

How We Treat the Unclaimed Dead: Initial Research into Human Remains Laws Across the U.S.



Rhydian Schaaf

Department of Anthropology, the University of New Hampshire

Introduction

This research represents an initial look into state laws governing the treatment of human remains, particularly exploring whether unclaimed bodies can be used for research and educational purposes.

The Forensic Anthropology Identification and Recovery (F.A.I.R.) Lab at UNH receives skeletal remains from various state partners (Office of the Medical Examiner and State Archaeologist). Some of the remains that pass through our hands are only temporarily in our care (for analysis), while others, specifically non-forensic and non-archaeological remains, can be on long-term loan from our state partners; these anatomical remains can be used for teaching and training. We are thus particularly interested in how skeletal remains may be used by research institutions, and what the ethical and legal implications of their use are.

Background

Uniform Anatomical Gift Act (UAGA): a federal framework that guides the making of anatomical gifts—meaning the donation of bodies and body parts to science and medicine—has been adopted in some form by all 50 states (Uniform Common Law 2026).

- The UAGA aims to standardize the process across states and promote organ donation for purposes of helping those in need, especially in the revised versions of the Act (1987 and 2006), and for the advancement of medical sciences.
- While its focus is primarily on organ donation, medical research is still something that is considered in the UAGA, and thus the topic at hand is partially covered by the scope of the UAGA.

Right of Sepulcher

- The concept that the next of kin has the fundamental right to bury their loved one, based on the importance of burial rituals throughout the world and across time. This has been formally codified into law, and interference with this right or improperly dealing with a decedent's body may create liability for damages (Calderon 2016).

Results

Each state has its own iteration of the UAGA; in this analysis I have thus far examined these laws for the New England states, Michigan, Arkansas, and Alabama (Figure 1).

National Framework

The National UAGA framework lays out critical requirements for making anatomical gifts. Individuals involved in making an anatomical gift can include (but are not limited to):

1. various family members
2. adults who “exhibited special care and concern for the decedent,” (Uniform Common Law 2026)
3. “any other person having the authority to dispose of the decedent’s body” (Uniform Common Law 2026).
 - The last option is who the decision passes to when the body is “unclaimed”—when others who knew the decedent cannot be contacted or are unwilling to make the decision.
 - This can include medical examiners, coroners, or others specified under state law.

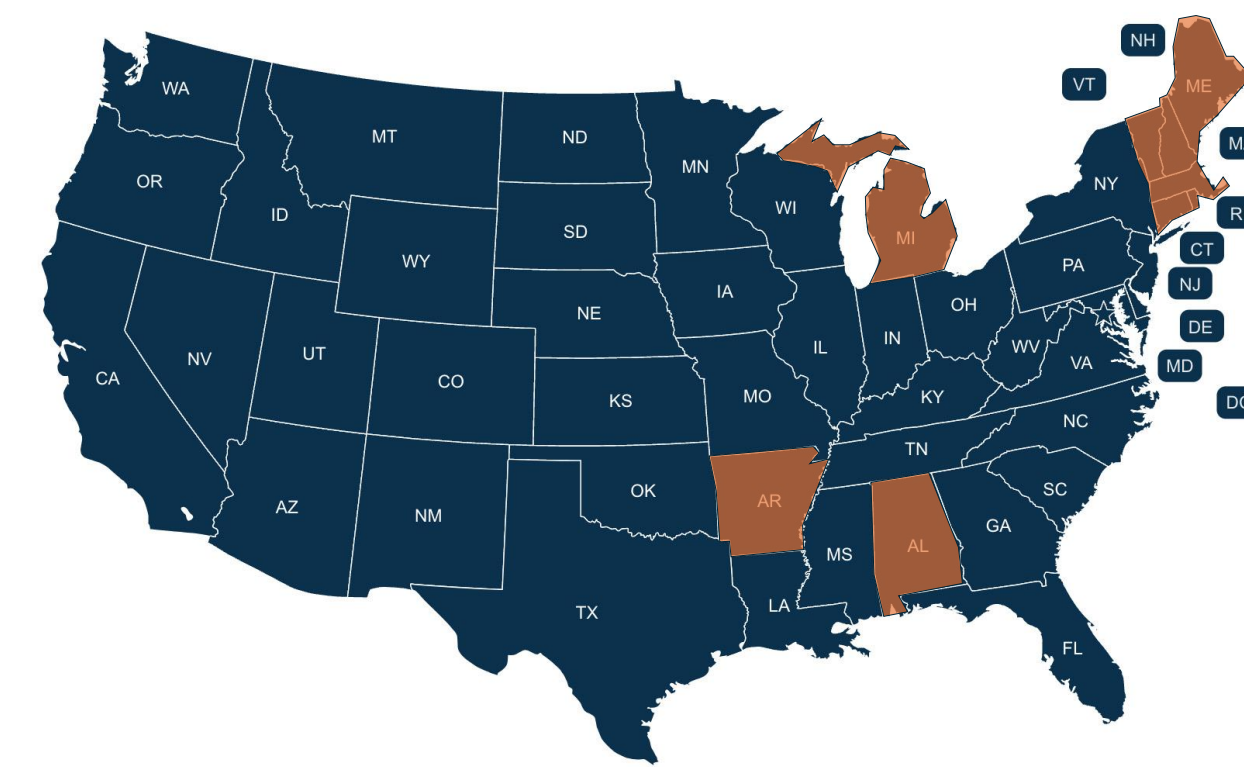


Figure 1. United States Map, highlighting the states used in this analysis to date.

Anatomical gifts with an unspecified purpose/recipient must be used for transplantation or therapy first; only when this is not possible may they be used for research or education.

Spotlight on New Hampshire

Some states have additional statutes (on top of UAGA) regarding human remains that are relevant here.

- New Hampshire Chapter 291 of Title XXVI (Cemeteries; Burials; Dead Bodies), entitled “Bodies for Scientific Study,” includes statutes such as 291:1 (Request for Body) providing that physicians or surgeons, especially instructors in medical schools, should be notified when there is a body “required to be buried at the public expense,” and it will be offered to them to be used for “the advancement of anatomical and medical science” (N.H. Rev. Stat. Ann. § 291:1).

Historic remains are dealt with under different laws.

- In New Hampshire, this is part of Title XIX (Public Recreation), under Chapter 227-C on Historic Preservation.

Among the states analyzed so far, these frameworks appear similar, although wording and the grouping of the laws may differ, as well as the degree to which the use of unclaimed bodies in research is specified, but most of the concepts are guided by the same foundation—the UAGA.

Discussion and Conclusion

This topic is relevant to wider ethical concerns over the treatment of bodies in science and medicine, as well as the role of consent in what happens to a body after death, and the populations this may be disproportionately affecting.

- The “unclaimed” are people first and foremost. Many of them were poor or otherwise marginalized in life (Shupe 2025; Culler 2017), and either had no available family members/close loved ones or had families who could not afford to have them buried or cremated as desired. To treat them differently in death than more privileged people risks further perpetuating inequities and distrust among living populations (Shupe 2025; Culler 2017).
- It has been posited that dissection and similar treatments of human remains for educational purposes can be viewed as a form of postmortem violence or *necroviolence* when no consent is given (Garcia-Putnam et al. 2023), raising concerns about who is potentially being denied the right to be laid to rest in a respectful and efficient manner.
- Despite this, there is still a need in medical schools and other areas of education/academia to have access to human remains for teaching or for the advancement of science, placing this matter at the center of a debate over what is most important when considering the treatment of the bodies of the deceased.

Citations

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