

17 February 2012

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## Rapid Response:

### Re: Should the skeleton of “the Irish giant” be buried at sea?

The Hunterian Museum will continue to display Byrne’s skeleton: poor arguments for a sad decision

The Hunterian Museum and The Royal College of Surgeons have decided to keep Charles Byrne’s skeleton on display rather than burying him at sea as he wished. Reading Samuel Alberti’s justification is a curious experience.<sup>1</sup> This is because our previous publications on related issues have already addressed his concerns.<sup>2,3</sup> In what follows we will briefly summarise his arguments and answer each of them in turn.

Alberti’s arguments and our responses.

First argument. Because of the primary sources used in documentation, there is some uncertainty about Byrne’s wishes, although ‘it is likely ... that Byrne was uncomfortable at the prospect of dissection.’

Response. Given that there is good substantiating historical evidence to the contrary, the suggestion that Byrne’s decision to be buried at sea was a reflection of just ‘discomfort’ appears tendentious. He was clearly horrified by the prospect of his body not being intact at burial, as others continued to be throughout the 19th and 20th centuries (e.g. as documented for the 19th century by Richardson in *Death, Dissection and the Destitute*, which refers specifically to Byrne, and the 20th century by the background to the Human Tissue Act 2004).<sup>4</sup>

Second argument. The benefit of ‘the value of retention’ outweighs ‘destructive disposal’ (e.g. recent research using DNA extracted from Byrne’s skeleton that demonstrates a genetic link between him and existing families in Northern Ireland).<sup>5</sup> Alberti suggests (falsely) that we claim in this regard ‘that all possible scientific benefit has been gleaned (from the skeleton)’, and further that ‘researchers in relevant fields’ dispute this claim, including clinical and other researchers.

Response. Alberti continues to endorse what we have called the ‘anything is possible’ argument in favour of retaining and displaying Byrne’s remains. Such retention, he suggests, is crucial just in case the remains might be of further scientific use. For a refutation of this argument, see our preceding rapid response criticising our critics that elaborates the ‘absurd consequence’ of this position (e.g. the retention of the body parts of huge numbers of decedents).<sup>2</sup> Our further argument is that whatever benefit that indeed might come from the retention of Byrne’s skeleton can be achieved in other more morally acceptable ways. For example, future genetic research is possible because we have Byrne’s DNA; future clinical research is equally feasible because of

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the likelihood that other existing sufferers from acromegaly will be willing to participate. In any case, even if we accept the possibility that Byrne's skeleton may have some unknown future medical benefit (which we do), this is an argument for its retention; not for its continued display that – however tasteful - disrespects his final wishes and memory.

Third argument. Alberti states (falsely) that we want to replace Byrne's skeleton with a 'replica'.<sup>3</sup> He further asserts that this would make impossible 'the experience of studying the authentic remains as part of a coherent historical collection ... where Byrne's likely discomfort is openly acknowledged.'

Response. This argument simply begs the question. The issue to be decided precisely is whether or not the special circumstances of Byrne's horror (not 'discomfort') of not being buried intact and the specific measures that he adopted to try to circumvent this possibility are morally sufficient to trump the continued display and 'experience' of his skeleton. The fact that Byrne's concerns are adumbrated in information provided with the display cuts no moral ice.<sup>6</sup> Assertion is not argument.

Fourth argument. The one piece of research Alberti does cite enabled the identification of 'individuals who live with the same condition' as Byrne.<sup>5</sup> According to Alberti, some have 'requested that the skeleton should remain on display.' (No references) He argues that their 'shared ancestry with Byrne' trumps our otherwise 'compelling' arguments that his burial wishes should be respected.

Response. This is Alberti's only ostensibly substantial argument. It places importance on individuals with supposed 'shared ancestry' who have stated that they agree that Byrne's skeleton should stay where it is. However, we have again already indicated that when a person dies intestate, as was the case with Byrne, intestacy law assigns a 'duty to bury' to a set hierarchy of relatives.<sup>2,7</sup> Such law admits conventional familial relatives, not persons with shared ancestry predicated upon distant genetic connections.<sup>8</sup> The moral reasoning behind the law seems clear enough.

If so, persons who are currently living, and who have been shown to share a genetic mutation with Byrne that stems from a 'common ancestor' who lived up to a potential 3750 years ago, can neither legally nor morally pronounce upon the matter of Byrne's remains with any more authority than any other member of the general public.<sup>5</sup> In the case of Byrne, as far as we know, only one person sharing the gene mutation has come forward publically in favour of retaining the present exhibit.<sup>9</sup> The views of this person have insufficient moral and legal weight to counter significant public agreement (e.g. in the poll conducted by the BMJ) that Byrne's remains ought to be buried at sea or at least be withdrawn from public display.<sup>10</sup> This agreement was informed by the arguments in our original paper and, as they unfolded, the rapid responses both for and against our views.

Conclusion

Charles Byrne was a man worthy of respect. Given the medical benefits that his skeleton has already conferred and the feasibility of continued acromegaly research

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without it, we continue to believe that his burial wishes should be respected. We hope that in the future the Hunterian Museum and Royal College of Surgeons will reconsider their unfortunate decision.

#### References

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2. Doyal L, Muinzer T. Bury the 'Irish Giant': a rapid response to some critical rapid responses. *BMJ Rapid Response*. February 1, 2012.
3. Doyal L, Muinzer T. Should the skeleton of "The Irish giant" be buried at sea? *BMJ* 2011;343:d7597.
4. Richardson R. *Death dissection and the destitute*. London, Routledge, 1987.
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6. See relevant statement by Doyal in film attached to 3 (above). *The Giant's Cause*. *BMJ Media*. [www.youtube.com/watch?v=u5sRJgBQyz4](http://www.youtube.com/watch?v=u5sRJgBQyz4).
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8. Administration of Estates Act 1925, s.46.
9. See relevant statement by Holland in film attached to 3 (above). *The Giant's Cause*. *BMJ Media*,2011. [www.youtube.com/watch?v=u5sRJgBQyz4](http://www.youtube.com/watch?v=u5sRJgBQyz4).
10. Doyal L, Muinzer T. Bury the 'Irish Giant': a rapid response to some positive rapid responses. *BMJ Rapid Response*. February 1, 2012.

**Competing interests:** No competing interests