

**The „Recommendations for the Care of Human Remains“ in
Practice: Case Study of the Karl May Museum Radebeul**
von Robin Leipold

When a claim for the return of a scalp reached the Karl May Museum Radebeul in March 2014, it had been the first time that the small, private museum which is dedicated to the famous German writer Karl May (1842-1912), became aware of actually having sensitive items in its collection. It was accused of displaying human remains, namely scalps, in a disrespectful way and was asked to return one of them in particular. The museum took this request very seriously and tried to approach the issue in a way that respected the different stakeholders.

In Germany, there is no regulation of such issues by law in contrast to, for example, the Native American Graves Protection and Repatriation Act (NAGPRA) in the United States. Regarding human remains from Indigenous societies, there are no official guidelines or restrictions that museums and collections are legally bound to. Thus, it was very important to rely on the „recommendations“ by the German Museums Association (2013).¹ They served as a common ground for dealing with the case as will be discussed in this article. The recommendations are available online and open access, published in German and English, which made them very comfortable to work with.

In order to review the recommendations and the role they played in this case, it is necessary to first take a look at the background of the Karl May Museum institution that keeps human remains from North America and other parts of the world in its collections. Subsequently, the repatriation request by the Sault Ste. Marie Tribe of Chippewa Indians will be introduced, followed by an account of how the museum has dealt with it so far.

¹German Museums Association, Recommendations for the Care of Human Remains in Museums and Collections, http://www.museumsbund.de/fileadmin/geschaefte/dokumente/Leitfaeden_und_anderes/2013_Recommendations_for_the_Care_of_Human_Remains.pdf (13.11.2016).

The Karl May Museum was founded in the city of Radebeul in 1928. On behalf of the Karl May Foundation (Karl-May-Stiftung), which exists since 1913, it takes care of Karl May's inheritance. Besides the private goods of the Saxonian writer, the museum holds an ethnographic collection with objects from Europe, Africa, Asia, Oceania and the Americas. The collection contains a few sensitive items such as human remains and sacred artifacts, mainly from North America.²

Since the museum has been founded, a main focus is the permanent exhibition about Native North America (the other emphasis is put on Karl May himself as both a person and a writer). Most of the items on display have been collected by Karl May himself, his wife Klara (1864-1944) and the performance artist Patty Frank (civil name Ernst Tobis, 1876-1959) from Vienna. By giving his private collection to the Karl May Foundation in 1926, Patty Frank gained the right to live at the „Villa Bärenfett“, a log cabin which had been built just for him behind the original writer's villa on the premises. His collection was put on display in the cabin, and he was responsible for it for the rest of his life.

Patty Frank's collection, which consists of about 500 pieces, contains several human scalps. Forcibly removed and dried, scalps were once considered war trophies taken by both white settlers and Indigenous tribes during combats. Some tribes considered scalping a killed enemy a special ritual act, related to a concept which located the human soul inside the head and hair.³

²In total, the collection of the Karl May Museum counts 3,600 ethnological objects, including 2,000 items from North America. A preliminary inventory check has been done for the museum's section of North America with a result of about 50 items partly consisting of human remains (including objects being decorated with human remains, for example hair locks attached to men's shirts, hair extensions or strands of hair as decoration for children's dolls). It is understood that there is still a huge lack of widespread documentation of human remains in many ethnological museums in Germany, especially in smaller private collections; See also: Martin Schultz/ Andreas Schlothauer, Das Karl-May-Museum in Radebeul, ein Skalp der Sioux, eine Rückgabeforderung, die Chippewa – und wie viele weitere Skalps in deutschen Museen?, in *Kunst und Kontext*, 9 (2015), p. 60.

³Christian F. Feest, Art. „Skalp“, in: Walter Hirschberg (ed.), *Wörterbuch der Völker-*

Research on the scalp's provenance as well as on many other pieces of the collection is anything but complete. Most often, it is not known how and under which circumstances Patty Frank got to purchase items for his collection. Until 2014, many of the scalps Patty Frank had collected were on public display within the exhibition „Indianer Nordamerikas“ at the Karl May Museum. They had been displayed for more than 80 years illustrating the history of taking scalps, including the fact of paying bounties on Native American scalps by white men as an extraordinary brutal method of the decimation of Indigenous people.

In early 2014, a US-American journalist who had visited the museum privately drew the attention of the Sault Ste. Marie Tribe of Chippewa Indians from Michigan to the scalp.⁴ In March 2014, the Tribe's Cultural Repatriation Specialist Cecil Pavlat Sr. demanded the return of the scalp on the basis of it being ancestral remains of his people and pointed out that putting the remains on display was unacceptable and disrespectful. This is the first repatriation claim of a scalp in Germany that has been made public.

The claim relied on published information about the purchase of the particular scalp, which was first published in the story „Wie ich meinen ersten Skalp erwarb“ („How I obtained my first scalp“) by Patty Frank in the Karl May Yearbook (Karl-May-Jahrbuch) in 1929.

According to this story, Patty Frank got to purchase the scalp in question during a tour with the circus company Barnum & Bailey in 1904. In a writing style that is a mixture of reality and fantasy, Patty Franks tells the story of how he acquired his first scalp from a descendant of a Sioux chief named Swift Hawk in exchange for one hundred dollars and three bottles of alcohol. Not the story itself, but a caption of a photography of the scalp, attached to the story, contains

kunde, Berlin 1999, p. 342.

⁴The Chippewa, also called Ojibwe or Ojibwe in Canada, belong to the Indigenous group of the Anishinaabe speaking people who live in a huge area in the northeastern part of North America. The Sault Ste. Marie Tribe of Chippewa Indians is located in Michigan, USA.

information on the human remain being of Ojibwe origin. It has not been established who wrote this caption and added it to the story. Moreover, it also could not be verified so far to which extent details of Patty Frank's stories about his collected items are true.⁵

In May 2014, representatives of the Sault Ste. Marie Tribe of Chippewa Indians, of the Karl May Foundation and of the Karl May Museum met during the annual Karl May Festival (Karl-May-Festtage) to talk about the case face-to-face. As a result of this meeting, all parties signed a „Letter of Understanding“ to seal the future cooperation and to express the common objective to find out more about the scalp's provenance. Later, a research schedule was developed. Its first step was to compile an interim report with first research results by the end of 2015, which could then be used to plan further proceedings.

One aspect that had been discussed by representatives of both parties was the 'context of injustice' (German: Unrechtskontext) which is being described in chapter 2.3 of the „recommendations“ (p. 9-11). According to the „recommendations“, the term 'context of injustice' is neither defined by law nor from an ethical point of view which causes difficulties due to the possibilities of individual interpretation (p. 10). Since scalps used to be war trophies in their original context, defining a context of injustice is quite complicated. The „recommendations“ describe human remains which derive from „victim[s] of an act of violence“ as an indicator of a context of injustice (p. 10). The act of scalping is definitely violent but on the other hand it is also a historical cultural practice. The „recommendations“, therefore, continue with exceptions to cover war trophies made of human remains: „Killing one's enemy and making use of his physical remains were socially accepted acts in those cultures.“ (p. 10).

Thus, the scalp is more than just a human remain. It contains many layers of cultural, spiritual and historical meanings and views.

⁵For further details on the purchase: Patty Frank, *Wie ich meinen ersten Skalp erwarb*, in Euchar A. Schmid/ Ludwig Gurlitt (eds.), *Karl-May-Jahrbuch 12 (1929)*, pp. 133-138; also: Robin Leipold, *Über die Rückforderung eines Skalps aus der Sammlung des Karl-May-Museums in Radebeul*, in *Amerindian Research*, 33 (2014), pp. 157-161.

Being an original war trophy, its looting and safe-keeping points to the specific meaning of the enemy's human head as the place where individual power of life was located. Moreover, it was used to present the victor's achievement.⁶

Chapter 3 of the „recommendations“ deals with background information about the history and context of purchasing human remains in Germany and Europe (p. 12-19). This chapter was very helpful in terms of putting the scalp and its purchase in a historical context. The problem of incomplete information on the item's provenance and missing documents caused by confusion after the Second World War, are of special importance here. Many institutions and their archive materials are affected by destruction and loss of documents during and after the Second World War, which makes provenance research often difficult (see p. 16). The Karl May Museum is likewise being confronted with the problem of incomplete or lost archive material on its collections. There exists only little information about the items purchased by private collectors Patty Frank, Karl May and Klara May. It is assumed that documents which proof purchases as well as relevant mail correspondence have been lost after Patty Frank died in 1959. Therefore, it will be especially important to research the museum's history and activities during the time of the GDR in the future.

As recommended at the end of chapter 3, both parties committed to research the provenance of the scalp to examine its origin (see p. 18). When preparing the individual research steps, both parties suggested consulting external experts who should give independent reports on the scalp's style and historical background. Furthermore, several additional ways of analyzing the item were discussed, referring to chapter 3.2 of the „recommendations“ (see p. 19-25). Both parties agreed not to use invasive methods on the scalp, including DNA analysis, which

⁶Find background information on the cultural practice of taking scalps in: Martin Schultz/ Nikolaus Stolle, *Skalps und dienstbare Geister*, in Alfried Wieczorek/ Wilfried Rosendahl (eds.), *Schädelkult, Kopf und Schädel in der Kulturgeschichte des Menschen*, Mannheim 2011, p. 197-201, here: 199); also: Feest, Art. „Kopftrophäen“, in: Hirschberg (ed.), *Wörterbuch der Völkerkunde*, p. 215.

would cause damage to the object. The „recommendations“ question the use of invasive methods in terms of their actual benefit and it always has to be considered whether invasive methods are really able to deliver results making it worth to cause damage to the object (see p. 21).

To verify that the requested scalp originates from a human being, hair morphological examination was conducted, in agreement with the Sault Ste. Marie Tribe of Chippewa Indians. This microscopic analysis confirmed that the scalp is very probably human.

Chapter 4 of the „recommendations“ deals with handling human remains in particular and can be seen as the main chapter (pp. 48-67). Especially chapter 4.5, which looks at repatriation requests, could be used as a guideline concerning further proceedings such as research of the scalp's provenance and adequate handling of the request in general (see pp. 60-67). Chapter 4.5 contains single steps and questions that the museum could follow and implement: The determination of the scalp's age, origin, purchase, legal status within the collection, scientific, educational and historical value as well as similar cases to compare it to (pp. 65 f.)

The age determination of the scalp caused some problems, mainly because of the lack of available documentation. The „recommendations“ point out that when an object (human remain) is more than 125 years old it becomes often impossible to establish a link to a living descendant as the memories are said to fade after this time period (pp. 48/63). According to the acquirer Patty Frank, the purchase of the scalp took place in 1904. However, the date of purchase is not the same as the actual age of the object.

The caption of the photography in Patty Frank's story describes that the scalp was taken during a fight between a Dakota and an Ojibwe. It is therefore important to find out more about this incident. The Sault Ste. Marie Tribe asked in this context to take oral history into consideration as well, a suggestion that can only be supported.

Thus, taking oral traditions and oral history into account it was

relevant to find out more about the person who is said to have taken the scalp, the Dakota Swift Hawk. Historical records and oral tradition were able to report fights between Dakota and Ojibwe until 1870, but no definite connection to a person of that name could be made. A genealogical determination of the scalp is very difficult, if not impossible, should it actually originate from a fight between Dakota and Ojibwe. Additionally, in the case of scalp objects, it is difficult to determine whose property the scalp is: The one who lost the scalp or the one who took the scalp. According to the scalp in question, until now there has been no repatriation claim made by any tribe of Dakota people as the alleged victory party.

Considering the impossibility of determining origin, identity and actual age of the scalp, going along with the difficulty to determine legitimate claimants, the „recommendations“ advise that the museum or the responsible institution should seek alternative solutions to a return (p. 66).

Until now, a final decision about the claim on the scalp has not been made and the research on the provenance of the human remains is still in progress. As long as there is no verified information about the scalp's provenance, the object in question is still kept separately in the museum's collection.⁷

In order to foster scientific exchange about the question of dealing with human remains in museums' collections and repatriation requests, the Karl May Foundation held a symposium on this topic in February 2015.⁸ As a result, the Karl May Foundation composed its own guidelines for handling human remains in its collection, taking

⁷For a report of the Karl May Foundation's Symposium in 2015 see: Anja Mede-Schelenz, Symposium „Ruhe sanft (in der Vitrine)!? Vom Umgang mit menschlichen Überresten in Museen und Sammlungen“, 28. Februar 2015, Karl-May-Museum Radebeul, in: *Volkskunde in Sachsen* 27 (2015), pp. 225-228; also Robin Leipold, Ruhe sanft (in der Vitrine)!?, Vom Umgang mit menschlichen Überresten in Museen und Sammlungen, in: *Der Beobachter an der Elbe* 24 (2015), pp. 36-41.

⁸An interim report about the research on the scalp has been published in: Robin Leipold, Zum Forschungsstand der Skalp-Rückforderung, in: *Der Beobachter an der Elbe* 26 (2016), pp. 25-33.

the „recommendations“ by the German Museums Association and the „Code of Ethics“ by the International Council of Museums (ICOM) as examples. The guidelines are available online since 2015.⁹

Besides a respectful and responsible handling of the sensitive objects, essential aspects of the museum's guidelines are scientific documentation and ongoing research on the collection's provenance. The Karl May Foundation's main objective is to meet its obligation to preserve the cultural possessions. This always needs to be considered when it comes to the decision about what happens to an object. Concerning this matter, all ethical aspects also play a major role in this process.

Formulating their own guidelines, the Karl May Foundation and the Karl May Museum hope to create a basis for future repatriation requests and for the handling of human remains in the collection more generally. Hereby, the museum follows the German Museums Association's advice that every museum institution in Germany should acknowledge the need for finding adequate ways of dealing with human remains in their collections and, as a first step, establish its own guidelines (see preface by Dr. Volker Rodekamp, p. 5).

The German Museums Association's „recommendations“ have been central for dealing with the repatriation request the Karl May Museum received from the Sault Ste. Marie Tribe of Chippewa Indians. They highlight many aspects on which the museum would like to continue working. However, practice has shown that it will be necessary in the future to develop and complete the „recommendations“ by integrating experiences from actual cases. Furthermore, a closer connection between museums and institutions that keep human remains would be preferable to exchange experience and discuss the adequate handling of human remains.

The Karl May Museum would like to express its gratitude and respect to the Sault Ste. Marie Tribe of Chippewa Indians. It was their

⁹Guidelines of the Karl May Foundation for handling human remains: http://www.karl-may-museum.de/data/cms/pdf/Handlungsrichtlinien/2015-07-05_handlungsrichtlinien_stiftung.pdf (13.11.2016).

request that helped the museum to see its collection from a different point of view and develop awareness for sensitive objects.

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