

Bioarchaeology of Human Remains in Sicily: Laws and Guidelines

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DOI: 10.14673/HE2022341108

The *Human Embalming Project*© team is currently focusing on the study of Sicilian archival documents and human bioarchaeological material. In the best spirit of the Code of Conduct of the Paleopathology Association, we would like to share information on the laws and guidelines applied in Sicily with a broader readership of colleagues. Acknowledging the obvious limitations of translations of roles and laws from one system into another and from one language into another, we would like to highlight the following points when analyzing ancient remains in this region:

1. Sicily is one of the 20 administrative Italian regions. A region is the gross equivalent of a county in the UK or of a state in the USA. Like four others (Sardinia, Friuli-Venezia-Giulia, Valle d'Aosta, Trentino-Alto Adige/Südtirol), it enjoys the status of a “**special statute**” region, which means that it has some degree of autonomy in administrative matters compared to other “standard statute” regions. Here follows the link to the Statute of the Sicilian Region: https://www.regione.sicilia.it/sites/default/files/2020-10/Statuto_0.pdf.

However, the laws, including those regulating archaeological goods and ancient human remains, are exactly the same as those of the Italian Republic (laws being made by the two Houses of Parliament and ratified by the President of the Republic). This implies that the very same rules apply throughout the entire country. The

link to the law-making process in Italy (website of the Italian Senate) can be found here: “The Law-Making Function” - <https://www.senato.it/en/parliamentary-business/law-making-function>.

2. The body of regulations that the Sicilian Region has collected and made publicly available is to be found in the CODICE DEI BENI CULTURALI E DEL PAESAGGIO ai sensi dell’articolo 10 della legge 6 luglio 2002, n. 137: https://pti.regione.sicilia.it/portal/page/portal/PIR_PORTALE/PIR_LaStrutturaRegionale/PIR_AssBeniCulturali/PIR_BeniCulturaliAmbientali/PIR_Infoedocumenti/PIR_Normativadiriferimento/codiceurbanitesticordinato.pdf
3. There exists no such position as a “Representative of the Sicilian Government” endowed with the authority to grant or deny access and permission to study skeletons and mummies in Sicily.
4. Equally there exists no such position as “Special Superintendent for Mummy Studies”. Following the Article n° 12 the *Accordo tra la Santa Sede e la Repubblica Italiana che apporta modificazioni al Lateranense*, the Holy See and the Italian Republic collaborate to the safeguard of the historical and artistic heritage.
5. Permissions to study the material (including sampling, publishing, etc.) are granted by the *Soprintendenti* (“Superintendents”), public administration officials upon recommendation of archaeology department officials (*funzionari della Sezione per i Beni Archeologici*) who examine the submitted projects and the applicants’ CVs. These roles (*soprintendenti* and *funzionari*) are State officials who have a permanent job in the Italian public administration. If anthropological materials to be studied are inside religious buildings that still belong to the Church, permissions should be in the first place sought by approaching the competent religious authorities (*Ufficio Diocesano per i Beni Culturali*). The fact that some church buildings are regulated by the Italian Republic and some by the Church may appear confusing to a non-Italian reader, but this is easily explained with the fact that, following Italian Unification in the 19th century (1859-1870), many Church-held properties were confiscated by the newly born Kingdom of Italy (the current Republic being its direct legal descendant as of 1946).
6. In Italy some of the older professions such as medical doctor or lawyer have long been regulated by professional associations (*ordini professionali*). Failure to be registered in such *ordini* means that a person, even if possessing a relevant and valid qualification, cannot practice the profession.

However, for less common or newer professions such as “archivist”, “anthropologist”, “archaeologist”, no such *ordini* exist, hence these professions are not regulated. In recent years, National Lists of Professionals (*Elenchi nazionali dei professionisti*) of the Ministry for Culture (*Ministero della Cultura*) have been created in order to compensate for this total lack of regulations; they are by no means professional associations. Indeed, as the official website of the Ministry itself states, these lists “**do constitute a professional register and failure to register to them does not in any way preclude the possibility of practicing the profession**” (*Si precisa che gli elenchi non costituiscono un albo professionale e la mancata iscrizione non preclude in alcun modo la possibilità di esercitare la professione*, link: <https://dger.beniculturali.it/professioni/elenchi-nazionali-dei-professionisti/>). It follows that one can register oneself on this platform, but this only helps, for instance, companies working in the field of rescue archaeology to find professionals. In addition, these lists do not have anything to do with university-based or university-link academic research.

In order to be granted permission to study human remains by the aforementioned Superintendency/Church officials, it is not compulsory to be registered on the National Lists of Professionals under the heading “physical anthropologist”, “archivist”, etc. Being registered in the above list does not mean that a person is a “State-certified anthropologist”. The “State certified anthropologist” is a non-existent attribution.

7. Honorary inspectors (*ispettori onorari*) are 3-year-long appointments, renewable honorary auxiliary positions, that can help officials with their skills in specific areas. Their competence can be regional or provincial. They have no authority to grant or deny permission to study the material and, as per the D.A. n. 03/GAB decree signed by former Assessore Sebastiano Tusa (1952-2019) (link: <https://www.regione.sicilia.it/sites/default/files/2021-05/D.A.%2003-GAB%20del%2016-01-2019%20Ispettore%20onorario.pdf>). To be appointed or keep their position, they cannot have conflict of interests. This means, that the honorary inspector of Superintendency (i.e. Palermo, Catania, Enna, etc.) cannot study the materials (skeletal remains/mummies) which falls within the control of that specific Superintendency. The role involves the concept of “inspecting”, which ought not to be translated in an overpowering (police-like) control. The term “honorary” means unpaid; it does not imply a higher status or a coordination/control role over paid public administrations officials. The same applies to the concept of regional or provincial competence. The recommendations, not laws, which are national for the study of ancient human remains given by the Palermo Department of Cultural Heritage (Assessorato per i Beni Culturali di Palermo) to the local Superintendencies (hence only administratively valid within the superintendencies) are contained in the **Prot. 7489**

dated 15th February 2022 (OGGETTO: “Tutela, fruizione e valorizzazione del patrimonio osteoarcheologico regionale”).

8. The notion that radiological imaging in the case of mummies or mummy parts can only be carried out *in situ* (i.e. inside a crypt) because it is not allowed to take the remains to radiological diagnostic centers is incorrect. The notion that mummies are a health hazard has no basis in the current laws nor in the published literature. Permission to carry out radiological investigation (both *in* and *ex situ*) is simply to be sought by contacting the aforementioned officials. Potential or actual biological hazard represented by human remains could be exclusively investigated by the Department of Health and Hygiene of the provincial Health Authority (*Azienda Sanitaria Provinciale*). Neither researchers, nor Superintendency or Church officials are responsible for a public health procedure.

Both Italian and foreign scholars enjoy the same right to study bioarchaeological materials in Sicily. No special privileges are granted. All scholars interested in performing bioarchaeological investigations on ancient human remains are invited to contact the *Assessorato dei Beni Culturali e dell'Identità Siciliana*: <https://www.regione.sicilia.it/istituzioni/regione/strutture-regionali/assessorato-beni-culturali-identita-siciliana> and at Italian Ministry of Culture (previously called “MiBACT”): <https://www.beniculturali.it/> .