

Who Owns Objects?

The Ethics and Politics of Collecting Cultural Artefacts

*Proceedings of the first St Cross–All Souls Seminar Series
and Workshop, Oxford, October–December 2004*

Edited by
Eleanor Robson, Luke Treadwell, and Chris Gosden

Oxbow Books

Chapter 9

Repatriation and its Discontents: the Glasgow Experience

Mark O'Neill

Introduction

The main purpose of this paper is to give an account of Glasgow City Council's experience of repatriating one museum object to representatives of a source community in 1999. This was the first, and at the time of writing (2005) remains the only, transfer of an object from a UK museum to Native Americans. (In July 2003, Aberdeen University's Marischal Museum returned a headdress to the Blood Tribe of Canada; see <<http://www.abdn.ac.uk/diss/historic/museum>>). The paper will summarize the arguments put forward for and against return and assess the main criticisms of the City's decision. In the broadest sense, repatriation raises questions about the nature of Western civilisation of which museums are a characteristic product and embodiment. Museums express values relating to the pursuit of knowledge for its own sake, the exploration of non-European peoples and cultures, the high status afforded objects deemed to have aesthetic power and the priority of scientific over traditional epistemologies. For an individual organisation dealing with a specific claim, repatriation embodies the difficulty experienced when addressing any social, ethical problem, *i.e.*, that of finding the balance of reason and emotion needed to make a decision which does more than simply rationalise pre-existing assumptions and positions and actually engages with the reality of the issues involved.

Glasgow and the Massacre of Wounded Knee

The massacre of between 250 and 350 Lakota men, women and children at Wounded Knee in South Dakota on 29 December, during the cold winter of 1890, was a decisive event in Native American history. After nearly 400 years since the first Europeans had landed in the Americas, the spirit of resistance finally collapsed due not just to the number of dead, but also to the military, political, and religious significance of the massacre. A small band of Lakota men, women, and children under the leadership of Big Foot was intercepted

by the US 7th Cavalry. Large numbers of troops had been sent into the area because the Americans were alarmed by the spread of a new religion amongst the Indians, the Ghost Dance. This was a messianic apocalyptic response to the loss of land, the near disappearance of the buffalo, outbreaks of anthrax amongst their animals, and many deaths of people due to plague. The new faith taught that if Indians lived a moral life and danced the Ghost Dance, Jesus would come again. The first time Jesus had come he had been killed by the white man. This time he would save the red man, and the white man would disappear and the buffalo and all the dead Indians would return. To these beliefs, preached by a Paiute called Wovoka, the Lakota added a new element: the conviction that the shirts they made for the Ghost Dance would protect them from bullets. Big Foot's band rested overnight at Wounded Knee Creek, surrounded by about 500 troops, who were armed with four Hotchkiss rapid fire canons. The following morning the troops set about disarming the Lakota. An incident — accounts vary as to what happened — led to a single shot being fired, possibly by a Lakota. The troops responded instantly with maximum force, some say fuelled by a heavy night's drinking and a desire to wreak revenge for the defeat of their regiment by the Lakota and their allies at the Little Big Horn fourteen years earlier. Within two hours between 250 and 350 Indians were dead, in what was portrayed at the time as a response to a sneak attack upon soldiers who defended themselves heroically. More recent historical accounts, notably in Dee Brown's book, *Bury My Heart at Wounded Knee* (Brown 2000), reveal the encounter to be a massacre of mostly unarmed men, women, and children. The killing of so many people at Wounded Knee not only ended armed resistance to American domination and control. It also killed the Ghost Dance religion and the Indians' last, desperate hope of retrieving their former way of life. As holy man and survivor of the massacre, Black Elk, put it:

I did not know then how much was ended. When I look back now from this high hill of my old age, I can still see the butchered women and children lying heaped and scattered all along the crooked gulch as plain as when I saw them with eyes still young. And I can see that something else died there in the bloody mud, and was buried in the blizzard. A people's dream died there. It was a beautiful dream... . The nation's hoop is broken and scattered. There is no center any longer, and the sacred tree is dead. (Black Elk 2000, 197–201; Brown 2000, 440–6; Coleman 2000; Gibbon 2003, 105, 134; Gonzalez and Cook-Lynn 1999; Strickland 1986)

In October 1891, just over ten months later, the Buffalo Bill Wild West Show began a five-month stay in Glasgow at the end of its European tour. The

troupe included 75 Lakota men, many of whom had been arrested after Wounded Knee and were released into Buffalo Bill's custody to get them out of the country and to save the army the expense of feeding them in prison. The Show's Indian interpreter was George Crager, who in December that year offered to sell Indian objects to the Kelvingrove Museum in Glasgow. After visiting Crager's tent, the curator James Paton purchased fourteen objects. The next entry in the register records a donation from an unnamed person, presumably Crager, of another fourteen Lakota objects. Why there was a mixture of donation and sale remains a mystery. Amongst the fourteen objects donated were five associated with Wounded Knee. Most notable was a "Ghost Shirt" of cotton cloth with feather ornament, blessed by "Short Bull" the High Priest to the Messiah, and supposed to render the wearer invulnerable. Taken from a Sioux warrior killed at the battle of Wounded Knee, 30th December [sic], 1890 (between Brule and Ogallala [sic] Sioux) and US troops.' There were also 'a Pair of Moccasins of buckskin taken from "Across the Room", son of Big Foot, killed at the battle of Wounded Knee', a 'warrior's necklace of hide and fringe taken from a warrior, and a baby cradle of buckskin and blue cloth, found at the Battle of Wounded Knee.'

In 1992, just over a hundred years later, the Wounded Knee Survivors Association (WKSA) requested that Glasgow City Council return all five of these objects. They had been drawn to their attention after the Ghost Dance Shirt was seen in Glasgow in an exhibition (*Home of the Brave*) which marked the 500th anniversary of Columbus's landing in the Americas. In November 1998 the Council's Arts and Culture Committee, the governing body of Glasgow Museums and Art Galleries, agreed by thirteen to two (in a free vote) to return the Ghost Dance Shirt. On 1 August 1999 a delegation from Glasgow handed over the Ghost Dance Shirt to representatives of the WKSA at the site of the massacre, from where it was taken to the site of the mass grave and ceremonially displayed to the roughly 200 people who had come. It was then taken to the South Dakota Historical Society (SDHS) where it has been on display ever since (Maddra 1996; 1999; Hooper-Greenhill 2000, 153–62. For discussion of repatriation of Native American artefacts and human remains see Dumont 2002; Fine-Dare 2002; Mihesuah 2000; on repatriation more generally Fforde *et al.* 2002; Greenfield 1995; Thompson 2003).

Responses to Glasgow's decision

The process devised by Glasgow City Council for assessing repatriation claims has been widely praised. The UK government Department for Culture Media

and Sport (DCMS) Parliamentary Select Committee report on *Cultural Property: Return and Illicit Trade* states:

We were impressed by ... the seriousness and thoroughness with which the issues raised by this claim were handled by both Councillors and officials. We commend the procedures adopted by Glasgow City Council for handling claims for return of cultural property which provide an important model which others should examine and may wish to follow. (DCMS 2000a)

Their praise was reiterated by the UK Government's formal response to the report (DCMS 2000b). Within the museum profession the process was similarly praised, at least in public. The *Museums Journal* lauded the process and pointed out that a negative precedent had not in fact been created — the dire warnings that repatriation would 'open the floodgates' to other requests proved unfounded. The Museums and Galleries Commission Guidelines on best practice in addressing repatriation claims drew heavily on Glasgow's experience (Legget 2000).

Behind the calm surface of the museum façade, however, there have been mutterings of discontent. When Glasgow started to process the Lakota claim Glasgow Museum's ethnographer, Antonia Lovelace, wrote to four national museums, two in the UK and two in the USA, seeking advice. Two did not respond. The other two, one British and one American, telephoned, in confidence, to advise against returning the objects. Despite agreeing to do so, they did not put their arguments in writing so that they could be formally considered by the Council. One later complained of not being kept informed.

More overt criticisms have been made, most notably by Julian Spalding, director of Glasgow Museums from 1989 to September 1998, when he parted company with the City Council in less than amicable circumstances (Spalding 1998, 12). His most serious claim is that Glasgow returned a Ghost Dance Shirt which it knew to be a fake (Adamson 1998; Spalding 1999; Thompson 1998), though he later concluded that it was 'not a Ghost Dance Shirt at all, but an ordinary Sioux tunic' (Spalding 2002, 115). He has also stated that the return was a purely political act by Glasgow City Councillors, pursuing personal gain contrary to professional curatorial advice, seeking to use repatriation to help their election to the Scottish parliament, 'without a concern for the object's future'. In the same vein he argued that Glasgow Councillors colluded in 'this long and sorry farce' with the Lakota whose motivations he saw also as entirely political. (Spalding 2002, 115–6).

The charge that the repatriation was politically motivated has also been made by Dr Christian Feest, who was then Professor of Historical

Ethnography at the University of Frankfurt. Writing in 2001 in the *European Review of Native American Studies*, which he edits, Feest portrays the entire process as flawed. Nonetheless, because the return was 'one of the most significant cases of (more or less voluntary) deaccessioning of Native American material in European museums for the benefit of Native American claimants' it 'deserves at least brief, (and not necessarily honourable) mention' (Feest 2001). He is the author of numerous books on Native American art and culture (e.g., Feest 1992; 1999) and, in 1995, of an article on European responses to Native American repatriation claims (Feest 1995; for a response see Conaty and Janes 1997). He argues that though European museums will not be exempt from repatriation claims, these will be 'nearly insignificant because the issue is first and foremost a political one'. He portrays any supra-tribal or pan-Indian identity as being inauthentic, as are Indian cultural and spiritual revivals, which he calls 'repaganisation'. Repatriation is being advocated, according to Feest, because of a failure to make progress on more financially important issues such as land rights, and that it has been chosen because its religious dimension resonates in American culture.

Native American fundamentalism which finds its expression in requests for repatriation, like other forms of fundamentalism, is primarily adaptive in nature and thus directed at the relationship with the dominant society. There is no good reason why Europe should let itself be dragged into this problem area. (Feest 1995, 41)

He goes on to argue that the objects would not have survived if Europeans had not preserved them; that Indians had no tradition of preserving objects, simply replacing them when they wore out; and that:

there seems to be no compelling reason why materials regarded as 'sacred' should be more readily returned than others, especially when there is evidence that the 'sacredness' may be an attribution by a present population to something that was not considered sacred by their ancestors. (Feest 1995, 37)

Since 1999 repatriation has become much more debated in public, largely due to the emergence of a significant number of claims on objects spoliated from Jews by the Nazis and to the signing by many of the world's largest museums of a Declaration that as 'universal' institutions they had many positive reasons to resist claims for repatriation (see Association of Art Museum Directors 1999; Palmer 2000; De Montebello 2003; MacGregor 2004). Given the unique and influential status of the repatriation of the Lakota Ghost Dance Shirt the criticisms of the integrity and competence of the decision making process need to be addressed, especially as many have been accepted

uncritically by media commentators (*e.g.*, Taylor 2002). To do this it is necessary to recount how Glasgow developed and applied its repatriation policy and procedure.

Developing a response to repatriation requests

In early 1997 the City Council had four, very different, claims for the restitution of cultural property — and no clear procedure for dealing with them. These included claims for a beaded Lakota waistcoat said to have belonged to Rain in the Face, a group of Benin bronzes, and 18th-century human remains found preserved in bog in Cambusnethan, Scotland. The most prominent case however was an appeal against the rejection of the Lakota claim for the five objects associated with Wounded Knee. The claim had been formally made in 1992 and rejected by the Director of Glasgow Museums, Julian Spalding, in September 1995. He wrote that: 'Glasgow Museums have decided on professional grounds not to agree to the request for the return' of the five objects. The letter acknowledged the wrong done to the Lakota at Wounded Knee, and justified retaining the objects on the following grounds:

- the objects should remain in the public domain;
- the museum's duty to the modern Lakota was to tell the story of the massacre, in ways which reflected their point of view;
- the story should be told at Wounded Knee, for which purpose the WKSA should claim Ghost Dance Shirts in American museums;
- the story should also be told elsewhere, and Glasgow's Ghost Shirt was the only one in Britain, and probably in Europe.

The letter concluded with an invitation to the WKSA to help redisplay the object in Kelvingrove. The letter of rejection stated that Lakota had a right to appeal to the Arts and Culture Committee, Glasgow Museums' governing body. The Lakota took up this option, which meant that the Arts and Culture Committee had to address it. With other claims of a very different nature pending, it was clear that a policy and a procedure were required to enable decisions to be taken in a coherent and consistent way.

Also in 1997, the first major UK conference on repatriation took place in London (Point of No Return? Debate on the Repatriation of Artefacts, Museums Association, November 1997). The papers were very informative, but they also made it clear that there were no existing guidelines or procedures which could be borrowed or modified to process the claims Glasgow was facing. The City Council decided that it would not adopt a

policy of rejecting all repatriation claims as a matter of principle, but assess each of them on its merits. To make these assessments it established a cross-party Officer/Member Working Group on repatriation, and agreed five criteria on which claims would be assessed and recommendations made to the parent committee. These criteria were:

1. The status of those making the request *i.e.*, their right to represent the community to which the artefact(s) in questions originally belonged;
2. The continuity between the community which created the object(s) and the current community on whose behalf the request in being made; SIGNIFI
3. The cultural and religious importance of the object to the community;
4. How the object was acquired by the museum and its subsequent and future use;
5. The fate of the object if it is returned. PRESERVATION + ACCI

The five criteria were deemed to allow for the unique aspects of each case to be explored while providing the Council with a framework for consistent decision-making.

The case for return

Representatives of the Pine Ridge and Cheyenne River Wounded Knee Survivors Association made two presentations in Glasgow. The first was by Mario Gonzalez to a small group of staff in April 1995. The second was by Marcella Le Beau, who represented the WKSA at the appeal which was heard by the Repatriation Working Group in November 1998. The latter was open to the public and was attended by two hundred people (Bankes 1999).

Gonzalez is a Lakota and a lawyer who has spent most of his life working to use the American legal system to assert the rights of his people, on which he has published extensively — including co-authorship of a book on Wounded Knee (Gonzalez and Cook-Lynn 1999). The case he put forward was based on a detailed historical and legal analysis of the position of the Lakota in the present and in 1890 at the time of the massacre. He established that the current population of the Standing Rock, Pine Ridge, Rosebud and Lower Brule Reservations are Lakota descended from the Lakota who were there at the time of the massacre. He outlined the Doctrine of Discovery devised by European countries to establish legal title to the lands they occupied after 1492 (see Williams 1993). He traced the impact of the Doctrine on the legal relationship between the Lakota as a sovereign people and the US government at each stage from early contact through to complete dominion. He explained

- community of people
 - legal standing
 - artifact not to be alienated; stolen property
- Mark O'Neill

the legal implications of the treaties between the Teton Lakota and the United States government, which, despite the successive reduction of Lakota land from 60 million to 9 million acres, nonetheless gave the Indians the right to have their persons and property respected in a United States court of law. He recounted the events leading up to the massacre and argued that a crucial consideration in the repatriation case was that what happened was not a battle during a war, but a massacre of innocent people, mainly civilians, women, and children. Material taken from the dead could not be regarded as war booty. He quoted the 1877 Act which, despite being imposed by Congress after failing to obtain the signatures of the requisite three-quarters of adult males, stated that the Lakota people and their property were to be protected by US law: this legal protection should have stopped not only the killing, but also the looting of the dead that occurred. This meant that the looted items are stolen property and could not have been legally acquired by the museum. Gonzalez made it clear that while the disposition of objects which were returned was a matter for the tribal councils, the preservation of objects in perpetuity could be part of any written agreement between the two parties.

The Lakota appeal

Four years later, in November 1998, the second formal presentation by the Lakota took place at a meeting of the newly formed Repatriation Working Group to which the public were admitted. At the start of this meeting, the Lakota delegation stated that they were withdrawing their claim on four of the objects, given the overwhelming importance of the Ghost Dance Shirt. Mario Gonzalez had been expected to speak on behalf of the Wounded Knee Survivors Association (WKSA) but was unable to attend at the last minute. The Association was instead represented by its secretary, Marcella le Beau, who had also attended the 1994 meeting. Her presentation involved a markedly different discourse, drawing not on a legal genealogy of elements of Lakota sovereignty which had survived conquest and the legal rights conferred on them by various treaties and by American law, but instead invoking a universal natural law and concepts of healing with resonances in traditional both Lakota spiritual beliefs and western understandings of the psychology of mourning. Le Beau set out her family lineage, including her relationship to Rain in the Face, and her public service lineage as a nurse who had served in the US army in Britain and Europe during World War II. She then developed the case for return as follows:

Innocent men, women and children were killed under the white flag of Truce. Descendants live on the River Ridge and the Cheyenne River Reservation. Many have passed on to the spirit world. The younger generation are identifying their Bands, taking their place in history and seeking their roots. The Lakota people have lived under oppression, broken Treaties, when the Lakota people were ruthlessly massacred at Wounded Knee — 250 Lakota people died, and something else happened; the sacred hoop was broken, the spirit was broken. It is up to us to solve our destiny — it is our choice, the choice of my son Richard and myself, on behalf of the Lakota Nation.... We want our youth to know at first hand their own history, to bring about meaning to their lives, bring self esteem, honour and respect into their lives, which is our culture and tradition, to eliminate the devastation of alcoholism, suicides and other negative influences. The Sacred Ghost Dance Shirt — Wacipe Ogle Wanagi — was taken off a dead body at Wounded Knee and the body was buried naked in a mass grave. No culture in the world would do this as it simply is not the proper thing to do. Native Americans have the greatest respect for their dead. Today on the reservation, we, as veterans of World War II, Vietnam and the Korean conflict pay respect and tribute at each cemetery on Memorial Day, yearly. Memorial Feeds and Give Aways are common to honour the dead and other people. ...

It follows the natural law of society that the Ghost Dance Shirt taken off the body of a massacred Lakota should be returned to the Lakota. Long standing grief and sadness prevails with the descendants and it would help in some small measure to bring closure and healing to a sad and horrible event in the history of our people. ...

The Cheyenne River and Pine Ridge Wounded Knee Survivors' Association have an agreement with the Heritage Cultural Centre in Pierre South Dakota, to keep the Ghost Dance Shirt for us until such time as the Pine Ridge and Cheyenne River Sioux Tribe have a suitable museum in which to hold the Ghost Dance Shirt. ...

While it is undoubtedly true that Le Beau's arguments struck a deep emotional chord with those present at the hearing, this was due not just to her impressive personal qualities, but also to the deep resonance of her references to the 'natural law' relating to the treatment of the dead. The issue of the just treatment of those killed in violent conflict has been an explicit issue in European ethics for thousands of years — at least since Antigone buried her brother in defiance of the edict of Creon, the king of Thebes, who had ordered that those who had betrayed their city and fought with an invading army should be left unburied. Antigone believed that not even the king 'a mere mortal, could override the gods, the great unwritten, unshakable traditions' (Sophocles 1984, 82).

Responding on behalf of Glasgow Museums

After Le Beau answered some questions I spoke representing the museum service, technically providing professional advice to the Repatriation Working

Group. I saw my role as bringing together two kinds of authority — the democratic mandate of the Councillors and the expertise of the museums profession — in order to achieve a decision which, as far as possible, worked in both worlds. I did not see a straightforward opposition between museum professional and lay views on the issue: the UNESCO, the UK, and the American Association of Museums codes of ethics for museum staff and governors argue for a 'strong presumption against disposal', but none completely excludes alienating objects from museum collections by museum governing bodies as long as appropriate procedures are followed.

I argued that:

If museums represent our better selves, our humane values, then we have to admit to the possibility that there may be other values which are more important than that of possession and even of preservation. And if our values lead us to preserve an object because of what it tells us about the history of a particular human group, then it is inconsistent not to give that group the respect of at least taking its views seriously. The objects we preserve and the stories they tell reflect our values, what we stand for, how we wish to see ourselves, what we wish to bring with us into the future. Contrary to popular belief, museums are not in fact about the past, but about the present and the future.

I felt it was important to address the 'floodgates argument', not on practical but on ethical grounds:

It cannot be right to say, the case for returning this group of objects is just, but it cannot be done because future unjust cases may be encouraged. Values are above all a matter of choice, and for values to be real, we must continually make the necessary choices.

I welcomed the repatriation debate and all the tensions it brought because it revealed something important about the role of museums:

In Glasgow our vision of museums is not as dusty storerooms but a places where urgent issues of personal and communal meaning and identity can be explored and renegotiated It forces us to ask whether museums can possess objects such as these and still provide places for exploring our values, for discussing what is right or wrong, what relationship we wish for between ourselves and other peoples, what our obligations towards the past, present, and future are, and where museums fit on the spectrum from the sacred and the spiritual to the secular and the materialistic.

Many of the letters written to the press and to the Council made a connection between the fate of the Native Americans and episodes of Scottish history such as the Highland Clearances, expressing a sense of shared victimhood. Others conveyed a sense of guilt about the role of Scots in

creating the British Empire and that today we still benefit from the wealth generated during 300 years of imperialism. Some argued that it was inappropriate to benefit even educationally from objects such as the Ghost Dance Shirt. This was reflected at the public hearing, which had a very highly charged and emotional atmosphere. It seemed important, in terms of 'curating' the repatriation request to question these views, and to focus them more precisely on the role of museums and museum objects in our society. I acknowledged that the repatriation request raised:

issues of inherited guilt, of the obligations we, as ethnic Europeans, incur from the violent actions of Europeans in the past, a past in which we were not present. There are also issues about whether massacres like Wounded Knee are the criminal acts of a few brutalised men, or whether they reflect an intrinsic quality in our culture.

Is the pattern of European violence related to our love of objects? Sitting Bull certainly thought so and said that the 'love of possessions is a disease amongst' white men. And of course museums are not peripheral to this: they are one of the main public expressions of this materialism, of this love of possessions. The public hearing was held in the Burrell Collection, an archetypal temple to the love of beautiful objects. I concluded on this issue that:

Returning the objects may be the right thing to do for the Lakota, and it may be the right answer for us; but we need to look hard at our motives and ask ourselves if we are looking for a too-easy sense of release from the burden of our past, from our guilt about the flaws in our culture. It may be a disingenuous comfort to us, an assertion that we are good people, honestly.

It seemed equally important to draw attention to the positive values of museums and the rights of people and institutions which support those values:

Though museums are temples of possession, they also express some of the good aspects of our culture, our belief in education, in learning and discovering together and, in our secular way, seeking transcendence of a kind. Museums are also about authenticity, about looking at real things and facing difficult truths. Thus the role of museums and of museum objects is not without honour, and they reflect very well the complex of positive and negative in our culture. The people of Glasgow have given this object life for over 100 years and have earned the right, if they wish to exercise it, of being able to continue to learn from the witness it bears to a human history that we all share.

While the desire of the Lakota and their Scottish sympathisers that the return of the Ghost Dance Shirt would alleviate inherited suffering and guilt was

understandable, I felt it was necessary to question how realistic these hopes were:

Though we may conceive of it as being in exile, this object has been here for a long time, playing an honorable role in representing its people. It may be time for it to return home, but as many exiles will tell you, going home is a dream which is often best left unrealised.

I tried to avoid a simplistic oppositional analysis by focusing on the complex history of the Ghost Dance Shirt itself:

If there is a way forward which respects our traditions as well as those of the Lakota, it would recognize the entire history of the object. It has lived as a religious expression of desperate hope; it has been a symbol of the destruction of that hope by the most violent means; it has been a relic of individuals who were murdered by agents of the United States government; it has travelled Europe as an object in a showman's storytelling; and for 106 of its 108 years' existence, it has been a witness in a museum in Glasgow to man's inhumanity to men, women, and children. While history in general cannot be unraveled, it may be the right thing to do to unravel this particular part and return this object. It may indeed make a genuine contribution to the search of the Lakota people for healing which will enable them to move forward to find a new identity. However Europeans' and First Nations' histories are bloodily intertwined, and it may be more honest to bear this in mind than to make a gesture which promises more closure than is possible, which makes us feel a bit better about ourselves, but in fact enables us to avoid facing the issues about who we are, not just who we Glaswegians or Europeans are, but who we humans are. I hope the Council will be able to find a resolution which recognises the moving and powerful case of the Lakota, but which also takes into account the whole personal, communal, violent and museum history of the object.

I was anxious, however, not to give the impression that by empathizing with both sides and acknowledging contradictory feelings, a decision could or should be avoided:

this is not to say that making reparation is not a worthy ambition or that mixed motives are a reason for not doing the right thing, whatever that might be. But if there is a museum view on this it would perhaps be that the resolution should be a way of enabling us to live with all of our history, with all its aspirations to become better human beings and with all its bloody complexity.

I assessed the Lakota case for repatriation according to the Council's five criteria. It was clear that, in terms of the first four that the Lakota had a strong case. The people making the request had the authority to do so; the group on whose behalf they were making the request were direct descendants of those who had made the object; though the Ghost Dance religion was no longer

practiced, it was difficult to underestimate the significance of the Wounded Knee Massacre for the Lakota and indeed for all Native American people. I recounted the museum history of the object and argued that it was necessary and legitimate for museums to address painful histories and that if we retained the Ghost Dance Shirt we would interpret it fully. I also summarised the reasons why the Repatriation Working Group believed that the Ghost Dance Shirt was genuine and may have come from a body at Wounded Knee (see below). The remaining, fifth criterion, the fate of the object if returned, was in many ways the most difficult, and became the focus of the negotiations between the City Council, represented by Councillor John Lynch, and the Lakota Delegation.

The conditions to which the City Council wanted the Lakota to agree were that the object be preserved in perpetuity and that it be as accessible as possible, ideally on public display. We felt we had the right to argue for this as we were not entering into the negotiations from the perspective that we had done anything wrong. The same values which led us to preserve the object and to respect the Lakota sufficiently to listen to their case, also entailed a belief that we were entitled to have our values respected. We believed that the Ghost Dance Shirt was an important part of a global heritage and that the Council, as a museum governing body, had duties not just to its own citizens and the Lakota, but also to the wider world. It seemed to us that the key obligation in terms of world heritage was to ensure the survival of the Ghost Dance Shirt, and that this was entirely consistent with respecting the rights of the Lakota. Under American legislation, the Lakota would have had the right to have unconditional ownership of the Ghost Dance Shirt. They already had an arrangement with the South Dakota Historical Society to store the Ghost Dance Shirt. Le Beau was not certain she had the authority to agree to the object being displayed, but eventually acceded to the conditions — a decision that was later ratified by the WKSA. The working group recommended that the Ghost Dance Shirt be returned, the Arts and Culture Committee agreed to do so, and their decision was ratified by the full Council.

Discussion

In the six weeks prior to being taken back to South Dakota, the Ghost Dance Shirt was displayed in the central hall of Kelvingrove, Glasgow's largest museum. Of over 1500 visitors who wrote in a comments book about the repatriation during this period, only six opposed the return. This overwhelming public support — also reflected in letters to the City Council

and to the press — was not something that impressed either of the main critics of the return, despite the fact that Feest and Spalding have diametrically opposed views on the role of museums in society. For Feest 'museums are first of all archives of material culture documents and only secondarily places of display and public education' (Feest 1995, 39). Spalding spent his entire museum career attacking this view and he conducted many experiments in improving access (Spalding 2002). The fact that they agree on repatriation issues gives a useful point at which to triangulate issues of museum epistemology, values and social function. A core value of museums is that the objects in collections are authentic, a quality that must be validated by rigorous procedures, whether of traditional connoisseurship or more scientific and academic scrutiny. While it may be difficult to assess whether or not the Glasgow process was 'honourable', the process undertaken by Glasgow is more amenable to scrutiny in these terms.

Spalding claims that his doubts about the Ghost Dance Shirt predated the Lakota appeal:

When I first saw the shirt after I became director of the Glasgow Museums in 1989, I doubted its authenticity. I have never been able to identify anything on it that looks remotely like a bullet hole, let alone a blood stain. (Spalding 1999, 21)

Spalding never mentioned these doubts to anyone in the museum and, contrary to his avowed commitment to authenticity, permitted the Ghost Dance Shirt to be displayed in the 1992 *Home of the Brave* exhibition as a genuine object. The possibility of Glasgow's specimen being a fake was first brought to my attention in 1994 (when I was Senior Curator of History), during discussions with American curators from whom we were seeking advice after the repatriation request. In a memo to me of 12 July 1994 Spalding wrote that 'We need to be sure of the authenticity of our shirt. I'd prefer it to be a fake. Your correspondence with one American Museum curator suggested it was.' In his 1995 letter rejecting the Lakota claim there is no reference to there being any question of its genuineness.

Spalding's views on the issue of authenticity conflate two separate questions. The first is whether Glasgow's Ghost Dance Shirt was made by someone in the band of Lakota led by Big Foot, many of whom were killed at Wounded Knee. The second question is, assuming the shirt is authentic, whether it was taken from the one of the Wounded Knee victims. To investigate these questions Glasgow City Council commissioned Sam Maddra, who was writing a Masters (later a Doctoral) thesis on the Buffalo Bill Wild West Show in the UK, to investigate the matter for us (Maddra 2002). Her

reports revealed that there was a trade in both real and replica Ghost Dance Shirts. Replica shirts however, did not emerge until the Chicago World's Fair of 1893 and in any significant numbers until the Indian Congress in Chadron, Nebraska in 1898, when the Ghost Dance was recreated for the public and photographers. Spalding states that 'Buffalo Bill had already added the "Battle of Wounded Knee" to his list of entertainments' implying that this would have generated replica Ghost Dance Shirts, but there is no evidence that this is the case (Maddra 1996; 1998a; 1998b).

Spalding's statement in his 2002 book that 'research confirmed that there was nothing to link this tunic with the Ghost Dance Shirt (*sic*) religion or Wounded Knee' seems to refer to his own article written around the time of the handing over of the Ghost Dance Shirt. His article describes Ghost Dance Shirts he saw at the National Museum of the American Indian in New York. This must have been the temporary exhibition called *Beauty, Honor, and Tradition: The Legacy of Plains Indian Shirts* which ran from December 2000 to November 2001 (Horse Capture and Horse Capture 2000). He describes the shirts as being 'pretty amazing. They are ghostly, pale with strange markings on them', unlike the 'very conventional' shirt in Glasgow. Some Ghost Dance Shirts in this exhibition looked 'ghostly' (in the sense of looking like a ghost) not because they were more 'authentic' than the Glasgow example, but because they were made from pale grey buckskin. Ghost Dance Shirts vary considerably in design, but those from Big Foot's band are very similar to each other, made of brown calico rather than off-white buckskin, and the Glasgow example shares these characteristics. Further, Maddra discovered a near identical example on display in the Buffalo Bill Historical Centre (BBHC) in Cody, Wyoming, suggesting that both were manufactured at the same time, or in the same location, or by the same person or group working together. The museum's records state that the BBHC shirt had been collected by Brigadier General John Broke who exercised field command of the troops at Pine Ridge in 1890–91. It was, according to his wife, 'given by the Chief to the General at Pine Ridge Agency the winter of 1890–91 — just before the Wounded Knee fight'. The cumulative evidence — that replica or fake Ghost Dance Shirts were not produced until after Glasgow had acquired its example; the similarity of Glasgow's to others known to have been made by Big Foot's band; and that it is nearly identical to an example which comes from the same band and is known to have been collected prior to Wounded Knee — convinced the Working Group that the Ghost Dance Shirt was genuine.

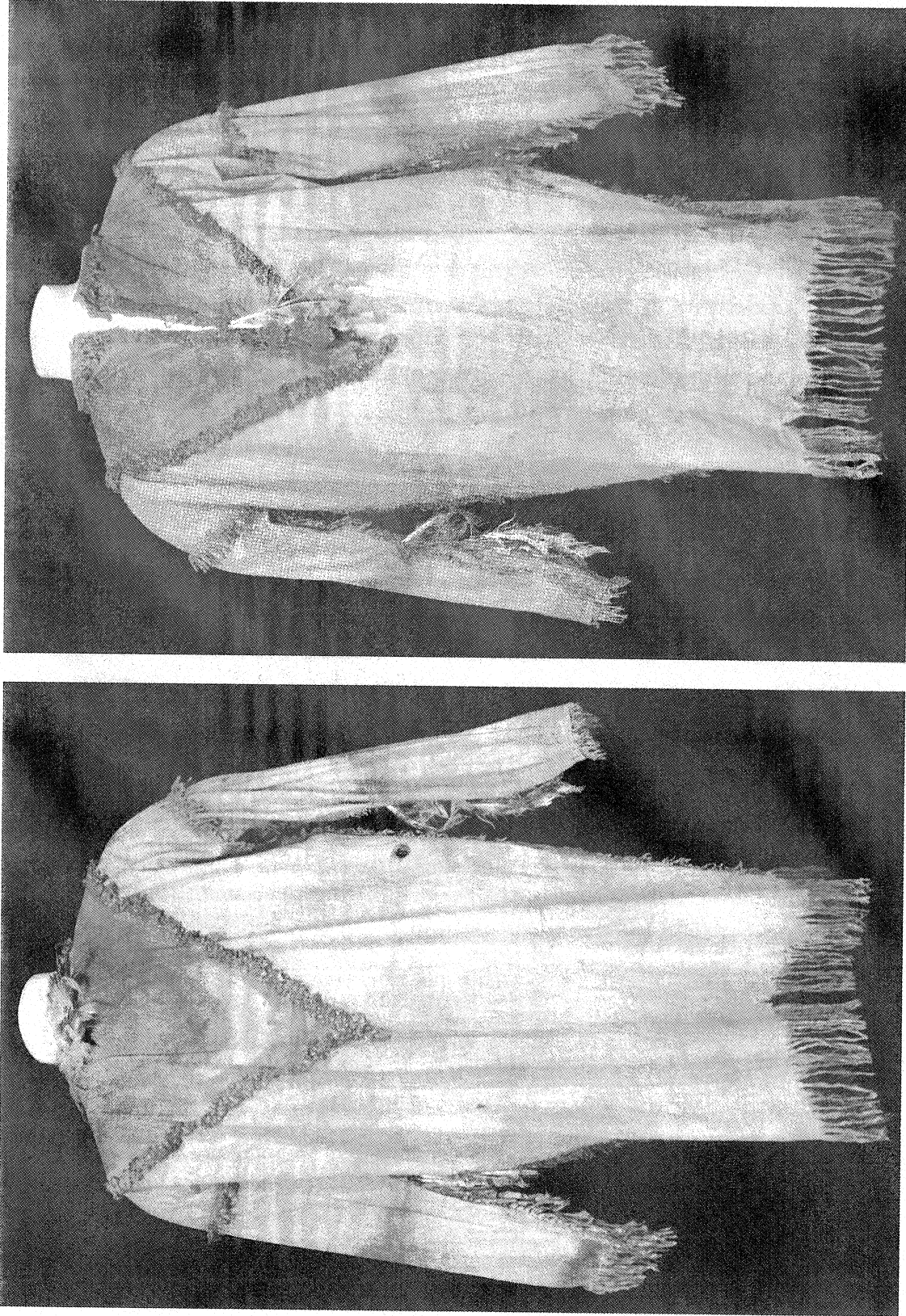


Figure 1: Ghost Dance Shirt acquired by Glasgow Museums on 19 January 1892, just over a year after the Massacre of Wounded Knee on 27 December 1890.

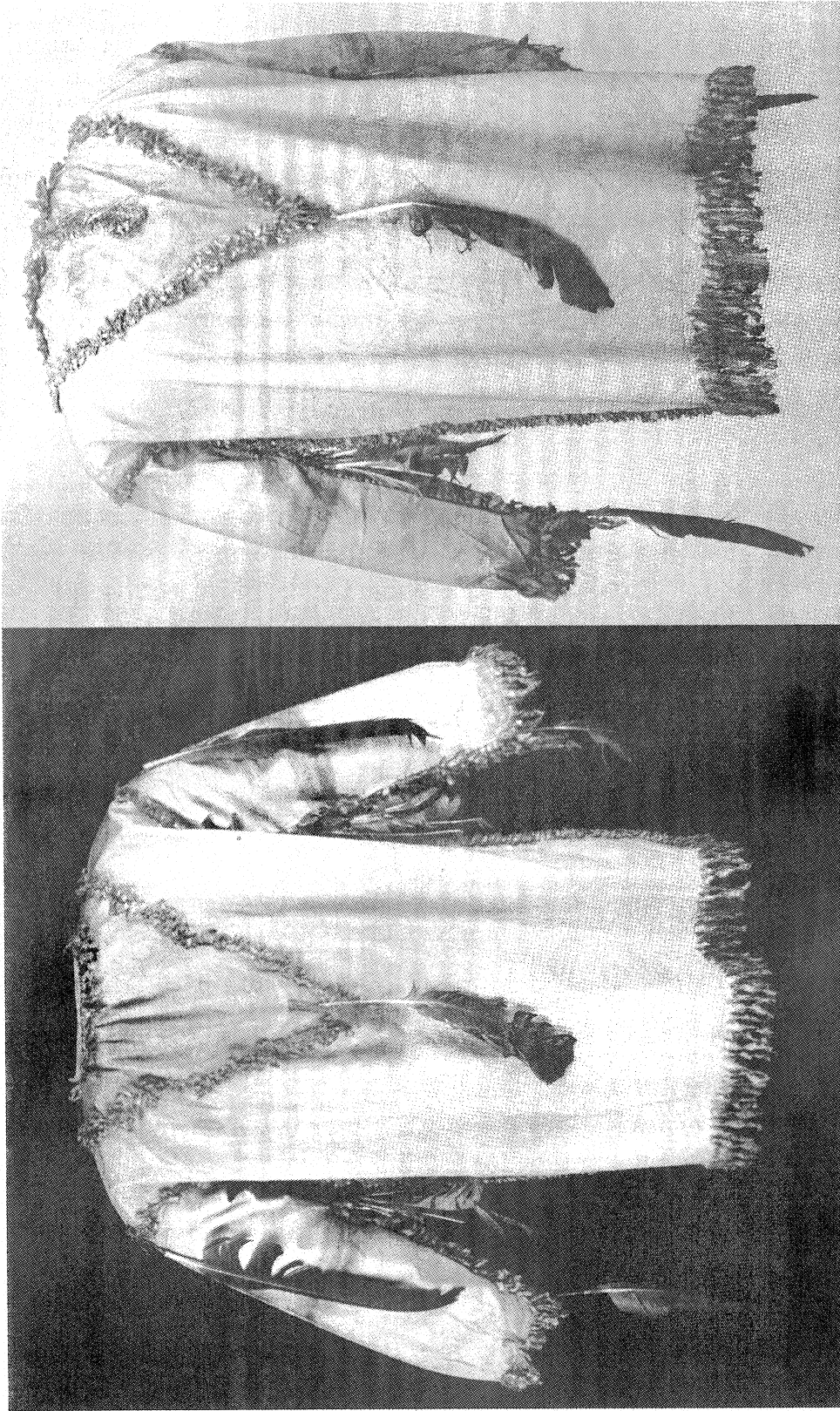


Figure 2: Ghost Dance Shirt acquired by Brigadier General John Broke 'just before the Wounded Knee fight' and donated to the Buffalo Bill History Centre, Cody, Wyoming, by his wife. Ghost Dance Shirts vary considerably in design and the fact that this is 'almost identical' to the Glasgow example is striking (Maddra 1998a, 5). The similarity of these two shirts convinced the Repatriation Working Group that the Glasgow Ghost Dance Shirt was a genuine Lakota artifact made before the massacre.

Maddra's work also refutes Spalding's assertion that the politicians 'were entirely uninterested' in the question of authenticity.

The question of whether the Shirt was actually taken from a corpse is much more difficult to resolve, and will probably never be answered definitively. The man who gave the Ghost Dance Shirt to Glasgow Museums, George Crager, was a soldier, journalist, and known collector of Indian artefacts, who had lived with the Lakota as a teenager. He had arrived at Wounded Knee on 13 January, fifteen days after the massacre, to report on the events for the *New York World*, though he also wrote reports for the army. He was recruited by Buffalo Bill at Wounded Knee and it is clear from his stories recounted in a number of British newspapers during his sojourn in Britain that he was perfectly capable of making up a Wounded Knee provenance if it added interest or value. Amongst his tales was one relating to a scar which he claimed was the result of a war wound which nearly cost him his arm. His army record reveals it to have occurred while he was turning over in bed. Crager could, as he claimed, have collected a Ghost Dance Shirt from someone killed at Wounded Knee, but he is an unreliable witness.

The physical evidence is not conclusive, neither proving nor disproving the possibility of the Ghost Dance Shirt being removed from a body. Scientists at Glasgow University tried to extract DNA from the stains on the Shirt but were unable to do so, either because there was none to begin with or because it had deteriorated. Spalding argued that it could not have possibly been removed from a body:

Contemporary photographs show that the bodies were left to freeze, in horrific contortions, in the snow. To remove the clothing would not have been easy. The aged, but essentially immaculate garment that Crager gave Glasgow shows no signs of having been pulled off a frozen, bloodstained corpse. (Spalding 1999, 21)

Yet the technical examination of the Glasgow Ghost Dance Shirt by Glasgow Museums' textile conservator found tears which could be consistent with being removed from a corpse — and there was time between the massacre and the blizzard which froze the bodies for looting to take place.

Feest makes much of the lack of physical evidence directly linking the Ghost Dance Shirt with Wounded Knee, but dismisses Spalding's claims about the Ghost Dance Shirt being a fake and the Battle of Wounded Knee being re-enacted by the Wild West Show as early as 1890–91. He nonetheless quotes Spalding's analysis of the cultural forces at play during the repatriation hearing with approval:

By returning the Ghost Dance Shirt, Glasgow councillors could be seen to be identifying with the oppressed against the oppressor, which in Scotland, means the English. Comparisons were drawn between the Lakota and the Celts. A speech was even made specifically in Gaelic supporting the return of the shirt. (Feest 2000, 51)

Glasgow City Council consciously sought to engage the public in the debate about repatriation and none of the inter-cultural identification or post-colonial guilt was surprising — not 'even' the speech in Gaelic. The issue is whether the advice provided by staff and the deliberations of the city Councillors did enough to take these views and feelings into account without allowing them to overwhelm other factors in making a reasonable, ethical decision.

'In the end', Feest concludes:

the grounds for a return of the Ghost Dance Shirt were political. Mark O'Neill, Head of Curatorial Services of Glasgow Museums, argued that 'while some of the motives for returning the Ghost Dance Shirt may be disingenuous, it may still be the right thing to do.' He also took the position that a 'lot of issues on authenticity are irrelevant' in view of the fact that 'the meanings given to the Shirt are the meanings that it has'. It appears, however that the search for the meanings of the shirt was stopped far short of where it should have been. (Bankes 1999; Feest 2000)

I was not arguing that the issue of authenticity was irrelevant, only that the case for it being a fake put forward by Spalding was so detached from the evidence that the arguments he was putting to the press (Adamson 1998; Thompson 1998) were not so much wrong as irrelevant. My remark about 'the meanings given to the Shirt' was not a statement of extreme constructivism, but an attempt to say that, even though there was no conclusive evidence that the Ghost Dance Shirt came from a body at Wounded Knee, this was not a good enough reason to avoid making a decision which took this possibility into account. The Lakota had no doubt about the authenticity of the Ghost Dance Shirt or about its link with Wounded Knee. They found the questioning of both its authenticity and its provenance very unconvincing, as it had arisen only after their claim for the return of the object.

Feest and Spalding could legitimately have disagreed with the decision to return the Ghost Dance Shirt on general principle, as a reflection of their view of history and its meaning in museums, and argued that the Glasgow City Council should not have considered the WKSA at all. However they chose to express their disagreement by asserting that not only the City Council's processes but also its motivations were flawed, farcical and dishonourable. Perhaps Spalding's and Feest's approach is crystallised in their use of the word

'political'. Both, from their very different perspectives, use the word as a term of abuse. Both imply that museums, whether scholarly or educational, are outside politics, and they use the term to question the integrity of both the governing body and the staff of Glasgow Museums and of the Lakota. According to Spalding the Councillors were motivated by a desire to be elected to the newly created Scottish Parliament and:

museum curators could have sorted all this out amongst themselves, without any interference from politicians. Any transfer of cultural property can only be justified if it increases national and international understanding of culture. It cannot be valued in terms of political gain or financial gain. (Spalding 2002, 116)

These false alternatives imply that there could be no other values which are relevant to the issue. At a more practical level, none of the Councillors on the Repatriation Working Group applied for nomination as candidates for the Scottish Parliament, and, given Glasgow Museums' very poor relationship with the press at that time (Spalding 1998), a decision to repatriate, however popular, could easily have generated great negative publicity.

Spalding also implies that there was a consensus amongst the staff at Glasgow Museums. In fact Spalding did not institute a discussion of the issue with staff, and the curatorial team which I managed at the time were very ambivalent. We thought that the Lakota had a strong case, but we found it difficult to reconcile the idea of repatriation with our museum values. More importantly he does not recognise the role of governing bodies of museums as being distinct from that of professional staff. All museum governing bodies in Britain, no matter what their formal differences, have a legally defined relationship with society as a whole. One of their key roles is to manage this relationship, which is inherently political, albeit with a small 'p'. While the degree of closeness may vary, to deny the reality of this relationship is not just naïve but suggests a degree of autonomy which is probably impossible for any public service organisation. It assumes that ethical issues such as repatriation are not a legitimate concern of the lay public and the representatives of the public interest on museum boards, but entirely a matter for experts, who are presumed to have no politics.

For Feest the aims of Indian organisations are politically tainted because the tribes no longer meet his ethnographic standards of cultural authenticity (on changing ideas of authenticity see Clifford 1998, 215–51; Errington 1998). His view traps Indians in a Catch 22 which effectively denies them agency or access to their past. He argues, without any apparent irony, that because their cultures contain elements they have absorbed, however unwillingly, from

Euroamerican culture, they are no longer proper Indians. An example of this loss of tradition is the way some have taken on Euroamerican ideas of the museum and of preserving objects. Authentic Indians would not need to do this however, because they could replace worn out objects with authentic new ones. Therefore the request from Indians for the return of objects proves that they have no right to them. Because their current culture is perforce 'adaptive' their motivations can only be 'political' and 'fundamentalist'.

The debate clearly exemplifies the difficulty of distinguishing between reasonable decisions and rationalisations of assumptions. The key to this is not just written argument and sifting of the evidence, but a process which is adequately complex to address the many subjectivities involved. This is why trial by jury, with all its limitations, is still the process most likely to achieve justice. Experts in all fields can have a heightened awareness of the ethical issues they confront, but they are not ethical experts in the same way that they are medical, legal or curatorial experts. The main characteristic of a successful process is that as much relevant information as possible is gathered and analysed, opposing arguments are heard and assessed, strong partisan emotions are acknowledged and as far as possible taken into account, and a decision is made which on balance would look and feel just to that useful legal fiction, the reasonable person. Neither Spalding nor Feest asked for copies of the documents on which the decision was based. In particular neither seems to have read Maddra's or Hughes's reports, the existence of which was made clear at the public hearing. All the museum's files have been open to researchers (including a summary of Gonzalez's 1994 presentation), copies of videos of the public hearing have been freely available, and staff have been willing to answer questions (e.g., Hooper-Greenhill 2000). Feest's and Spalding's assessment of Glasgow's processes and motivations do not meet their own standards of rigour or authenticity so that their arguments are mostly *ad hominem* judgements of the City Council and of the Lakota — hardly a good representation of Western rational epistemology.

Museums have a potentially invaluable role to play in civil society, as centres of learning about our own and other people's cultures. But this is not the same as not being political. The very core of what museums can contribute is the exploration of precisely the kind of issues inherent in repatriation; being amongst the safest public places in society, and having collections which represent cultures across space and time, museums are ideally placed to examine the real difficulties involved in human difference, as well as to celebrate our diverse achievements and common humanity. It seems

understandable that a number of objects in museums would have deeply **emotional** and political meanings for the cultures which produced or used **them** prior to their museum history. Of course individual cases can be very **difficult** to resolve, but the process of assessing repatriation claims is not something museums should try to evade. **Engaging with repatriation is simply** a continuation of the task of exploring and discussing the changing meanings of significant historic objects which exist in the present, not in a somehow more authentic past. If museums are to function both as archives and as educational institutions in a world where globalisation is bringing cultures closer together and where the professions are being held to account more than ever before, they need to treat people who are alive now as being as real as those who created objects in the past. If museums are to be centres of civilisation they need to see repatriation not as a problem which they should avoid 'being dragged into', but as a welcome and intrinsic part of their role.

References

- Adamson, L. (1998) Contested Indian relic 'is a fake'. *The Sunday Times Scotland*, 25 October.
- Association of Art Museum Directors (1999) *Report of the AAMD Task Force on the Spoliation of Art During the Nazi/World War II Era (1933–1945)*, <<http://www.aamd.org/documents.shtml>>.
- Bankes, G. (1999) The Glasgow Museum Wounded Knee Ghost Dance Shirt Hearing: November 13th 1998. *Museum Ethnographers Group Newsletter* January, 1–3.
- Black Elk (2000) *Black Elk Speaks* (translated by J. G. Neihardt). Lincoln, NE, University of Nebraska Press.
- Brown, D. (2000) *Bury My Heart at Wounded Knee: An Indian History of the American West*. New York, Owl Books [first published 1971].
- Clifford, J. (1988) *The Predicament of Culture: Twentieth Century Ethnography, Literature, and Art*. Boston, Harvard University Press.
- Coleman, W. S. E. (2000) *Voices of Wounded Knee*. Lincoln, NE, University of Nebraska Press.
- Conaty, G. T. and Janes, R. J. (1997) *Issues of Repatriation: A Canadian View*. *Native American Studies* 11(2). Lewiston — Lampeter, Edwin Mellon Press.
- DCMS (2000a) *Parliamentary Select Committee Report: Cultural Property: Return and Illicit Trade*. London, Her Majesty's Stationery Office.
- DCMS (2000b) *Fourth Special Report, Cultural Property: Return And Illicit Trade: Initial Government Response To The Seventh Report From The Culture, Media And Sport Committee, Session 1999-2000*. Downloadable from <<http://www.publications.parliament.uk>>.

- De Montebello, P. (2003) The Metropolitan Museum, New York. *The British Museum Magazine*, 48.
- Dumont, C. (2002) Dead family or archaeological collections? On the significance of native dead. *Race, Gender and Class* 9(2), 8–31.
- Errington, S. (1998) *The Death of Authentic Primitive Art and Other Tales of Progress*. Berkeley: University of California Press
- Feest, C. F. (1992) *Native Arts of North America*. London, Thames & Hudson.
- Feest, C. F. (1995) 'Repatriation': a European view on the question of restitution of Native American artifacts. *Native American Studies* 9(2), 33–42.
- Feest, C. F. (1999) *Indians and Europe: An Interdisciplinary Collection of Essays*. Lincoln, NE, University of Nebraska Press.
- Feest, C. F. (2001) Glasgow ghost. *European Review of Native American Studies* 14(1), 50–2.
- Fforde, C., Hubert, J., and Turnbull, P. (2002) *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London, Routledge.
- Fine-Dare, K. (2002) *Grave Injustice: the American Indian Repatriation Movement and NAGPRA*. Lincoln, NE, University of Nebraska Press.
- Gibbon, G. (2003) *The Sioux: The Dakota and Lakota Nations*. Oxford, Blackwell.
- Gonzalez, M. and Cook-Lynn E. (1999) *The Politics of Hallowed Ground: Wounded Knee and the Struggle for Indian Sovereignty*. Urbana — Chicago, University of Illinois Press.
- Greenfield, J. (1995) *The Return of Cultural Treasures*. Cambridge, Cambridge University Press.
- Hooper-Greenhill, E. (2000) *Museums and the Interpretation of Visual Culture*. London, Routledge.
- Horse Capture, G. P. and Horse Capture, J. D. (2000) *Beauty, Honor, and Tradition: The Legacy of Plains Indian Shirts*. Washington, DC, National Museum of the American Indian.
- Legget, J. (2000) *Restitution and Repatriation: Guidelines for Good Practice*. London: Museums and Galleries Commission.
- MacGregor, N. (2004) The whole world in our hands. *The Guardian Review*, 24 July.
- Maddra, S. (1996) The Wounded Knee Ghost Dance Shirt. *Journal of Museum Ethnography* 8, 41–58.
- Maddra, S. (1998a) *Report on the History of Glasgow Museum's Artefacts with Wounded Knee Provenance*. Unpublished paper for Glasgow City Council, 19 June.
- Maddra, S. (1998b) *Report on Research Trip to America with Reference to the Glasgow Museum Wounded Knee Artefacts*. Unpublished paper, 4 September.
- Maddra, S. (1999) *Glasgow's Ghost Dance Shirt*. Glasgow, Glasgow Museums.

- Maddra, S. (2002) *'Hostiles': The Lakota Ghost Dance and the 1891–92 Tour of Britain by Buffalo Bill's Wild West*. Unpublished PhD thesis, Glasgow University.
- Mihesuah, D. A. (ed.) (2000) *Repatriation Reader: Who Owns American Indian Remains?* Lincoln, NE, University of Nebraska Press.
- Palmer, N. (2000) *Museums and the Holocaust*. London, Institute of Art and Law.
- Sophocles (1984) *Antigone* (translated by R. Fagles). Harmondsworth, Penguin.
- Spalding, J. (1998) I wasn't a 'conflict junkie'. *Scotland on Sunday*, 20 September.
- Spalding, J. (1999) Bury the truth at Wounded Knee. *The Art Newspaper* 10(95), 21.
- Spalding, J. (2002) *The Poetic Museum*. London, Prestel.
- Strickland, R. (1986) Genocide-at-Law: an historic and contemporary view of the Native American experience. *University of Kansas Law Review* 34, 7–13.
- Taylor, A. (2002) The art of making enemies. *Sunday Herald*, 31 March.
- Thompson, J. (2003) Cultural property, restitution and value. *Journal of Applied Philosophy* 20(3), 251–62.
- Thompson, T. (1998) Former museum chief claims Sioux sacred garment is a fake. *The Scotsman*, 26 October.
- Williams, R. A. (1993) *The American Indian in Western Legal Thought: The Discourses of Conquest*. Oxford, Oxford University Press.