2020) discuss the ethical complexities in the preservation and exhibition of human remains. Balachandran emphasizes the role of conservators in rehumanizing remains by preserving their associated narratives, arguing for a balance between technical preservation and moral obligations. Licata and colleagues argue for handling human remains with respect and dignity, considering the cultural values of the community and the preservation of intangible heritage.

McCorristine (2015) and Huffer (2024) highlight the ethical dilemmas in the sale and gifting of human remains. McCorristine (2015) argues that the sale of human remains, such as the skull of John Parker, ignores the historical and ethical contexts, advocating against their commodification. Huffer (2024) highlights the exploitation of legal loopholes in the gifting of remains as part of online sales, underscoring the need for comprehensive guidelines to address these ethical issues and prevent the exploitation of human remains in online markets.

Public opinion is significantly shaped by media portrayals and the visibility of auctioned remains on social media platforms. How these platforms frame the trade influences public perception and can either mitigate or exacerbate ethical concerns (Huffer and Graham 2018). Alternatives to current commercial practices suggest pathways towards ethical acquisitions and the use of remains in scientific research. These alternatives emphasize respect for the deceased and aim to restore dignity to the remains and their communities (Huffer and Graham 2018).

As this review demonstrates, the ethical considerations surrounding the commercialization of human remains are multifaceted and complex. It is crucial to develop and adhere to ethical guidelines that respect the dignity of the deceased, ensure informed consent, and protect cultural heritage. By implementing best practices and fostering public awareness, we can address these ethical challenges and promote a more respectful and informed approach to the treatment of human remains.

The role of auction houses

Auction houses have a crucial responsibility in the authentication of items, including human remains. This process involves verifying that the remains are genuine human body parts, determining their origin, and assessing their antiquity to ensure accurate representation. Auction houses must adopt rigorous authentication procedures and seek expert advice when dealing with human remains to uphold ethical standards and legal requirements.

One major criticism is the lack of stringent regulations and oversight. While auction premises may need to register with local councils, requirements vary by location. For instance, auction houses in London must register when selling certain items, but outside London, the necessity of a licence depends on local council regulations. This inconsistency can lead to gaps in regulatory compliance and ethical oversight (UK Government 2025). Moreover, the

penalties for non-compliance, such as fines up to £5,000, may not be a sufficient deterrent for auction houses prioritizing profits. The exemptions for charitable auctions or items not brought onto the premises can also create loopholes that undermine regulatory efforts.

There are a few key professional bodies associated with the auction process and they can play a key role. The Royal Institution of Chartered Surveyors (RICS) is a globally recognized professional body that sets and enforces high standards in the valuation, management, and sale of property, including art and antiques. The RICS Consumer Guide to Buying and Selling Art and Antiques at Auction provides essential guidance on best practices for auction processes, emphasizing transparency, proper documentation, and consumer protection (Royal Institution of Chartered Surveyors 2013). In addition, NAVA Propertymark (the professional body representing valuers and auctioneers under the broader Propertymark umbrella) plays a significant role in setting professional standards within the broader auctioneering and valuing professions, particularly in areas such as fine art, chattels, and property. Originally established in 1988 as the National Association of Valuers and Auctioneers (NAVA), it now forms part of a collective body that supports various sectors of the property and auction industry. NAVA Propertymark unites professionals from valuing, auctioneering, and insolvency to create ethical industry standards based on expertise, integrity, and honesty. By emphasizing continued professional development (CPD), it ensures that members remain informed on the latest legislation and best practices, equipping them to handle a range of items. Moreover, members follow a strict code of practice, which includes due diligence in all transactions (GAUK Auctions 2024). While NAVA Propertymark's remit does not currently extend to the auction of human remains, its established framework for ethical conduct and professional accountability could offer a valuable model for creating clearer standards in this complex area. Collaboration with specialist organizations such as BABAO could facilitate the development of sector-specific guidelines and play a key role in shaping the future of auctioning human remains.

The process of organizing auctions, whether for fundraising or commercial purposes, involves several critical steps. Establishing terms and conditions in advance is crucial and auctioneers must ensure potential bidders have clear and accurate information on the items, allowing them to make informed decisions (Chartered Institute of Fundraising 2024). Providing opportunities for inspection prior to the auction and having detailed information available in printed brochures or digital formats are best practices. However, this raises further ethical considerations, particularly in the production and circulation of images of human remains.

Auction houses often focus on generating appealing images to facilitate sales, rather than considering the ethical implications. BABAO (2019) emphasizes that photographs of human remains should respect the dignity of the deceased and avoid sensationalism. Proper contextualization within their archaeological or historical framework is crucial, alongside securing consent and considering the impact on descendant communities. Ensuring images are stored securely and access is restricted to prevent misuse maintains professional integrity and contributes to the respectful treatment of human remains. However, this approach can conflict with the promotion of remains for sale, which requires wide-reaching dissemination and often online promotion.

The Auctions (Bidding Agreements) Act 1969 outlines specific legal frameworks regarding auction practices. This Act amends previous laws and extends the penalties and conditions under which auction agreements must operate, emphasizing the importance of fair-trading practices and imposing penalties on those who engage in bidding agreements to manipulate auction outcomes. Key aspects of the Act ensure the structured regulation of auction practices and the prevention of fraudulent activities. Offences under the Act can be prosecuted either summarily or on indictment, with penalties including imprisonment for up to two years, fines, or both. Additionally, individuals convicted under the Act may be prohibited from attending or participating in auctions for up to three years, aiming to deter unethical behaviour. The Act also grants sellers the right to void contracts if collusion is discovered, protecting them from fraudulent bidding practices and ensuring a fair competitive environment. To further promote transparency, auction houses are required to exhibit a copy of the Act at sales, ensuring that all participants are aware of the legal frameworks governing auction practices.

These legislative measures aim to enhance the ethical conduct of auction houses and ensure transparency and fairness in auction practices. However, the effectiveness of these regulations depends on rigorous enforcement and compliance by auction houses. They are also focused on the rights of sellers and buyers, not on the rights of the deceased who may be auctioned.

The auction process involves competitive bidding, which can significantly impact the value and sale price of human remains. While competitive auctions are designed to attract multiple bids and drive up prices, this environment can raise serious ethical and legal concerns, particularly when dealing with human remains. The higher prices resulting from competitive bidding can incentivize the trade and commodification of human remains, leading to potential ethical breaches. Auction houses must navigate these challenges carefully, ensuring that all

transactions comply with legal standards and uphold ethical practices to avoid commodifying these sensitive items (Davies and Chubbock 2017).

Auction houses sometimes inadvertently facilitate the sale of culturally sensitive items due to inadequate verification processes. This can lead to auction houses facing significant public scrutiny of their ethical responsibilities when items of questionable provenance are offered. A pertinent example (emerging at the time of writing) is the recent case in Dorset where an auction house withdrew 18 ancient Egyptian human skulls from sale after significant public backlash and ethical concerns. MP Bell Ribeiro-Addy, chair of the all-party parliamentary group on Afrikan reparations, condemned the sale as perpetuating the atrocities of colonialism and a gross violation of human dignity. The skulls, originally collected by Victorian British soldier Augustus Henry Lane Fox Pitt-Rivers, were part of his second collection displayed privately (Batty 2024). The criticisms levied at these institutions often stem from their role in perpetuating historical injustices and their failure to adequately address ethical concerns (Volper 2023). The ethical and legal considerations surrounding the auction of human remains are paramount in the fight against digital heritage crime. As outlined in the updated guidelines by (Boylston et al. 2004), maintaining high ethical standards and adhering to established codes of practice are essential for professionals handling human remains. These guidelines emphasize the importance of thorough documentation and the use of advanced technologies, such as CT scanning and digital databases, to record and analyze skeletal remains meticulously. This meticulous documentation is crucial in establishing the provenance of human remains, ensuring they are legally obtained and ethically handled. By implementing these practices, the archaeological community can help prevent the illicit trade and auction of human remains, thereby protecting cultural heritage and respecting the dignity of the deceased. The integration of digital records and technological advancements also enhances the traceability and transparency of human remains in digital and physical marketplaces, further combating heritage crime and unethical auctions.

Auction houses, including online platforms like eBay, are known to play a significant role in the trade of human remains (Halling and Seidemann 2016). Despite some controls in place such as making it explicit in the policy that the sale of human body parts is prohibited, removing listings, issuing warnings, restricting activity and suspending accounts (eBay 2025), the sale of human remains on eBay has persisted over the years. Instances of human remains, such as skulls, being sold have been identified, underscoring the actual trade of such items through these auction sites (Seidemann et al. 2009). Previous research has shed light on the

buying and selling of human skeletal remains on eBay, with some sellers attempting to justify these sales for instructional purposes (Huxley and Finnegan 2004).

The trade of human remains through auction houses raises ethical concerns, particularly regarding the historical context and the absence of consent from the individuals whose remains are being traded (McCorristine 2015). The sale of human remains at auctions should spark discussions on the ethical implications and the necessity for stricter regulations to prevent such transactions. Auction houses can learn valuable lessons from the Department for Culture, Media and Sport (DCMS) guidance (Department for Culture 2005) which currently applies to museums but provides a robust framework for handling human remains. The DCMS guidelines emphasize the importance of careful documentation of provenance, secure storage, and responsible access management to prevent misuse and ensure the dignity of the deceased. By adopting these practices, auction houses can enhance their legal and ethical standards. For instance, maintaining detailed records of the origins and histories of human remains ensures transparency and accountability, which can build trust with buyers and descendant communities. Implementing secure storage solutions protects the remains from damage and unauthorized access, thereby preventing potential ethical and legal violations. Moreover, managing access responsibly, particularly concerning the sale and dissemination of images of human remains, ensures that these images are used respectfully and contextually. By learning from the DCMS guidelines, auction houses can align their practices with best practices in the field, thereby safeguarding the integrity of human remains and respecting the sensitivities of all stakeholders involved.

Furthermore, advancements in technology, such as computer vision and machine learning, have been explored to investigate human remains trafficking online, indicating a growing effort to comprehend the extent and nature of this trade on platforms like social media (Huffer et al. 2019). This underscores the evolving methods being utilized to monitor and address the trade of human remains through online channels. Continued research and technological advancements are crucial to combat this trade and ensure the respectful treatment of human remains.

The sale of human remains can also significantly impact forensic investigations, especially when the remains are obtained illicitly or mishandled. Removing human remains from forensic contexts for sale can disrupt investigations by potentially depriving forensic experts of crucial evidence needed to determine the cause and manner of death, establish the

identity of the deceased, or reconstruct the circumstances surrounding the death. Improperly handled remains can impede the accurate estimation of the post-mortem interval, cause of death, and other critical aspects of an investigation (Woess et al. 2017).

Furthermore, the commercialization of human remains through online platforms like eBay raises ethical concerns and legal issues, underscoring the importance of regulating the trade of such items to prevent interference with forensic cases (Halling and Seidemann 2016). The unauthorized sale of human skulls or other body parts can potentially result in the loss of valuable evidence that forensic investigators rely on to solve crimes or identify individuals. In a case study involving the recovery of a human skull from an eBay sale, it was argued that curated human skeletal remains are indispensable for the purpose of teaching future investigators forensic identification techniques (Seidemann et al. 2009).

Moreover, the alteration of forensically relevant human remains obtained through auctions and online sales can significantly impede forensic investigations by complicating the analysis of skeletal remains and potentially obscuring evidence crucial for determining the cause of death or facilitating identification (Berger et al. 2018).

Modern Case Studies

In this section, we present two case studies drawn from the personal experiences of one of the chapter authors, Amy Rattenbury, Senior Lecturer in Forensic Science. Adopting an autoethnographic approach, these case studies illustrate the complexities and ethical dilemmas associated with the sale of human remains. By sharing these personal experiences, we seek to underscore the urgent need for comprehensive oversight and adherence to established ethical standards in the sale and handling of human remains. These case studies also highlight the broader implications for the field of forensic science and anthropology, emphasizing the importance of ethical practices in our professional community.

Case Study 1: A Question of “Composition”

In the summer of 2022, a concerning incident arose where human remains were listed for sale online by a UK auction house, raising serious ethical, legal, and regulatory questions. This case study illuminates the sequence of events, and the challenges encountered during this unsettling episode.

A recent graduate from the BSc (Hons) Forensic Science programme at Wrexham University (formerly Wrexham Glyndŵr University) in North Wales, UK, discovered an online listing entitled "Vintage composite partial human skeleton" with an estimated price of £30-40. Having previously studied a module in Anatomy, Pathology and the Forensic Examination of Human Remains, the student believed the lot would interest the University and promptly shared a screenshot with staff in the Applied Science Department. Upon closer examination of the image, I was shocked that something like this was for sale nearby. I became deeply concerned that the items were not composite as advertised but were, in fact, real human bones, likely belonging to more than one individual. I was curious about where the remains had come from and why the auction house believed they were composite. I was also glad that the graduate had come across them and brought them to my attention.

In response to these concerns, I decided to act, contacting the auction house to discuss the lot. Due to the limited timeframe to act, with less than 24 hours before the planned auction, I felt the need to act quickly. I consulted with some colleagues who are also members of the British Association for Biological Anthropology and Osteoarchaeology (BABAO), sharing the photos and checking if they also felt they were real human bones. I also checked what the process for reporting these remains to BABAO was. I was conscious that the auction house might not believe I was an expert in the identification of human remains or trust my analysis, so I felt it important to be able to provide supporting evidence and reference material. An appointment was scheduled later the same day for me to visit the auction house personally and assess the authenticity of the remains. Accompanied by samples of real and composite bone for reference and armed with a copy of the guidance produced by BABAO on the sale of human remains, I aimed to confirm the nature of the items in question and engage in discussion with auction house staff.

Upon reaching the auction house, I was sad to see the way the remains were placed. The remains were found split between a cardboard vegetable box and an old suitcase, on the floor of the auction room. Regrettably, I was quickly able to confirm that the items were indeed real human bone, as suspected. I was not permitted to take any photographs of the remains and was only able to view them briefly before being escorted away from other auction attendees to a private office. My preliminary inventory (figure 2) of the contents of both containers showed that there was a minimum of three individuals present, determined by the presence of multiple elements of the same skeletal portions. There appeared to be parts of three separate crania, one

of which also had a mandible, and then one side of a set of post-cranial elements, some of which had been strung together for display.

<Insert Figure 3.2 here.>

Despite facing what I felt was resistance and hostility from auction house staff, I attempted to communicate the ethical standpoint and best practices observed in the field. I requested that the remains be immediately removed from sale, at least until further research into the provenance could be undertaken. The alarming aspect of this case was that the auction house failed to conduct any preliminary checks to determine the authenticity of the remains before my intervention. This lack of due diligence could have far-reaching consequences in the trade of human remains. Without any checks, they could have even been forensically relevant.

I raised my concerns directly with the auction house, emphasizing that the items were not composites but real skeletal remains. I explained the importance of treating human remains with dignity and respect and referenced the relevant guidelines from the HTA and BABAO. I advised the auction house to remove the items from display and consider donating them to a suitable teaching and research facility where they could be properly curated. At this point, it was suggested by the auction staff that this was a way to take the remains away myself. They did agree to speak with the “owner” about the sale; however, it is unclear if this ever occurred. Later that day, in a follow-up call, the auctioneer defended their position, asserting that the disputed item was merely a small part of a much larger consignment. They repeatedly attempted to compare the sale to that of animal taxidermy, asking if I would buy animal remains, questioning if I thought people should not be interested in these things. When the auctioneer asked me “where do we draw the line,” they seemed unhappy with my response of “at people.”

Recognizing the gravity of the situation, I reported the matter to the local Coroner and BABAO in a proactive attempt to address the potential legal and ethical violations associated with the sale of human remains. However, at this stage, it was late in the day, the evening before the auction was scheduled, with little time for anyone to take further action. I hoped that BABAO or HM Coroner might have more power to act, and that the auction house might respect and listen to them more than they did me.

Post-Auction Aftermath

Despite my efforts, the auction proceeded as scheduled, culminating in the sale of the human remains for a sum of £160, significantly more than the estimate given when the remains were not believed to be real bone. This outcome left me feeling as though I had let the individuals

down. I was worried that my response, which may have come across as too emotional or confrontational, had caused the auction house to feel attacked and become defensive. I felt like I had failed as a professional by being unable to convince them to stop the sale.

Furthermore, the auction house disputed the sale on social media, claiming that the bones were removed from sale, despite staff at the University and concerned BABAIO members following the live auction online. I found their social media posts particularly interesting and somewhat disheartening. Although I had posted about the incident on my own social media, I was careful not to identify them and focused on expressing my disappointment rather than criticising their actions. Their response not only identified themselves but also felt like a personal attack. I felt they were accusing me of interfering or having nothing better to do, undermining my professional and ethical concerns.

To date, it is still unclear where these remains came from and what their fate was following the auction. The auction house did not provide any further information on where the remains went after the auction. Although it was likely that they originated from an old medical teaching collection, based on my brief observations of the preparation and preservation and experience of having worked with similar collections previously, the auction house never made any efforts to ensure that the remains were more than 100 years old. They put them on display in their shopfront window like an oddity or morbid curiosity, which could have potentially contravened the Human Tissues Act or required an HTA license. Although I hope that the sale did not go ahead and that the remains were not reduced to a commodity for financial gain, I do not know who is currently in possession of them. I still regularly check local auction listings to see if they come up again anywhere. I can only hope that they are being carefully and respectfully curated and have not been disposed of, sold on (through legal or illegal modes), or otherwise objectified, turned into “art”, or mutilated.

This incident underscores the critical need for transparency and accountability in the sale of human remains. Auction houses must conduct thorough preliminary checks to verify the authenticity and provenance of remains to prevent potential ethical and legal violations. The possibility that these remains could have been forensically relevant or less than 100 years old further highlights the importance of stringent regulations.

Reflections and Ethical Considerations

This case study serves as a stark illustration of the ethical, legal, and regulatory challenges associated with the sale of human remains by auction houses. It underscores the need for

comprehensive oversight and adherence to established ethical standards within this contentious domain. The sale of human remains at auctions poses significant ethical and legal challenges, as highlighted by this case. The auction house did not conduct any preliminary checks to authenticate the remains, leading to potential ethical and legal violations. The seller's failure to provide proper documentation regarding the origin of the remains raises serious concerns about their ethical handling and legality. Despite clear evidence and ethical arguments presented, the auction house's reluctance to withdraw the remains from sale reflects a disregard for ethical standards in the trade of human remains, prioritizing profits. The public dispute on social media between the university representative and the auction house underscores the importance of transparency and accountability in handling sensitive issues. This incident highlights the necessity for stricter regulations and enforcement mechanisms to ensure that the sale and display of human remains are conducted ethically and legally.

Reflecting on this incident, I personally grapple with a deep sense of guilt for not being able to protect these remains. Despite my best efforts, the remains were sold, and I remain uncertain about their current status. I also feel guilty about the likely damage to the relationship with the auction house, which may now be reluctant to seek future support or consultation due to this event. Additionally, I regret that by confirming these remains were real bone, I may have inadvertently increased their value, ultimately resulting in greater financial gain from their sale. In hindsight, I have questioned whether I should have simply purchased them myself at the lower estimated price to ensure they were treated with the dignity.

However, this raises deeper ethical concerns about the role of researchers in the human remains market. By purchasing human remains, even with good intentions, academics risk perpetuating the very market they critique. The demand created by collectors, museums, and researchers has historically contributed to the commodification of human remains, often without consent or regard for cultural sensitivities. This incident forced me to reflect on how researchers can navigate these moral dilemmas, balancing a duty to protect human remains with the risk of inadvertently legitimizing their sale. The tension between intervention and complicity is one that scholars in anthropology, bioarchaeology, and related fields must continuously contend with, particularly as auction houses and online marketplaces remains largely unregulated.

This experience has reinforced my belief in the urgent need for stricter policies governing the sale of human remains, alongside a deeper reflection on the ethical implications

of academic engagement in such markets. Rather than relying on individual interventions, as I did here, there must be a broader disciplinary response. One that challenges the systems enabling this trade and advocates for legal and ethical reform. This incident has profoundly reshaped my perspective on the auction industry. I remain firmly of the belief that the sale of human remains, regardless of their antiquity or origin, is fundamentally wrong. These individual should not be treated as possessions to be used transactionally, and certainly not to make a profit. I often think about them and wonder what more I could have done. The frustration with the auction house lingers, as I feel they failed to appreciate the ethical implications of their actions. Professionally, this incident has reinforced my commitment to driving change. I now actively monitor auction listings and engage with regulatory bodies to prevent similar incidents in the future. The potential consequence of selling unverified human remains, which could be forensically relevant or less than 100 years old, highlight the critical need for stringent oversight.

Moving forward, it is essential to establish more robust regulations that require thorough preliminary checks and proper documentation for the sale of human remains. Auction houses must be held accountable for their role in ensuring that human remains are treated with the dignity and respect they deserve. I plan to continue advocating for these changes by working with professional organizations, regulatory bodies, and through public awareness initiatives. This case has shown me the importance of balancing professional persistence with sensitivity in communication. The way we approach these situations can significantly impact the outcomes, and it is crucial to maintain a respectful and evidence-based approach even when faced with resistance. Reflecting on this incident, I remain dedicated to protecting the dignity of human remains and ensuring they are treated with the utmost respect and care.

Case Study 2: A “Foot” in the Door

Upon discovering an online listing for human remains described as "An anatomical human tibia, fibula and skeletal foot, late 19th/early 20th century," in October 2023, I decided to act. Unlike previous instances, I was not surprised to see such a listing, as I had become more aware that this practice was still occurring. I felt it was crucial to approach the situation thoughtfully, aiming to gather more information about the provenance rather than simply opposing the sale outright.

I initially reached out to the auction house via phone and left a voicemail expressing my concerns and requesting a conversation about the remains. In the voicemail, I sought to

understand how they assessed the item to determine if it was real bone and how they dated it to the late 19th/early 20th century. After leaving the voicemail, I felt a mix of hope and anxiety, anticipating that my message might be ignored. Following up later that day, I sent the auction house an email, copying in the head of the BABAO sale of human remains group and attaching their guidance on the sale of human remains. I framed my concerns professionally, explaining that I was part of a wider group of professionals who shared these concerns. I hoped that this would add weight to my request and demonstrate that my views were supported by a professional body. In the email, I requested further details about the provenance and authentication of the listed human remains. I also offered to discuss the ethical implications of their sale based on BABAO guidelines and suggested considering alternative, ethical options for the remains. I provided my contact information and expressed my hope that the auction house would be receptive to discussing these concerns. Copying BABAO in the email was strategic. I wanted to show that I was not a lone individual with a strong opinion, but part of a larger professional community concerned with ethical practices. I also hoped that if the auction house did not respond to me, BABAO might follow up or reach out independently.

Due to the distance, I was unable to meet the staff in person or view the remains physically. This limitation was challenging, as I would have liked to see the remains and speak with the auction house directly. However, unlike in the previous case, it was less critical for me to physically see the bones as they had not been incorrectly identified as composite. My primary focus was on understanding the provenance and ensuring the remains were treated ethically.

Engagement and Outcome

The following day, the auction house called me back. I was surprised and pleased by their prompt response. They were engaged in the conversation and seemed keen to hear my perspectives. They confirmed that they rarely get human remains listed for sale and were not experienced in this area. They admitted they had not performed any checks other than seeing that the remains “looked” old. This openness and willingness to discuss the matter put me at ease. During our conversation, I suggested several alternatives to selling the remains. I recommended that they engage directly with BABAO for guidance or speak with a local university that might have an Archaeology or Anthropology department. The auction house staff appeared receptive to these suggestions and agreed to discuss the remains with the “owner” to explore these options further. I was relieved that my actions were leading to positive change and potentially protecting these, and future remains from unethical sale.

A few days later, the auction house followed up to explain that the owner had agreed to remove the lot from sale. Additionally, they had contacted a local university willing to take the item into their collection. This outcome was particularly gratifying, as it meant that the remains would be respectfully curated in an academic setting, rather than being commodified. The auction house also expressed interest in working with the university in the future should similar listings arise. This willingness to collaborate with academic institutions indicated a significant shift in their perspective on handling human remains. I felt optimistic about the potential for ongoing collaboration between auction houses and academic institutions, which could help ensure ethical practices in the future.

Reflections and Ethical Considerations

This case shows the stark contrast and much more positive outcomes that can result from constructive interactions between auction houses, institutions, and individuals dedicated to protecting the dignity of human remains. Reflecting on my approach, I tried not to get too emotional or frustrated in my discussions. Instead, I provided the auction house staff with an opportunity to explain their practices and ask me questions in a professional and supportive environment, rather than an accusatory one. This strategy seemed effective, as the auction house could have easily ignored my phone call and email but chose to engage constructively.

The auction house's willingness to engage in conversation and seek advice demonstrated a proactive approach to addressing ethical concerns. Even after our initial conversation, they could have chosen not to take any action. I certainly did not expect them to follow up with me to explain the outcome. Their transparency and proactiveness in this case were reassuring highlighting several key issues and positive aspects. The auction house demonstrated willingness to engage in discussion and seek expert advice, reflecting a proactive approach to addressing ethical concerns. Although they had not initially conducted any preliminary checks beyond visual assessment, their openness to guidance and willingness to correct this oversight was commendable. Their decision to remove the remains from sale and collaborate with a local university exemplified a positive resolution through ethical considerations and respect for human remains. Furthermore. Their willingness to adhere to the guidance from BABA0 underscored the importance of clear ethical guidelines and demonstrated the benefits of following established best practices.

Reflecting on this incident, I feel optimistic about the potential for ethical resolutions when auction houses and academic institutions work together. This experience reassured me

that not all auctioneers have the same attitude towards the commodification of human remains and that just because a sale is legal does not mean it is ethical. The successful outcome in this case underscores the importance of communication, collaboration, and adherence to ethical standards in the handling and sale of human remains. Professionally, this positive outcome has contributed significantly to my development and confidence in handling similar situations. I feel better equipped and experienced now to approach auction houses that may be selling human remains, especially as I can refer to this positive example. It reassured me that there are people in the industry who are receptive to information and advice and willing to question and adjust their practices, even when they are not legally obligated to do so.

This case illustrates the broader importance of proactive engagement and collaboration in ensuring ethical practices. The potential benefits of auction houses working closely with academic institutions and professional organizations are substantial. Such collaborations can help ensure that human remains are treated with the dignity and respect they deserve, while also fostering a culture of transparency and accountability within the industry. Moving forward, it is essential to encourage more auction houses to adopt similar ethical practices. Steps should be taken to promote awareness and education about the ethical implications of selling human remains. I plan to use this experience to advocate for better regulations and guidelines within the industry, working with professional organizations and regulatory bodies to ensure that ethical standards are upheld.

Summary

The two case studies illustrate contrasting outcomes in the sale of human remains by auction houses, underscoring the importance of ethical considerations and proactive engagement. In the first case, despite efforts to communicate concerns and provide ethical guidance, the auction house proceeded with the sale of the human remains. This incident highlighted several critical issues: a lack of preliminary checks to authenticate the remains, inadequate documentation and provenance, resistance to ethical guidelines, and a disregard for public accountability.

In stark contrast, the second case demonstrated a positive outcome through proactive engagement and collaboration. Upon discovering the listing, I reached out to the auction house to discuss the provenance and ethical implications of selling the remains. The auction house was receptive and took immediate steps to address the concerns. They consulted with the “owner”, agreed to remove the lot from sale, and arranged for the remains to be transferred to a local university for proper curation. This case exemplified the potential for constructive

interactions and ethical resolutions when auction houses and academic institutions work together.

These experiences underscore the need for stricter regulations and robust enforcement to ensure that the sale and display of human remains are conducted ethically and legally. They highlight the importance of communication, collaboration, and adherence to established ethical standards in protecting the dignity of human remains and respecting their cultural and historical significance. Reflecting on these incidents, I feel a deep sense of responsibility to continue advocating for ethical practices and fostering positive relationships with auction houses to ensure that human remains are treated with the utmost respect and care.

From legal to illegal markets

The intersection between legal and illegal markets in the trade of human remains, particularly skeletal material, presents a multifaceted issue encompassing ethical, legal, and enforcement dimensions. Online platforms like eBay have emerged as significant venues for the sale of human skeletal remains, blurring the boundaries between lawful and unlawful transactions (Halling and Seidemann 2016). Despite regulatory measures in place to curb such activities, the anonymity and ease of listing skeletal material on platforms like eBay have fostered a grey area where legal and illegal markets converge.

Legal avenues for the sale of human remains could inadvertently support and perpetuate illegal markets. For instance, auction houses and online platforms often provide a veneer of legitimacy that can be exploited by unscrupulous sellers to offload illegally sourced remains. This occurs when items with questionable provenance are mixed with legally obtained remains, making it difficult for buyers and regulators to discern their origins. Sellers may be aware that checks on provenance are often minimal, and they rely on the likelihood that any illegally sourced remains will not be detected. This lack of stringent verification processes allows sellers to exploit legal channels to legitimize their illicit activities.

Online platforms, including auction house websites and independent sales sites, as well as social media platforms have become significant conduits for the illegal sale of human remains. The ease of creating listings, coupled with the broad reach of these platforms, allows sellers to operate with relative impunity (Graham et al. 2022). Even when listings are removed, sellers often relist the items, sometimes within minutes, exploiting the platforms' lenient

oversight mechanisms. Additionally, sellers can set up multiple accounts, circumventing bans and blocks to continue their activities (Myers West 2018). This issue is compounded by the sheer number of platforms available for listing such items, from well-known social media and online stores, to numerous niche collector forums.

Law enforcement agencies face considerable challenges in monitoring and regulating these activities due to the sheer volume of transactions and the anonymity provided by these platforms (Huffer 2020). Often, the responsibility of flagging or reporting listings falls on other platform users. However, given the high volume of reports these platforms receive daily, many of which may pertain to more pressing issues such as firearms, abuse or exploitation, the time allocated to reviewing reports of human remains is minimal (Wang et al. 2024). Consequently, illegal listings can remain active for extended periods before being addressed, if at all.

In some cases, the review time for these flagged listings can be very quick, suggesting a lack of proper consideration and care in the review process. This rapid review can be attributed to other workload pressures faced by moderators, who may be overwhelmed by the sheer number of reports and the need to prioritize cases deemed more urgent or severe. The expedited review process could lead to superficial assessments that fail to properly identify or authenticate human remains, allowing many illegal listings to slip through the cracks (Gilbertson 2020). Additionally, even when listings are removed or sellers are blocked, this does not necessarily mean that any legal action, such as reporting to the police, occurs. The removal of listings is often seen as an end in itself, rather than a step in a broader legal enforcement process. This lack of follow-up action can enable sellers to continue their activities with minimal interruption, simply by creating new accounts or using different platforms.

The effectiveness of the review process depends heavily on the proficiency and training of the personnel or algorithms used to examine the flagged listings. Identifying human remains from listing photos and descriptions requires specialized knowledge, which many platform moderators may lack. Inadequate training and reliance on automated systems that are not tailored to detect the nuances of human remains further exacerbate the problem. This gap in expertise means that many illegal listings may go undetected or unaddressed, allowing the trade in human remains to persist relatively unchecked. Gongane et al. (2022) highlight that even sophisticated algorithms and AI systems struggle with the nuanced identification required online, often leading to false negatives or false positives. Furthermore, it would be unrealistic to expect moderators working for sites with international reach to be aware of the laws

regarding the sale of human remains in all countries where they have users. The legal frameworks governing the sale of human remains vary widely between jurisdictions, adding another layer of complexity to the issue. This lack of uniformity in laws and regulations can lead to inconsistent enforcement and varying levels of protection against the illegal trade of human remains.

The global demand for human remains, driven by collectors, researchers, and cultural institutions, significantly impacts the illegal trade. High demand from wealthy countries can lead to exploitation in regions where human remains are sourced, often under dubious or unethical circumstances. This international demand perpetuates a cycle of exploitation and desecration, complicating efforts of repatriation and reconciliation. This demand complicates efforts of repatriation and reconciliation, highlighting the need for international cooperation and stricter regulations (Volper 2023). The illicit trade is further fuelled by the high prices that human remains can fetch in the global market, incentivizing illegal activities.

The ease with which transactions can be masked under the guise of legality on digital platforms illustrates a pathway to potential ethical decline from legal to illegal markets. This transition complicates the enforcement of laws and the protection of human rights (Huffer and Graham 2018). Law enforcement agencies encounter challenges in discerning between legitimate and unlawful sales of human skeletal remains. The determination of population affinity, a critical component in forensic investigations involving human remains, becomes intricate in scenarios where the origins and legality of the skeletal material are dubious (Seidemann et al. 2009).

While there are significant concerns regarding the sale of human remains through legal avenues such as auction houses, imposing further restrictions may inadvertently exacerbate unethical and illegal practices. The demand for human remains persists, and individuals who encounter medical collections may be uncertain about proper handling. In the absence of auction houses or similar systems for legitimate transfer, the risk of illicit sales or improper disposal and destruction of remains is likely to increase. Auction houses offer a regulated environment where intervention, education, and discussion can occur, thereby facilitating the removal of remains from commercial circulation and ensuring careful curation. These institutions are accessible and may be willing to engage with ethical considerations, in contrast to illegal sellers or those seeking to dispose of remains, who are less likely to seek guidance or consider ethical alternatives.

The intersection of legal and illegal markets in the trade of human remains underscores the need for robust regulatory frameworks and international cooperation. By addressing the ethical, legal, and enforcement challenges associated with this trade, stakeholders can work towards a more ethical and transparent market. Auction houses, online platforms, and regulatory bodies must collaborate to ensure that human remains are treated with the dignity and respect they deserve, thereby preventing their commodification and the perpetuation of historical injustices.

Conclusion

This chapter has explored the complex and multifaceted issue of the trade in human remains, offering a comprehensive overview of its historical context, ethical considerations, and regulatory frameworks with a UK focus. Through detailed analysis and personal case studies, the profound ethical dilemmas and legal challenges associated with the commercialization of human remains have been highlighted.

By tracing the historical evolution of the trade, from its roots in medical and anatomical studies to its current manifestations in auctions and online sales. This historical perspective has illuminated how past practices continue to influence contemporary challenges, particularly in the regulation and ethical oversight of human remains.

A central theme of this chapter has been the ethical implication of treating human remains as commodities. The lack of consent, the objectification of individuals, and the potential for exploitation raise significant moral questions. The chapter has underscored the need for stringent ethical guidelines and respect for the dignity of the deceased in all transactions involving human remains.

The role of auction houses and online platforms has been scrutinized, revealing their pivotal position in the trade of human remains. The responsibilities of these entities in authenticating items and ensuring ethical practices is paramount, while also emphasizing the criticisms and challenges they face. The analysis has shown that inconsistent regulations and a lack of stringent oversight often leads to ethical lapses and potential legal violations.

Case studies have provided real-world illustrations of the complexities involved in the sale of human remains. These narratives have underscored the critical need for transparency, accountability, and ethical consideration in handling such sensitive items. They have also highlighted the importance of proactive engagement and collaboration between auction houses, regulatory bodies, and academic institutions.

The chapter has also explored the potential of new technologies, such as computer vision and machine learning, in monitoring and regulating the trade in human remains. While these technologies offer significant benefits in enhancing regulatory capabilities, they also introduce new ethical concerns that must be carefully managed.

New Directions, New Technologies

This chapter has charted the evolution of the trade in human remains, highlighting how historical practices have informed contemporary issues. The historical perspective is essential for understanding the current state of the market and the challenges faced in regulating it. As the trade in human remains has moved from physical auction houses to online platforms, new directions in investigative and regulatory approaches are required. These shifts underscore the necessity for interdisciplinary research and collaboration among historians, ethicists, legal experts, and technologists to develop comprehensive strategies to combat heritage crime effectively.

_____ A significant aspect of this chapter is its exploration of the role of technology in monitoring and regulating the trade in human remains. Technologies such as computer vision and machine learning are revolutionizing how illicit activities online are detected and tracked (Huffer et al. 2019). These tools can enhance the capability of law enforcement and regulatory bodies to identify and prevent the sale of human remains on digital platforms. However, the ethical considerations of using such technologies, including privacy concerns and the potential for surveillance overreach, must be carefully managed to ensure that they are deployed responsibly and ethically.

_____ The chapter's examination of online platforms as venues for the sale of human remains highlights the emergence of new markets facilitated by digital technology. The anonymity and global reach of online marketplaces complicate efforts to regulate the trade and protect cultural heritage (Halling and Seidemann 2016). By analyzing case studies and current practices, this chapter underscores the importance of robust legal frameworks and international cooperation in addressing these challenges. It also calls for a re-evaluation of existing regulations to better accommodate the realities of digital commerce.

The ethical dilemmas associated with the commercialization of human remains are emblematic of broader issues in heritage crime, where the commodification of cultural and historical artefacts can lead to significant harm. The chapter advocates for more stringent

ethical guidelines and better enforcement mechanisms to ensure that human remains, and by extension all heritage items, are treated with the dignity and respect they deserve.

_____ Looking forward, the insights from this chapter suggest several avenues for future research and policy development. The integration of advanced technologies in the detection and regulation of heritage crime is a promising area, but it requires careful ethical consideration and robust legal support. Moreover, the chapter highlights the need for continued interdisciplinary dialogue to address the multifaceted nature of both the sale of human remains and wider issues in heritage crime effectively.

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