

Written evidence from Donor watch

I would like to register our opposition to the proposed Bill. I have followed the Burrell dispute and the hearing which the House of Lords Commission held. (I have long expressed the objection that the evidence to that has never been published, as happened in the case of such enquiries in the past, so denying the public and academics who have a serious interest in the questions raised easy access to the interesting evidence provided at considerable public expense).

I know that the Trustees of Sir William Burrell have abandoned their opposition and can understand their pragmatic reasons. I also am well aware of the reasons for disregarding Burrell's wishes advanced by Julian Spalding and other curators.

However fidelity to donors' wishes is a precious matter. Regrettably it is far too often dishonoured, not least in Scotland, from where we have had sundry complaints about breaches of faith in the past, often disguised by equivocations and falsehoods. Sir William Burrell was aware of the prevalent cynicism in this matter, and grounds for that have not diminished since.

There can be a case for departing from the terms of a bequest when those are incapable of being carried out wholly or safely and for applying a cy-pres modification, as has been argued (whether justifiably or not) in such cases as the Barnes Foundation. But that does not apply in the Burrell case in this instance. This Bill is simply a consequence of the current vogue for loan exhibitions and for using outward loans as barter for inward loans. This vogue is not wholly benign. It deprives visitors to a museum of works which they may expect to see. And we are not convinced that the transport of works of art is as free from hazard as the advocates of this measure optimistically maintain.

It is stated that the Burrell is a heterogeneous collection, and so the loan of works from it is not as detrimental as in the case of collections that have greater unity. However different parts - mediaeval etc. - have their own unities. It has been the argument of public art galleries that they need to acquire works to fill gaps. Yet the present vogue for lending is to create gaps all the time, a fundamental contradiction which museum directors sidestep.

We feel that the members of the Committee who say that they believe that the terms on which gifts are accepted should be honoured should ask themselves what they mean by that. What would make them refuse an application such as the one over the Burrell Collection? Or is it not the case that there are always specious arguments for treating a donor's conditions as a dead letter and that no donor can have trust in the treatment of their wishes by governments?

They might care to read my article in the International Journal of Cultural Property, Vol.4, No.2., 1995, pages 255-309, "Breach of Trust Over Gifts of Collections."

Consideration should also be given to the case of Sir John Soane's Museum. In 1862 the Sir John Soane Museum's Bill was passed solely to allow paintings from it to be lent to the International Exhibition of that year. It was not to allow loans at a subsequent date. However the museum in 1971 (?) made a "never-to-be-repeated loan" of two Hogarths to the Hogarth Exhibition at the Tate Gallery. Legal opinion was obtained that Sir John Soane meant only to ban sale, not loan. Unfortunately such opinions have never been tested in a court of law.

I realise that it is argued that Sir William Burrell's conditions have already been broken by the siting of the museum, and so it is no great thing to break another. To accept that is to abandon any pretence that a donor's conditions are treated seriously. Perhaps the "thin end of the wedge" argument is not always a compelling one, but it has proved to be an accurate prediction of future behaviour in cases such as the treatment of the Chantrey Gift to the Ashmolean Museum at Oxford, and the result of that has been the partial destruction of the works and the present fragmentary and nonsensical display.

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Donor Watch