

Heritage Ethics and Human Rights of the Dead

Author: Miss Kelsey Perreault

Affiliation: PhD Student, Institute for Comparative Studies in Literature, Art, and Culture

Carleton University, 1125 Colonel By Drive, Ottawa, Ontario, Canada K1S 5B6

Contact: Kelsey.Perreault3@Carleton.ca

Abstract:

In *The Work of the Dead: A Cultural History of Mortal Remains*, Thomas Laqueur argues that the work of the dead is carried out through the living and through those who remember, honour, and mourn the dead. Further, he maintains that the brutal or careless disposal of the corpse “is an attack of extreme violence”. To treat the dead body as if it does not matter or as if it were ordinary organic matter would be to deny its humanity. From Laqueur’s point of view it is inferred that the dead are believed to have rights and dignities that are upheld through rituals, practices, and beliefs of the living. Drawing on dark tourism scholarship and cultural memory theory, this paper examines the display of human bones at Sedlec Ossuary, Czech Republic and the tourist culture that has built up around the site. Primarily, my writing calls into question the commoditization of burial places as a conceivable violation of the human rights of the dead. My research is driven by a number of questions: What is it that draws tourists to burial grounds and how do heritage sites negotiate visitor experiences? What are the ethical boundaries when a final resting place with bodies on display is also marketed as a tourist site? Do the dead have human rights and how are the living responsible for preserving those rights?

Keywords: Death, Bodies, Human Rights, Burial, Ethics, Tourism, Heritage, Culture, Memory

Introduction

“We endlessly invest the dead body with meaning because, through it, the human past somehow speak to us.”¹ -Thomas Laqueur

In *The Work of the Dead* Thomas Laqueur opens with a recount of Diogenes the Cynic who during Greek times had ordered that his body be carelessly thrown away after his death and left unburied. Diogenes’ rationale was that he would be gone and his dead body would not have the capacity to care what happened to it. Laqueur counters this by asking, do the dead matter? Does the dead body matter? He argues yes.

It matters in disparate religious and ideological circumstances; it matters even in the absence of any particular belief about a soul or how long it might linger around its former body or about what might become of it after death; it matters across all sorts of beliefs about an afterlife or God. It matters in the absence of such beliefs. It matters because the living need the dead far more than the dead need the living. It matters because the dead make social worlds. It matters because we cannot bear to live at the borders of our mortality.²

Laqueur argues that the work of the dead is carried out through the living and through those

¹ Thomas Walter Laqueur and ProQuest (Firm). *The Work of the Dead: A Cultural History of Mortal Remains*. Princeton, New Jersey: Princeton University Press, 2015. 5

² Thomas Walter Laqueur and ProQuest (Firm). *The Work of the Dead: A Cultural History of Mortal Remains*. Princeton, New Jersey: Princeton University Press, 2015, 1

who remember, honour, and mourn the dead. Further, he maintains that the brutal or careless disposal of the corpse “is an attack of extreme violence”.³ To treat the dead body as if it does not matter or as if it were ordinary organic matter would be to deny its humanity. From Laqueur’s point of view it is inferred that the dead are believed to have rights and dignities that are upheld through rituals, practices, and beliefs of the living.

Drawing on dark tourism scholarship, cultural mourning practices, and human rights of the dead, this paper examines the display of human bones at Sedlec Ossuary, Czech Republic and the tourist culture that has built up around the site. My writing calls into question the commoditization of burial places as a conceivable violation of the human rights of the dead and is driven by a number of questions: What is it that draws tourists to burial grounds and how do heritage sites negotiate visitor experiences? What are the ethical boundaries when a final resting place with bodies on display is also marketed as a tourist site? Do the dead have human rights and how are the living responsible for preserving those rights?

Sedlec Ossuary: A Case Study

Sedlec Ossuary, more commonly referred to as the bone church, is located just outside of Prague, Czech Republic. After a research trip to Poland in the spring of 2016, I was backpacking through Eastern Europe and found myself at Sedlec. It’s famous among tourists and locals and numerous tours leave Prague everyday to the small city of Kutna Hora, in which the church is located. The bone church contains the bones of approximately 40,000 people who

³ Laqueur, *The Work of the Dead: A Cultural History of Mortal Remains*, 4

were originally buried on church grounds between the 14th to 17th century, a large number of whom died from the plague which devastated the town in 1378. The gothic church on site was built in 1400 and the bones buried on the church grounds were exhumed and installed on the interior in 1870 by Frantisek Rindt, a local woodworker.⁴ Elizabeth Hallam notes that “in Europe, ossuaries have acted as repositories of bones since the 13th century in Catholic contexts, developing where the dead are given a temporary burial after which, once the flesh has decomposed, the skeleton is exhumed and placed in a dedicated building to communally house the remains, often in a graveyard or near a church.”⁵ The uncanny compilation of human bones in the form of crests, chandeliers, and sculptures at Sedlec has made the bone encrusted church particularly popular among modern tourists (see figures 1-4).

Initially, my first task is to understand the phenomenon of dark tourism and how Sedlec Ossuary falls both inside and outside of its scope. Dark tourism is a term coined by John Lennon and Malcolm Foley that describes a (perceived) recent rise in tourist pilgrimage to sites of death, disaster, and atrocity in the late twentieth and early twenty-first centuries.⁶ In *Dark Tourism: The Attraction of Death and Disaster* Lennon and Foley use case studies of sites of dead presidents, the death camps of Poland, war sites of the first and second world wars, and the US Holocaust Memorial Museum to think through what it is that attracts tourists to these

⁴ Information gathered on site and from the church’s tourist website. “Sedlec Ossuary.” *Sedlec Ossuary*. Accessed November 20, 2017. <https://sedlecossuary.com/>

⁵ Elizabeth Hallam, "Articulating Bones: An Epilogue." *Journal of Material Culture* 15, no. 4 (2010), 475

⁶ John Lennon and Malcolm Foley, *Dark tourism*. New York; London;: Continuum. 2010, 3

modern pilgrimage sites. They argue that “the politics, economies, sociologies, and technologies of the contemporary world are as much important factors in the events upon which dark tourism is focused as they are central to the selection and interpretation of sites and events which become tourist products.”⁷ Dark tourist sites have since been broken down by Stone and Sharpley into five possible categories of dark travel experience that include: “to witness public enactments of death; to sites of individual or mass deaths; to memorials or internment sites; to see symbolic representations of death; and, to witness re-enactments of death.”⁸

Evidently, ossuaries, charnel houses, and catacombs can be enveloped under this umbrella of dark tourism that encompasses a range of experiences and representations of death. However, I would like to unpack the notion of ‘dark’ within dark tourism a bit further and question if the representations of death at ossuaries are in fact ‘dark’. In this my line of questioning aligns with Bowman and Pezzullo’s arguments in their article “What’s so ‘Dark’ about ‘Dark Tourism’?” They take issue with Lennon and Foley’s choice of naming dark tourism considering the unmistakable negative valence attached to the term ‘dark’ in Western cultures. Bowman and Pezzullo posit that,

the trope of ‘dark’ works to create the reality it purports merely to describe. In refusing to interrogate the term, scholars have also refused to identify and to interrogate the assumptions such language entails. By labeling certain tourists and tourist sites ‘dark’,

⁷ John Lennon and Malcolm Foley, *Dark tourism*. New York;London;: Continuum. 2010, 3

⁸ Philip Stone and Richard Sharpley, "Consuming Dark Tourism: A Thanatological Perspective." *Annals of Tourism Research* 35, no. 2 (2008) 578

an implicit claim is made that there is something disturbing, troubling, suspicious, weird, morbid, or perverse about them, but what exactly that may be remains elusive and ill-defined because no one has assumed the burden of proving it.⁹

Further, they argue that to accept Lennon and Foley's naming of certain destinations as dark and others as heritage would mean accepting a binary distinction between tragedy and heritage.¹⁰ However, the two are not mutually exclusive categories and to name a site as one or the other risks undermining important histories and cultural values.¹¹

So how are we to interpret ossuaries? They have commonly been described as *memento mori*, (reminders of death) that force their spectators to reflect on their own mortality. Paul Koudounaris notes however that to understand them as *memento mori* may no longer apply since the context in which we understand death has shifted significantly, and has altered their message.¹² He suggests that,

What we call memento mori is perhaps something more along the lines of *timor mortis*¹³: instead of simply reminding us of our own mortality, death tends to provoke

⁹ Michael S. Bowman, and Phaedra C. Pezzullo, "What's so 'Dark' about 'Dark Tourism'? : Death, Tours, and Performance." *Tourist Studies* 9, no. 3 (2009) 190

¹⁰ *ibid*

¹¹ I use dark tourism to contextualize Sedlec Ossuary as it is the most commonly accepted category. However, I also note that there may be other more useful terminology to describe the varied experiences at a site like Sedlec.

¹² Paul Koudounaris, *The Empire of Death: A Cultural History of Ossuaries and Charnel Houses*. New York: Thames & Hudson, 2011, 15

¹³ *Timor mortis* translates to "fear of death disturbs me"

fear. We should understand that the bone houses of centuries past were sacred sites, and many incorporated chapels for worship, making them places not of fear, but of eschatological hope.¹⁴

The sacred nature of ossuaries and their message of hope is often difficult to grasp for the modern visitor. Koudounaris points to the post-Enlightenment era as a significant paradigm shift. A heightened preoccupation with hygiene and transmission of disease resulted in efforts to clean up church yards and cemeteries, and to keep a safe distance between the living and the dead. There was a new understanding of the dead as highly contaminated and their presence inside sacred sites such as churches was mostly abandoned.¹⁵ Thus, the proliferation of ossuaries at its peak were understood as symbols of hope and spaces of purity. Post-enlightenment and in our contemporary context, these displays of bones inside churches and chapels are more often viewed as strange, dark, and disturbing.

However, many ossuaries actually served as early memorials and sites of commemoration. Again, this is difficult for the modern viewer to understand because Western contemporary memorial practices most often render bodies invisible. Koudounaris reveals that, “the first structures to be decorated with human remains were in fact military tributes, and the desire to create a memorial from the bones of those who have been massacred has continued into the modern era.” One example given is the Cambodian genocide memorial which features 5,000 skulls that were recovered from the killing fields. Regardless, the draw for contemporary

¹⁴ Paul Koudounaris, *The Empire of Death: A Cultural History of Ossuaries and Charnel Houses*. New York: Thames & Hudson, 2011, 15

¹⁵ Ibid.

tourists to ossuaries has little to do with memorialization or remembrance of the dead.

Western cultural norms prescribe that corpses and bones should not be looked at and moreover, cultural taboos keep dead bodies out of the public sphere. Cultural taboos around not looking at dead bodies is what makes looking at the bones of ossuaries such a spectacle for tourists. They are called to look at exactly what they are not supposed to look at.

Jessica Auchter explains this further in her article "On looking: the politics of looking at the corpse". Auchter describes,

When I visited the genocide memorials in Rwanda several years ago, I travelled to multiple memorial sites where bones and bodies were on display. When you see these bodies and bones, you don't know if you should look. You are there to look, indeed these sites are designed to be visually and physically engaged with, as you traverse rooms full of mummified corpses. But somehow it seems shameful to just look.¹⁶

I know from my own experience visiting Sedlec that visitors are faced with a similar paradox inside the bone church. I had come to Sedlec after a two-week intensive research trip in Poland visiting Holocaust memorials and death camps. In Poland the bodies are concealed; they are ashes buried under ground and beneath the memorials. Except at Majdanek Concentration Camp, where the ashes are piled high under a massive obelisk and to look upon the ashes makes visible the magnitude of loss in a way that overshadows all the other monuments. To look at ashes is still a remarkably different experience than to look at bones which are

¹⁶ Jessica Auchter, "On Viewing: The Politics of Looking at the Corpse." *Global Discourse* 7, no. 2-3 (2017) 228

materially and visually more human, which is why the bone church was so troubling to me as a researcher. I walked around Sedlec and was caught off guard by the quantity of human bones on display; human bones that were close enough to touch, human bones that tourists could take selfies with, human bones that had been commoditized as memorabilia in the entrance gift shop. I could understand the appeal to witness a place like Sedlec, after all I had been drawn there as a tourist as well. However, as a researcher invested in memory and memorial practices, there were pertinent ethical questions to be asked.

The first being, what is the role of the tourist in all of this? It seems modern tour groups to sites of death inevitably require far less extensive planning, time, and commitment than pilgrimages to similar sites in the past. Inevitably this has led to a bad rapport of tourists and Lennon and Foley come to understand this as evidence of the intense commodification of dark tourist destinations. Alternatively, Bowman and Pezzullo caution against what can only be described as 'tourist shaming' that results from misunderstanding other peoples attitudes, behaviours, or motives for visiting sites of death.¹⁷ Research among scholars has made clear that tourist motives and responses are widely varied. "Some wish to mourn for ancestors lost in what they would consider to be a sacred site, some pay for a guide to learn about what they perceive to be a telling moment in history, and some remain unmoved due to boredom, antipathy, apathy, or preoccupation with someone or something else. Some visit memorials weekly, annually, once in a lifetime, or never at all."¹⁸ Ethical debates over the proper way to

¹⁷ Bowman, Michael S. and Phaedra C. Pezzullo. "What's so 'Dark' about 'Dark Tourism'?: Death, Tours, and Performance." *Tourist Studies* 9, no. 3 (2009) 192

¹⁸ Ibid

mourn, learn, or engage with these sites ignores the reality that “responses to death are culturally bound and historically variable.”¹⁹

The mass attraction of tourists to these sites of death reaffirms Thomas Laqueur’s argument that the dead do indeed matter but how they matter is more difficult to unravel. How and if the dead matter at Sedlec is made even more precarious as an increasing number of tourists enter their space of rest. Are these bones seen as a reminder of the visitors own mortality? Are they mourned or simply propped up as a spectacle of macabre display? Are they made invisible through their abstraction in the form of decoration and sculpture? While I cannot attempt to know the possible reasons and interpretations of all tourists who pass through Sedlec, I do raise a moral question over whether this site and others like it should be open to the public or if access should be at least mediated. To resist a narrative of tourist shaming, instead I ask: what ethics are at stake when places of death become enmeshed in commodities of global tourism? Should certain sites, specifically resting places for the dead, be off limits? Do the dead have human rights and what constitutes a violation of those rights?

Human Rights of the Dead

The concept of the human rights of the dead is highly contested and debated. Arguments for the rights of the dead are most often situated in the fields of law and medical ethics but are gaining traction in the field of forensic humanitarianism. I would like to focus my attention on forensic humanitarianism because it deals more closely with the rights of the dead

¹⁹ Michael S. Bowman and Phaedra C. Pezzullo. "What's so 'Dark' about 'Dark Tourism'?": Death, Tours, and Performance." *Tourist Studies* 9, no. 3 (2009) 192

post-burial and post-trauma. International humanitarian law (IHL) emerged concurrently with the Universal Declaration of Human Rights in the post-1945 international legal regime. IHL, and human rights and refugee law, affirms and activates the rights of peoples affected by disaster and conflict, as well as the responsibilities of humanitarian workers who seek to intervene. Forensic humanitarianism merges the fields of scientific forensics and humanitarianism.²⁰

There are two objectives of this work. First, the scientific identification of human remains and determination of cause of death to constitute as legal proof in cases of violence and crime. Secondly, fulfilling humanitarian potential by “protecting the dignity of the dead” and “addressing the needs of the bereaved”.²¹ Claire Moon details how the use of DNA and skeletal analysis have been used by forensic anthropologists to establish the identities of victims of atrocities and reconnect their remains to victims’ families. Moon cites the International Commission on Missing Persons in Bosnia, as well as truth commissions in South Africa and Argentina as just a few of the organizations undertaking this type of humanitarian work globally.²² The desire to identify the dead and protect their dignity can be seen as a way that the living act as though the dead have human rights.

Moon posits that,

we can assert that the dead have human rights insofar as people act as though they

²⁰ Claire Moon, "Human Rights, Human Remains: Forensic Humanitarianism and the Human Rights of the Dead" *International Social Science Journal* 65, no. 215-216 (2014): 50

²¹ Claire Moon, "Human Rights, Human Remains: Forensic Humanitarianism and the Human Rights of the Dead." 50-51

²² Claire Moon, "Human Rights, Human Remains: Forensic Humanitarianism and the Human Rights of the Dead." 51

have rights. That is to say that insofar as there are social conventions and customs that confer rights (and *human rights*) upon the dead, and insofar as these conventions shape social practices, then the claim can be sustained. After all, human rights is as much a practical activity as it is one of principle and we can argue that human rights “exist” in the world insofar as people behave in accordance, and can be observed to behave in accordance, with the principles it sets out.²³

Evidently, the dead cannot be rights holders or claimers in the same sense as the living. They do not have inalienable human rights in the traditional sense that is outlined for the living in the Universal Declaration of Human Rights. Rather, Moon argues that the dead are rights holders insofar as the living treat them as though they have rights and dignity. The dead are reliant on the living to uphold the care and respect of their corpses. Adam Rosenblatt agrees in his stance that “dead bodies can “speak” to us, but can- not really contest the choices we make for them. The dead body’s agency is a shadow of our agency: not only weaker, but also entirely subject to our visions and our actions.”²⁴

Agency given to the dead is also culturally bound and is not always an outcome of respect for the dead. Rosenblatt elaborates,

Anthropological evidence does clearly show that every culture has a set of customs for the dead. But in some societies these customs may be conducted out of respect for

²³ Claire Moon, "Human Rights, Human Remains: Forensic Humanitarianism and the Human Rights of the Dead." 58

²⁴ Adam Rosenblatt, "International Forensic Investigations and the Human Rights of the Dead." *Human Rights Quarterly* 32, no. 4 (2010): 935

many things besides the dead: reverence for tradition—the sense that a particular practice is “what our people have always done”—or even out of fear (which can be a special form of respect) that the improperly buried dead would haunt their descendants and disorder the world. It is far more difficult to see all of these motives emanating from a shared concept of dignity.²⁵

With this in mind, I would like to return to my case study of Sedlec Ossuary and think through cultural customs of the dead in ossuaries more broadly.

Ossuaries and catacombs were often constructed when burial space was scarce or limited. In Sedlec, the town of Kutna Hora now sits on much of what was originally the burial grounds of those who are now placed inside the church. The graves that were exhumed spanned over three centuries which makes it difficult to discern what their final wishes were and what they would have consented to. Their exhumation, unlike the digging done by modern forensic anthropologists, was a practical procedure and often disregarded the need to identify individual bones or keep them separate.²⁶ I have to imagine that these people would have never imagined that their bones would end up decorating the inside of the church, drawing in thousands of tourists per year. Similarly, the roughly six million people who rest in the Paris Catacombs likely never imagined their final burial location as a tourist attraction that conjures up lines nearly two hours long. Regardless, these locations exist out of both practicality and

²⁵ Adam Rosenblatt, "International Forensic Investigations and the Human Rights of the Dead." *Human Rights Quarterly* 32, no. 4 (2010): 939

²⁶ Hallam notes that some ossuaries did label and give priority to maintaining individual identity of the dead. This wasn't as common.

cultural customs of the period and we are left to grapple with their presence and meaning. The popularity of ossuaries and catacombs across Europe as alternative or dark tourist experiences raises the question of whether these sites educate or desensitize the visitor. Is the humanity of these individuals lost in the mass scale of these piles of bones?

Following Laqueur's argument that the dead do work through the living, I ask, what is the relationship between the living and the dead at ossuaries? As these individuals have passed from living to historical memory, we can assume that they are no longer being mourned by the living. At Sedlec, people arrive on buses from tour groups but their visits to the ossuary are largely unmediated. They pay a small entrance fee and are free to roam the space. They are also invited to purchase bone memorabilia (skull cups, mugs, shot glasses) from a gift shop at the door or from the small tourist store across the street. The dead are not only on display as objects of the tourist gaze but they are commoditized and sold through cheap souvenirs. Jane Brown notes in her essay on dark tourism shops that because dark tourism sites display difficult subject matter they have often been accused of trading off the memory of death and disaster. Further, "The perennial presence of gift shops, be they staid, educationally focused book shops or lavish retail meccas to the macabre, compounds this accusation. There is a generalized distaste that surrounds the criticism of such shops."²⁷ I posit that the root of these critiques stems from more than just general distaste and can be connected to cultural values of treatment and care for the dead. The presence of commercial gift shops at dark tourism sites is viewed as distasteful because it contradicts the sanctity of space which we reserve and attach

²⁷ Jane Brown, "Dark Tourism Shops: Selling "Dark" and "Difficult" Products." *International Journal of Culture, Tourism and Hospitality Research* 7, no. 3 (2013), 272

to spaces of the dead.

At some point, the need to draw in tourists to Kutna Hora was seen as a greater priority than the preservation of sanctity of the Church of All Saints which houses Sedlec Ossuary. If Moon and Rosenblatt place the defense of rights and dignities of the dead in the hands of the living, is the disruption of this sacred space a disregard for the rights of the dead? Similarly, is the presence of a gift shop a violation of their dignity? Although these dark tourist sites have been operating for decades and their supply and demand continues to grow, I suggest that we take a step back to more carefully consider the implications of access to these locations. Specifically, sites with human remains on display such as ossuaries and catacombs require further consideration and critique beyond the scope of what my short paper can offer.

Conclusions

Through my research, I have undoubtedly raised more questions than I have answered in my attempt to connect the fields of dark tourism and human rights of the dead. Sedlec Ossuary offered a rich case study to think through both of these topics. However, I predict that my initial research here has merely laid the groundwork to examine a range of other controversial dark tourist sites. I have sketched the broad boundaries of what dark tourism encompasses and also challenged the division between what is considered dark and what is heritage. The latter half of my paper outlined research in forensic humanitarianism and concepts of the human rights of the dead. From this grounding, I recommend a reexamination of the relationship between the living and the dead at Sedlec Ossuary and similar tourist destinations that display human remains. This recommendation comes from a place of

reflexivity and vulnerability in asking, how are we caring for and upholding the rights of the dead at dark tourism sites? How can we intervene in these spaces to make visitor interaction with the dead more meaningful, and respectful?

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Appendix: Figures



Figure 1. Sedlec Ossuary, crest of bones, interior, May 2016. Kelsey Perreault.



Figure, Sedlec Ossuary, stacks of bones (close up), interior, May 2016. Kelsey Perreault.



Figure 3. Sedlec Ossuary, bone memorial display, interior, May 2016. Kelsey Perreault.



Figure 4. Sedlec Ossuary, ceiling decoration and tourists, interior, May 2016. Kelsey Perreault.