ARCHIVIO ISTITUZIONALE
DELLA RICERCA

Alma Mater Studiorum Università di Bologna
Archivio istituzionale della ricerca

The place of human remains in the frame of cultural heritage: the restitution of medieval skeletons from a Jewish cemetery

This is the final peer-reviewed author's accepted manuscript (postprint) of the following publication:

Published Version:
Belcastro, M.G., Mariotti, V. (2021). The place of human remains in the frame of cultural heritage: the restitution of medieval skeletons from a Jewish cemetery. JOURNAL OF CULTURAL HERITAGE, 49, 229-238 [10.1016/j.culher.2021.04.002].

Availability:
This version is available at: https://hdl.handle.net/11585/865606 since: 2022-02-24

Published:

DOI: http://doi.org/10.1016/j.culher.2021.04.002

Terms of use:

Some rights reserved. The terms and conditions for the reuse of this version of the manuscript are specified in the publishing policy. For all terms of use and more information see the publisher's website.

This item was downloaded from IRIS Università di Bologna (https://cris.unibo.it/).
When citing, please refer to the published version.

(Article begins on next page)

07 November 2026

This is the final peer-reviewed accepted manuscript of:

Belcastro, Maria Giovanna; Mariotti, Valentina: *The place of human remains in the frame of cultural heritage: the restitution of medieval skeletons from a Jewish cemetery*

JOURNAL OF CULTURAL HERITAGE
VOL. 49
ISSN 1296-2074

DOI: 10.1016/j.culher.2021.04.002

The final published version is available online at:

https://dx.doi.org/10.1016/j.culher.2021.04.002

Terms of use:

Some rights reserved. The terms and conditions for the reuse of this version of the manuscript are specified in the publishing policy. For all terms of use and more information see the publisher's website.

This item was downloaded from IRIS Università di Bologna (https://cris.unibo.it/)

When citing, please refer to the published version.

THE PLACE OF HUMAN REMAINS IN THE FRAME OF CULTURAL HERITAGE: THE RESTITUTION OF MEDIEVAL SKELETONS FROM A JEWISH CEMETERY

Maria Giovanna Belcastro, Valentina Mariotti
Department of Biological, Geological and Environmental Sciences (BiGeA)
Laboratory of Physical Anthropology
Via Selmi, 3 40126 – Bologna (Italy) - Alma Mater Studiorum Università di Bologna
mariagiovanna.belcastro@unibo.it; valentina.mariotti@unibo.it

Keywords: Human skeletal collections, Restitution, Anthropological Museum, Cultural heritage, Ethics

ABSTRACT

For social, cultural, religious and political reasons the human remains may represent powerful symbols with different meanings that changed over time among the different communities and countries. Thus, they have a sensitive nature that poses them in a "grey area", still failing in terms of finding an adequate positioning in the research, in the contemporary cultural institutions and museums. Italy still lacks any official guidelines to follow in the case of protests and claims for restitution of human remains. Only recently, Italy experienced for the first time the restitution and reburial of skeletons coming from a medieval Jewish cemetery before the whole anthropological study could be completed. This event re-opens the debate, largely addressed in many Western countries from the 1990s but marginally until now in Italy, of the disputes between the legitimacy of scientific research on human remains and other various instances (ethnicity, religion, public view…). The case study provides the opportunity to propose our reflections on the legal position of human remains and on their fate in the often-contrasting viewpoints between the public and the researches.

RESEARCH AIMS

Italy recently experienced, for the first time, the restitution of more than 300 skeletons excavated from a Medieval Jewish cemetery in the city of Bologna. The osteoarchaeological material was claimed by ultraorthodox Jewish groups that imposed its reburial in the Jewish area of the cemetery of Bologna. The aim of this work is to reflect over the Italian cultural, historical, academic and social landscape in which the restitution of the medieval skeletons occurred.

INTRODUCTION

The anthropological study of human skeletons aims at reconstructing the history of past communities from evolutionary and bioarchaeological perspectives. They can be considered as historical documents helping us to increase the knowledge and awareness of our place in nature. Indeed, their value and significance in the archaeological contexts emerge studying the biological and cultural evolution, the health and diseases of past populations, the ancestry and mobility as well as the transformation in cultural beliefs and funerary practices and rites over time [1].

Nevertheless, their study and management present critical aspects that have already been largely addressed [2]. These are related to their sensitive nature, posing them in a sort of "grey area" when their use deals with scientific and educational purposes. This sensitive nature stems from the ties that individuals and communities established with death and the dead, which go beyond the natural phenomenon towards an abstract, immaterial and spiritual sphere. Ever since prehistoric times death has been culturally managed by means of extremely variable funerary practices, likely to overcome a permanent conflict between nature and culture [3]. Indeed, even though the cadavers are not perceived by all the cultures in the same way, they are not neutral and never ignored [4-10].

The concept of the 'past' is perceived in different ways in different cultures [11-12]. The human remains are powerful symbols that live on long after the individual death and for many populations play a central role in the process of identity and memory construction for the living [13-15].

In the confrontation with non-Western populations, the Western archaeologists and anthropologists have experienced new issues and constraints in the research and management of human remains, which forced them to reflect on their established and customary activities. In the post-colonial and post-modern periods, critical voices within Archaeology and Physical Anthropology have argued that the academy and museum collections have facilitated a monopolization of the discourse about the past by propagating a modernist and Western-centred worldview. This monopoly over the past is widely seen as having produced an ideology of domination, stimulating a reflexion over the value and significance of skeletal collections and the museums that host them [12]. Thus, Archaeology and Anthropology are critically reviewed and their contemporary role has to be renegotiated [11].

The issues of the restitution and reburial of human remains matured in this framework and find its roots in the late 1960s and 1970s, when the indigenous people in post-colonial countries fought for the right to control their own heritage and safeguard their identity. The struggles between them and archaeologists fully entered the public consciousness [11]. Only during the 1980s and 1990s, the first legal acts in North America and Australia ensured many indigenous populations to assess their place and cultural, social, ethnic, economic issues, reinforcing the legitimacy of their collective identities [11, 16-27]. This favoured the requests of repatriation of human remains and other significant objects of their material culture held in museum and universities of many countries, and

stimulated the emergence of national legislation to regulate that process of the restitution to the indigenous populations (Argentina, Great Britain, Norway, South Africa, Israel) [12, 25].

The repatriation of these items is viewed as a means of reconciliation with previously oppressed and discriminated groups, and a strategy in which the communities of origin regain the right to define themselves, their history and identity [12, 27]. These legal acts had a profound impact on the work of biological anthropologists and archaeologists in non-Western countries [24, 28-32]. For some indigenous communities, the "exploitation" of their past by archaeologists and anthropologists has constituted a second wave of colonialism, in which science has been viewed as just another vehicle of oppression, also due to the uncomfortable perception that the archaeologists study "others" [10, 25-27, 33]. This was true also in Europe, where "others" were historically identified as minorities such as Jews, Roma and Sami, who were seen as impure elements that threatened or disturbed the continuous genealogies of the nations [12].

In Europe the claims came from populations of former colonies, Jewish communities and from modern 'pagan' groups (e.g. HAD, Honouring the ancient dead). The latter are interested in the pre-Christian remains in Britain and they base parts of their belief system on folk tradition, mythology, reinventing beliefs and emulating practices of the pre-Christian past [2, 16, 34-36]. In Europe, these claims produced a sort of 'burials crisis' for the Archaeology and archaeologists in the western modernity enhancing and favouring a constructive dialogue among the legislators and all the religious interest groups [35, 37, 38].

Many of the issues discussed before have been only marginally addressed in Italy. The few requests of human and cultural assets restitution from non-western people until now were addressed to anthropological and ethnographical museums, and had no success. The only case of restitution regarding osteoarchaeological materials occurred in a religious frame. It refers to the human skeletons from the largest medieval (14^{th}-16^{th} century) Italian Jewish cemetery, discovered in the centre of the city of Bologna (Northern Italy) [39]. This occurrence prevented to complete the anthropological study [40].

The restitution of those medieval skeletons opens in Italy the questions over the still uncertain position of osteoarchaoelogical human remains in the frame of cultural heritage and leaves without solutions the dilemma concerning their destiny. Considering the fact that ethics in the scientific field is an ongoing process, because of the emergence of new questions and the development of new technologies, the scientific communities are directly involved and constantly reminded of their responsibility [23, 24]. In Italy, unlike what happened in other countries where the governmental agencies have developed ethical guidelines for researchers working with skeletal remains [19, 23, 24], no good practices or ethic codes have been produced. No debate has been developed over the

potential constraints and limitations in scientific research, neither within nor between Physical Anthropology and Archaeology. In addition, no discussion has involved the public regarding the social and ethic value of the scientific research on human remains.

The aim of this work is to reflect over the Italian cultural, historical, academic and social landscape in which the restitution of the medieval skeletons occurred. Thus, we will describe the types of human skeletal collections housed in the Italian public or university museums and the historical and scientific contexts in which they were amassed, as well as the different roles and competences of the institutions involved in their management.

METHODS

We will develop our discourse from the starting point of a case study: the recent restitution of human skeletons from the Medieval Jewish burial ground of via Orfeo (Bologna, Northern Italy) and their reburial in a Jewish area of the main modern cemetery (La Certosa) of the city.

In the discussion, we will examine different aspects:

1. Typologies of human skeletal remains and institutions in which they are housed;
2. The role of Physical Anthropology and Archaeology in the process of European identity;
3. Cases of claims and restitution of human remains in Italy, with a gaze to other European examples;
4. Cases of claims, restitution and reburial of human remains from Jewish medieval cemeteries in Europe;
5. Definition of human skeletal remains of scientific interest in the frame of cultural heritage and laws that regulates their management;
6. The role of Academy and Institutions involved in the management of the human remains.

THE CASE STUDY: THE JEWISH CEMETERY OF VIA ORFEO

The burial ground of via Orfeo is the largest (around 400 individuals) Italian medieval (14^{th}-16^{th} century) Jewish cemetery. It was discovered in the centre of Bologna (Northern Italy) and excavated by the Archaeological Superintendence of Bologna between 2012 and 2014 [39]. The cemetery presented features that distinguished it from coeval funerary assemblages (e.g. burial typology; spatial organization; regular layout in rows of the primary and single inhumations without superimpositions), and sources from the historical archives indicated that it was Jewish. It was abandoned at the end of the 16^{th} century following the papal decision to expel the Jews from the city, to dismiss the cemetery and to entrust the area in question to the nuns of a nearby convent

[39, 40]. In accordance with the local Jewish community, we developed a research project aimed at strengthening the memory of this medieval community by reconstructing its history through archaeological, historical, and anthropological means. The project was presented at a press conference in the city hall of Bologna (November 2017) with academy, political and religious authorities. After a few days the restitution of the skeletons was demanded by ultraorthodox rabbis affiliated to the international group "Hatra Kadisha for the Preservation of Holy sites", supported by the "European Committee for the Protection of Jewish Cemeteries" (CEO), all of whom were explicitly and strongly opposed to the study of the skeletal remains. After some useless attempts at mediation and negotiation, under a daily strong pressure by the ultraorthodox rabbis through different Italian institutions, the majority of the skeletons were returned and reburied in the contemporary Jewish burial ground of the main cemetery in Bologna (La Certosa). The local Jewish community, who understood the potential of the project to valorise their history and agreed upon the restitution after a period of a few years to allow the scientific study, found themselves actively entangled in the conflict. The restitution had been authorized by the institutions in charge of the protection and conservation of cultural heritage (Ministry, Superintendence). During the years of the excavation, before the press conference, the anthropological study had been partially carried out on around 130 skeletons [40].

DISCUSSION

1. Typologies of human skeletal remains

In Italy, different typologies of human skeletons are managed by different institutions and for different purposes.

a) *Osteoarchaeological collections*. Most of them refer to archaeological remains. Even though humans occupied the Italian territory starting from Lower Pleistocene, very few remains of this period are present. Most of the osteoarchaeological collections refer to Holocene and has been found during excavation campaigns carried out by Superintendences (that depends from the former Ministry of Cultural Heritage and Tourism (MiBACT) (now Ministry of Culture, MiC) or by universities (part of the Ministry of University and Research, MUR) that receive specific concessions from them. These collections are delivered for study purposes to the laboratories of Anthropology, most of them placed at the Universities. Only recently, the MiBACT began to hire physical anthropologists in their staff. Thus, in Italy research and safeguard activities are carried out by different institutions, headed by different ministries.

b) *Scientific and medical collections*. These were put together by anthropologists, physicians, and anatomists, who wanted to endow their scientific museums when Physical Anthropology emerged

as new scientific discipline in the mid-nineteenth and early twentieth century. Many of these collections were built up through exchange, donations, scientific missions, cemetery exhumations, but also through raw theft and buying of looted or stolen objects, as occurs still today [12].

Paolo Mantegazza (1831-1910) was the first in Italy who endowed an Anthropology and Ethnology museum – that of Florence – with osteological collections coming from various countries, diffusing the Darwinian Theory and proving the groundlessness of the concept of race [41]. The University of Bologna also equipped itself with osteological collections (the oldest is by Luigi Calori in 1860, and coming from archaeological areas and various Italian regions [42]). The Anthropology Museum of the same University, thanks to Fabio Frassetto (1876-1953) and Elsa Graffi Benassi (1901-2000), holds identified (by age, sex, cause of death, and occupations) modern skeleton collections (19th-20th c.) coming from different Italian cemeteries [43]. With its over 1,000 complete skeletons (from foetuses to old people), it is one of the most important documented European collections (other relevant collections are those of Spitafields [44], Coimbra [45-48], Lisbon [49], Granada [50]). These collections reflect the development of the studies of Anatomy and Anthropology in Italy and Europe, and are comparable in periods of acquisition, and in part in their numeric size, to those in the United States described by Walker [19].

These osteological collections were used to carry out morphometric studies in order to describe human variation from a hierarchical viewpoint (racial and gender differences), besides providing instruction in surgical anatomy [19, 25]. Thus, from its birth, Physical Anthropology marked a separate pathway with respect to Archaeology. The latter, involved in the analyses of cultural materials in the frame of a humanistic approach to the study of human history, developed over time continuously revising its own theoretical paradigms [51].

In Italy, most of these collections are housed and managed by university museums that are differently managed with respect to civic and national museums. This highlights the articulate system of competences, responsibilities and financial resources in the Italian museum system that ultimately affects research, safeguard and protection of the human collections.

c) *Relics and religious remains*. Regarding the religious remains, the relics kept and protected by Catholic churches have a special role in the Italian territory. Until the middle of the 19th century in Europe, no museums had skeletal collections, whereas Catholic churches had huge collections used as relics, storehouses, and treasuries. Among Christians, the belief that proximity to the bones and other parts of the bodies of saints, especially of martyrs, could bring about miracles was already widespread in Early Christianity (4th c.) [19]. By the 9th century, the remains of the martyrs of Early Christianity had become so valuable that a regular commerce arose generating, on some occasions, actual conflicts [19]. An author (MGB) of this paper was directly involved in the preparation of

bone relics kept in churches and religious institutions, by removing pieces from larger relics. These relics, attributed to various saints of particular importance and created at the request of Catholic religious institutions in Italy or Orthodox institutions in other European regions, become objects of veneration and devotion, and give great prestige, sacred power and protection to the place to which they are transferred. The Curia is in charge of the protection and management of these pieces with the Authority of the Superintendence and may seek scientific advice from physical anthropologists for identification purposes o for beatification processes [52-54]. Human bones may also be collected and displayed in religious contexts, be part of the *Putridaria*, or have an ornamental and aesthetic purpose, as well as one of warning (*memento mori*) (e.g. in Italy, the Capuchin crypts in Rome and Palermo). Actually, the role of the Church in Italy is relevant and the Christian and Enlightening world-views influenced in different ways the modern Western culture making the display of the archaeological dead and human remains acceptable [33]. Thousands of relics of Christian saints, martyrs, charnel houses and ossuaries are on public display in churches in Italy and throughout other European countries [55]. Among other historical and political reasons, this attitude and the familiarity to handle, collect, store and display the human remains may explain why in some European countries the aforementioned discourse of the fate of human remains and restitution has not been emphasised [55].

d) *Recent remains*. Some human skeletal remains straddle the archaeological and judicial contexts, such as the frozen bodies of Great War soldiers lost during the conflicts, discovered also because of the dramatic climate changes that are causing thawing in many mountain areas. Those may be potentially identified and have still relatives in the local communities. For that, they may be simultaneously considered a soldier, a war hero, a family and group member, a subject for academic studies and for commemoration [56]. For these, the interest may be judicial in the cases in which it is still possible to identify the remains and return them to the still-living family members [57]. In these contexts, MiBACT (Superintendences), judicial authorities, and law enforcement agencies are all involved. Human remains are considered of judicial interest if they belong to periods after the end of World War II, a deadline generically considered by the Italian judiciary authorities as the chronological limit for intervention [58].

e) *Remains of outstanding individuals*. The research on the skeletal remains of outstanding individuals has a forensic, archaeological and historical interest. This line of research is aimed at reading the osteobiography and check the correspondence with historical and historiographic data about famous people or individuals belonging to noble families, whose remains are kept in cemeteries, churches, and museums (e.g. Farinelli in Bologna [59-61], the Medici family in Florence [62], Can Grande della Scala in Verona [63]). A precursor is Frassetto's study of the

bones of Dante Alighieri [64], exhumed in Ravenna (Emilia Romagna) on the sixth centenary of the poet's death. The purpose of the morphometric study and 3D reconstruction of the skull using stereoscopic photographs was politically used to demonstrate the genius qualities of the poet, whose characteristics fell within the so-called Mediterranean type [64-67] (as opposed to the Aryan type proposed by the Nazi regime).

These studies aimed at identifying a single and high profile individual of prehistoric, proto-historical and historical periods or past celebrities has been criticized for the inherent risk to enhance the single identity and the cult of personality [2, 14].

The via Orfeo Medieval skeletons certainly belong to the archaeological category (a), but their finding in a Jewish cemetery placed them into a religious sphere, generating conflicts of interest between scientific and religious purposes and arising issues about the legitimacy of the research and the instances of the Jewish communities. The relationships between these communities and the Italian State are regulated by specific agreements (see *infra*).

2. The role of Physical Anthropology and Archaeology in the process of European identity

The anthropological study of human remains has matured paradigmatic changes over the last century from a self-referential discipline at the service of controversial views of the groups holding the power, into a multidisciplinary, strongly empirical science involving the skeleton at many scales of analysis [25]. Thanks to new combined fields (Bioarchaeology, Genetics, Forensics, Archaeology, Cultural Anthropology), the skeletal collections are of considerable interest for their relevance as a biocultural archive for reconstructing human evolutionary history, through the study and comparison of past and modern skeletal variability, and for standardizing methods of study to be applied to unknown skeletal remains (of archaeological and/or forensic interest) [68-84].

However, Physical Anthropology originated with different purposes in the mid-nineteenth and early twentieth century. With Archaeology and Architecture as well, it played a pivotal role in the state building processes of many European countries and in both nationalism and colonialism during the 19th and early 20th centuries. The beginning may be traced in the research by Gustav Kossina (1858-1931) on the ethno-linguistic origins of Indo-Europeans and German culture that, projected in the archaeological field, introduced a distorted and erroneous interpretation of the Archaeology in Europe, providing dramatically a strong justification to the racism and authoritarian and nationalistic Nazi and Fascist regimes [85, 86]. Those disciplines became source of inspiration for the growing fascist movement of the Third Reich and offered material symbols of the deep and pure historical roots of the superior German people [12]. Through colonial expansion new dialogues about race developed and ethnic and cultural identity became linked with the concept of biology or

'blood' and Europeans believed themselves to be representative of the highest achievements of human technical, cultural and intellectual progress [87]. In addition, the assertion of the social utility and rationality of science together with the concepts of social Darwinism, helped to naturalize the conceptual link between identity and race [11]. Furthermore, the processual archaeology theory (1960) increased the assertion of the scientific expertise and authority with important consequences for the management of the heritage in post-colonial countries. The narrative of Western national and elite class experiences reinforces the idea of innate cultural value tied to time depth, monumentality, expert knowledge and aesthetics [11].

Currently, in Europe, the colonial and nationalist systems have been replaced by a post-colonial world and identity politics have changed in, and also with the use of the past. The trends towards both homogenization and fragmentation, seen through the increasing impact of multicultural societies, hybrid culture and diaspora cultures, due to migrations and globalization lead to redefine the cultural identity [12]. Nevertheless, in a less dramatic way with respect to the last centuries, but still following the nationalist agendas, prehistoric and early historical material remains of many nations (e.g. Britain, Sweden, and Greece) have been used to project publicly ideas of deep, united past for the nation's people. More recently, Archaeology and archaeological artefacts have been used to reinforce transnational identity, such as that for the European Union [12]. However waves of political nationalisms are still present (e.g. Basque Country and Catalonia in Spain, Scotland and Northern Ireland in the United Kingdom, but also the UK in Europe, see 'Brexit'). The reassertion of separate ethnic identities even within Italy itself (e.g. Sardinia, Southern and Northern Italy), sometimes even baselessly assumed (e.g. the alleged Celtic ancestry of a non-existent "Padania" region in Northern Italy, touted by some groups for political purposes) goes in the same way.

The same reasoning applies to Europe, where the biological and cultural layers have shaped and reshaped since prehistoric times in a context of continuous movements of human groups. No group can reasonably claim to be the direct descendant of any particular ancient human groups without dismissing the rest of its past and discriminating against the rest of its fellow citizens [27]. Cultural "essences" were (and are) constantly diluted, negotiated, transformed, and redefined with the passage of time [88, 89].

3. Claims and restitution of human remains in Italy

Thanks to the legally acquired recognition of ethnic minorities, Native Americans have managed to assert their own identity and to assert their rights over the past as well [25, 90]. This had a strong impact in other countries. Indeed, as the indigenous communities had recognized the ownership of

ancient human remains, new requests of their return echoed in many Western countries and many museums and institutions have been involved in conflicts and legal battles.

Britain experienced claims and requests of removing from display and reburial of many museum human remains and in 2004 the Human Tissue Acts governed the human remains that are less than 100 years old in museum and related institutions (Department for Culture, Media and Sport, DCMS, 2005). The primary purpose was to regulate the removal from museums, storage and use of human tissues for listed activities that include research and public display. For instance, the case of the Irish giant Charles Byrne (1761-1783), who had no direct descendants, opens the issue of a claim that does not refer to the restitution for ethnic purposes but in the frame of a "shared ancestry" within a broader category of relatedness [91]. This case, as already occurred in the case of the Kennewick man, opened the question of the use and introduction of the biomedical technology for searching genetic relationships in the debate over the most appropriate place for the remains [91-93]. Indeed, in the Western countries the biological linkage is necessary to trace a kinship whereas it may be irrelevant for the Indigenous where other issues as traditions hold communities together [11].

As for Italy, among a few and recent demands for restitution, made for different purposes, none had been successful until the recent case of the medieval remains. The Italian restitution debate has remained more or less circumscribed to scientific communities, within which, however, there is still no broader reflection today on many ethical aspects involving, in a combined and integrated way, the institutions concerned (Museums, Universities, and Superintendences). After 2000s a few Italian museums (Anthropology and Ethnology Section of the Museum of Natural History of the University of Florence; National Prehistory Ethnography Museum "Luigi Pigorini" of the Museum of Civilizations, Rome; Museum of Criminal Anthropology "Cesare Lombroso" of the University of Turin) had to deal with these matters.

The Australian government asked the MiBACT to return the Australian human skeletal remains housed in the Anthropology and Ethnology Section of the Museum of Natural History of the University of Florence, and acquired by Paolo Mantegazza during the years from 1870 to 1905. Following that request, a national committee of advisors confirmed the importance of dialogue, both desirable and necessary, with the indigenous communities, but also stated that the possibility for the scientific community to use the collections in a historic and scientific context must be an inalienable condition [94]. The request, however, opened an anomalous scenario for Italian museums that had acquired those collections through trade exchanges during missions or scientific explorations when the rules in the countries from which they came did not prohibit the acquisition or removal of materials. They had not been acquired by means of colonial campaigns, wars,

plunder, or genocide [95]. In this context, a general document drafted by the Association of Italian Anthropologists (AAI) was approved in 2014, but a widely discussed and shared document on ethical problems has not yet been provided.

Recently, another request has been made to the National Prehistory Ethnography Museum "Luigi Pigorini" of the Museum of Civilizations (Rome) which holds Maori remains, in particular several mummified heads adorned with tattoos and incisions, transforming them into objects with other symbolic meaning. The biological significance emerged in all its seriousness during a visit to the museum by an official delegation of Natives, for whom those heads evidently represented those of their ancestors, uncovered and rediscovered after such a long time and in a land so far away. In an attempt to find an agreement with those populations, the museum initiated a direct dialogue with the government of New Zealand, and the negotiations are still in progress (Luca Bondioli, personal conversation, May 2019).

A case that straddles the line between ideological, political, and ethnic aspects is that concerning the restitution of the skull of Giuseppe Villella, a Calabrian bandit who lived during the second half of the 19th century [96], exhibited at the Museum of Criminal Anthropology "Cesare Lombroso" of the University of Turin. Here, the renewed exhibition opened in 2009 with new educational purposes to reconstruct, in a critical historiographic manner, a dramatic season of Italian science and to reject the concept of criminal atavism. In the following year an opposition front arose, guided by a committee which, through the collection of over 15,000 signatures (change.org website), demanded the closing of the museum. The claim of the restitution of the Villella's skull matured in a mixing of nostalgic Neo-Bourbon and Southernism political ideas, owing to the fact that Villella lived during the time of the Bourbon reign (opening a surreal question of the ethnic identity of Calabrians). Thinking about a form of racism against Southern Italians, Villella's hometown, Motta Santa Lucia (Catanzaro, Italy), with a reawakening of pride mixed with sentimentalism, requested the skull in order to give dignity through burial to a man whose story has probably been largely idealized [96-100]. To solve the Villella's case the intervention of a court of law was necessary. The final sentence (n. 892/2017 pubbl.16/05/2017; RG n. 1157/2012, Repert. n. 1027/2017 of 16/05/2017) was handed down in 2017, stating that the skull did not have to be returned to that Calabrian community [101-102]. In fact, it remains on display at the museum in Turin [103]. In spite of the closing of the case from the legal standpoint, the petition for the closing of the museum (change.org website) was active until 2019 and collected about 17 000 signatures (among them also that of the Mayor of Naples, Italy). In many cases, the final destiny of disputed human bones is decided by organizations with no direct involvement in either scientific or cultural endeavours or by the courts, and the legal responses, whether they be positive or negative, are often

handed down without any consultation of the parties concerned [104]. This is of crucial importance, as they give rise to judicial precedents, which must be followed in subsequent cases. This dispute clearly indicates that the topic is, and will continue to be, a point of contention in the absence of a definition of the human remains within the field of natural sciences and of codified and shared rules.

4. Claims and restitution of human remains from Jewish medieval cemeteries in Europe

The issue of the control of dead and their possessions in archaeological context raises over the course of the 20th century and shows the complexities that may arise when secular and religious ethics collide in the conduct of scientific research [25]. As regard these cases, even if modern societies are becoming increasingly secularized, it is widely believed or hoped that life somehow continues after death, and human skeletal remains are considered of great sacred, symbolic and cultural meaning rather than mere utilitarian objects for scientific research [19]. The restitution of human skeletons within the religious realm refers to a phenomenon typically tied to the sphere of the Jewish religion where religious organizations, such as Hatra Kadisha, consider the archaeological and scientific research activities a violation of Jewish law. In fact, even though the Jews, present in Europe from very ancient times, have seen their rights alienated and dramatically trampled by the Nazi-Fascist extermination, the matter of the restitutions does not fall within a framework of ethnic claim of subjugated populations. Moreover, although the sense of identity of the Jewish communities is strong, they are part of European population [26, 27]. Unlike those of the non-Western communities for whom the restitution and reburial meant, and still mean, the taking back and claim of a history of a community that is biologically and culturally identified in those ancestral forebears, the nature of the dispute concerns exclusively the skeletal remains and not the material culture.

Following American indigenous communities' vindications, the Archaeology of the dead has similarly become the perfect battlefield for ultraorthodox Jewish minority groups. The first conflict with archaeologists in Europe refers to the Jewbury burial ground (York, UK). Here in 1982, the UK political and Jewish religious authorities were not clear enough on the nature of the ancient burials (if they were or not Jewish because the evidence did not clearly correspond to a funerary tradition). Nevertheless, the pressure of the Chef Rabbi's induced the closure of the archaeological excavation as well as the immediate reburial of the human remains without any further possibility of osteological analysis. At present, the remaining Jewish graves of York's medieval cemetery lie under the parking lot of a Sainsbury supermarket [105-107].

An increase in the opposition of the Ultraorthodox Jewish people on an international scale both in Europe and in Israel to the excavation of ancient Jewish burial sites, also including the study of very ancient remains such as the Neanderthals in Israel, started from 1990s onwards [19, 106]. Israel developed a legislation for the return and reburial of any human remains that are claimed as Jewish by the ultraorthodox community [12].

In this context, many archaeological Jewish burial grounds have been found and excavated but only after the mid-1990s, the ultraorthodox Jewish organizations began to interrupt the archaeological work. In the Iberian Peninsula between AD 500 and 1500 three different religions (Christianity, Islam and Judaism) gave rise to three different communities that strongly shaped its social economic and cultural history, but the claims up to now refer only to numerous archaeological Jewish sites [26, 27].

Except for a few cases (e.g. Girona) where an agreement was signed between the religious and secular authorities, in Spain the strong pressure of ultraorthodox and the ambivalent interpretation of the meaning of religious freedom in a secular state had the effect that the Spanish authorities adopted solutions that contradict the legislation on heritage management [27].

The ultraorthodox Jewish groups do not recognize the archaeological human remains as cultural heritage. They seem to represent “communities of interest” instead of “heritage communities” (cited by the Faro convention) and it is not clear how these may take part in the process of heritage management and decision-making [27].

Today’s European states, based on the respect for individual religious freedom, recognize a certain legitimate role of religion in the public sphere, but some limitations are prescribed by law in the interests of public safety and for the protection of public order, health, morals, and the rights and freedom of others [108, 109]. Consequently, no individual or minority group can impose its religion (including the practice or laws of this religion) upon the actions of the State. Doing otherwise would mean asserting the interest of minority groups over the general interest of all other citizens [110]. In this frame, the instances of fundamentalist groups create new disputes between secularism, and religious doctrines. They are, on the one hand, equal to other citizens in their freedom to practice their ultraconservative interpretation of religion, but unequal to the majority because their beliefs and customs cannot rule over all of society, even if this is prescribed by their dogma [111]. In addition, this contingency theoretically applies to all religious fundamentalist practices in Europe, whether Jewish, Christian, Muslim, or other.

European Enlightenment secularism established a new model of church-state relationship based on the notion of separation of the power, separating (except UK) the religious law (canon law) and civil or public law. In this frame, the archaeological heritage in Europe is regulated by civil law and

the prescription includes both ancient cemeteries and sacred places. This opens the discussion on how the traditional religious forces are conceived among secular states in multicultural, multi-religious and multi-ethnic societies. Many countries experience new conservative or fundamentalist religion with strong influences in the politics in America, Europe and Arab world [27].

In the USA and Australia the problem of archaeological heritage has been solved considering the society as a "salad bowl" instead of a "melting pot", where each ingredient (indigenous, Westerners, and other second-wave immigrants) stays separate to create a united salad [27]. The question is whether the acceptance of two (or more) distinctive political and social communities, with separate cultural affiliations and separate ownership of their respective cultural heritage elements, will actually help solve the historical unequal relationship among citizens. It could be that, by emphasizing different ancestral heritages at the expense of an inclusive heritage of the country, it will only reiterate community differences, and therefore reinforce today's ethnic divisions [26].

5. The human remains in the frame of cultural heritage

The term heritage indicates a series of cultural, artistic, environmental and, in general, material or intangible elements possessed by a person or community [112]. In the specific case of cultural assets, they are heritage in that they are also attributed an economic value and their management is subject to specific rules. Italy has central and regional institutions and organic laws on the protection and management of cultural assets but, in spite of the fact that human remains of archaeological interest are considered part of the cultural heritage category and managed by MiBACT, there is no explicit specification on the subject. The legislation of Cultural Heritage was governed first by the Bottai Law (1939) [113], by the Constitution of the Italian Republic (Article 9) and then by subsequent provisions, until the formulation of the Italian Decree Law no. 42 of 22/01/04, "Code of Cultural and Landscape Heritage" [114].

The term cultural heritage is defined for the first time in Italy in 1966 to express everything that constitutes a material evidence with a civilization value in an attempt to overcome the Benedetto Croce (1866-1952) viewpoint present in the Bottai law, which envisaged two separate conceptual categories: artistic-historic and natural things [115]. In his view, prehistory was no part of the history because it posed the humanity in the field of naturalism and materialism [116]. The Crocean influences long dominated the Italian academy. The division between mind and nature and nature and culture found in the Western thought has ancient roots in the classical Greek philosophy of Plato and Aristotle, where the mind and culture dominate and control body and nature [10].

In the article 10 of the Code of Cultural and Landscape Heritage, no clear indication concerning human bones is given, and they may only become cultural heritage when an inventory number is assigned to them as part of a public museum collection. However, it is not possible to attribute an inventory number to either the human skeletal museum collections or the human osteoarchaeological remains (this is the point!). As far as the osteological collections are concerned, only museum ones, presumably those acquired between the late 19th and early 20th centuries, if regularly inventoried and thus registered among the museums' assets, could become the inalienable heritage of the State as established by the Cultural Heritage code. Taking into account that the archaeological sites are cultural heritage (art. 10), this definition should encompass all the elements (also the human remains) coming from there. We of course agree that human remains are *de facto* historical documents and thus cultural heritage. Nevertheless, for their sensitive nature they may elude a clear property assignment. From this stems the difficulty to protect them in case of claims and of finding financial supports for their study contrary to what happens for the other cultural assets. At present in Italy, their management is regulated by the cemetery legislation (The National Police Mortuary Regulation, D.P.R. [Italian Presidential Decree] no.285/90, Articles 5, 41, 42, and 43 [117]). Regulatory references change from one town to another, but they are all restrictive, that is, the legislator is concerned with limiting the cases where collection, study, and preservation are permitted, and the *pietas* on the dead person prevails over any other, even scientific, interest [118]. The management of sacred objects and remains of religious interest, enclosing Catholic Church and other religious denominations, are regulated by the Article 9 of the Code of Cultural Heritage and by the Italian Constitution (Article 8, paragraph 3). Indeed, in Italy the relations between the secular state and the Catholic Church (as well as other religions) are expressly governed by agreements. It is worth noting that as a consolidated agreement (INTESA) between the Italian government and the Union of Italian Jewish Communities has been established in 1987 and later in the law of 1996 in which the articles 16-18 sets the rules of protection and enhancement of the Jewish historical, artistic, cultural, environmental, archaeological, archival and architectural heritage [106, 107, 119]. Being human remains sacred, they fall within the jurisdiction of those rules that govern the relationships between secular State and Churches. The Draft for a Recommendation on the Protection and Preservation of Jewish Cemeteries and Mass Graves in Europe [119], contains many indications concerning the management of Jewish cemeteries, and their sanctity or holiness (Kedushah). This aspect is considered even greater than that of synagogues, due to their eternal dimension and the assessment of the limits and barriers to respecting the right to rest in peace. The protection, inviolability and preservation of Jewish cemeteries constitutes a central part of the Jewish faith and is entitled to the international guarantee

of religious freedom (Article 9 ECHR –European Court of Human Rights). The Jewish religion has also strong sanctions against the burial of non-group members in their cemeteries.

Finally, for museum collections, also the International Council of Museums (ICOM) Code of Ethics (2016), a reference text setting standards for the practice of museum professionals, provides specific guidelines and professional standards for the acquisition procedures, research, and exhibition of human remains and materials of sacred significance (points 2.5, 3.7, 4.3). This has been reinforced in the recent 25th ICOM General Conference (Kyoto, Japan, September 2019).

6. Academy and Institutions in the management of the human remains

The different concern in the restitution of human skeletons with respect to grave goods reflects different views and approaches between archaeologists and anthropologists. Even though they should integrate their expertise in the study of funerary contexts, Anthropology and Archaeology are part of still different academic worlds, reflecting the long-standing ~~conflict~~ separation between biological sciences and humanities, preventing to develop common research topics [85, 120]. Even if the bioarchaeological studies have highlighted the significance of human skeletons in the reconstruction of the past cultural, as well as biological, landscape [85], the idea is still alive that human skeletal remains are items of secondary importance, and certainly more problematic, than material culture. Indeed, in spite of the theoretical developments that see a growing importance of the "body" as an integral part of social identity, the skeleton still often remains marginalized in the reconstruction of the societies of the past [120]. This underline the insidious and erroneous idea that the skeleton is a fixed and immutable biological entity and therefore less informative in the interpretation of the archaeological context and dead identity [10, 121]. Thus, in extreme cases, such as those of restitutions, it is thought that they can be overlooked without compromising the comprehension of a context. This leads to other, no less significant, aspects. During the reconstruction of the funerary landscape, only a detailed study of the state of conservation and the specific markers of bodily and skeletal treatments may shed light on the ancient gestures and rituals concerning the deceased, often reducing the risk of speculative assertions. Nevertheless, there is often the emergence of what Duday [122] calls “epistemological aberration”, related to the attribution of hierarchal value to the elements in a burial with the risk of exclusion of the human remains from those to be considered for the overall assessment of the funerary landscape. In most cases the break-up of the different elements and methodological approaches that commonly occur during the study of the funerary contexts risk of being ineffective, if not harmful, to its understanding. In this context physical anthropologists risk continuing to play a technical role in such a scenario, providing corollary, albeit useful, information, and they are frequently excluded

from the final interpretation of the context [85], highlighting the separation between scientific and Croce-influenced humanistic studies, above-mentioned and still present in Italy.

To this picture other aspects have to be added, such as the different missions and responsibilities of the ministry of research and that of safeguard and management of cultural heritage, the role and representation and representativeness of the scientific communities, and the not well-directed dialogue *within* Anthropology. In this frame, it is worth mentioning the role and the responsibility of the scientific anthropological communities that attribute prejudicially different value and importance to the different types of human remains especially in relation to their chronological coordinates (ancient *vs*. recent remains) considering how valuable they may be from the standpoint of their impact on science and the media. These aspects affect scientific and popular publishing decisions, financial support for scientific projects and, more in general, society's perception of the anthropological studies. The study and display of the dead of the distant past, as it occurs for the fossil records, are accepted by society as a kind of amusing and intriguing form of storytelling perhaps because they are temporally distant [14, 38]. This is also true for the relics of Saints in the churches or for some past celebrities (e.g. Otzi) [14]. The same cannot be said for human skeletons from more recent archaeological, historical, and museum contexts. For instance, problems may arise for the study of famous people as happened in the case of the exhumation and study of the skeletal remains of the famous 18th c. singer Farinelli, where critical articles appeared on the press assessing the uselessness of "disturbing" the dead for allegedly scientific purposes. In this context, the media and social network may assume an increasingly significant value. At the same time and paradoxically, even though there is a widespread reticence when it comes to the study of recent human remains, as a matter of fact skeletons are often used as a source of attraction and sensationalism in museums, and especially in ecclesiastical institutions [19].

Then, the scholars have the responsibility to transfer the significance, the potential influence and ethical values that the anthropological studies could have on modern societies to contribute reducing marginalization and conflicts (e.g. racial discrimination, oblivion of memory, etc.). For that, a reflection on the 'fluid' concept of population, ethnicity and identity (that has no absolute value), nowadays so current and critical, for both living and extinct population, has to be done starting from the scientific community. This to find a balance in the researches aimed at avoiding human typologies and categories –concepts underlying the racist ideology.

Sayer and Sayer [38] highlighted the positive role of public Archaeology and the engagement of the public promoting permeability, and push the boundaries of acceptability of display the dead. For this reason, it is important to urge, within the scientific community, a greater attention to the respect and dignity with which these remains must be treated, but even the value of the preservation of

those collections, as a source of unique insights into our history and place in the nature and as a "material memory" of the people. The involvement of the society and communities of reference, providing them with the tools to understand the value and positive effects of these studies for the entire human community, is crucial [19].

CONCLUSIVE REMARKS

The concept of heritage has shifted from a collection of artistic objects to a cultural process and multi-layered performance favouring a "critical discourse analysis" (CDA) to overcome an "authorized heritage discourse" (AHD) [11]. In the more recent views, the cultural heritage includes both material and immaterial elements with different values and meanings that change over time and among different populations. Currently, heritage is designed according to rules and canons (historical / artistic / landscape) identified and dictated by the institutions. Europe is now facing an unprecedented challenge for the rapid transformation of human societies and environment (e.g. migration, climate change, globalization...) and solicitations from increasing use of technologies and social networks. Thus, it is crucial to *re*-design the concept and meaning of cultural heritage, pursuing a broad and comprehensive definition including past and present cultural and natural environment. In this frame, the FARO convention of the Council of Europe (2005) [123], only recently (2020) ratified in Italy, introduces an innovative concept of heritage, focused on a people-centred perspective. It encourages and reinforces the participative bottom-up process of heritage construction that may enrich citizens and stakeholders, organized in the form of heritage communities where the identity, memory and remembering are social and cultural processes at work [27]. This process is not completely free from risks, as it could involve a complete revision of the remains already part of cultural heritage, and could develop nationalistic and dangerous social divisions. To be implemented in a harmonic and assonant way, this process must be increasingly participated and shared between the reference communities and cultural institutions through dialogue, comparison and a new narrative of research in the social sphere. In this regard, it should be noted that the recipients of the FARO convention are the States (not the citizens), that have to introduce it in their legislations. The involvement of citizens to trigger democratic transformations that take into account their instances and needs is important. The discussion over these themes, where present, remains delimited to the academic, theoretical level. The case of return of the human remains from the Jewish medieval skeletons of Via Orfeo (Bologna, Italy) is emblematic of the risks of a concept of cultural heritage "negotiated" between public institutions and whatever organised minority group. In general, human remains are of an ambiguous nature that swings between two extremes: *res* (hydroxyapatite and organic compound) or "people", posing them in a "grey area" of study and management. We feel they should be considered as natural, cultural and common heritage

(be it Neanderthal, Etruscan, Roman, Medieval or more recent remains) like our evolutionary history shows, but various factors, previously mentioned, are opposed to this view. Thus, this restitution case highlights two general aspects of the core of the problem: the position of human osteoarchaeological collections within or out of cultural heritage, and the opposing views and interests of scientists and researchers on the one hand, and of minority groups on the other. In the middle, there is the major part of Italian citizens, divided into those who would be interested in the fruition of the results of research (in the form of books, expositions, documentaries, etc.), those feeling uncomfortable in front of the "exploitation" of human remains (or of the "disturbing" of the peaceful rest of the dead), and those indifferent.

The solution to these problems is probably far from being reached, but scholars should promote discussion and dialogue about the social and ethical values of the anthropological research and knowledge based on transparency and agreement between the scientific community and citizens. Civil society should be directly involved to promote people empowering and the citizen science [124]. The anthropological community also should actively promote discussion and provide itself with ethical codes and a guide for good practices.

We currently have hundreds of thousands of human osteoarchaeological and forensic collections housed in European laboratories and museums. Thus, a reflection to preserve and protect this peculiar asset for future generations of researchers and citizens is in need to prevent and avoid the risk of alienability, exchange, commercial use, and, ultimately, decay and oblivion [125].

ACKNOWLEDGMENT: We are very grateful to Dr. Annalisa Pietrobelli for sharing with us difficult moments, for the conversations, discussions and reflections on the study and management of human remains of scientific interest. We also want to thank very much the unknown reviewers who have allowed us to greatly improve the manuscript.

FUNDING: This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

REFERENCES

[1] M. Parker Pearson, Foreword, in: H. Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. v-vii.

[2] H. Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016.

[3] E. De Martino, Morte e pianto rituale nel mondo antico: dal lamento pagano al pianto di Maria, Edizioni scientifiche Einaudi, Torino, 1958.

[4] P. Metcalf, R. Huntington, Celebrations of Death: The Anthropology of Mortuary Ritual, Cambridge: Cambridge University Press, 1991.

[5] V. Mariotti, B. Bonfiglioli, F. Facchini, S. Condemi, M.G. Belcastro, Funerary practices of the Iberomaurusian population of Taforalt (Tafoughalt) (Morocco, 11-12000 BP): new hypotheses based on a grave by grave skeletal inventory and evidence of deliberate human modification of the remains, J Hum Evol 56 (2009) 340-354.

[6] V. Mariotti, S. Condemi, M.G. Belcastro, Iberomaurusian funerary customs: new evidence from unpublished records of the 1950s excavations of the Taforalt necropolis (Morocco), J Archaeol Sci, 49 (2014) 488-499.

[7] V. Mariotti, M.G. Belcastro, S. Condemi, From corpse to bone: funerary rituals of the Taforalt Iberomaurusian population, in: Actes de la 1840ème réunion scientifique de la Société d'Anthropologie de Paris (Paris, 28-30 Janvier 2015). Bulletins et Mémoires de la Société d'Anthropologie de Paris, 2016, 28, pp. 60-65.

[8] M.G. Belcastro, S. Condemi, V. Mariotti, Funerary practices of the Iberomaurusian population of Taforalt (Tafoughalt, Morocco, 11-12,000 BP): the case of Grave XII, J Hum Evol, 58 (2010) 522-532.

[9] P. Pettit, The Paleolithic Origins of Human Burials, New York, Routledge, 2011.

[10] L. Nilsson Stutz, More than Metaphor. Approaching the Human Cadaver in Archaeology, in: F. Fahlander (Ed.), The Materiality of Death (Vol. BAR S1768), Archaeopress, Oxford, 2008, pp. 19-28.

[11] L. Smith, Uses of Heritage, Routledge, New York, 2006.

[12] L. Nilsson Stutz, Claims to the Past. A Critical View of the Arguments Driving Repatriation of Cultural Heritage and Their Role in Contemporary Identity Politics, Journal of Interventional and State Building, 7 (2013) 170-195.

[13] L. Goldstein, Reflections on Intersections of Mortuary Archaeology and Contemporary Society, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 433-451.

[14] N. Nordstrom, The Immortals: Prehistoric Individuals as Ideological and Therapeutic Tools in our Time, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 204-232.

[15] H. Williams, Firing the Imagination: Cremation in the Museum, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 293-329.

[16] T. Jenkins, Making an Exhibition of Ourselves. Using the dead to fight the battle of the living, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 251-267.

[17] D.H. Ubelaker, L.G. Grant, Human skeletal remains: Preservation or reburial? Am J Phys Anthropol, 32 (1989) 249–287.

[18] D.H. Ubelaker, Human Skeletal Remains: Excavation, Analysis, Interpretation, D.C. Taraxacum, Washington, 2000.

[19] P.L. Walker, Bioarchaeological Ethics: a historical perspective on the value of human remains, in: M.A. Katzenberg, S.R. Saunders (Eds.), Biological Anthropology of human skeleton, Wiley-Liss, Inc. Publication, New York, 2000, pp. 3-39.

[20] C.S. Larsen, P.L. Walker, The ethics of bioarchaeology, in: T.R. Turner (Ed.), Biological Anthropology and Ethics: from repatriation to genetic identity, State University of New York Press Albany, N.Y, 2005, pp. 111–119.

[21] T.D. White, M.T. Black, P.A. Folkens, Human Osteology (third edition), Elsevier Academic Press, 2012.

[22] T.R. Turner, Biological Anthropology and Ethics: from repatriation to genetic identity, SUNY Press, Albany, N.Y, 2005.

[23] T.R. Turner, Ethical issues in human population biology, in: S. Lindee, R. Ventura Santos (Eds.), The Biological Anthropology of Modern Human Populations: World Histories, National Systems, and International Networks, Current Anthropology 53(S5) (2012) S222–S232.

[24] T.R. Turner, J.K. Wagner, G.S. Cabana, Ethics in biological anthropology, Am J Phys Anthropo, 65 (2018) 939–951.

[25] P.M. Lambert, Ethics and Issues in the Use of Human Skeletal Remains in Paleopathology, in: A.L. Grauer (Ed.), A Companion to Paleopathology, Wiley-Blackwell, Chicester, 2012, pp. 17–33.

[26] L. Colomer, The archaeology of ancient Jewish burial grounds: between the demands of religion and the *res publica*, in: L. Colomer (Ed.), Archaeological intervention on historical necropolises: Jewish cemeteries, Barcelona: Museu d'Història de Barcelona, Ajuntament de Barcelona, 2013, pp. 335-345.

[27] L. Colomer, The Politics of Human Remains in Managing Archaeological Medieval Jewish Burial Grounds in Europe, Nordisk Kulturpolitisk Tidsskrift, 17 (2014) 169-186.

[28] K.D. Vitelli, Archaeological Ethics, Walnur Creek, CA, AltaMira Press, 1996.

[29] M. Parker Pearson, The Archaeology of death and burial, Stroud, Sutton, 1999.

[30] D.G. Jones, R.J. Harris, Archaeological Human Remains: Scientific, Cultural, and Ethical Considerations, Curr Anthropol, 39 (1998) 253-264.

[31] G.F. Scarre, The ethics of archaeology: philosophical perceptive on archaeological practice, Cambridge University Press, Cambridge, 2006.

[32] G.F. Scarre, R. Coningham, Appropriating the Past: Philosophical Perspectives on the Practice of Archaeology, Cambridge University Press, Cambridge, 2013.

[33] H. Swain, Museum Practice and the Display of Human Remains, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 169-183.

[34] L. Nilsson Stutz, To gaze upon the dead: The Exhibition of Human Remains as Cultural Practice and Political Process in Scandinavia and the USA, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 268-292.

[35] D. Sayer, Is there a crisis facing British burial Archaeology?, Antiquity, 83 (2009) 199-205.

[36] W. Rathouse, Contemporary Pagans and the Study of Ancestors, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 333-344.

[37] D. Sayer, Who's afraid of the dead? Archaeology, modernity and the death taboo, World Archaeology, 42 (2010) 481-491.

[38] F. Sayer, D. Sayer, Bones Without Barriers: The Social Impact of Digging the Dead, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 139-165.

[39] R. Curina, V. Di Stefano, Il Cimitero ebraico medievale di Bologna: Un percorso tra memoria e valorizzazione, Cooperativa Archeologia, Firenze, 2019.

[40] M.G. Belcastro, A. Pietrobelli, R. Sorrentino, M.P. Morigi, M. Bettuzzi, A. Modi, M. Lari, D. Caramelli, V. Mariotti, Studio antropologico degli inumati del cimitero medievale ebraico di Via Orfeo (Bologna), in: R. Curina, V. Di Stefano (Eds.), Il Cimitero ebraico medievale di Bologna: un percorso tra memoria e valorizzazione, Cooperativa Archeologia, Firenze, 2019a, pp. 113-129.

[41] Joint Commette of Associazione Nazionale Musei Scientifici. Document on the request by the Australian Government for the restitution of human skeletal remains deriving from Australian territory and conserved in the Anthropology and Ethnology Section of the Museum of Natural History of the University of Florence. Museologia Scientifica, 5 (2011) 11-21.

[42] A. Ruggeri, Luigi Calori. Una vita dedicata alla scienza, Medimond. Bologna, 2007.

[43] M.G. Belcastro, B. Bonfiglioli, M.E. Pedrosi, M. Zuppello, V. Tanganelli, V. Mariotti, The History and Composition of the Identified Human Skeletal Collection of the Certosa Cemetery (Bologna, Italy, 19th–20th Century), Int J Osteoarchaeol 27 (2017) 912-925.

[44] S.M. Bello, L.T. Humphrey, The funerary behaviour and the social value of children in a proto-industrial urban population from London during the 18th and 19th centuries, British Archaeological Review, 1712 (2007) 24–31.

[45] M.A. Rocha, Les collections ostéologiques humaines identifiées du Musée Anthropologique de l'Université de Coimbra, Antropologia Portuguesa, 13 (1995) 7-38.

[46] A.L. Santos, A skeletal picture of tuberculosis: macroscopic, radiological, biomolecular, and historical evidence from the Coimbra Identified Skeletal Collection, Unpublished PhD Thesis, Universidade de Coimbra, 2000.

[47] E. Cunha, S. Wasterlain, The Coimbra identified skeletal collections, in: G. Grupe, J. Peters (Eds.), Skeletal Series and Their Socioeconomic Context, Verlag, Munchen, 2007, pp. 23-33.

[48] M.T. Ferreira, R. Vicente, D. Navega, D. Gonçalves, F. Curate, E. Cunha, A new forensic collection housed at the University of Coimbra, Portugal: The 21st century identified skeletal collection, Forensic Sci Int, 245 (2014) 202.e1–202.e5.

[49] H.F.V. Cardoso, The Collection of Identified Human Skeletons Housed at the Bocage Museum (National Museum of Natural History), Lisbon, Portugal, Am J Phys Anthropol, 129 (2006) 173–176.

[50] I. Aléman, J. Irurita, A.R. Valencia, A. Martínez, S. López-Lázaro, J. Viciano, M.C. Botella, Brief Communication: The Granada Osteological Collection of Identified Infants and Young Children, Am J Phys Anthropol, 149 (2012) 606–610.

[51] U. Rajala, Separating the Emotions: Archaeological Mentalities in Central Italian Funerary Archaeology in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 68-96.

[52] F. Facchini, E. Fulcheri, M.G. Belcastro, Esame antropologico dei reperti attribuiti a san Cassiano di Imola, in: A. Ferri A (Ed.), Divo Cassiano, il culto del santo martire di Imola, Bressanone e Comacchio, La Mandragora, Imola, 2004, pp. 137-140.

[53] F. Facchini, D. Caramelli, A. Todero, G. Bocchini, E. Pilli, M.G. Belcastro, Ricognizione antropologica e analisi genetica delle reliquie di san Zeno, in: Ricognizione delle Reliquie di San Zeno, Cierre Edizioni, Verona, 2013, pp. 83-97.

[54] M.G. Belcastro, G. Bocchini, Studio antropologico dei resti scheletrici rinvenuti nella teca di Santa Deodata, in: P. Desantis, M. Marchesini, S. Marvelli (Eds.), Un tesoro di fede al Castello dei Ronchi. Il vetro dorato paleocristiano e la reliquia di Santa Deodata, Soprintendenza per i Beni Archeologici dell'Emilia Romagna. Istituto per i Beni Artistici Culturali e Naturali della Regione Emilia-Romagna, Museo Archeologico Ambientale Bologna, Comune di Crevalcore, Bologna, 2014, pp. 69-78.

[55] E. Weiss-Krejci, 'To Give Away': the Significance of Graves and Dead Bodies in Present Day Austria, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 345-366.

[56] M. Brown, Habeas Corpus: Contested Ownership of Casualties of the Great War, in: Williams, M. Giles (Eds.), Archaeologists and the dead. Mortuary Archaeology in Contemporary Society, Oxford University Press, Oxford, 2016, pp. 113-138.

[57] F. Nicolis, The Body as Text. The Corpses of Soldiers of the Great War in the Alps, Paper presented at European Archaeological Association Annual Meeting, Barcelona, 5-8 September 2018, abstract book, 2018, p. 84.

[58] C. Cattaneo, M. Grandi, Antropologia e Odontologia Forense. Guida allo Studio dei Resti Umani, Monduzzi Bologna, 2004.

[59] M.G. Belcastro, A. Todero, G. Fornaciari, V. Mariotti, Hyperostosis frontalis interna (HFI) and castration: the case of the famous singer Farinelli (1705-1782), J Anat, 219 (2011) 632-637.

[60] M.G. Belcastro, B. Bonfiglioli, G. Bocchini, F. Facchini, A. Todero, G. Fornaciari, A. Fornaciari, M.P. Morigi, F. Casali, M. Bettuzzi, R. Brancaccio, V. Mariotti, Farinelli: dall'estumulazione allo studio antropologico dei suoi resti scheletrici, in: L. Verdi (Ed.), Il Farinelli ritrovato. Atti del Convegno di studi, Bologna, 29 maggio 2012, Libreria Musicale Italiana, Lucca, 2014a, pp. 109-139.

[61] M.G. Belcastro, V. Mariotti, B. Bonfiglioli, A. Todero, G. Bocchini, M. Bettuzzi, R. Brancaccio, S. De Stefano, F. Casali, M.P. Morigi, Dental status and 3D reconstruction of the malocclusion of the famous singer Farinelli (1705–1782), Int J Paleopathol, 7 (2014b) 64-69.

[62] G. Fornaciari, V. Giuffra, E. Ferroglio, S. Gino, R. Bianucci, Plasmodium Falciparum Immunodetection in Bone Remains of Members of the Renaissance Medici Family (Florence, Italy, Sixteenth Century), T Roy Soc Trop Med H, 104 (2010) 583-587.

[63] G. Fornaciari, V. Giuffra, F. Bortolotti, R. Gottardo, S. Marvelli, M. Marchesini, S. Marinozzi, A. Fornaciari, G. Brocco, F. Tagliaro, A medieval case of digitalis poisoning: the sudden death of Cangrande della Scala, lord of Verona (1291-1329), J Archaeol Sci, 54 (2015) 162-167.

[64] F. Frassetto, Dantis ossa. La forma corporea di Dante. Scheletro, Ritratti, Maschere e Busti, Tipografia Parma, Bologna, 1933.

[65] F. Frassetto, S. Muratori, G. Sergi, C. Ricci, Ricognizione delle ossa di Dante fatta nei giorni 28-31 ottobre 1921, Memorie della Reale Accademia dei Lincei, XVII (1923) 1-31.

[66] G. Sergi, F. Frassetto, Esame antropologico delle Ossa di Dante. Rivista di Antropologia, XXVI (1924) 1-17.

[67] F. Frassetto, A. Pirazzoli, Avviamenti all'unificazione della tecnica fotografica a scopo morfologico e metrico mediante immagini stereoscopiche e ricostruzione plastica del soggetto. S.A.S. Bollettino del Comitato internazionale per l'unificazione dei metodi e per la Sintesi in Antropologia eugenica e Biologia, 7 (1938) 3-18.

[68] F. Facchini, S. Veschi, Age Determination on Long Bones in a Skeletal Subadults Sample (b-12 Years), Collegium Antropol, 28 (2004) 89–98.

[69] V. Mariotti, F. Facchini, M.G. Belcastro, Enthesopathies: proposal of a standardised scoring method and applications, Collegium Antropol, 28 (2004) 145-159.

[70] V. Mariotti, F. Facchini, M.G. Belcastro, The study of entheses: proposal of a standardised scoring method for twenty-three entheses of the postcranial skeleton. Collegium Antropol, 31 (2007) 291–313.

[71] V. Mariotti, M. Zuppello, M.E. Pedrosi, M. Bettuzzi, R. Brancaccio, E. Peccenini, M.P. Morigi, M.G. Belcastro, Skeletal evidence of tuberculosis in a modern identified human skeletal collection (Certosa cemetery, Bologna, Italy), Am J Phys Anthropol, 157 (2015) 389–401.

[72] R. Cameriere, L. Ferrante, M.G. Belcastro, B. Bonfiglioli, E. Rastelli, M. Cingolani, Age Estimation by Pulp/Tooth Ratio in Canines by Peri-Apical X-Rays, J Forensic Sci, 52 (2007a) 166-170.

[73] R. Cameriere, L. Ferrante, M.G. Belcastro, B. Bonfiglioli, E. Rastelli, M. Cingolani, Age Estimation by Pulp⁄Tooth Ratio in Canines by Mesial and Vestibular Peri-Apical X-Rays, J Forensic Sci, 52 (2007a) 1151-5.

[74] M.G. Belcastro, E. Rastelli, F. Facchini, V. Mariotti, Variation of the Degree of sacral vertebral body fusion in adulthood in two European modern skeletal collections, Am J Phys Anthropol, 135 (2008) 149-160.

[75] M.G. Belcastro, A. Pietrobelli, E. Rastelli, V. Iannuzzi, S. Toselli, V. Mariotti, Variations in epiphyseal fusion and persistence of the epiphyseal line in the appendicular skeleton of two identified modern (19th–20th c.) adult Portuguese and Italian samples, Am J Phys Anthropol, 169 (2019b) 448– 463.

[76] M.G. Belcastro, V. Mariotti, A. Pietrobelli, R. Sorrentino, A. García-Tabernero, A. Estalrrich, A. Rosas, The study of the lower limb entheses in the Neanderthal sample from El Sidron (Asturias, Spain): How much musculoskeletal variability did Neanderthals accumulate?, J Hum Evol, 141 (2020) 102746 https://doi.org/10.1016/j.jhevol.2020.102746.

[77] M.G. Belcastro, V. Mariotti, A muscular imprint on the anterolateral surface of the proximal femurs of the Krapina Neandertal collection, Am J Phys Anthropol, 162 (2017) 583-588.

[51] S.M. Hens, E. Rastelli, M.G. Belcastro, Age Estimation from the Human Os Coxa: A Test on a Documented Italian Collection, J Forensic Sci, 53 (5) (2008) 1040-1043.

[78] S.M. Hens, M.G. Belcastro, Auricular surface aging: A blind test of the revised method on historic Italians from Sardinia, Forensic Sci Int, 214 (2012) 209.e1–209.e5.

[79] M. Milella, M.G. Belcastro, C.P.E. Zollikofer, V. Mariotti, The effect of Age, Sex and Physical Activity on Entheseal Morphology in a Contemporary Italian Skeletal Collection, Am J Phys Anthropol, 148 (2012) 379-388.

[80] M. Milella, F.A. Cardoso, S. Assis, G.P. Lopreno, N. Speith, Exploring the relationship between entheseal changes and physical activity: A multivariate study, Am J Phys Anthropol., 156 (2015) 215–223.

[81] M. Milella, M.G. Belcastro, V. Mariotti, E. Nikita, Estimation of adult age-at-death from entheseal robusticity: A test using an identified Italian skeletal collection, Am J Phys Anthropol, (2020) e24083. https://doi.org/10.1002/ajpa.24083.

[82] N. Radi, S. Zampetti, A. Riga, C. Villa, V. Mariotti, M.G. Belcastro, Variation of the anterior aspect of the femoral head-neck junction in a modern human identified skeletal collection, Am J Phys Anthropol, 152 (2013) 261–272.

[83] A. Riga, M.G. Belcastro, J. Moggi Cecchi, Environmental Stress Increases Variability in the Expression of Dental Cusps, Am J Phys Anthropol, 153 (2014) 397–407.

[84] S. Zampetti, V. Mariotti, N. Radi, M.G. Belcastro, Variation of skeletal degenerative joint disease features in an identified Italian modern skeletal collection, Am J Phys Anthropol, 160 (2016) 683–693.

[85] V. Nizzo, Archeologia e antropologia della morte: storia di un'idea. La semiologia e l'ideologia funeraria delle società di livello protostorico nella riflessione teorica tra antropologia e archeologia, Edipuglia, Bari, 2015.

[86] E. Heyer, C. Reynaud-Paligot, Us and them: From prejudice to racism. An original analysis of race and racism, Am J Phys Anthropol (2020) 1–9, DOI: 10.1002/ajpa.24158

[87] A. Panofsky, K. Dasgupta, N. How White nationalists mobilize genetics: From genetic ancestry and human biodiversity to counterscience and metapolitics, Am J Phys Anthropol (2020) 1–12, DOI: 10.1002/ajpa.24150

[88] S.A. Scham, The archaeology of the disenfranchised, J Archaeol Method Th, 8 (2001) 183–213.

[89] L. Meskell, The intersections of identity and politics in archaeology, Annu Rev Anthropol, 31 (2002) 279–301.

[90] E. Weiss, J. W. Springer (Eds.), Repatriation and Erasing the Past University Press of Florida, 2020.

[91] C. Nash, Making kinship with human remains: Repatriation, biomedicine and the many relations of Charles Byrne, Environment and Planning D: Society and Space, 36 (2018) 867-884.

[92] J.C. Chatters, The recovery and first analysis of an Early Holocene human skeleton from Kennewick, Washington, Am Antiquity, 65 (2000) 291–316.

[93] M. Rasmussen, M. Sikora, A. Albrechtsen, T.S. Korneliussen, J.V, Moreno-Mayar, G.D. Poznik, C.P.E. Zollikofer, M.S. Ponce de León, M.E. Allentoft, I. Moltke, H. Jónsson, C. Valdiosera, S.M. Ripan, L. Orlando, C.D. Bustamante, T.W. Stafford Jr., D.J. Meltzer, R. Nielsen, E. Willerslev, The ancestry and affiliations of Kennewick, Nature, 523 (2015) 455-458.

[94] G. Giacobini, Una minaccia per le collezioni di antropologia biologica (e non solo). Museologia Scientifica, 5 (2011) 8-10.

[95] Joint Commette of Associazione Nazionale Musei Scientifici. Document on the request by the Australian Government for the restitution of human skeletal remains deriving from Australian territory and conserved in the Anthropology and Ethnology Section of the Museum of Natural History of the University of Florence. Museologia Scientifica, 5 (2011) 11-21.

[96] M.T. Milicia, Lombroso e il brigante. Storia di un cranio conteso, Salerno editrice, Roma, 2014.

[97] E. Canadelli, A chi appartiene il passato? Il dibattito sulla "repatriation", May 16 2016, Available from: http://lameladinewton-micromega.blogautore.espresso.repubblica.it/2016/05/26/a-chi-appartiene-il-passato-il-dibattito-sulla-repatriation/ (last access 13th August 2020)

[98] G. Mangiapane, C. Cilli, G. Giacobini, G. Malerba, Il "caso Villella" e il libro dei visitatori del Museo di Antropologia criminale "Cesare Lombroso" dell'Università di Torino, Museologia Scientifica, 15 (2016) 121-124.

[99] M.T. Milicia, E. Canadelli, Il grande laboratorio dell'umanità. Il dibattito sulla repatriation dei resti umani fra storia e antropologia, Confronti, 1 (2017) 109-146.

[100] S. Montaldo, E. Chiari, Human Skulls and Photographs of Dead Bandits. The Problem of Presenting a Ninentheen-Century Museum to Twenty-Century Audience, in: E. Stylianou, T. Stylianou-Lambert (Eds.), Museum and Photography. Displaying Death, Routledge, London, 2017.

[101] Home for the bones, Nature, 501 (2013) 462. Available from: https://www.nature.com/news/homes-for-bones-1.13806 (last access 13th August 2020)

[102] Quantum computing, election pledges and a thief who made science history, Nature, 545 (2017) 390–391. Available from: https://www.nature.com/news/quantum-computing-election-pledges-and-a-thief-who-made-science-history-1.22030 (last access 13th August 2020)

[103] C. Cilli, S. Foà, G. Gastaldi, G. Giacobini, D. Jalla, G. Malerba, M.T. Milicia, S. Montaldo, Al Museo Lombroso di Torino il caso del cranio di Giuseppe Villella: un patrimonio in beni culturali, la sua vera storia, le tappe giudiziarie, le implicazioni giuridiche e museologiche, Museologia Scientifica, 13 (2019) 139-150.

[104] Murky manoeuvres. Nature, 491 (2012) 7, Available from: https://www.nature.com/news/murky-manoeuvres-1.11678 (last access 13th August 2020)

[105] J.M. Lilley, G. Stroud, D.R. Brothwell, M.H. Williamson, The Jewish Burial Ground at Jewbury, The Archaeology of York, vol. 12: The Medieval Cemeteries, Council for British Archaeology, London, 1994.

[106] M. Polonovski, Jewish cemeteries and archaeology: New scientific and legal challenges, in: L. Colomer (Ed.), The seminar Archaeological Intervention on Historical Necropolises: The Jewish Cemeteries, Barcelona 15–16 January 2009, Barcelona, MUHBA, 2013.

[107] M. Polonovski, Jewish cemeteries and archaeology: religious law versus civil law, Paper presented at European Archaeological Association Annual Meeting, Barcelona, 5-8 September 2018, abstract book, 2018, p. 164.

[108] A. Álvarez-Cortina, M.J. Villa, Repertorio legislativo y jurisprudencial de derecho eclesiástico español, Ediciones Universidad de Navarra, Pamplona, 1998.

[109] L.L. Garlicki, Perspective on freedom of conscience and religion in the jurisprudence of constitutional courts, Brigham Young University Law Review, 2001, vol. 2 (International Law and Religion Symposium), Available from: https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=2067&context=lawreview (last access 13th August 2020).

[110] J. Martínez-Torrón, Separatismo y cooperación en los acuerdos del estado con las minorías religiosas. Ed. Comares, Granada, 1994.

[111] T. Asad, Formation of the Secular: Christianity, Islam, Modernity, Stanford University Press Stanford, 2003.

[112] Treccani online, Heritage, Available from: http://www.treccani.it/enciclopedia/heritage_%28Lessico-del-XXI-Secolo%29/ (last access 13th August 2020).

[113] G. Bottai, Legge 1089/39: Tutela delle cose d'interesse artistico e storico, 1939.

[114] Code of Cultural and Landscape Heritage, Legislative Decree n. 42. Of 22 January 2004, Available from: https://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1240240310779_codice2008.pdf (last access 13th August 2020).

[115] A. Guarino, Il Progetto Finalizzato CNR per i Beni Culturali. Notiziario/50, Consiglio Nazionale delle Ricerche, 1995, pp. 7-15.

[116] B. Croce, Varietà, La Critica. Rivista di letteratura, Storia e Filosofia diretta da B. Croce, 37 (1938)141-155.

[117] National Police Mortuary Regulation, D.P.R. 1990 [Italian Presidential Decree] no. 285/90, Gazzetta Ufficiale, Available from: https://www.gazzettaufficiale.it/eli/id/1990/10/12/090G0312/sg (last access 13th August 2020).

[118] L. Capasso, D.T. Cesana, Collezioni scheletriche umane: problemi di ordine etico, in: M. Micheletti Cremasco, F. Scalfari (Eds.), Biologia dello scheletro: collezioni, studio e…poesie. Quaderni di Asti Studi Superiori, Diffusione Immagine Editore, Asti, 2012.

[119] L.L. Christians, Draft for a Recommendation on the Protection and Preservation of Jewish Cemeteries and Mass Graves in Europe, 2008, Available from: Https://Cdn.Uclouvain.Be/Public/Exports%20reddot/Chairedroitreligions/Documents/Jewish_Cemeteries_International_Law_Christians.Pdf

[120] R.L. Gowland, C. Knüsel (Eds.), Social Archaeology of Funerary Remains, Oxford, 2006.

[121] J.R. Sofaer, Gender, Bioarchaeology and Human Ontogeny, In: R.L. Gowland, C. Knüsel (Eds.), Social Archaeology of Funerary Remains, Oxford, 2006, pp. 155-167.

[122] H. Duday, Lezioni di archeotanatologia: archeologia funeraria e antropologia di campo, Soprintendenza Archeologica, Roma, 2006.

[123] FARO Convention, The Framework Convention on the Value of Cultural Heritage for Society (Faro Convention, 2005), Available from: https://www.coe.int/en/web/culture-and-heritage/faro-convention (last access 13th August 2020).

[124] National Academy of Sciences, National Academy of Engineering, and Institute of Medicine. On Being a Scientist: A Guide to Responsible Conduct in Research: Third Edition. Washington, DC: The National Academies Press, 2009.

[125] C. Frerking, H. Gill-Frerking, Human remains as heritage: Categorisation, Legislation and Protection, Art, Antiquity and Law, 22 (2017) 49-73.