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**Date deposited:** 8<sup>th</sup> April 2013

**Version of file:** Author final

**Peer Review Status:** Peer reviewed

## Citation for item:

Scully JL, Woodward R. [Naming the unknown of Fromelles: DNA profiling, ethics and the identification of First World War bodies](#). *Journal of War and Culture Studies* 2012, 5(1), 59-72.

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**Leach Scully, J. and Woodward, R. (2012) Naming the unknown of Fromelles: DNA profiling, ethics and the identification of First World War bodies. *Journal of War and Culture Studies* 5 (1): 59-72.**

**Note that this is the final pre-print version, and may contain some typographical errors later corrected in the final print version.**

**Naming the unknown of Fromelles: DNA profiling, ethics and the identification of First World War bodies.**

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Article for special issue on 'War and the Body: Cultural and Military Practices', *Journal of War and Culture Studies*, edited by Sarah Maltby and Kevin McSorley.

### **Abstract**

This paper considers the issues raised by the use of DNA profiling on the remains of the bodies of those lost during the battle of Fromelles in the First World War. In 2009, 250 sets of human remains, from Australian and British war dead, were excavated from the site. DNA profiles from the remains were matched with those of descendents and relatives who came forward for DNA profiling following public appeal. The process of identification, raises questions surrounding the use of this technology for the identification of war dead. These issues include the role of DNA testing technologies in our understandings of the relationships between embodiment and identity; and the relevance of issues of consent, confidentiality and the duty of care for family members whose DNA has been shared. We conclude with observations about the range of moral and ethical issues that DNA technologies pose for the identification of war dead.

### **The mass graves of Fromelles**

At 6pm on 19 July 1916, soldiers of the Australian 5th Division (8th, 14th and 15th Brigades) and the British 61<sup>st</sup> Division went ‘over the top’ on the Aubers ridge. They had been given the task of preventing German reinforcements reaching the fighting on the Somme some 50 miles away. What then transpired has since been described as fitting the stereotype of a futile First World War battle: ‘The generals behind the lines planned an impossible task for the troops, the rain fell on a battlefield pitted with shell holes, the infantry climbed out of their trenches and advanced against enemy machine guns before the whole affair ended in a bloodbath with no new ground captured’ (Cobb 2007: 7). By 8am the following morning, Australian casualties totaled 5533, of which an estimated 1780 were dead, with British dead at 503; German losses amounted to only around 100. For the Australian army it is remembered as their ‘worst 24 hours’, outstripping even the slaughter at Gallipoli, and it remains the second highest loss of any British Expeditionary Force division in a single day in the entire First World War.

Ninety years later, evidence from historic aerial photography and from German military archives in Munich led to the discovery of eight mass graves in Pheasant Wood, just outside the present day village of Fromelles. An initial geophysical examination and an exploratory excavation in 2008 by a team from Glasgow University confirmed that the site contained 200-400 remains and had probably been used by German forces to bury the Australian and British war dead, as was customary, in the days after the battle. Following the discovery the Australian and British governments then jointly funded an archaeological team from Oxford University to undertake a full excavation between February and October 2009, which recovered 250 sets of human remains associated with 6200 artefacts ranging from clothing to gas masks and bibles. These bodies were not repatriated but were instead reburied in a new war cemetery at Fromelles, the first new cemetery to be constructed by the Commonwealth War Graves Commission (CWGC) for 50 years. Starting in January 2010 the remains were reburied in individual graves, with the final burial taking place as part of the cemetery’s dedication ceremony in July 2010.

From the First World War, it has been the policy of the British armed forces and government to attempt to recover the bodies of military personnel killed in combat and to identify the body by name, if possible. Although recovery of the bodies of war dead was not entirely without precedent in earlier conflicts, it was formalised in the activities of the Graves Registration Commission established in 1915 and the subsequent Imperial (now Commonwealth) War Graves Commission established in 1917 (Heffernan 1995). Hence, the practice of making efforts to give names back to recovered war bodies is not new. What *is* new in the case of the Fromelles dead is the use of DNA profiling technology to identify a large number of very old individual remains.

Prior to reburial, attempts were made to extract viable DNA from the remains as part of the process of attempted identification; DNA sequences from the Fromelles remains would be matched to those from individuals who knew they had lost a relative at Fromelles. Working on the basis of probabilities, remains could then be formally identified and the now-named individual reburied in a marked, named grave. (A full account of the excavations, analysis and creation of the new cemetery is given in Summers 2010.) It is important to emphasise that in reality DNA identification at Fromelles was carried out in parallel with, and did not replace, more conventional identification procedures. Nevertheless, media reporting and the response to it tended to overemphasise the DNA profiling so that in the public narrative it became the cornerstone of the project; headlines such as ‘DNA tests begin to identify Fromelles dead from mass grave’ (*Daily Telegraph*, 10<sup>th</sup> August 2009) and ‘Scientists identify lost Diggers of Fromelles’ (*The Age*, 16<sup>th</sup> March 2010) were typical. It is this aspect of the story of the Fromelles dead that provides our focus. The dead of Fromelles presented distinctive challenges to DNA sequencing, largely to do with the length of time the bodies had been buried (and for a full account, see Sommers 2010). Because genetic material degrades over time, the long immersion in damp clay soil meant that from the outset it was uncertain whether any of the remains would provide DNA informative enough for an identification. Yet it was the use of DNA testing which became the defining feature of this story. In this paper, we consider the issues around identity and

identification of the historic war body enabled by this highly modern technique, and we consider too how some of the ethical issues which frame DNA identification in contemporary biomedical practice render the Fromelles identification story more problematic than at first sight it appears. We conclude with some broader observations about the changing nature of contemporary memorialisation practices which the Fromelles story encapsulates.

### **DNA identification and the war body**

Since its first use in the mid 1980s (Jeffries et al, 1985; Lynch et al, 2008), DNA profiling has become a well validated technique for the professional identification of unknown human remains or tissue. In recent years, DNA profiling has also been associated with the identification of human remains following mass disasters, such as the 11 September attacks in New York and Washington (Gonzales et al, 2006), with war crimes involving civilians as in Iraq (Stover et al, 2003), with armed conflicts in Croatia, Bosnia-Herzegovina and Israel (Primorac et al 1996; Definis-Gojanovic et al 1995; Kahana et al 1997), and with military accidents (González-Andrade and Sánchez 2005). Through its use in high profile crime cases and in popular television series it has also become established in the public imagination as the most authoritative means of identifying individuals. As a result, DNA identification has become a key component of the social discourse of identity as well as identification (Haimes 2006, 263).

Used as a means to identify the war bodies of recent conflicts, DNA profiling addresses a key issue of certainty. In cases that involve the ‘recent dead’, such as those buried in the mass graves of Srebrenica, or even the originally un-named individual killed on military operations in the Vietnam war and whose remains were exhumed from the Tomb of the Unknowns the Arlington National Cemetery in Washington for positive identification (Quintyn and Wagner, 2009), DNA identification can answer relatives’ tormenting questions about whether or not the person really is dead, or exactly how and where s/he died. Beyond the battlefield, it can help bring the perpetrators of crimes to justice, and may be needed for legal reasons of inheritance. Additionally, it performs a valuable social act of restoring the missing dead body as a physical and social being. But for the

Fromelles dead, there was no acute need to assign names to bodies either for legal reasons or for the emotional benefit of relatives anxious to know the fate of a loved one. After almost 90 years, for the families involved it would already have been clear that a relative had died in the Great War, and it would probably also be known that they fell at Fromelles.

And yet at the same time, these deaths were recent enough that the remains could not be treated as purely archaeological. In many cases reasonably close family members were still alive for whom the identification could potentially resurrect old and painful memories. As Louise Loe (who led the Oxford University archaeological team running the excavations) noted, ‘we ... took into account all the sensitivities of the living in a very personal way’ (Loe 2010: 31). For example, care was taken throughout the project to ensure that no images of the remains themselves have been released to public view. For Loe,

‘The magnitude of the impact our results could have on waiting families who may have a relative who was buried there, is very different to the impact our discoveries about ancient human remains usually have. In this sense, it is a humanitarian project...’ (quoted in Corfield 2010: 3).

The possibility of a ‘waiting family’, generationally removed from the deceased, is not unique to Fromelles. As Palo et al (2007) note, with reference to their DNA analysis of the remains of Finnish soldiers from the Second World War, popular support for the project (a consequence of the significance of the Finnish losses in contested territories annexed by the former Soviet Union) reflected the importance to families of the possibility of the repatriation and reburial of the physical remains of soldiers who had simply disappeared. Given the emotional significance, then, of positive identification of the Fromelles remains, and given the relative novelty of the use of DNA profiling techniques in this (in parallel with more established methods), we would argue that this is not an unproblematic or ethically uncontentious event. Whilst not *unethical*, there are still wider questions around the constitution of identity and ethics that the use of this technology raises. We return to these later, but will first consider the broader issue of the historical and contemporary conceptualisation of the war body and the significance of

identification.

### **Conceptualizing the war body**

It was always clear, from what was known of the battle at Fromelles and from the initial artefacts found, that the remains excavated in 2009 were of Australian and/or British soldiers. However, beyond this, individual identification was almost impossible.

Although many artefacts had survived, unambiguously identifying items such as leather identity discs or letters usually had not; and in the middle of a mass grave, with subsequent shifts of earth, it is not always clear which artefacts belong to which body or body part. DNA sequencing was drawn on as a new technology to help identify remains that previously would most likely have remained individually unidentifiable. Why this was so important, we suggest, is related to the different *kinds* of body that can exist after a death in which the corpse itself is missing.

The body, after years or even centuries of neglect, is currently a topic of intense interest across academic disciplines that use different conceptual frameworks to understand it variously as biological, through material or social relations, as a form of discourse, psychoanalytically, ethically and so on. The much-criticised way in which social science traditionally tended to rely on depictions of social selves as bodiless, rational, atomized decision makers that, taken en masse, constitute societies, has been replaced by a more systematic interest in the embodied context of social subjects, in a shift largely driven by feminist and other ‘marginal’ approaches that bring serious theoretical attention to embodied subjectivities. Military or war bodies continue to excite interest (as this special edition shows), whether in terms of their performative enactment of militarised, gendered identities (see, for example, Higate 1998; Woodward 1998), the corporealities associated with the practices of soldiering (Hockey 2002; Lande, 2007) or the inscription and ascription of constructs of national identity onto the soldierly body (Sasson-Levy 2008).

With the broad scholarly turn to the body, though, most attention has focused on the body as the embodied *subject*, that is, the role that embodiment plays in agency through the

course of the embodied subject's life from (before) conception to decisions around death. Once death actually happens, the bodies that were once subjects (as distinct from the cultural practices around those bodies) generally become less interesting to theorists. Nevertheless, evidence from sociology, anthropology, psychology and history confirms that the dead body has a place of unique importance to human societies. Although the ways in which people behave towards the dead, and the rituals established to honour bonds of love and respect, are hugely diverse, they are based on what appears to be a universal sense that the dead human body retains, at least for a while, a special meaning to the living communities and families of which it was once part. And this is of moral philosophical interest as well, because it is these meanings that determine what societies feel it is morally appropriate, permissible or tasteful to do with mortal remains.

As many writers on military memorialisation have noted, the practice of recording of the individual military dead by name on large-scale memorials, and the systematic recovery and interment of the remains of common soldiers as well as the generals or higher class individuals, is historically recent (see Heffernan, 1995; Moriarty, 1997). It is connected both to late 19<sup>th</sup> and early 20<sup>th</sup> century moves towards the individualised sensibility of modernity, and to a more historically specific political need within First World War Britain and closely after to convey an overt message of equality to foster social cohesion at a time of great unrest (Bushaway 1992). The importance afforded to burying military bodies as named individuals institutionalizes a modern version of the much more longstanding importance given to the proper treatment of the dead. Thus the act of identification has a significance beyond the purely instrumental one of being able to inform living family members that a relative's body had been found. It also becomes a way in which the community as a whole demonstrates a particular stance towards the soldiers who fought and died in the conflict. Both the modern belief about the need for individual commemoration, and the existence of the military precedent for naming the dead, were likely to have made the turn to DNA technology appear obvious as the most modern and effective route to identifying the unnamed Fromelles remains.

Yet the availability of additional identification technologies through DNA analysis, is not

merely an add-on to existing protocols established by the CWGC for the naming and reburial of these war dead. The use of the technology offers new insights into how contemporary Western society conceptualizes the relationship between the body and identity, and it is to this we now turn.

### **Unifying bodies: identity and identification**

As part of the process of naming the remains of the war dead at Fromelles, and essential for the use of DNA profiling techniques, living relatives of the deceased had to be found and analysis undertaken of their DNA profile in order to establish, to a reasonable level of probability, a named identity for the remains. Normally, a swab of the cheek lining provides more than enough DNA for analysis. The main difficulty lay in finding so-called informative relatives, on the direct male line (where relatedness can be traced through similarity of DNA sequences on parts of the Y chromosome known as short tandem repeats, STR) or on the direct female line (where the same can be done through analysis of mitochondrial DNA) – see Jones 2010 for more detail. Following calls in Britain and Australia for those who knew they had lost a family member at the battle, over 2,000 individuals came forward. By March 2010, 75 names could be attached to the excavated human remains, and by April 2011 this had risen to 110 named Australian soldiers of the total 250 bodies exhumed. In an Australian Department of Defence press release accompanying the first release of names, the Minister for Veterans' Affairs described it as 'fantastic that we are able to present the names of these brave Australian soldiers to the nation and restore their identity to relatives' (Department of Defence, 2010). Heart-warming stories in the print media followed. Photographed with his daughter and holding a picture of his great-uncle Pte Harry Wills, the caption described Tim Whitford as achieving 'closure at last' ('Scientists identify lost Digger of Fromelles': Smith, 2010), and in a companion piece in the same newspaper ('This lad now has his name back: search for lost Digger comes to an end') Mr Whitford stated that he 'would have been shattered if we hadn't got an ID'. The tone of the article is one of happy resolution – the bodies are described as having been 'thrown into mass graves' in a shadowed woodland setting, yet were now part of an 'ambitious project' which 'aims to return the soldiers their identity' by burying them in marked graves in the newly created cemetery.

Although he would not have known his great-uncle, Mr Whitford said that he'd 'always felt that (his great uncle) wanted to be found and I tried to do everything to make sure that happened. Now, he has a name'. He had, apparently been looking for his great uncle Harry for most of his adult life, and 'Modern science', as *The Age* article said, had 'united the pair'.

In cases like these, what the successful act of identification does is to unite *two* bodies. One is the body that died and lay in a mass grave from 1916 to 2009. This body is anonymous and indistinguishable from the other anonymous bodies which surround it. In many cases it is also a fragmentary or disarticulated body, a body in pieces. Moreover, it is also a material object; it has historicity, because its lived existence stopped in chronological time in July 1916.

But in parallel with this material body there has always also been another body present. That is the body that persists in the memory and imagination of the family, friends, and sometimes the local community as well. This body was never anonymous. It was always known in memory as great uncle Harry and, even if precise details weren't available, there would have been family knowledge that he had fallen at Fromelles. This body is named, but immaterial; and rather than being solely a historical reality it has a reality in the present, in the imagination and memory of the family and sometimes of others.

The authoritative identification of the remains unites these two bodies. The *identification* of the dead body enables it to be 'reunited' with the *identity* of the individual soldier. Now the body in imagination can include the knowledge of the presence of the material remains. The possibility of such unification applies to any reliable identification irrespective of the actual process, in other words whether it was based on physical evidence, such as letters or dogtags, or by DNA. Indeed, in the Fromelles project DNA was never the sole source drawn on for identifying the dead. Alongside sequence information from retrieved tissue, there were other bits of biological information gleaned from the bodies, information from artifacts found associated with the bodies, and from the medical, military or personal biographies of these men. What the DNA sequencing

provided, however, was the weight of a uniquely scientific authority behind the proof of identity that this technology promises. Other authors (for example, Prainsack and Kitzberger 2009: 52) have noted empirically the power afforded to DNA technology by lay people, leading to a popular belief in its infallibility. Particularly when used forensically, astronomically high odds are often quoted for the reliability of a DNA match. In practice, a DNA match is always a matter of probabilities, and its reliability under the best of circumstances (when using fresh DNA samples) can be compromised by contamination by DNA from other people or animals, degradation of the DNA, or simply poor technique. In the case of Fromelles, the difficulty of DNA matching was compounded by the quality of the materials and the absence of direct descendants. Yet, for all the known contingencies around DNA-facilitated identification, the notion that identification by DNA gives an irrefutable account of identity has a powerful grasp on the public imagination.

DNA identification is also regarded as linked with the body and the person at a much deeper level than other forms of evidence (Prainsack and Kitzberger 2009: 72). This is evident in the emerging cultural meaning of DNA as a chemical that *materializes* individual and family identity. In popular science writing about genetics, DNA is routinely and loosely referred to as something like the ‘stuff that makes us what we are’. The fact that this ‘stuff’ is somehow present both in great-uncle Harry and in his 21<sup>st</sup> century descendants turns this genetic substance into an enduring, material continuity between dead individuals in the past and living individuals in the present. Hence DNA matching not only gives the authority of modern science to the identity given to a jumble of bones and cloth; in the social and familial imaginary, it also consolidates the intangible elements of kinship and relatedness into a material that can literally be handled.

Current sociological theories of identity tend to place less emphasis on intrinsic biological factors than on its construction through relationships, both in the present and through the historical connections that join present and past lives (Lawler, 2008). At the same time, the increasing importance of DNA sequence information fosters a ‘genetic essentialism’ (Nordgren and Juengst 2009) in which identity is biological and conferred

genetically. Some commentators have seen this as a trend in which ‘genomic information will increasingly influence our practices of identity formation...(and) will be absorbed into our self-images’ (Zwart 2009: 135). There is a disjunction then not only between ‘the objective facts of DNA profiling...and the realities of the actual social relationships forged between individuals’ (Haimés 2006: 268), but also between two views of identity: as constituted through biological (largely genetic) determinants, and as constructed through social relationships.

One of the standard criticisms of the geneticization of contemporary life is that through linking identity to genetic information, a string of nucleotides is presented as the most fundamental way of understanding embodied subjectivities, and thereby dematerializes the body itself. The genetic sequence is taken as a synecdoche for the whole person. In cases of mass disasters or burials, where very frequently the only mortal remains are partial or fragmented, this has a peculiar potency. It may be that only fragments of tissue are actually being buried, yet those fragments will have yielded more than enough DNA for an identification. Here it is DNA that makes it possible to believe that it is ‘Harry’ that is being buried and not just a part of his shin.

The interpretation we have made of the comments around DNA identification in the Fromelles project, however, point to the emergence of a more nuanced understanding of the relationship between DNA, embodiment and identity. This sees identity as conferred not through the disembodied coding of nucleotide sequences or the algorithms of familial relatedness, but through the presence of a material substance that physically connects historical and present identities. Identification (giving a name to the remains) is mediated via the retrieval of a material substance ‘that tells us who he is’ at a deeper level than a badge or dog tag could. It is this material continuity, as much as the strength of its scientific authority, that makes DNA identification both emotionally and symbolically so compelling.

### **DNA analysis and the ethics of identification**

The story of the Fromelles identifications, then, is a compelling and engaging one about

how a specific scientific technique allows new possibilities for the identification of remains to emerge, and this in turn, through the mediations of military institutions and the press, becomes a story of identity and reclamation. But we want to raise questions at this point about the ethics of this process, how they might be thought through, and render this story more problematic than it might at first appear.

There is a large and diverse literature on the ethics of using genetic information in a variety of settings, primarily in clinical and forensic contexts, and this analysis can be drawn on for useful indicators of areas where ethical issues can be foreseen. These mostly concern consent for testing, and disclosure of the information obtained.

Issues of consent frequently arise in clinical genetic testing, but mostly around whether a patient can understand the information or is legally competent to give consent for samples to be taken (Burgess, 2001; Hodge, 2004). For unidentified bodies, the individual themselves is by definition unable to consent, and there is a Catch-22 that until identified, there will be no relative able to do so. In practice unidentified human remains, including historical bodies less than 100 years old, come under the jurisdiction of the coroner or local equivalent, which enables identification procedures to go ahead in the absence of consent from relatives or other proxies.

A more practical ethical issue in the case of the Fromelles bodies concerns the information given to putative relatives who volunteered DNA samples hoping to identify an ancestor. A variety of means were used to contact relatives, including regimental events in Britain and major media campaigns in both countries (see, for example, [http://www.army.gov.au/fromelles/Fromelles\\_Home.asp](http://www.army.gov.au/fromelles/Fromelles_Home.asp); <http://www.heraldsun.com.au/news/national/fresh-appeal-to-help-identify-fromelles-soldiers/story-e6frf716-1225825129899>; <http://www.heraldscotland.com/life-style/real-lives/families-of-british-and-australian-troops-who-fell-in-france-100-years-ago-look-for-closure-1.1013469>). Here, the information given (about the likelihood of identification being successful, for instance) seems to have been given responsibly and accurately. However, alongside the technical difficulties in the use of the technique on these

particular samples, the relative novelty of the use of the technique would have been difficult to convey. Moreover, many of the pitfalls or longer term consequences are still unknown. This, then, is uncharted territory, as obtaining 'informed' consent is constrained by limitations on the amount of information which could be given by those with authority over the process.

Issues of confidentiality might seem much less pressing when the individual being identified has been dead for 90 years. However, as has long been recognised in the ethics of clinical genetic testing, DNA information is family information. To varying extents the identification of a person through DNA sequences provides information about other members of the family as well. At the moment this includes information about inherited diseases, familial predispositions to disease, and (most notoriously, and most likely to emerge in the family matching of projects like Fromelles) undisclosed non-paternity somewhere along the line. In the future, it may also include more precise information about other physical and mental characteristics. It is important therefore that potential participants have been informed about the possibility of fortuitous discoveries, about whether samples will be retained and if so for how long; and it is also vital that they have the opportunity to discuss their wishes about disclosure and sharing of information among family members. There is no question that these factors were taken into consideration during recruitment in the Fromelles project. However, it is also known from empirical work on clinical genetic testing that not all information is taken on board by patients before testing, and that the consequences of a test decision can unfold within families for some time afterwards. This raises further questions about the use of DNA profiling on the Fromelles remains. At this point in time they are unanswerable, but we would note the need for empirical work to assess the possibly unanticipated consequences and uses of guidelines around the sharing of information established from the Fromelles DNA analysis process.

Issues of consent and confidentiality present relatively straightforward practical questions to resolve, and there are precedents from clinical genetics to draw on. More difficult ethical considerations, however, are raised by the consequences of introducing the

technology of DNA profiling into the social and cultural world in which bodies are invested with symbolic meaning, and where the materiality of the body, whether living or dead, has a powerful but indeterminate relationship with personal identity. Speaking of the identification of remains from mass graves at Srebrenica, Sarah Wagner wrote that ‘Matching genetic profiles promises to reattach personhood, signposted by a name, to physical remains and thereby to reconstitute the identified person as a social and political subject’ (Wagner 2008: 119). In the example of Fromelles, the attachment is distant and attenuated by time, yet the promise of ‘reattaching personhood’ is still present, perhaps even with greater force as the promise is to reconstitute the historical personhood of the dead as a contemporary subject around the presence, *in* the present, of their bodily remains. However, given the age of the Fromelles remains, the meanings of their identification (to families, communities, and nationally) and its consequences are likely to be complex and ambiguous – and difficult to predict in advance. Here, we want only to flag up one example of a potentially significant shift in social assumptions about the family’s role in identification.

In the Fromelles project, the involvement of family members was crucial. DNA identification always requires the sample from the remains to be matched to (ideally) a sample from that person, or failing that, to genetically related family members. For soldiers of the Great War there were of course no stored samples, and many of the men were too young to have left direct descendants. In the absence of a reference sample of DNA, this reconstitution of the personhood of the dead is dependent on genetically related families coming forward to donate samples of tissue that can be cross matched with the disinterred bodies. Reconstitution of personhood, although this is less often remarked on, also depends on the families’ acceptance of the identification as valid. As Wagner also notes, ‘the authority of the ‘facts’ of DNA profiles depends on families participating in and trusting the identification process’ (Wagner 2008: 121). In order to maximize the number of volunteers there were publicity campaigns, mostly in Australia but also in Britain, and direct appeals from the military of both countries. Although more than 1000 bodies were never found after the battle of Fromelles, only 250 were recovered from this grave. Therefore, many of the people who volunteered samples will not be cross

matched with one of these dead. Conversely, not all the bodies have yet found a match, suggesting that some families have not yet deposited samples, and leading to ongoing appeals such as this statement by the Chief of Army, Lieutenant General Ken Gillespie in an Australian Department of Defence press release on the latest identifications on 10 April 2011:

“It is important that we are able to identify these soldiers who made the ultimate sacrifice and assist in giving closure to the families. . . . The involvement of the families of those diggers that remain unaccounted for has been vital to this process. We currently have almost 3000 family members’ details in our records but we still need more.” [available at <http://www.minister.defence.gov.au/2011/04/08/minister-for-defence-science-personnel-more-battle-of-fromelles-diggers-identified/>]

Empirical bioethical research about DNA testing decisions for family disease, and about donation of organs and tissues, has highlighted the overdetermined nature of these decisions. As much as they are clinical choices they are often also deeply symbolic acts through which people demonstrate love, protectiveness, commitment, solidarity and so on. At Fromelles, getting involved in the identification process may perhaps be understood as a practice of care extended to the dead family member. The ethic of care highlights the moral importance of the inevitable asymmetries of power and capacity in human relationships, taking as its model the care of vulnerable family members. Without attempting to address here the philosophical debates about the moral status of the dead, we want to suggest that it may be that the real object of care, the vulnerable subject towards whom the volunteer donor of tissue for a DNA match is showing care, is not actually the long-dead relative but the family as a whole.

The use of DNA profiling had been announced by the British Defence Minister in August 2009 in this way:

‘Testing will be conducted to identify remains so that soldiers can be laid to rest with the *dignity they deserve*. . . . we owe it to them to do all we can to identify

them.’ (Ministry of Defence press release dated 7 August 2009, <http://www.wired-gov.net/wg/wg-news-1.nsf/0/0253A82972DB6AE08025760E00210AEA?OpenDocument>) [italics added]

If being buried with the dignity they deserve is *equated with* being identified and buried with their name, then it follows that being buried without that name is being buried with *less* dignity than they deserve. This might be unavoidable, if DNA could not be found or it was too degraded, but it can also be because family members have not come forward to offer DNA samples for matching. Families may simply not know about the Project, or they may feel no strong need to name a particular set of remains, or they may even find it inappropriate to do so. From a socio-ethical point of view, however, the longstanding cultural tradition that naming the dead is necessary to fully restore their dignity appears to be extending now to include the act of volunteering to help identify un-named dead, even when the chances of genuine relatedness are relatively small. In this context, it is appropriate to raise ethical concerns about creating an expectation that families will participate in this process, to the extent that they lose the ability to make a free choice, if the refusal to participate comes to be interpreted as ‘not caring enough’ about the family or about that lost family member to ‘bring him home’.

### **Final comments**

Interestingly, there appeared to be no public debate about the ethics of DNA identification in the Fromelles case – that is, no wider discussion about whether using this technique was, in fact, the right thing to do. Clearly, any social or ethical deliberations now take place in a context in which the military and governmental decision to use DNA profiling has already been made, so it is perhaps unsurprising that the use of DNA profiling seems to have been taken for granted, given the established precedent that all war dead should be recovered and identified, as far as possible. Yet we conclude that technological advances and thus enhanced probabilities of individual identification of war bodies bring with them a range of moral and ethical issues. These render stories such as that from Fromelles more complex than they at first sight appear from the engaging public narrative of retrieval and reunion that has framed this particular event.

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