Margareta von Oswald

The 'Restitution Report'

First Reactions in Academia, Museums, and Politics

This review gives an overview of the first reactions to the so-called 'restitution report' handed in to French president Emmanuel Macron on Nov 23, 2018 by Felwine Sarr and Bénédicte Savoy[1]. The debate and reactions in politics, museums, academia, but also from the art market have been polarized and emotionally charged. Starting with first reactions in France, the review then gives an overview of the official responses by museums and politics in different European and African national contexts. After that, it attempts to resume how the report has been debated, challenged, and commented, notably in academia. Due to the quantity and speed of publications and reactions in circulation, this review can only present a selection of arguments and articles.

In France, the possibly most important response to the report came from the French president himself. Emmanuel Macron announced, shortly after the report's release, the restitution of 26 objects to the Republic of Benin, as well as an international conference to take place in Paris in April 2019. At the same time, the French president also distanced himself from some of the report's recommendations. As such, he announced that in the first rounds of restitutions, which are supposed to take place in 2019, Macron excluded objects obtained during scientific expeditions, contrary to what Sarr and Savoy suggested.[2] The initiative was included last week in the requests by the *Gilets Jaunes*, asking for the 'return of objects badly acquired from the African peoples', in what has been described as the 'official charter' of the *Gilets Jaunes*[3]. Stéphane Martin, director of the Musée du Quai Branly-Jacques Chirac, welcomed the first gesture of restitution. However, in his official response to the report itself, Martin claimed to be rather in favour of circulation of collections

than of restitution. Martin criticized the authors for how they defined collections open to restitution. He stated that marking 'all that was collected and bought during the colonial period' with 'the impurity of colonial crime' was historically incorrect. He equally criticized the suggestion of setting up 'mixed' commissions, meaning, Franco-African commissions, to deal with the respective requests for restitution. He stated that '[i]t would be a huge overhaul of French law for a foreign state to have equal footing with the French nation in determining what is rightfully or not a part of its own heritage'. Finally, and possibly most representative of the debate in France, he stated that the report 'sidelines museums in favour of specialists in historical reparations'. He said that restitution 'cannot be the only way, otherwise we will empty European museums', fearing that 'heritage will become the hostage of memory'[4]. His use of the notion of 'hostage of memory' reminds us of a way of perceiving historiography, in which a stark contrast between 'history' and 'memory (politics)' is established. This argument is backed up by the fact that the reports' authors were discredited as researchers, such as when Martin qualified them as 'engaged people' (personnes engagés), disqualifying their arguments as ideologically tainted and scientifically not justified[5]. This contrasting of 'history' and 'memory' is still very present in the Francophone discourse, in which those requesting and claiming their part in history risk to be reduced to 'memory politics', in contrast to seemingly neutral 'historical' accounts. Objects, it is feared, could be instrumentalized to support these agents' claims. In a short interview, the newly appointed French Minister of Culture Franck Riester supported the museum director's position. He stated that 'young Africans should have access to their heritage', but that 'we should not empty the museums but work closely with them towards the objective to circulate the collections'. This implies the maintenance of the status of property and ownership, and thus, authority over the collections.[6] Large national public institutions, such as the Académie des Beaux-Arts publicly positioned themselves similarly, promoting circulation while insisting on the concept of inalienability.[7]

In the UK, museum reactions were immediate but cautious, eventually rejecting the reports' recommendations. The directors of the British Museum, **Museum of Archaeology and Anthropology in Cambridge,** and the Victoria & Albert Museum **stated that they were rather in favour of long-term loans, intensified cooperation, and provenance research**[8]**. Hartwig Fischer, director of the British Museum, was clear about the fact that** the restitution of 26 objects to Benin 'does not change the policy of the British Museum, nor legislation in Great Britain'. He insisted on the concept of the integrity of the collections by stating that 'the collections have to be preserved as whole'.[9]

It was especially reactions from future museums, to open soon, which were heavily attended.

In Germany, Hartmut Dorgerloh, the Humboldt Forum's Intendant, rejected the reversed definitions of evidence suggested by Sarr and Savoy by privileging provenance research. In contrast to the British reactions, however, he stated that 'looted art must always be returned.'[10] Other museum officials, such as Hermann Parzinger and Wiebke Ahrndt, reacted with what Larissa Förster and myself suggest to call 'rejecting by overembracing'. They notably claimed that Germany was on the same path than France, if not further advanced in the discussions and concrete projects. They highlighted Germany's projects on provenance research, cooperation projects, and digitization projects. At the same time, Parzinger rejected larger restitution claims by stating that 'on a juridical level, there's little to do' referring to the need of an international commission to work on the subject matter. This juridical argument has been challenged repeatedly. Larissa Förster has referred to the overall neglect of local legislations in the debate, asking 'Against the background of which local norms and legal systems did African agents give, exchange, trade, and leave things of their everyday and of their culture to Europeans?'[11] Wolfgang Kaleck, a German lawyer, has opposed the argument of the immutability of German jurisdictions. He highlighted that in the German context two juridical systems – both

of the GDR and the NS regime – have retrospectively been considered unlawful.[12] Most practically, this argument has now been challenged by Savoy and Sarr who suggest an amendment of the French 'code de patrimoine', reflecting what Senegal's museum director Hamady Bocoum stated: 'In European museums, inalienable works are protected by a law produced by the prince. If the prince changes, the law can change.'[13] Parzinger recommended other pragmatic reactions to the report, reactions which one could describe as a pre-emptive defence[14]. He suggested, amongst other things, a memorial room to colonialism in the Humboldt Forum, he argued for transparency through the digitizing of collections and the archives, as well as the establishment of a central agency uniting the information collected in different institutions on the collections.[15] The journalist Jörg Häntzschel from Sueddeutsche Zeitung, who prominently comments on the debate on ethnographic collections in Germany, depicted this political strategy of replacing restitution with research processes as 'empty promises' ('Vertröstungen'). Ultimately, he argues, this strategy passes important political responsibility towards academia, instead of a clear political positioning and action, such as in France.[16]

In Belgium, in view of the re-opening of the Royal Museum for Central Africa in Tervuren on 9 December 2018, reactions were equally anticipated. Guido Gryssels, the museum's director, repeatedly argued in favour of 'helping Congo' to make exhibitions with loans from Tervuren, as well as with infrastructural advice, but also highlighted that no official request for restitution was directed at the museum.[17] He repeated these same arguments during the museum's international press conference on 6 December. A day later, however, Joseph Kabila, the DRC's president, announced that claims for restitution would be announced once the DRC's museums would be ready. A new museum in Kinshasa, financed by the South Korean state, is being constructed, the museum in Lumumbashi is currently in renovation. Gryssels responded that these claims would be 'considered'[18]. The vice-Prime Minister announced during the official opening that restitution could not be a 'taboo' anymore[19].

On the African continent, those countries concerned by the report have reacted similarly to Joseph Kabila. In Senegal, the New Museum of African Civilizations, financed by the Chinese government, opened on December 6. Senegal's cultural minister **Abdou Latif Coulibaly immediately announced that the return of more than 100 artifacts had already been addressed at France**[20]**, but that ultimately, Senegal wanted all its collections kept in French collections to be returned to Senegal**[21]**. In a more humble tone, the museum's director** Hamady Bocoum **stated that 'the most important is the principle', and that Senegal would consider restitutions, especially of the much-discussed sword of** El Hadj Omar Tall [22]**. Macky Sall, Senegal's president, rather stood in for a 'constructive and peaceful dialogue'**[23]**.** In Ivory Coast, around 4000 objects are identified at the Musée du Quai Branly, and a similar amount of objects in the Metropolitan Museum in New York. 100 objects will be officially requested for return by the government[24]. In Gabon, the renovation of a new museum is almost finished[25]. The Minister in charge of culture, Alain Claude Bilie-By-Nze, welcomes the report, 'as do all African countries', but has confirmed to prefer 'circulation' over restitution[26]. In Benin, in view of the bad conditions of its national museums, the government has announced renovation measures and the construction of four new museums. In contrast to these public museums, the private museum of the Fondation Zinsou is conditioned to exhibit and keep collections appropriate to Western norms, announced its director Marie-Cécile Zinsou, who has been active in the debate around restitution for years[27].

Beyond these first official responses, the report has been debated vigorously. The most important points of the debate are summarized below.

Are African museums ready to receive the returns?

One of the main, and most polarizing, arguments both put forward in Europe and the US, as well as in African countries has been the doubt whether African museums were equipped and ready for the objects to be returned. Hamady Bocoum in Senegal

stated that **that the 'condition [for return] should be that there is suitable equipment'**[28]**. The director of the** Musée des civilisations in Abidjan, Silvie Memel Kassi, stated that the museum was open for 'negotiation and a cultural cooperation with France and other countries", but that 'Africa has to update its museums if it wants some of its heritage back'[29]. Didier Houénoudé, art history professor at the University Abomey-Calavi in Benin alerted that the 'conditions for return' needed to be guaranteed, as there was a risk of stealing and disappearance of the objects[30]. These doubts were raised, however, in a context where most African intellectuals, scholars, and museum officials generally appreciated Sarr's and Savoy's initiative. Despite these pragmatic reactions, other responses celebrated the initiative. The art historian Maureen Murphy, for example, sees the silence around the objects' partly violent and problematic arrival in French collections as a sign of 'malaise' which characterizes France's relationship which its former colonies. Murphy welcomed the report as an occasion to 'rethink' relationships between Europe and Africa[31]. Others discredited the abovementioned doubts as Western paternalism[32]. They highlighted the limits of Western museum definitions, and the subsequent object definitions, by recalling the reports' definition of restitution in '*usus*, *fructus*, *and abusus*'. This definition allows other object usages, which Sarr and Savoy referred to as the ‚resocialization' of the objects, questioning the museum as institution[33].

Opposing arguments were very loud, notably in France[34]. In an often paternalistic, and arguably neo-colonial tone, numerous critics, such as Julien Volper from the Royal Museum for Central Africa, or Didier Rykner from *La Tribune de l'Art*, raised doubts about whether the restituted objects would be kept properly in African museums, if kept at all. The following quote reflects the tone and language used in *La Tribune de l'Art*, which reflects France's most conservative voices[35]. 'Let us be clear-headed, Africans should appreciate the fact that Europeans knew how to preserve a heritage condemned to disappear. Without the collectors, the 99% of objects in Europe would have almost all disappeared, victims of ignorance, termites, and religious burnings of all kinds. African art, which has always been taken out of

the ritual context, has left all Africans in total indifference, was it not the commercial value that it represents…' [36] Stated as such, critics suggested that Africans had showed neither interest in nor care for their own heritage. This indifference, these commentators argued, has been reflected, first, by the quasi absence of art collectors on the continent, second, the apparent lack of political interest in heritage, reflected in the shortage of financial investment in heritage and museum construction, and third, in previous cases of long term loans, such as from Belgium to Zaire in the 1970s and 1980s, few of which are still held in the nation's public collections today but which re-appeared on the art market.[37] Beyond criticizing the authors and the report as such, the critics expressed their outrage concerning Emmanuel Macron's initiative, touching on the French 'code de patrimoine' and the principle of inalienability, fundamental to France's national museum collections. France's former culture minister **Jean-Jacques Aillagon, for example, pleaded for the concept of** inalienability and the 'universal discourse' of museums**, by stating that,** '[the report's] implementation would empty the museums, and especially the Musée du quai Branly-Jacques Chirac, where the works would be replaced by copies!"[38] Critics thus asked: Does a president have the right to decide by himself on the return of the nation's cultural heritage and change one of the nation's fundamental legislations protecting this exact heritage?[39] Whereas all the different points mentioned in the debate have been discussed from different angles and standpoints, the arguments of indifference towards one's own heritage, as well as the insisting on museum universalism, have been vividly questioned, above all by the report and its authors themselves[40].

The writing of the report – who is cited and how?

Another point of critique consisted in the way in which the report was written, who was referenced and how. There is an almost complete exclusion of Anglophone research on and in museums. Art historians and anthropologists, who have dedicated their careers to the subject of restitution, material and immaterial heritage, and

colonialism, are hardly referenced, including those researchers who work closely with Bénédicte Savoy on related subjects. The authors were accused of not properly consulting different opinions, notably, as it was highlighted, in not taking into account the opinions of art market professionals in France[41]. Also, and possibly most importantly, the decade-long activism and research done in NGOs and small-scale associations, usually done in precarious or even unpaid working conditions, is only briefly mentioned. The publications and articles published by diverse associations and initiatives are not referenced in the bibliography, as claims for example the The CRAN, the Representative Council for Black Associations in France[42].

The risk of eurocentrism

Several scholars have warned that a focus on colonisation could ultimately lead to an eurocentric reduction of the debate. Maureen Murphy, a French art historian, warned that the report's concentration on colonial times bore the risk of neglecting the fact that most collections left the continent after the different nation's independence[43]. Nicholas Thomas, director of the Museum of Archaeology & Anthropology in Cambridge, qualified and criticized the report as a 'manifesto for swift, wide-ranging and open-ended restitution'. He notably cautioned that the focus on restitution implied a 'double misrecognition of both colonialism and of the material culture', in the sense that, 'empire was certainly violent, extractive and exploitative, but it was also a highly uneven and heterogeneous field of interaction, marked not only by oppression and resistance but also by accommodation, collaboration, innovation and interests on both sides in traffic in ideas and objects'[44]. The focus on colonialism, art historian Suzanne Preston Blier argued, risked to foster eurocentrism and (self-)censorship, as 'the policy intentionally or not casts the whole subject of African art and its scholarship into a morass of political ideology and debate which on its surface would appear to strongly limit these arts to colonial meaning and action, one more self-referential story about us (the West)

rather than the arts themselves, setting up a context where censorship will flourish.'[45] Both the definition of cultural heritage and legislation suggested by Sarr and Savoy have been described as being limited to Western definitions. More precisely, it was argued, this excluded specific local norms, and 'standardized' the approach to legislation and processes linked to the restitution[46].

The fear of the 'empty museum'

As already traceable in the abovementioned quotes, the fear of the ‚empty museum' has repeatedly been fuelled, and has become a popular trope in the discussion. Since the report's publication, the authors have repeatedly opposed this view, ensuring that their intention was an attempt to rebalance. Important numbers of objects would stay in European institutions, accessible to recall the colonial period in Europe, and for the study of African art history[47]. Sarr's and Savoy's argument has so far been reflected in the relatively small number of objects officially requested by African states. Implicitly or explicitly phrased as such, critics have presented Sarr's and Savoy's focus on restitution as an uni-dimensional, standardized, and one-way process, excluding long-term cooperation, collaboration, and negotiations. Weakening this argument, the Belgian art historian Sarah van Beurden has argued that 'restitution is not an obstacle to collaboration and cooperation. Co-curatorship and common exhibitions will remain possible after a restitution, but with African institutions as starting points. These parallel initiatives cannot replace a physical return of objects.'[48]

Questioning the restitution as such and the 'who returns to who'

Another point of critique concerned the focus on restitution, when Sarr and Savoy dismissed the idea of 'temporary restitution' as an 'oxymoron', but also how restitution was specified in terms of bilateral agreements. Critics accused the authors of the 'most terrible nationalism', in the sense that 'objects [would return] from Senegal to Senegal, the objects of Benin to Benin, the works of Mali to Mali'[49].

Others focused their critique on the fact that these museums should also be able to display arts from other parts of the world, not only their own regional or national heritage. Suzanne Preston Blier, an American art historian, was apprehensive of the fact that the 'this policy dovetails too neatly with the legacy of segregation – the current push from the Right to rid the West of its deep African heritage – objects certainly, but also people.' Many have commented on the fact that the report is limited to Sub-saharan Africa. This excluded other French colonies in Africa and the world, which was regretted notably by commentators from northern Africa[50]. Suzanne Preston Blier sees these decisions as being 'driven by race and politics', 'reinforc[ing] the old trope that the arts of Africa only define those found south of the Sahara.[51] This idea mirrored reflections by Achille Mbembe and Ariela Azoulay who have discussed the restitution of objects in view of the danger of establishing parallels between the return of objects and subjects, as well as liberating former European imperial nations from their 'debts' towards formerly colonized societies[52]. Mbembe warned that a wide-ranging restitution could lead to forgetting of the crimes committed under colonial rule[53]. Despite these doubts, Mbembe stated later on in the debate that restitution was as an 'indisputable principle that makes it possible to combine law and justice.' He stated that '[t]he new generations are emerging from the ethnological view that has been imposed on Africa for centuries. On an intellectual level, the return of our objects from their long period of captivity in the West must make it possible to close this chapter and, thanks to this cultural and artistic renewal, to rethink Africa as one of the centres of gravity of the world.'[54] Another critique concerns Sarr's and Savoy's proposal that only nation states can request restitution, and that returns need to be negotiated via the nation state. As such, marginalized or non-recognized groups within states would not have the possibility to voice their demands, as well as be included in the negotiation concerning the how and if of the return of objects. The German researcher Erhard Schüttpelz asked: 'Did it ever occur to Sarr and Savoy that the post-colonial state may be the inheritor of colonial violence and injustice, and that most of the small populations represented in anthropological museums and

collections lived and live on the fringes of empires and states?'[55]

The review shows what the report has done above all: stir up the debate around museum collections kept in the Global North. We will see whether, and if so, how, more restitution cases and political decision-making will follow up.

Margareta von Oswald *is a doctoral student on the* Making Differences Project *at the Centre for Anthropological Research on Museums and Heritage, Humboldt-Universität zu Berlin, and at the École des Hautes Études (EHESS), Paris. She is funded by the Alexander von Humboldt Foundation as part of the research award for Sharon Macdonald's Alexander von Humboldt Professorship. In her research on the restructuring processes of ethnological museums in Europe, she focuses on contemporary negotiations of contested colonial legacies in the present, with her main case study being Berlin's Humboldt Forum. Since 2016, she has co-organized the seminar series* Rewriting the Colonial Past: Contemporary Challenges of Museum Collections *(EHESS, Paris). In 2015, she curated the exhibition* Object Biographies *with Verena Rodatus (Humboldt Lab Dahlem, Berlin).*

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