Complicity or Decolonization? Restitution of Heritage from ‘Global’ Ethnographic Museums

*The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution*, Dan Hicks. Pluto Press, November 2020, 368pp. ISBN: 9780745341767 – hardcover (£20).

*Heritage Justice*, Charlotte Joy. Cambridge University Press, November 2020, 66pp. ISBN: 9781108820523 – paperback ($20).

*Who Owns History? Elgin's Loot and the Case for Returning Plundered Treasure*, Geoffrey Robertson. Biteback Publishing, November 2019, 304pp. ISBN: 9781785905216 – hardcover (£20).

**<a>Introduction**

The present moment sees a wide-ranging and unprecedented reckoning in European societies with their colonial pasts and with the related question of how the racist legacies of imperialism resound today. Intense conversations about identity, race and cultural appropriation are spurred by phenomena like Black Lives Matter, ‘fallism’ (e.g., the ‘Rhodes Must Fall’ movement) and the contested politics of representation in the media, the arts and public institutions. Societies are redefining their relationships with old and new immigrant communities produced by colonial and postcolonial interventions in the global periphery. Continuities are identified between structural racism in the present and past colonialism, while old ethnic hierarchies and forms of marginalization remain intact.

One such continuity is the way in which campaigns connect questions of decolonization with the presence of the global South’s cultural heritage in European ethnographic, ‘encyclopaedic,’ ‘world culture’ or ‘universal’ museums like the British Museum, the Louvre, the Musée du Quai Branly, the Vatican museums and the Humboldt Forum. These museums gather tangible cultural heritage like Easter Island *moai*, the Naram-Sin and Hammurabi stelae (both excavated in what is today Iran) and the ancient Egyptian bust of Nefertiti on the basis that they are cosmopolitan institutions inculcating a shared global sense of humanity and community. One obvious consequence of this phenomenon is that the most prestigious Developing World tangible heritage from prehistory onwards is visible only in museums of the global North. By one estimate, as much as 90 to 95 percent of African cultural heritage might be located in European and North American institutions.[[1]](#footnote-1)

Demands for the repatriation of these objects – often looted or misappropriated under conditions of duress – have been a feature of grassroots campaigns, indigenous group agitation and state-level diplomatic pressure over the last four decades. However, historically, these museums have proven reluctant to return antiquities. No museum has a policy of automatic return of colonial-era artefacts. The optics (and reality) of a coterie of privileged European museums ‘promoting the Western world’s dominance and monopoly of interpretation over other peoples’ cultures and colonization’ is increasingly questioned at a time when colonial narratives are being re-historicized.[[2]](#footnote-2) A distinctly white infrastructure, these museums are accused of a ‘cultural dementia,’ a consciously inculcated refusal to engage with a reality of colonial appropriation that is understood intellectually but appears emotionally and politically inconvenient to address.[[3]](#footnote-3)

A new, if selectively applied, normative approach became apparent in a 2018 report commissioned by French President Emmanuel Macron entitled *The Restitution of African Cultural Heritage: Towards a New Relational Ethics* and colloquially known as the Sarr/Savoy report after its two authors. Strongly influenced by critical cultural studies, the report is strikingly forthright. It argues that colonial acquisitions of cultural heritage should be considered as ‘transgressive acts, which no juridical, administrative, cultural or economic apparatus would be capable of legitimising.’[[4]](#footnote-4) This includes not only material seized during warfare, but also ethnographic, scientific and missionary acquisitions, as, in the prevailing conditions, the authority of ‘the White man’ and his capacity to punish made genuine consent impossible regardless of recompense paid.[[5]](#footnote-5) It makes clear that no reflection on the appropriation of these objects can be disentangled from colonization and ongoing structural inequalities between the global North and South. Enjoyment of these objects in so-called universal museums is a form of knowledge and ‘cannot simply be reserved to the inheritors of an asymmetrical history, to the benefactors of an excess of privilege and mobility.’[[6]](#footnote-6) The report demands the return of all objects in French museums (excluding private collections) belonging to Benin, Cameroon, Senegal and Mali, asserting that this restitution should be permanent, swift, extensive and essentially unconditional. The return of collections should form a first and highly symbolic act of a ‘new relational ethics’ among equals.[[7]](#footnote-7)

The report has prompted calls for a collective European responsibility to find a policy on return and to set standards on a supranational level.[[8]](#footnote-8) It is characteristic of a greater European willingness to return heritage. For example, Germany has formed a Contact Point for Collections from Colonial Contexts where interested parties can make claims for objects looted in the era of *Weltpolitik*; French museums have returned heritage like El Hadj Oumar Tall’s sabre to Senegal and 26 thrones and statutes from the Kingdom of Dahomey to Benin; and the Dutch government made a decision in 2021 to return unconditionally objects removed from former colonies. As Charlotte Joy notes in one of the works under review (*Heritage Justice*), when global injustices are so vast, there is something intuitively appealing about claims that can be ‘contained and distilled into the reckoning over an object or site’ (p. 2). This book, in addition to Dan Hick’s *The Brutish Museums* and Geoffrey Robertson’s *Who Owns History?* makes clear that these museums are faced with a choice of decolonization of their holdings or ongoing complicity in imperial plunder. This essay shows how decolonisation can be understood as a form of TJ for both historical and continuing harm. It argues that TJ principles of equality and social justice must enjoy priority over universal asthethic arguments that justify retention of tangible heritage, while TJ furthermore offers diagnostic tools to situate restitution within broader debates around identity and decolonization.

**<a>Restitution as a Form of Transitional Justice**

The discourse surrounding restitution bears obvious affinities with transitional justice (TJ) if we break the latter concept into its constituent parts. It is distinctly *transitional*. To take the Sarr/Savoy report as an example, it was commissioned after a speech by Macron in Burkina Faso in 2017 where he acknowledged that colonization was a ‘crime against humanity’ and that African cultural heritage should no longer be a ‘prisoner’ of European museums.[[9]](#footnote-9) The speech and the report commissioned in its wake were deliberate attempts to draw sharp lines between past French cultural policy and the new – a ‘self-conscious break with the past, an effort to establish French identity on terms better suited to the present reality of a globalized world.’[[10]](#footnote-10) Calls for restitution also draw on a distinct discourse of *justice* that pairs a politics of recognition about the ongoing consequences of colonialism with deontological obligations.[[11]](#footnote-11) The specific language of restitution, ‘reparation’[[12]](#footnote-12) and the ‘emancipation of memory’[[13]](#footnote-13) lies at the core of the report’s recommendations – these are acknowledged as rightful claims and not entreaties for European generosity.

The framing of heritage restitution as a matter of transition and justice mirrors a parallel discourse in TJ. There is a growing realization that the field has not adequately accounted for past colonial harms and ongoing racism. This ‘blindness’ towards European colonialism in perpetuating mass harm in the present beyond formal independence obscures the ‘resilience of colonial forms of knowledge and structural arrangements, which continue to define global and national relations and shape the life experiences’ of the communities they affect.[[14]](#footnote-14) Jennifer Balint, Julie Evans and Nesam McMillan argue that TJ must adopt a wider spectrum of injustice and harm.[[15]](#footnote-15) Although we rightly foreground structural economic inequalities, heritage too should be encompassed, notwithstanding the fact that the field has generally marginalized claims of culture.[[16]](#footnote-16)

While most of this scholarship addresses the significance of TJ for dealing with the harms of settler colonialism with indigenous communities in Southern Africa, North America and the Antipodes,[[17]](#footnote-17) Native American, Australian aborigine and Maori groups have (perhaps surprisingly) achieved comparatively greater legal and practical recognition of the need for repatriation of cultural objects and bodies from ‘national’ institutions than states in the Developing World.[[18]](#footnote-18) Legal frameworks, research methods and ethical museum practices in these states, while grossly imperfect, are further along than in European museums where ethnographic objects remain fundamentally disconnected from the cultural environments of their autochthonous creators.[[19]](#footnote-19) Restitution has become an ‘integral’ part of museum work in the settler colonies of the US, Canada, Australia and New Zealand in a way that it has not in European ‘extractive’ colonizers.[[20]](#footnote-20) As such, TJ not only has obvious potential to amplify calls for restitution and clarify the debate, but also can squarely face up to its Eurocentrism and the investments in privilege we make when supporting or visiting these institutions.[[21]](#footnote-21) It is by now well understood that the positioning of liberal democracy as the teleological apex of TJ obscures the extent to which societies in the global North may themselves require diverse forms of reconciliation and restorative justice.[[22]](#footnote-22)

All three works under review draw on languages adjacent to TJ (‘heritage justice’) or of TJ (reparation, restitution, recognition). Each attempts to supply what Joy (p. 9) refers to as a ‘grammar of justice’ that draws on broader postcolonial debates. Before examining this grammar, three commonalities of the books are worth pointing out. Firstly, all three have a distinctly British focus. Dan Hicks and Charlotte Joy concentrate on the Benin Bronzes scattered across English institutions (most notably the Pitt Rivers Museum where Hicks is curator), while Geoffrey Robertson starts his inquiry from the British ownership of the Elgin Marbles.[[23]](#footnote-23) The UK is something of a laggard in these debates – as recently as 2019, then Culture Minister Jeremy Wright confirmed there would be no legislative change to allow repatriation of colonial artefacts, pointing to the ongoing desirability of single-point venues for world heritage.[[24]](#footnote-24) Inasmuch as the British government refuses demands for repatriation, it best captures what Ndubuisi Ezeluomba describes as the wider ‘arrogance of occidental cultures towards the African cultures where these looted objects originate.’[[25]](#footnote-25) All three works employ their Anglocentric examples as a prism to urge a global dialogue around cultural restitution.

A second commonality is that all focus on the ethnographical museums’ policies. None of these works foregrounds the voices of claimant communities or states, echoing a wider silencing of perspectives from the global South in even the most supportive restitution debates.[[26]](#footnote-26) The sense in a more colonially and racially sensitive TJ is that white scholars in the North Atlantic should follow the leadership of scholars in the South lest old patterns of dominance by the former reassert themselves.[[27]](#footnote-27) There is an undoubted moral imperative to do this. However, all three authors start from a point that this is *their* (that is, the West’s) transition. The locus of necessary change lies not in the global South – actors there have, after all, made these claims for decades (the first claim for return of the Benin Bronzes came in 1936) – but in the ethnographic museum as an entity. We now acknowledge these institutions as beneficiaries of imperial looting, but the museums have failed to grapple with the reality of this plunder ‘not as a side effect of empire, but as a central technology of extractive and militarist colonialism’ (Hicks, p. 23). The locus of change is also at the level of the state, which often publicly subsidizes these museums. Post-imperial European states are too at a point of rupture and upheaval. Whereas once these states employed the language of universal civilization to justify their hold on cultural resources from former colonies, the Sarr/Savoy report’s framing of European acquisition of African art as transgression reflects a broader sense that repatriation claims have become a necessary ‘symbol of post-colonial emancipation’ for both the metropole and the postcolony.[[28]](#footnote-28)

The third commonality is that all three books specifically foreground restitution. For Hicks, ‘where an object has been looted, and a community asks for it back, western museums have a duty actively to make a return, both of the physical object and additionally of other sharing of knowledge, resource, connections and platform’ (p. 239). Joy similarly argues repatriation should be ‘full and unconditional’ as a precondition for meaningful decolonization (p. 14). Robertson is less unconditional on restitution (perhaps troublingly, he argues that restitution can be conditional on the human rights record of the receiving state (p. 31)) but, as we will see, he goes further in terms of practical legal specifics. Each work under consideration makes a distinctive contribution to outlining why the aforementioned grammar of justice is necessary and how it might be applied.

**<a>Continuities of Harm**

The damage colonial appropriation does to culture is obvious in retrospect, and should have been at the time. Hicks’ case study of Benin City speaks to much of the colonial experience. This centre of royal and religious power in present-day Nigeria was sacked in a punitive British expedition in 1897, with more than 10,000 sacred objects removed. Elsewhere, museums actually tasked militaries to acquire certain objects for their collections.[[29]](#footnote-29) While there was some genuine exchange, more heritage was removed through trade by imperial administrators and colonial ethnographic expeditions like the Dakar-Djibouti expedition explored in the Sarr/Savoy report.

Heritage can define a people’s identity by providing a concrete connection to the past.[[30]](#footnote-30) That objects created for a specific cultural purpose within a specific context should moulder in European museums, ‘deprived of their breadth and returned to the inertia of matter,’[[31]](#footnote-31) is harmful enough. However, as Hicks argues, the ethnographic museum went further, serving as a legitimating device for an ideology of white supremacy that naturalized colonialism, not merely a side effect of empire but as essential technology thereof (p. 23). Museum exhibitions of African loot were key to popularizing the colonial project back in the metropolis, demonstrating the ‘victory of civilization over savagery,’ habituating Europeans to relationships of domination and submission (p. 164). An accompanying race science compounded the harm, positing this heritage as barbarian, or primitive, or doomed to extinction. This served to classify humans in cultural hierarchies with whites at the apex and explain western military/technological superiority (p. 182–183). Museums spoke more to the power of empire than the culture of the subaltern.

Where Hicks’ volume excels is in the way in which he makes clear that the damage the colonial museum once did endures in the present, ‘renewed every day the museum doors are unlocked and these trophies are displayed to the public’ (p. xiv), which is daily propaganda for the notion that peoples in the global South are incapable of caring for their own cultural heritage. These institutions are complicit in prolonging the violence and cultural destruction by obscuring or downplaying the violence of looting, explicitly or implicitly propagating a false narrative that these collections represent a coherent act of safeguarding when in reality they constitute a *de facto* policy of cultural underdevelopment in the global periphery (pp. 142, 11). This ongoing sense of harm is well attested: in British museums black students see their ancestors ‘unapologetically disciplined into subjects of inquiry’ (p. 211); Arab and Muslim visitors experience ‘anger and frustration’ when seeing their stolen artefacts in western institutions;[[32]](#footnote-32) and the Musée du Quai Branly’s exhibits exacerbate the alienation of those in France of African descent.[[33]](#footnote-33) In this sense, Hicks argues that the museums physically enact what Jodi Byrd calls ‘colonial agnosia,’[[34]](#footnote-34) that is, the way colonialism pervades western society but goes unacknowledged as an enduring phenomenon by those most complicit in its continuance (p. 223). As such, Hicks’ work shows the museum as a classic ‘implicated subject,’ one that benefits from the past colonial regime of domination even where it did not produce or administer such regimes.[[35]](#footnote-35) The only appropriate response is thoroughgoing restitution informed by a conscious excavation and acknowledgement of the theft (p. xiv). As Ingrid Samset (drawing on Catherine Lu) argues, a normatively decolonizing TJ must confront privilege that stems from structural injustice, renouncing the continuities between the colonial norms that justified this theft.[[36]](#footnote-36)

**<a>Repudiating the Cosmopolitan Defence**

Joy’s book also accepts that exhibitions in the ethnological museum constitute a form of continuing discrimination and harm (p. 5). However, the task she sets herself is to argue that acknowledging this reality compels a new ‘heritage logic’ that challenges the post-war UNESCO model where these museums can frame themselves as protectors of a global patrimony (p. 1). Although these museums adopt a Boasian anthropological perspective that actively rejects past white supremacy, they nevertheless persist with a defensive discourse in resisting claims for restitution. They argue that their collections, regardless of how they were accumulated, are ‘universal’ and so anything that might deplete them through restitution would be a great loss to global cultural heritage.[[37]](#footnote-37) In so arguing, the museums draw on a cultural internationalist perspective where everyone in the world is deemed to have an interest in such heritage regardless of its provenance. It is argued that heritage like the Benin Bronzes, the Senufo ceremonial drum or ancient Egyptian mummies belong to the global community, and so any encyclopaedic museum well situated to care for it can and *should* legitimately do so.

This is contrasted with what is somewhat pejoratively known as the cultural nationalist perspective, implicitly disdained in this discourse as parochial. Here, nations and peoples enjoy a special interest in possessing property, legitimating repatriation of tangible cultural heritage.[[38]](#footnote-38) The cultural internationalist perspective is most apparent in the Declaration on the Importance and Value of Universal Museums (2002) signed by 18 major museums in Europe and North America, which continues to capture their dominant assumptions. The declaration posits (a) that these objects were acquired legally under different historical conditions and should be ‘viewed in light of different sensitivities and values’ of that time, (b) that they had now become ‘an integral part of the museums that have cared for them, and by extension part of the nations that have housed them’ and (c) that the urge to return these objects to their countries of origin should be resisted to preserve these museums’ role in cultural development.[[39]](#footnote-39) The cultural internationalist debate is invoked to justify the idea that these treasures are better protected in Europe, that European museums make them accessible to the world and that restitution will inevitably mean empty galleries.

In her book, Joy makes it her mission to tackle head-on this notion of the ‘mythical apolitical museum space.’ As such, she emerges as a sceptic of an emerging discourse among the museums to acknowledge wrongdoing but nevertheless eschew meaningful change. Grassroots protests and the Sarr/Savoy report have compelled museum directors into a series of rhetorical fudges. While they now recognize restitution is a pressing issue, institutions like the UK’s Victoria & Albert Museum prefer ‘free and open museums’ that ‘share the global story of humanity, ingenuity and creativity’ through partnerships and educational initiatives.[[40]](#footnote-40) Directors commit to ‘more nuanced understandings of empire’ and argue the ‘dialogue, polyphony and exchange’ already underway in these institutions obviates the need for thoroughgoing restitution.[[41]](#footnote-41) The institutions are studiously silent on why such exchange can only occur from western cities or how the often random gallimaufry of ethnographic objects conduces to coherent stories about histories and cultures.

Joy convincingly argues that this self-serving rhetoric of dialogue and understanding operates as cover for a preference for circulation of goods over return (p. 18). Rejecting the idea that these institutions can self-present as ‘a liminal utopia where only universal aesthetics and scientific learning count’ (p. 5), she argues that an ethic of social justice needs to take priority over universal aesthetics (pp. 16–17). An ethical framework for restitution is necessary to facilitate creative acts of contrition that can serve as a precondition for improved relations between the metropole and the former colony (p. 54). Without such a framework, these institutions will continue to reproduce colonial-era power relations instead of their stated mission of fostering greater cultural understanding and equality. As Zacharys Gundu puts it, the universal museum ‘constantly reminds the rest of the world of the fact that they have been defeated, oppressed and stripped of their rights. … It is more about deception than the benevolence it seeks to project.’[[42]](#footnote-42)

**<a>A Moral Duty? A Legal Duty?**

While Hicks and Joy make a strong moral case for restitution, they do not focus on the details of how it should or might work in legal terms. Without national or international law or policy on restitution, states and museums are left to determine the process on their own. It remains all too easy for states, and the museums they host, to hide behind domestic laws precluding restitution. For example, French heritage laws historically were such that the alienation of heritage from some collections required either a modification to these laws or an act of parliament permitting a derogation.[[43]](#footnote-43) The UK has precluded return of heritage like the Elgin Marbles by pointing to a de-accession prohibition in the British Museum Act of 1963. Of course, states like the Netherlands, Italy and Germany have entered into repatriation agreements with former colonies like Indonesia, Ethiopia and Namibia. However, repatriation of this type is framed too much by bilateral relationships and should not be subject to cultural diplomacy strategies given the evident risk heritage return becomes a tool of soft power by the former imperial power.[[44]](#footnote-44)

In the absence of national mandates, museums themselves have developed moral responses to restitution claims, but these lend themselves all too easily to obfuscation. Instead of restitution, museums offer loans (for example, the British Museum offered to return to Ethiopia Christian plaques, or *tabots*, looted by troops at the Battle of Maqdala), as well as co-curation and co-stewardship. Insofar as these types of restitution projects embody a ‘negotiated standard of justice,’[[45]](#footnote-45) they can resemble an unseemly haggling over the non-negotiable given the repeated insistence by the state of origin that permanent return is necessary. Some curators now accept that separate standards must give way to a shared paradigm – if restitution is to be more than piecemeal, coherent processes of identification and funding for safe restitution need to be adopted.[[46]](#footnote-46)

It is for this reason that Robertson’s work is valuable. He identifies the aforementioned tendency for retentionist museums and governments to maintain legal obstacles to restitution (p. 107) and argues that only restitution fully gives effect to the human right to enjoy one’s culture (p. 167). Noting the lacunae in existing international law on cultural heritage (for example, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property does not have retrospective effect), Robertson convincingly argues that there is need for an instrument in international law providing for the repatriation of wrongfully appropriated cultural heritage given the proliferation of claims. Any such convention could create a presumption of repatriation for certain types of heritage, outline any possible exceptions the retentionist state or institution might make and establish an arbitral body to decide disputes (pp. 167–168). Robertson is somewhat less successful in arguing that a customary rule of international law has crystallized requiring restitution of cultural treasures of great national significance (p. xxi). International law may be evolving in this direction (p. 29), but it can only meaningfully come about as a result of the type of convention he sketches in the book (pp. 30, 229–247) or after a decision/advisory opinion of the International Court of Justice (p. 167). What Robertson’s work makes clear is that such a convention or judgment could mark a start in the urgent work of normative decolonization, a partial but significant rebalancing of the Eurocentric hierarchy in international law that elevates forms of knowledge from the global North.[[47]](#footnote-47)

Robertson’s volume demonstrates that until international law addresses this issue, there is a pressing need to develop a supranational ethical framework to govern restitution of heritage. There are a number of issues that need to be deliberated on in theory and practice, such as (a) representation of group interests in negotiation or claims processes, (b) empowerment and participation of communities that suffered loss, (c) management of conflicting claims where heritage has multiple attachments and (d) the types of memory politics where (un)returned objects might fit in exhibition or national narratives.[[48]](#footnote-48) Beyond the obvious fact that restitution is a mechanism of transitional justice, TJ offers diagnostic tools to situate these issues within broader debates around identity and decolonization to underpin a collective responsibility for return in the global North. Debates during the last 30 years of TJ resound once more with startling similarity in restitution debates – the need to circumvent (heritage) laws through judicial creativity, the question of whether appropriation should be judged by the moral standards of the time or more contemporary rights-based sensibilities, the clash of cosmopolitan norms of western culture with distinctly local *Weltanschauungs.* Indigenous and subnational voices tend to be omitted in a debate that pitches national versus international interest in heritage,[[49]](#footnote-49) but TJ discourse has long accepted that repair is incomplete without modalities for including subaltern voices. It is not difficult to see how Sarr/Savoy report’s call to establish inventories of art in national museums[[50]](#footnote-50) might draw on theorization about archival access as a form of TJ and its proclaimed goals such as reconciliation, forgiveness or forging a historical record.

**<a>Conclusion**

What each of the three works under review does is illustrate how restitution contributes to a decolonizing agenda. These objects are unique and of tremendous cultural and emotional interest for individuals and groups of people. Their retention in museums constitutes an ongoing harm. It can no longer be permissible to ignore reasonable claims for restitution. It can no longer be permissible to impose process stalemates or legal impediments to restitution. As Mireille Lamontagne puts it, ‘questions of moral responsibility outweigh the need to collect and preserve universal knowledge about humanity’ in the contemporary model of the global museum.[[51]](#footnote-51)

There is little inherently difficult about restitution. Art and possessions seized by the Nazis during the Holocaust have been returned to claimants unproblematically, as indeed have human remains.[[52]](#footnote-52) Most of the tangible cultural heritage that might be returned lies in storage and is not actually exhibited at present.[[53]](#footnote-53) Restitution may even have benefits for the museums. Many archaeologists and anthropologists support restitution because it ends the monopoly on knowledge production that plunder promoted, and instead democratizes it.[[54]](#footnote-54) The provenance research that restitution requires can foster collaboration with national/indigenous groups and generate new knowledge.[[55]](#footnote-55) While there are undoubtedly issues of infrastructure, expertise and security relating to museums in the developing world that might receive some repatriated material, Hicks is correct to argue that restitution should serve as a spur to support communities in the global South to receive material in their museums (p. 35). As for the museums that remain in the global North, their own transition can be sustained by consciously changing the stories they tell about empire and acquisition, decentring Eurocentric worldviews and serving as the type of ‘sites of conscience’ with which we are already familiar (pp. 34, 4, 17). As such, restitution can contribute to the decolonizing agenda critics urge attention to by undoing the cognitive dissonance that attends any museum which valorizes subaltern cultures while retaining the ill-gotten gains of imperialism.

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1. Felwine Sarr and Bénédicte Savoy, *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*, trans. Drew S. Burk (Paris: Ministry of Culture, 2018), 3 [hereinafter, ‘Sarr/Savoy Report’]. [↑](#footnote-ref-1)
2. George Abungu, “‘Universal Museums”: New Contestations, New Controversies,’ in *Past Heritage—Future Partnerships: Discussions on Repatriation in the 21st Century*, eds. Mille Gabriel and Jens Dahl (Copenhagen: IWGIA, 2008), 32. [↑](#footnote-ref-2)
3. David Andress, *Cultural Dementia: How the West Has Lost Its History, and Risks Losing Everything Else* (London: Head of Zeus, 2018), 144. [↑](#footnote-ref-3)
4. Sarr/Savoy Report, supra n 1 at 8. [↑](#footnote-ref-4)
5. Ibid., 56–57. [↑](#footnote-ref-5)
6. Ibid., 4. [↑](#footnote-ref-6)
7. Ibid., 39–40. [↑](#footnote-ref-7)
8. Wazi Apoh and Andreas Mehler, ‘Mainstreaming the Discourse on Restitution and Repatriation within African History, Heritage Studies and Political Science,’ *Contemporary Journal of African Studies* 7(1) (2020): 7. [↑](#footnote-ref-8)
9. Available at <https://www.elysee.fr/front/pdf/elysee-module-829-fr.pdf> (accessed 7 July 2021). [↑](#footnote-ref-9)
10. John Warne Monroe, ‘Restitution and the Logic of the Postcolonial Nation-State,’ *African Arts* 52(3) (2019): 6. [↑](#footnote-ref-10)
11. Jonathan Paquette, ‘France and the Restitution of Cultural Goods: The Sarr-Savoy Report and Its Reception,’ *Cultural Trends* 29(4) (2020): 314. [↑](#footnote-ref-11)
12. Sarr/Savoy Report, supra n 1 at 40. [↑](#footnote-ref-12)
13. Ibid., 1. [↑](#footnote-ref-13)
14. Jennifer Balint, Julie Evans and Nesam McMillan, ‘Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach,’ *International Journal of Transitional Justice* 8(2) (2014): 202. [↑](#footnote-ref-14)
15. Ibid., 214. [↑](#footnote-ref-15)
16. Pablo de Greiff, ‘On Making the Invisible Visible: The Role of Cultural Interventions in Transitional Justice Processes,’ in *Transitional Justice, Culture and Society: Beyond Outreach*, ed. Claire Ramírez-Barat (New York: SSRC, 2014), 12. [↑](#footnote-ref-16)
17. Augustine S.J. Park, ‘Settler Colonialism and the Politics of Grief: Theorising a Decolonising Transitional Justice for Indian Residential Schools,’ *Human Rights Review* 16(3) (2015): 278; Khanyisela Moyo, *Postcolonial Transitional Justice: Zimbabwe and Beyond* (London: Routledge, 2019). [↑](#footnote-ref-17)
18. Liv Nilsson Stutz, ‘Claims to the Past: A Critical View of the Arguments Driving Repatriation of Cultural Heritage and Their Role in Contemporary Identity Politics,’ *Journal of Intervention and Statebuilding* 7(2) (2013): 185. [↑](#footnote-ref-18)
19. Philipp Schorch, ‘Sensitive Heritage: Ethnographic Museums, Provenance Research, and the Potentialities of Restitutions,’ *Museum and Society* 18(1) (2020): 2. [↑](#footnote-ref-19)
20. Kostas Arvanitis and Louise Tythacott, ‘Museums and Restitution: An Introduction,’ in *Museums and Restitution: New Practices, New Approaches*, eds. Kostas Arvanitis and Louise Tythacott (London: Ashgate, 2014), 9. [↑](#footnote-ref-20)
21. Ingrid Samset, ‘Towards Decolonial Justice,’ *International Journal of Transitional Justice* 14(3) (2020): 597, 605. [↑](#footnote-ref-21)
22. Chris Cunneen, ‘State Crime, the Colonial Question and Indigenous Peoples,’ in *Supranational Criminology: Towards a Criminology of International Crimes*, eds. Alette Smeulers and Roelof Haveman (Antwerp: Intersentia, 2008), 159. [↑](#footnote-ref-22)
23. The Ottoman Empire was the colonial power over Greece, not Britain. The Marbles were taken from a combination of Turkish gratitude for Britain’s assistance in the Napoleonic wars and bribery. Arguments pertaining to restitution are strikingly similar to those over the Benin Bronzes, notwithstanding this difference. Both Hicks (p. 199) and Robertson (pp. 175–179) consider them as conjoined phenomena. [↑](#footnote-ref-23)
24. #  David Sanderson, ‘Minister Rules Out Return of Treasures,’ *The Times*, 22 April 2019. His successor has also resisted the removal of ‘difficult heritage.’ See, Letter from Culture Secretary on HM Government position on contested heritage, 22 September 2020, https://www.gov.uk/government/publications/letter-from-culture-secretary-on-hm-government-position-on-contested-heritage (accessed 7 July 2021).

 [↑](#footnote-ref-24)
25. Ndubuisi Ezeluomba, ‘Reflection on Benin Repatriation Conversation,’ *African Arts* 54(1) (2021): 7. [↑](#footnote-ref-25)
26. Apoh and Mehler, supra n 8 at 13. [↑](#footnote-ref-26)
27. Hugo van der Merwe and M. Brinton Lykes, ‘Racism and Transitional Justice,’ *International Journal of Transitional Justice* 14(3) 2020: 416. [↑](#footnote-ref-27)
28. Nilsson Stutz, supra n 18 at 180. [↑](#footnote-ref-28)
29. Thomas Thiemeyer, ‘Cosmopolitanizing Colonial Memories in Germany,’ *Critical Inquiry* 45(4) (2019): 986. [↑](#footnote-ref-29)
30. Annette Weiner, ‘Inalienable Wealth,’ *American Ethnologist* 12(2) (1985): 210. [↑](#footnote-ref-30)
31. Achille Mbembe, *Necropolitics* (Durham, NC: Duke University Press, 2019), 171. [↑](#footnote-ref-31)
32. Salam Al Quntar, ‘Repatriation and the Legacy of Colonialism in the Middle East,’ *Journal of Eastern Mediterranean Archaeology and Heritage Studies* 5(1) (2017): 19. [↑](#footnote-ref-32)
33. Sally Price, *Paris Primitive: Jacques Chirac's Museum on the Quai Branly* (Chicago: University of Chicago Press, 2007), 41. [↑](#footnote-ref-33)
34. Jodi Byrd, ‘Fracturing Futurity: Colonial Agnosia and the Untimely Indigenous Present’ (lecture presented at the University of New Mexico, Albuquerque, New Mexico, 25 October 2012). [↑](#footnote-ref-34)
35. Michael Rothberg, *The Implicated Subject: Beyond Victims and Perpetrators* (Stanford: Stanford University Press, 2019), examined in Samset, supra n 21. [↑](#footnote-ref-35)
36. Samset, ibid., 605, drawing on Catherine Lu, *Justice and Reconciliation in World Politics* (Cambridge: Cambridge University Press, 2017). [↑](#footnote-ref-36)
37. Zacharys Gundu, ‘Looted Nigerian Heritage – An Interrogatory Discourse around Repatriation’ *Contemporary Journal of African Studies* 7(1) (2020): 54. [↑](#footnote-ref-37)
38. This entire argument is comprehensively described in the influential John Henry Merryman, ‘Two Ways of Thinking about Cultural Property,’ *American Journal of International Law* 80(4) (1986): 831–853. [↑](#footnote-ref-38)
39. See <https://www.hermitagemuseum.org/wps/portal/hermitage/news/news-item/news/1999_2013/hm11_1_93/?lng=> (accessed 7 July 2021). [↑](#footnote-ref-39)
40. Tristram Hunt, Hartmut Dorgerloh and Nicholas Thomas, ‘Restitution Report: Museum Directors Respond,’ *The Art Newspaper,* 27 November 2018. [↑](#footnote-ref-40)
41. Ibid. [↑](#footnote-ref-41)
42. Gundu, supra n 37 at 56. [↑](#footnote-ref-42)
43. Paquette, supra n 11 at 303. [↑](#footnote-ref-43)
44. Sarr/Savoy Report, supra n 1 at 26. [↑](#footnote-ref-44)
45. Thérèse O’Donnell, ‘The Restitution of Holocaust Looted Art and Transitional Justice: The Perfect Storm or the Raft of the Medusa?’ *European Journal of International Law* 22(1) (2011): 51. [↑](#footnote-ref-45)
46. Erica Jones, ‘Imperatives of Restitution: Standards and Funding,’ *African Arts* 54(1) (2021): 8. [↑](#footnote-ref-46)
47. James Thuo Gathii, ‘The Promise of International Law: A Third World View (Including a TWAIL Bibliography 1996–2019 as an Appendix),’ *Proceedings of the ASIL Annual Meeting* 114(1) (2020): 165–187. [↑](#footnote-ref-47)
48. Apoh and Mehler, supra n 8 at 4–6. [↑](#footnote-ref-48)
49. Shea Elizabeth Esterling, ‘Legitimacy, Participation and International Law-Making: “Fixing” the Restitution of Cultural Property to Indigenous Peoples,’ in *Changing Actors in International Law,* eds. Karen N. Scott, Kathleen Claussen, Charles-Emmanuel Côté and Atsuko Kanehara (Leiden: Brill, 2020), 158–184. [↑](#footnote-ref-49)
50. Sarr/Savoy Report, supra n 1 at 4 and 91. [↑](#footnote-ref-50)
51. Mireille Lamontagne, ‘Museums and Restitution: New Practices, New Approaches,’ *Museum Management and Curatorship* 30(2) (2015): 169. [↑](#footnote-ref-51)
52. See, e.g., the North American Graves Protection Act of 1990, which, *inter alia*, addressed museums' possession and display of Native American human remains. [↑](#footnote-ref-52)
53. Gertrude Aba M. Eyifa-Dzidzienyo and Samuel Nkumbaan, ‘Looted and Illegally Acquired African Objects in European Museums: Issues of Restitution and Repatriation in Ghana,’ *Contemporary Journal of African Studies* 7(1) (2020): 91. [↑](#footnote-ref-53)
54. Nilsson Stutz, supra n 18 at 174. [↑](#footnote-ref-54)
55. Schorch, supra n 19 at 2. [↑](#footnote-ref-55)