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## Inalienable for whom? Activism and the politics of decolonial restitution in French museums

Alexandra Byrne

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Inalienable for whom? Activism and the politics of decolonial restitution in French museums

A thesis submitted in partial fulfillment of the requirement  
for the degree of Bachelor of Arts in French and Francophone Studies from  
William & Mary

by

Alexandra Munro Byrne

Accepted for Highest Honors  
(Honors, High Honors, Highest Honors)

  
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Michael Leruth, Director

  
\_\_\_\_\_  
Magali Compar

  
\_\_\_\_\_  
Kelebogile Zvobgo

Williamsburg, VA

May 2, 2023

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## **Abstract**

This thesis will interrogate the relationship between French museums, activists, and the government as it relates to postcolonial restitution of cultural heritage, often stolen from its country of origin under uncertain or exploitative circumstances. I will seek to understand 1) how museums address colonialism and restitution in their public rhetoric, 2) the legal and geopolitical barriers to restitution, and 3) the role of activists. I construct a theory of a pyramid of pressure, theorizing that museums push restitution issues beyond their galleries to larger legal and geopolitical barriers, but that these barriers are now being questioned by increased activism. I hypothesize that restitution is currently driven by the wishes of those in power, but that France is currently experiencing a watershed moment in the restitution debate. As public awareness of repatriation grows, I argue elite control over cultural objects and museums will wane, ushering in a “great return” of objects and a shift in power of the global cultural landscape.

## Acknowledgements

There's a little cafe in Marseille somewhere where I first created the document on which I'd write my thesis — it seems so long ago now; I remember I couldn't find the way downstairs and when I finally did, I felt embarrassed and watched, a need to seem productive. And so, I began my thesis.

There are so many people, places, and forces in this world I could thank for helping me get to a point in my life where I would write such a thing as a thesis. My father taught me to read *The New Yorker* whether I wanted to or not, so when I needed to read “just one more paragraph!” of an article for this project, I found that willpower somewhere deep down. (I now enjoy reading *The New Yorker* for fun, so his tactics worked.) My mother is always right, whether I want to hear it or not. I'll always be grateful that I've grown into believing I can do all the things she knew I could do.

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Thank you to all the people I encountered who supported my research, especially those I was able to interview for their expertise, including Gilles Paché, Maureen Murphy, and Guilletta Andreu-Lanoe.

In my friends I find hope, joy, and comfort. They have listened to me when I feel foolish, supported me when I feel lost, and have seen beauty and potential in my life. There's a little piece of each of my friends in who I am.

I would like to also thank Solange for creating *When I Get Home*, which fueled many nights of thesis writing. I fell asleep to “The Sound of Rain” on repeat one time and now it's my top song on Spotify.

Lastly, it's important to acknowledge the activists that are making restitution happen. It's one thing to write about their influence from behind the walls of academia, but it's another to communicate just how empowered and empowering they are for millions of people affected by France's colonial exploits. I hope after reading this, you go listen to them — they know so much more than I could ever know.

## INTRODUCTION: The History and Politics of Restitution

“Now, some people are asking themselves: If everything has been said about restitutions, and if certain African countries have already won their case, then why bring the subject up again and again? Is it not patronizing, the sole concern of a small political elite, both in Africa and in Europe? What should we think of the obvious political instrumentalization of the subject, particularly in Europe? And how can we think about repair in spite of this?”<sup>1</sup>

— *The Paradox of Restitution*, Kader Attia, Marie Helene Pereira, and Bénédicte Savoy

Perhaps one of the most infamous French archaeologists exists in Hollywood’s imagination: Dr. René Belloq, from the first installment in the Indiana Jones film franchise, *Raiders of the Lost Ark*, is a cunning and evil mercenary archaeologist, working at the time for Adolf Hitler. According to franchise lore, Belloq was bred in the way many “accomplished” French archaeologists were — he comes from a wealthy Marseille family, was awarded the Archaeological Society Prize, and worked as an assistant curator at the Louvre Museum in Paris, before being accused of grave robbing. He then turned to the ‘dark side’ of archaeology — looting objects and selling them on the international illicit market, the supposed antithesis of Indiana Jones, who recites his ‘good guy’ objective many times throughout the films: “that belongs in a museum!”<sup>2</sup> Or does it? As Belloq points out to Jones during a climactic moment in the film, “You and I are very much alike. Archeology is our religion, yet we have both fallen from the pure faith. Our methods have not differed as much as you pretend. I am but a shadowy reflection of you.”<sup>3</sup> Belloq displays a shocking awareness of the inevitable exploitative nature of

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<sup>1</sup> Kader Attia, Marie Helene Pereira, & Bénédicte Savoy. (2022, September 10). From Restitution to Repair. *The Paradox of Restitution*. 12th Berlin Biennale for Contemporary Art, Akademie der Künste, Hanseatenweg. <https://12.berlinbiennale.de/program/from-restitution-to-repair/>

<sup>2</sup> Spielberg, S. (Director). (1981). *Raiders of the Lost Ark* [Film]. Lucasfilm Ltd.

<sup>3</sup> Spielberg, *Raiders of the Lost Ark*.

archaeology, and puts into question, if ever so briefly, the goodness of museums. Neither man is exonerated.

While the character of Belloq was likely imagined by the American filmmakers and inspired by multiple individuals, he represents an obsessive, extractive, transactional archaeology that has been practiced by the French (and other colonial powers) for centuries. French colonial expeditions were given archaeological legitimacy — records, travelogues, and journals from famous “explorers” were long treasured as evidence of French ingenuity, intellectualism, and curiosity, though these missions had no intent to benefit the local populations from which objects were taken. Instead, French archaeology was, as it was for Belloq, an unscrupulous and profitable means to filling up Europe’s cabinets of curiosities and celebratory museums. Perhaps Belloq was right — whether in private collections or national museums, whether for-profit or not, stolen objects are still stolen objects.

Now, these objects’ place in museums is being critically reexamined. In France and in its former colonies, activists and scholars alike are scrutinizing France’s archaeological past and applying normative principles of postcolonial global justice — that of reparations and return of stolen property — to museum collections. If objects were taken from their communities of origin under unjust circumstances, why are they still in French museums? What is preventing their return in the French context? What might France have to gain from restitution? And how can this moment of social and political realization change the future momentum of restitution in France and beyond?



## Historical Background

Archaeology and the extraction of cultural heritage are embedded in colonial history.<sup>4</sup> From the earliest ventures outside of French borders, French political and economic ambitions have coincided with unethical ethnographical studies and archaeological digs — a desire to bring home “treasure.” French policy has traditionally done little to address the collection of foreign objects that amassed within French borders during the colonial period. Acknowledgement of colonialism by French officials is recent and rare, thus restitution would represent a recognition of guilt. Recently, pressure from activists and the public, however, has forced the government to reckon with this past — notably with the publication of the “Report on the Restitution of African Cultural Heritage” by experts Bénédicte Savoy and Felwine Sarr, commissioned by President Emmanuel Macron in 2018. The report revealed 90-95% of African cultural heritage was housed outside the African continent and suggested repatriation for many objects from French museums. Still, progress has stalled. Only a handful of restitutions have occurred in the years since, and restitution has yet to reach the grand scale activists are demanding.

### *French Colonial Expeditions and the Extraction of Cultural Objects*

As France colonized the world, archaeology was both a motive and a byproduct, thus the field is intertwined with colonialism from its origins.<sup>5</sup> The roots of French archaeology derive from Enlightenment principles. A renewed interest in scientific discovery during the 18th century, coupled with Enlightenment-era notions of “collective identity,” led Europeans to become fascinated with history and archaeological explanations for social phenomena.<sup>6</sup> But underneath

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<sup>4</sup> Lyons, C. L., & Papadopoulos, J. K. (Eds.). (2002). *The archaeology of colonialism* (Vol. 9). Getty Publications.

<sup>5</sup> Lane, P. (2011). Possibilities for a postcolonial archaeology in sub-Saharan Africa: indigenous and usable pasts. *World Archaeology*, 43(1), 7-25.

<sup>6</sup> Olivier, L. (1999). The origins of French archaeology. *Antiquity*, 73(279), 176-183.

the veil of science was a sense of exoticism and perceptions of European superiority. Nineteenth century French intellectuals developed a hierarchy of Africa in particular, viewing Northern Africa as superior to sub-Saharan regions due to its Roman history, but they ultimately thought in proximity to Europe. In 1881, French diplomat and archaeologist Charles Tissot wrote of Northern Africa as an “annex” to Europe:

“Séparée du reste du continent africain par les sables, les dunes et les plateaux arides de la zone désertique, elle s'en distingue encore par des caractères bien différents de ceux qu'on observe au sud du Sahara. Les géographes de l'antiquité avaient cru pouvoir rattacher l'Égypte à l'Asie; la science moderne, avec plus de raison, considère la partie de l'Afrique comprise entre la Méditerranée et le Sahara comme une annexe de l'Europe.”<sup>7</sup>

During the Napoleonic wars, France embarked on several “scientific” expeditions in conquered countries. The largest was in 1798 in Egypt, in which Napoleon sent a group of intellectuals on his military campaign to conduct the first large-scale systematic study of Egyptian artifacts by Western scholars. His military objectives failed, but the anthropological goals had a lasting effect on Western archaeological collections, particularly that of the Musée du Louvre, which in 1826 created the first known department of Egyptian antiquities in a Western museum. Writings were published from those involved in Napoleon’s campaigns — notably Vivant Denon’s 1802 *Voyage dans la Haute et la Basse Égypte*, which increased public awareness and interest in the region’s archaeological heritage.<sup>8</sup> Denon’s analysis of his findings straddled mysticism and placing ancient Egyptian artifacts in the Western scientific tradition. In describing the Dendera Zodiac upon its discovery by Napoleonic forces, Denon wrote: “On peut remarquer que c'est ordinairement sous les portiques des temples que les Egyptiens ont représenté les sujets relatifs à

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<sup>7</sup> “Separated from the rest of the African continent by the sands, the dunes and the arid plateaus of the desert zone, it is still distinguished by characters quite different from those observed south of the Sahara. The geographers of antiquity had believed that they could attach Egypt to Asia; modern science, with more reason, considers the part of Africa comprising the Mediterranean and the Sahara as an annex of Europe.” Tissot, C. J. (1884). *Exploration scientifique de la Tunisie: Géographie comparée de la province romaine d'Afrique* (Vol. 1). Imprimerie nationale.

<sup>8</sup> Denon, V. (1802). *Voyage dans la basse et la haute Égypte, pendant les campagnes du Général Bonaparte: Text* (Vol. 1). Didot.

l'astronomie, comme s'ils avaient voulu par-là commander en même tems le respect pour la religion et les égards dus aux sciences.”<sup>9</sup> Still today, one of the three major wings of the Louvre is named after Denon.

Many of the finer objects from the Napoleonic expedition in Egypt were transferred to the British after the 1801 Treaty of Alexandria, with just a select few returning to France via later sales. Notably, the Rosetta Stone — a stele with translations of Egyptian hieroglyphics that has helped historians decipher Egyptian writing — was found in the Nile delta by French officer Pierre-François Bouchard in 1799. It was transferred to Britain following Napoleon’s defeat and has remained in the British Museum ever since.<sup>10</sup> Still, the interest in Egyptian antiquities was now ingrained in the Louvre. In 1824, the museum purchased roughly 2,500 Egyptian objects — its first major enduring Egyptian acquisition — and the dedicated department was founded shortly thereafter. This shift marked the beginning of a precedent in encyclopedic art museums, assigning Egyptian art aesthetic value, and thus incorporating it into the Western canon.<sup>11</sup> Napoleon also sought to collect artifacts elsewhere — in Italy, Syria, and other conquered territories. Napoleon’s archaeological obsessions are reflected in today’s Louvre; the museum is dominated by Greek, Roman, and Middle Eastern artifacts collected from the beginning of the 19th century onward. The Egypt expeditions also drove similar investigations of adjacent civilizations, such as when L.M.A. Linant de Bellefond and F. Cailliaud illustrated Meroitic sites in Sudan in the 1820s.<sup>12</sup>

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<sup>9</sup> “It can be remarked that it is ordinarily under the porticoes of the temples that Egyptians represented subjects relating to astronomy, as if they wished to command at the same time respect for religion and esteem for science.” Denon, Appendix xxxiii.

<sup>10</sup> Ray, J. (2007). *The Rosetta Stone and the rebirth of ancient Egypt*. Harvard University Press, 4.

<sup>11</sup> Peters, Erin A., "The Napoleonic Egyptian Scientific Expedition and the Ninetenth-Century Survey Museum" (2009). Theses. 37. <https://scholarship.shu.edu/theses/37>

<sup>12</sup> Gabel, C. (1985). Archaeology in Sub-Saharan Africa, 1800-1960. *The International Journal of African Historical Studies*, 18(2), 241-264.

This period was also characterized by the emergence of a field of scientific archaeology viewed as distinct from art history, perhaps influenced by Descartes' conception of objects as inanimate, with only human action able to give them purpose.<sup>13</sup> The French launched a mission to collect, catalog, archive, and preserve — through objects — a history of the world they viewed as unstable and fragile. Europeans at this time rarely considered the idea of local stewardship of culture, and many even believed that local communities actively neglected or were hostile toward ancient ruins.<sup>14</sup> Driven by a French need for order and coherence that only universalist synthesis could require, if it wasn't recorded in Europe, history was thought to be lost.<sup>15</sup>

During the latter half of the 19th century, European nationalism drove an obsession with ethnic origins and a quest to trace history's greatest civilizations, inventions, and ideas to modern nation-states.<sup>16</sup> France became fascinated with Roman sites in Northern Africa, and the violent conquest of Algeria (1830-1903) drove French archaeological activity in the area.<sup>17</sup> Other Frenchmen in the territory were interested in the revival of Christian North Africa.<sup>18</sup> Amidst the massacres of indigenous populations, many of the expeditions that uncovered sites like Timgad and Lambaesis in Algeria and Volubilis in Morocco had little initial oversight — they were completed by amateur archaeologists, often military officers or even French civilians.<sup>19</sup>

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<sup>13</sup> Gosden, C. (2001). Making sense: archaeology and aesthetics. *World Archaeology*, 33(2), 163-167.

<sup>14</sup> Fenwick, C. (2008). Archaeology and the search for authenticity: Colonialist, Nationalist, and Berberist visions of an Algerian past. *Theoretical Roman Archaeology Journal*, (2007), 1.

<sup>15</sup> Blix, G. (2009). *From Paris to Pompeii: French romanticism and the cultural politics of archaeology*. University of Pennsylvania Press.

<sup>16</sup> Geary, P. J. (2003). *The myth of nations: the medieval origins of Europe*. Princeton University Press.

<sup>17</sup> Fenwick, C. (2008). Archaeology and the search for authenticity: Colonialist, Nationalist, and Berberist visions of an Algerian past. *Theoretical Roman Archaeology Journal*, (2007).

<sup>18</sup> Effros, B. (2018). *Incidental Archaeologists: French Officers and the Rediscovery of Roman North Africa*. Cornell University Press, 80.

<sup>19</sup> Effros, 128, 230. Ennahid, S. Searching for Rome: French colonial archaeology and urban planning in Morocco, 355.

With the conquest of Algeria, France's imperial intentions on the rest of the continent became clear — one British official observed with concern in 1838 that Britain's own colonialism had “taught the French to look towards Africa with a longing desire of conquest.”<sup>20</sup> Some expeditions predated French colonization, acting as a predictor of France's ambitions. In 1878-79, the French colonial governor of Senegal sent French explorer Paul Soleillet to Ségou in Western Sudan (present-day Mali) — which was then under the rule of the Toucouleur Empire — to investigate the area's economic potential for France. Soleillet described the area as “mystérieuse et barbare,” but expressed interest in its potential for French colonization: “de créer une colonie française de races différentes qui augmenterait notre nombre et notre force, qui nous aiderait à faire les grandes choses que l'Afrique réclame de nous.”<sup>21</sup> Just over a decade later, in 1890, the French invaded and soon made the area a part of the growing French West Africa federation.<sup>22</sup>

As France's colonial endeavors turned toward sub-Saharan Africa, so did its archaeological interests and presence, often with a focus on the “primitive” and prehistoric. Expeditions like those of Soleillet were concerned with political objectives as much as they were ethnographic extraction. Today, the Musée Quai Branly – Jacques Chirac in Paris holds 246 objects collected by Soleillet and 155 objects from the collection of Louis Archinard, the French general who conquered the region.<sup>23</sup> Toward the first half of the 20th century, the French became

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<sup>20</sup> *The French in Africa*. (1838). J. Ridgway and Sons.

<sup>21</sup> “Mysterious and barbaric ... to create a French colony of different races that increase our numbers and our force, who help us do the great things that Africa is asking of us.” Soleillet, P., & Gravier, G. (1887). *Voyage à Ségou, 1878-1879*. Challamel aîné.

<sup>22</sup> Bigon, L. (2016). Military Settlement Forms in Colonial Dakar and Western Sudan: Hesitative Moments. *Journal of Asian and African Studies*, 51(4), 494-508.

<sup>23</sup> Musée Quai Branly — Jacques Chirac. (2022, October 18). *Explore collections Search*. <https://www.quaibranly.fr/en/explore-collections/base/Work/action/list?filters%5B0%5D=Louis%2BArchinard%7C1&fullLayout=1&cHash=cc502456fb42a84b94889565cae61132>

fascinated with finding the most “primitive” and “exotic” places and encounters, as well as collecting as many objects as they could. The massive Dakar-Djibouti mission, which sought to traverse the continent from west to east, was the first state-funded expedition in sub-Saharan Africa.<sup>24</sup> It is documented that many of these expeditions, if they paid for the objects they brought back to France, may have paid significantly less than what the objects were worth.<sup>25</sup> The expedition’s secretary-archivist Michel Leiris, author of *L’Afrique fantôme*, remarked in a letter to his wife:

“J’ai bien l’impression qu’on tourne dans un cercle vicieux, on pille des Nègres, sous prétexte d’apprendre aux gens à les connaître et les aimer, c’est-à-dire, en fin de compte, à former d’autres ethnographes qui iront eux aussi les « aimer » et les piller.”<sup>26</sup>

The Dakar-Djibouti expedition in the early 1930s marked a transition in France from hybrid exploratory/colonial missions like that of Soleillet to a type of expedition sold as purely “scientific.” Rather than colonial officers, France began to employ state-funded scientists and archaeologists to complete projects and collect objects throughout sub-Saharan Africa and beyond. Abbé Henri Breuil and Pierre Teilhard de Chardin, both Catholic, were just a few eminent French archaeologists to work in South Africa and Somaliland from the 1930s to the 1950s. The former contributed to incorrect theories that prehistoric paintings in the region were created by Egyptians rather than local people, writing of one painting: “The other is of a marked academic character, in which the action is moderate and graceful, and the anatomy of the body

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<sup>24</sup> Jolly, É. (2007). La mission ethnographique Dakar-Djibouti: collecte itinérante et maîtrise du terrain. *Lieux de savoir, 1*, 875-896.

<sup>25</sup> Bénédicte Savoy & Felwine Sarr. (2018). *The Restitution of African Cultural Heritage. Toward a New Relational Ethics. N°2018-26*, 56.

<sup>26</sup> “I have the impression that we are in a vicious circle, wrote Michel Leiris, the archivist of the Dakar-Djibouti mission, in 1931: we plunder Negroes, under the pretext of teaching people to know and love them, that is to say, at the end of the day, to train other ethnographers who will also go to “love” them and plunder them.” Michel Leiris, Letter to his wife, September 19, 1931 (Michel Leiris, *Miroir d’Afrique*, Edited and Annotated by Jean Jamin, Paris: Gallimard, 1996, p. 204, note)

carefully respected. This is the style of the foreigners.”<sup>27</sup> R. Delcroix and R. Vaufrey also studied cave sites in Guinea shortly thereafter.<sup>28</sup> France also expanded expeditions to other regions, such as the Korrigan expedition in Oceania in 1934.<sup>29</sup> These expeditions often sought to distance France from colonized cultures and supported a racist “diffusionist” theory of European superiority, in which culture and knowledge was believed to be centered in France.<sup>30</sup> Over time, France has continued to benefit from its high concentration of cultural heritage from across the world, thus it has little incentive to return objects to their communities of origin. International law and French national policy, favoring this Eurocentric vision, have predictably not been catalysts for restitution.

### *Past French Policy on Restitution*

Restitution refers to the return of lost or stolen property to its original owner — often it is a term used in a legal sense. When applied to cultural heritage, the principle of restitution remains the same, though the law has more difficulty determining what should be returned, what is illicit trade of objects, and what circumstances necessitate return.<sup>31</sup> Much attention has been granted to the complicated definitions of cultural heritage, to whom culture belongs, and what constitutes a

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<sup>27</sup> Breuil, Abbé Henri. (1954). Rock Paintings of South Africa. *Anthropological Quarterly*, 27(2), 31–42. <https://doi.org/10.2307/3316594>

<sup>28</sup> Gabel, C. (1985). Archaeology in Sub-Saharan Africa, 1800-1960. *The International Journal of African Historical Studies*, 18(2), 241-264.

<sup>29</sup> Coiffier, C. (2003). L'étrange voyage d'une peinture du Sépik: de Kinakatem à Paris. *Journal de la Société des Océanistes*, (116), 77-97.

<sup>30</sup> In archaeology today, especially in “New Archaeology,” “diffusion” refers to transmission and spread of norms and traditions through interaction. The diffusion referred to in this paper focuses mainly on early diffusion theories that were often racist in principle, suggesting the diffusion of civilization from Europe to the rest of the world. Rouse, I. (1986). *Migrations in prehistory: inferring population movement from cultural remains*. Yale University Press. van der Linde, S. J. (2013). *European archaeology abroad: global settings, comparative perspectives*. Sidestone Press. Storey, A. A., & Jones, T. L. (2011). Diffusionism in Archaeological Theory. *Polynesians in America: pre-Columbian contacts with the New World*, 7-24.

<sup>31</sup> Roodt, C. (2013). Restitution of art and cultural objects and its limits. *Comparative and International Law Journal of Southern Africa*, 46(3), 286-307.

valid request for restitution. This paper will touch upon these ideas, mainly in the context of triangular exchanges between French museums, the government, and activists.

French policy on restitution has traditionally aligned with Western cultural property law, which privileges the idea that museums are meant to “preserve” and should only let go of their objects in cases of fraud, mistake, theft, or other obvious objection.<sup>32</sup> Restitution based on principles of cultural justice are not the norm in this vein of international law. Domestically, the legal concept of *inalienabilité* in France stipulates that objects in French public museums are property of the state, and may only be repatriated voluntarily through legislation by the French government.<sup>33</sup>

In recent years, the process of restitutions from French museums has begun in some cases, but often they stall in the French parliament. In 2019, the saber of El Hadj Omar Tall — the leader of the Toucouleur Empire in Ségou until the Archinard campaign overthrew him — was returned to Senegal.<sup>34</sup> Still, the return was a five-year long-term loan, not an official transfer of ownership.<sup>35</sup> The saber remained in the collection of the Musée de l'Armée in Paris, to which it was donated by Archinard, much like the objects in the Quai Branly collection. While the French Senate unanimously agreed the saber should be returned, legislators scrutinized language and advocated careful review of future restitutions, with centrist senator Catherine Morin-

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<sup>32</sup> Haley, J. O. (2006). *Imperialism, art and restitution*. Cambridge University Press.

<sup>33</sup> Cox, D. (2011). “Inalienable” archives: Korean Royal Archives as French property under international law. *International Journal of Cultural Property*, 18(4), 409-423.

<sup>34</sup> Kimeria, C. (2019, November 29). The battle to get Europe to return thousands of Africa’s stolen artifacts is getting complicated. *Quartz Africa*. <https://qz.com/africa/1758619/europes-museums-are-fighting-to-keep-africas-stolen-artifacts/>

<sup>35</sup> Le Monde avec AFP. (2020, November 4). Restitution de biens culturels à l’Afrique: Le Sénat veut une instance dédiée. *Le Monde.fr*. [https://www.lemonde.fr/afrique/article/2020/11/04/restitution-de-biens-culturels-a-l-afrique-le-senat-veut-une-instance-dediee\\_6058444\\_3212.html](https://www.lemonde.fr/afrique/article/2020/11/04/restitution-de-biens-culturels-a-l-afrique-le-senat-veut-une-instance-dediee_6058444_3212.html)



Desailly (UDI) declaring the act “une loi d’exception.”<sup>36</sup> In Dec. 2020, a law was signed by French President Emmanuel Macron officially returning the saber and several objects to Benin, which would “cesse de faire partie de ces collections,” effectively liberating them from *inalienabilité* laws.<sup>37</sup>

**Figure 1.** Senegalese President Macky Sall receives saber of El Hadj Omar Tall from French Prime Minister Edouard Philippe.<sup>38</sup>



### *A Turning Point? Macron’s Ouagadougou Speech and the Sarr-Savoy Report*

Much of the impetus for the Omar Tall saber restitution, and others, was Macron’s sweeping speech in Ouagadougou, Burkina Faso in 2017. In his speech, Macron acknowledged the diversity of the African continent and the crimes France committed during colonization, while expressing hope for change with future generations. He cited France’s many objectives for collaboration on the continent, including development, fighting terrorism and religious

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<sup>36</sup> Morin-Desailly has been involved in cultural affairs within the Senate since at least 2014. She is the chair of the Committee on Cultural Affairs, Chair of the fact-finding committee on the issue of repatriation of cultural heritage, and Chair of the Board for Rouen’s Fonds régional d’art contemporain. “Law of Exception.” Ibid.

<sup>37</sup> “... Ceases to be part of these collections...” LOI n° 2020-1673 du 24 décembre 2020 relative à la restitution de biens culturels à la République du Bénin et à la République du Sénégal (1), 2020-1673 (2020).

<sup>38</sup> Seyllou/AFP. (2019). *Sall receives the sword of Omar Tall* [Photograph]. <https://news.artnet.com/art-world/france-restitutes-senegal-saber-1707042>

extremism, and subduing political conflict. But perhaps the most well-known takeaway from this speech was Macron's declaration: "I cannot accept that a large share of several African countries' cultural heritage be kept in France." He continued by establishing a five-year window within which the conditions be prepared for "temporary or permanent returns of African heritage to Africa."<sup>39</sup> This declaration was seen as one of the most progressive made by a Western country on the issue of restitution, as it was the first time a head of state promised the imminent return of objects.

Still, Macron's rhetoric was not entirely benevolent or accountable. While he acknowledged that there were no longer justifications for a large part of African cultural heritage to remain in France, he said there were historical explanations, that much of these objects landed in France thanks to African traffickers, and that European curators or collectors "saved" African artworks. In addition to restitution, he called for more protection upon return to African museums, initiatives for contemporary African art, and government collaboration. In concluding this portion of the speech, Macron referred to the works of art in question as "your history, your heritage and, if you will allow me to say so, our heritage."<sup>40</sup> Even if ready to physically let go of objects, in Macron's rhetoric, France was not ready to let go of its intangible mark on African cultural heritage.

Following the speech, Macron charged Felwine Sarr, a Senegalese academic, and Bénédicte Savoy, a French art historian, to craft a "Report on the Restitution of African Cultural Heritage," which was released in Nov. 2018. The report called on the government to accept requests for restitution of objects from France's military campaigns — with the report

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<sup>39</sup> Emmanuel Macron. (2017). *Emmanuel Macron's speech at the University of Ouagadougou*. <https://www.elysee.fr/en/emmanuel-macron/2017/11/28/emmanuel-macrons-speech-at-the-university-of-ouagadougou>

<sup>40</sup> Macron, 2017.

mentioning the Ségou Archinard collection and the campaigns against Abomey and Samory Touré — as well as objects taken during “exploratory missions and scientific raids,” such as the Dakar-Djibouti expedition. Sarr and Savoy also recommended the establishment of an open access database of objects taken from Africa that remain in France, as well as advising technical aspects of return and conservation. When the completed report was submitted to Macron, it was the most progressive official report on postcolonial restitution to exist and became a subject of international attention. Sarr and Savoy received widespread acclaim for their work, including a spot on *Time* magazine’s list of “100 most Influential People of 2021.”<sup>41</sup> Still, some questioned whether Macron’s words and the Sarr-Savoy report would be enough to overcome the legal barriers of *inalienabilité*, or if the act would spur a few performative restitutions and nothing more.<sup>42</sup>

### *Increased Activism*

The Sarr-Savoy report illustrated the robust base of activists mobilizing the public to create pressure for restitution: “Il faut dire que, partout en Europe, la pression exercée par l’opinion publique augmente. Depuis le début des années 2010, le dossier des restitutions n’est plus l’affaire privilégiée de cénacles restreints, ni en Afrique ni en Europe.”<sup>43</sup> The report also credits the Conseil représentatif des associations noires de France (CRAN) for its 2013 campaign to put

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<sup>41</sup> David Adjaye. (2021, September 15). *Felwine Sarr and Bénédicte Savoy: TIME100 2021*. Time.

<https://time.com/collection/100-most-influential-people-2021/6095958/felwine-sarr-benedicte-savoy/>

<sup>42</sup> Vincent Noce. (2022, February 3). *Why Macron’s radical promise to return African treasures has stalled*. The Art Newspaper - International Art News and Events. <https://www.theartnewspaper.com/2022/02/03/why-macrons-radical-promise-to-return-african-treasures-has-stalled>

<sup>43</sup> “It must be said that, throughout Europe, public pressure is increasing. Since the beginning of the 2010s, the issue of restitution is no longer the exclusive concern of restricted circles, neither in Africa nor in Europe.” Bénédicte Savoy & Felwine Sarr. (2018). *The Restitution of African Cultural Heritage. Toward a New Relational Ethics*. N°2018-26, 18.

restitution in the public eye. Indeed, as Boheme argues, it was “demands by source or victim communities and civil society organizations that increased the pressure to change old patterns.”<sup>44</sup>

Despite the progressive nature of the Sarr-Savoy recommendations, activists have recently become frustrated with inaction on France’s part, with only a few out of many restitution claims fulfilled thus far.<sup>45</sup> Some have likewise taken steps to increase public pressure and support for restitution through public action. Mwazulu Diyabanza, for example, is a Congolese-born French pan-African activist who is known as the “robin hood” of museums — several times in 2020, he entered museums, removed an object from its display case, and began to carry it out. While he has been charged with hefty fines and faced prison time, he has been acquitted several times; Diyabanza considers these acts to be protest rather than theft: “There is no ban on an owner taking back his property the moment he comes across it.”<sup>46</sup> Other activists have prioritized a less direct approach, using prior authority in the field to generate public relations campaigns for return of objects. A prominent example is Egyptian archaeologist Zahi Hawass, who has called for the return to Egypt of the Rosetta Stone, the Nefertiti bust, and the Dendera Zodiac — which is housed in the Louvre. Once the Egyptian minister of antiquities, Hawass emphasizes that he is no longer a government official, rather a private citizen launching a pressure campaign of press and petitions.<sup>47</sup>

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<sup>44</sup> Boehme, F. (2022). Normative Expectations and the Colonial Past: Apologies and Art Restitution to Former Colonies in France and Germany. *Global Studies Quarterly*, 2(4), ksac053.

<sup>45</sup> See Chapter III, “Public Pressure.”

<sup>46</sup> Nayeri, F. (2020, September 21). To Protest Colonialism, He Takes Artifacts From Museums. *The New York Times*. <https://www.nytimes.com/2020/09/21/arts/design/france-museum-quai-branly.html>

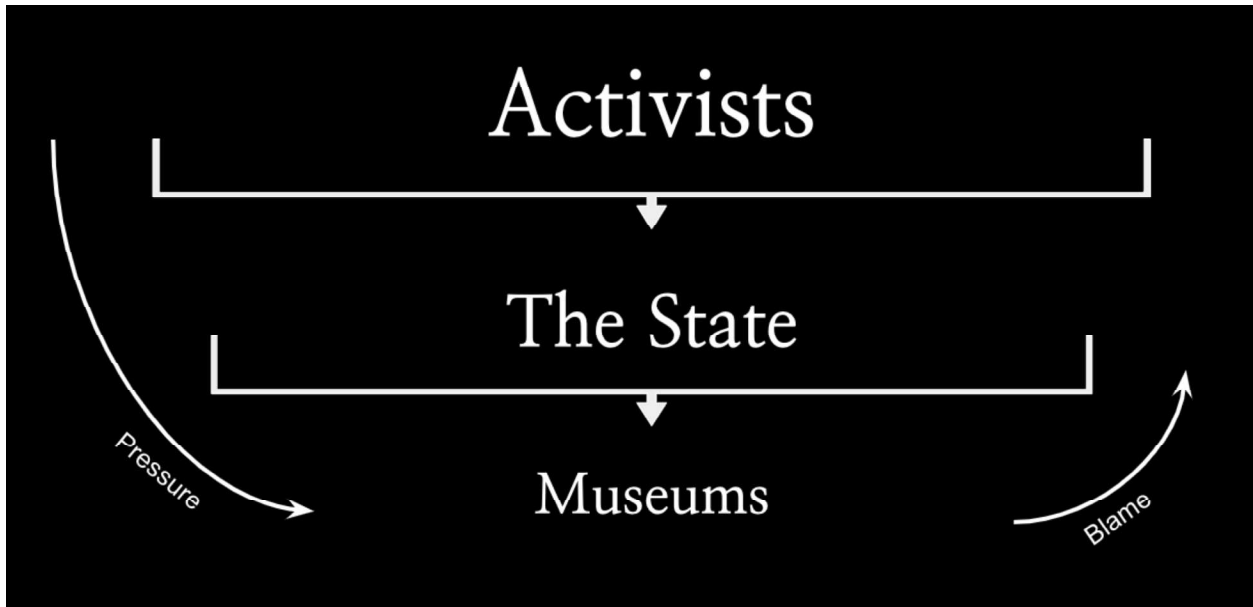
<sup>47</sup> ‘Return Rosetta Stone to Egypt’ demands country’s leading archaeologist Zahi Hawass. (2022, August 22). The Art Newspaper. <https://www.theartnewspaper.com/2022/08/22/return-rosetta-stone-to-egypt-demands-countrys-leading-archaeologist-zahi-hawass>

## *Hypothesis*

While restitution of objects is evidently not a foreign concept to the French, according to activists there is much more that needs to be done. Several questions remain: why have some objects been repatriated but not others? What elements of the decision-making process are unique to France? Furthermore, how are activists, by identifying objects for repatriation to pressuring museums, affecting outcomes?

This paper will analyze public discourse surrounding restitution in several veins: ways in which the public interacts with the objects and their colonial histories and how activists influence the debate. These public trends are juxtaposed with a discussion of underlying currents that oftentimes run counter to public wishes, namely legal and normative barriers, and France's geopolitical desires. Currently, I argue that these underlying currents are strongest in determining what is repatriated, driven by the wishes of those granted institutional power by the state. Restitution in France fits the framework of a hierarchical "pyramid of pressure," where influence in decision-making derives from the capacity to place pressure on another actor. The state, through legal constraints, places political pressure on museums so repatriation best reflects the wishes of government. I hypothesize, however, that soon this pyramid will have a third tier: pro-restitution activism will become an overarching force that pressures the state, and subsequently museums, to repatriate objects stolen in colonial contexts. France is thus currently experiencing a watershed moment in the restitution debate — as public awareness of repatriation grows, elite control over cultural objects and museums will wane, ushering in a "great return" of objects and a shift in power of the global cultural landscape.

**Figure 2.** *France's New Restitution Pyramid of Pressure*



### **Literature Review**

As restitution becomes a topic frequently discussed in popular media and among activists, it is drawing more attention from academic circles as well. Much of the current literature focuses on objects themselves — their histories and specific instances of successful repatriation. While this paper will discuss specific museums and their objects, it attempts to draw larger conclusions on the baseline rhetoric of museums, from which geopolitical and legal action (or inaction) derives. In chapter three I will consider the motivations behind this action, or lack thereof, based on pressure from activists and the public. This theoretical process has not yet been documented or analyzed in such detail, let alone with such attention to the French political, cultural, and postcolonial context.

*Conceptions of Modern Museums: Universality at Odds with Return*

A driving force behind the restitution debate is fundamental disagreement on what a museum should be. Many of the famous museums in the Western world — from the Louvre to the Metropolitan Museum of Art in New York and the British Museum in London — are ‘universal’ or ‘encyclopedic’ museums. These institutions collect objects from many cultures, curating exhibitions and galleries that take visitors from sub-Saharan Africa to East Asia and beyond in one building. The novelty of seeing the world under one roof is at once the appeal and the justification for universal museums — not only are they more enticing to the public, but they also culturally educate without the need for travel. On the other hand, some scholars argue this mindset hides the fact that universal museums are not neutral vessels of the past, rather they are active political institutions with the ability to shape public understandings of history.<sup>48</sup>

Museums have traditionally been thought to be protectors of cultural property, but cultural property is admittedly a broad (and flawed) term. A commonly accepted definition encompasses objects with “artistic, ethnographic, archaeological, or historical value.”<sup>49</sup> The term “cultural property” has increasingly been replaced by the phrase “cultural objects” in more recent scholarship and international law, which follows a similar definition to “cultural property” but devalues the idea of ownership in the Western sense.<sup>50</sup> Museums frame their relationship with cultural objects in different ways to achieve a desired effect. Some universal museums view themselves as “ethnographic,” with a focus on the study of peoples and cultures, regardless of aesthetic value. Most proponents of ethnographic museums posit that if an object was not created

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<sup>48</sup> Kaplan, I. (2016, April 26). *The Case against the Universal Museum*. Artsy. <https://www.artsy.net/article/artsy-editorial-the-case-against-the-universal-museum>

<sup>49</sup> Merryman, J. H. (2009). *Thinking About the Elgin Marbles: Critical Essays on Cultural Property, Art and Law*. Kluwer Law International BV.

<sup>50</sup> Roehrenbeck, C. A. (2010). Repatriation of cultural property—Who owns the past? An introduction to approaches and to selected statutory instruments. *International Journal of Legal Information*, 38(2), 188.

as art, museums should not consider it as such, thus ethnographic museum displays intend to instruct rather than admire.<sup>51</sup> One French curator at the Bibliothèque Royale, E.F. Jomard, wrote in the 1820s that “there is no question of beauty in these arts ... but only of objects considered in relation to practical and social utility.”<sup>52</sup> Likewise, a document published by the Musée d’Ethnographie du Trocadéro and the Dakar-Djibouti Mission concluded that the objects collected were not art: “L’objet n’est pas autre chose qu’un témoin, qui doit être envisagé en fonction des renseignements qu’il apporte sur une civilisation donnée, et non d’après sa valeur esthétique.”<sup>53</sup>

Ethnography has long been criticized as the transformation of culture into a subject of Western “intellectual speculation.”<sup>54</sup> For this reason, ethnographic museums are often the most criticized in decolonial literature, and some ethnographic museums have subsequently rebranded their collections as “art” in attempt to avoid these critiques. In many ways, the establishment of the Quai Branly was an example of this transformation from ethnographic to art museum, as its opening in 2006 included most of the collections of the anthropological Musée de l’Homme (formerly the Musée d’Ethnographie du Trocadéro) and attempted to reframe the same objects through the lens of fine art.<sup>55</sup> The Musée de l’Homme still exists as a laboratory museum, though without most of its former collections. Its transformation did not change the colonial context in

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<sup>51</sup> Fromm, A. B. (2016). Ethnographic museums and Intangible Cultural Heritage return to our roots. *Journal of Marine and Island Cultures*, 5(2), 89-94. Boursiquot, F. (2016). Ethnographic museums: From colonial exposition to intercultural dialogue. In *The Postcolonial Museum* (pp. 63-71). Routledge.

<sup>52</sup> Williams, E. A. (1985). Art and Artifact at the Trocadero. *Objects and Others: Essays on Museums and Material Culture*, edited by George W. Stocking, Jr., 147.

<sup>53</sup> Musée d’ethnographie du Trocadéro. (1931). *Instructions sommaires pour les collecteurs d’objets ethnographiques*. Musée d’ethnographie (Museum national d’histoire naturelle) et Mission scientifique Dakar-Djibouti.

<sup>54</sup> Guiart, J. (1983). Ethnological research: an infinite richness. *Museum International*, 35(3), 136-138.

<sup>55</sup> Doquet, A. (1999). Les masques dogon: de l’objet au musée de l’Homme à l’homme objet de musée (The Dogon Masks: From the Object of the Musée de l’Homme, to the Man as an Item of the Museum). *Cahiers d’études africaines*, 617-634.



which these objects were acquired, rather the move was a strategic one to change public perception of their purpose in France.<sup>56</sup>

As opposed to ethnographic museums, fine art museums primarily consider material culture with what they consider to be global aesthetic value. They collect in the name of display of artistic techniques and trends, rather than the study of cultures. The self-categorization debate continues to exist within the world's largest museums, including the Louvre, with leadership divided on whether to consider some of its collections ethnographic or artistic.<sup>57</sup> Still, while labels might change, collections and their presentation often remain the same. If anything, the rebranding of collections as fine art may impede restitution progress, as it undermines the objects' living cultural importance and instead prioritizes its static visual appeal. Modernists' appropriation of what they called "primitive" art in the early 20th century, including famously by Pablo Picasso, who had an extensive collection of African masks, contributed to the reshaping of the Western gaze. The increased appreciation for African art, though positive in its recognition of the talent of non-Western artists, gave museums a basis to play into the international art market's transactional nature and keep objects for themselves.

Foundationally, this debate goes beyond meaning within museums — it lays bare fundamental disagreements about to whom cultural heritage belongs. As John Merryman prominently outlined in his "two approach thesis" in the 1980s, this dichotomy can be understood as "cultural nationalism" versus "cultural internationalism."<sup>58</sup> Within cultural nationalism, nations have a special claim to the heritage created by the communities within their territory. Cultural internationalism, on the other hand, considers cultural heritage to belong to all

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<sup>56</sup> Grognet, F. (2004). Du Trocadéro à Branly: le dernier voyage des objets ethnographiques?. *Le Détour, Revue des Sciences Humaines*, 3, pp-219.

<sup>57</sup> Author interview with Guillaumette Andreu-Lanoë (May 31, 2022).

<sup>58</sup> Merryman, 94.

of humanity, which as a collective has an interest in its preservation. Proponents of universal museums support non-native ownership of cultural heritage. Attitudes toward *how* these objects were obtained can vary among supporters of universal museums — with some drawing the line at violently stolen objects, for example. Still, contemporary activists are increasingly turning away from methods-of-acquisition-driven justifications for restitution and instead argue restitution should rectify postcolonial power imbalances. They don't particularly care whether an object was violently ripped from the hands of its original owners or peacefully handed over — what matters to activists is where the object is and where it should be. Proponents of universal museums fundamentally oppose this mentality, since they believe objects' existence in the West can be justified. Contemporary conversations have thus diverged from Merryman's two-approach thesis, viewing his dualism as overly legalistic and property-oriented.<sup>59</sup> This new wave of scholars emphasize looking beyond ownership and acknowledging a plurality of voices within a decolonizing paradigm.<sup>60</sup>

### *Universalist Rhetoric and Honesty in Post-Colonial Museums*

Universalism in French thought derives from Enlightenment-era principles and those developed during the Revolution, based on Rousseau's simple (but radical at the time) statement that all men are born equal.<sup>61</sup> Essentially the opposite of particularism, universalism advocates a common collective identity of humankind, free of and transcending both individual distinctions

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<sup>59</sup> Soirila, P. (2022). Indeterminacy in the cultural property restitution debate. *International Journal of Cultural Policy*, 28(1), 1-16.

<sup>60</sup> Breske, A. (2018). Politics of repatriation: formalizing indigenous repatriation policy. *International Journal of Cultural Property*, 25(3), 347-373.

<sup>61</sup> Lüsebrink, H. J. (2020). Universalisme des Lumières et impérialisme colonial. In *The Epoch of Universalism 1769–1989/L'époque de l'universalisme 1769–1989* (pp. 55-70). De Gruyter.

or variations by groups.<sup>62</sup> French universalism is closely tied with French exceptionalism, and modern realities demonstrate the inability of this concept to manifest itself in an equitable manner. As France colonized, it employed universalist republican ideas to justify its actions, claiming to bring “civilization” to its colonies under the presumption that “civilization” had its center in France and would diffuse.<sup>63</sup> This vision was accompanied by perception of France as a guiding light, bringing the principles of *liberté* and *égalité* it believed it had developed to the peoples of the world.

The rhetoric that exists in France’s universal museums are thus extensions of universalist thought. For French universalists, ownership of cultural objects may also be universal — a theoretical base for maintaining collections physically located in France for the sake of humanity’s knowledge, negating any arguments for emphasis on origin by deeming them impertinent.<sup>64</sup> What one can learn about oneself is thus the guiding principle in France’s post-colonial museum galleries, rather than a critical reflection on the past. Further, what is “universal” for French audiences is often essentialist. Even for Westerners who favor restitution, Curtis argues, they tend to take an essentialist approach that denies the objects in question their “biography” and still viewing restitution as a net subtraction of knowledge from Western museums. Instead, Curtis says, “Repatriation is shown to be able to result in an increase in knowledge and understanding rather than its destruction.”<sup>65</sup>

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<sup>62</sup> Cervulle, M. (2014). The uses of universalism. ‘Diversity Statistics’ and the race issue in contemporary France. *European Journal of Cultural Studies*, 17(2), 118-133.

<sup>63</sup> Lüsebrink, 2020.

<sup>64</sup> Gorman, J. M. (2011). Universalism and the new museology: impacts on the ethics of authority and ownership. *Museum Management and Curatorship*, 26(2), 149-162.

<sup>65</sup> Curtis, N. G. (2006). Universal museums, museum objects and repatriation: The tangled stories of things. *Museum Management and Curatorship*, 21(2), 117-127.

*The Future of Restitution: The Optimists and the Pessimists*

Scholars who argue against restitution are rare; the greatest controversy is instead over the extent to which restitution should occur and which barriers are most important to overcome. Most agree the restitution of objects until present has been relatively slow and insignificant in scope. Some of these scholars agree that restitution *should* be a slow and carefully thought-out process, dwelling on the necessity of creating standards for restitution before acting.<sup>66</sup> Others see the current stagnation as a flurry of excuses made by museums and governments alike, calling for “radical redistribution” of art.<sup>67</sup>

Where scholars diverge more intensely is how they view the future of repatriation. Generally, they can be divided into two camps: the optimists and the pessimists. Optimists argue that restitutions will increase in the coming years, either due to public pressure, increased political will, or extensive research on the objects’ histories. Scholars who are optimists do differ on the extent of restitution that is proper. Some view restitution as a rebalancing of an equilibrium of global culture that was interrupted during colonialism, but that would not empty European museums.<sup>68</sup> Others would argue for a “great return” of all objects unjustly outside of their country of origin, so long as those countries want them back — this approach places the decision making ultimately in the hands of origin countries, while the former envisions a more collaborative approach.<sup>69</sup> Characteristic of this optimistic camp of scholarship is a divergence from strict legal analysis and the embracing of moral and justice-minded arguments. Most scholars do not go so far as to say that all cultural heritage should exist solely in its country of

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<sup>66</sup> McIntosh, M. L. (2006). Exploring Machu Picchu: An analysis of the legal and ethical issues surrounding the repatriation of cultural property. *Duke J. Comp. & Int'l L.*, 17, 199.

<sup>67</sup> Matthes, E. H. (2017). Repatriation and the radical redistribution of art.

<sup>68</sup> Bertho, E. (2019). Restitutions du patrimoine africain. *Multitudes*, N°74(1), 23.  
<https://doi.org/10.3917/MULT.074.0023>

<sup>69</sup> Bienkowski, P. (2013). A critique of museum restitution and repatriation practices. *The international handbooks of museum studies*, 431-453.

origin, acknowledging a need for cross-cultural understanding and normatively avoiding calling for revolution. As a result, the future of restitution, even for optimists, will exist on a case-by-case basis.<sup>70</sup>

Pessimists, on the other hand, believe the obstacles impeding restitution will persist for the foreseeable future. In their scholarship, they do not necessarily argue against restitution, rather they primarily identify the difficulties restitution presents and identify why it does not occur, rather than crafting moral arguments in favor.<sup>71</sup> Some write that restitution is and will continue to be avoided by unwilling museum professionals, who refuse to let go of their collections. Greed on behalf of museums drives this argument, as they fear losing popularity and prestige following extensive repatriations.<sup>72</sup> Others view legal barriers as “sticky” norms that are divergent across country contexts, thus a hurdle to future restitution by posing logistical challenges.<sup>73</sup>

This thesis will straddle the views of the optimists and pessimists — embracing arguments beyond the legal to outline why France currently exists at a turning point in the restitution debate. While most scholarship to date is concerned with identifying barriers to restitution, I will instead investigate how those barriers operate in the French context. I will place greatest emphasis on the agency of activists, particularly those from the Global South and diaspora communities in France, in pushing restitution forward, while acknowledging the barriers they face in entrenched French political norms. Ultimately, though, I outline the

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<sup>70</sup> Author interview with Maureen Murphy (June 16, 2022).

<sup>71</sup> Stamatoudi, I. A. (2011). *Cultural property law and restitution: a commentary to international conventions and European Union law*. Edward Elgar Publishing.

<sup>72</sup> Tahan, L. G. (2017). Trafficked Lebanese Antiquities: Can They Be Repatriated from European Museums?. *Journal of Eastern Mediterranean Archaeology and Heritage Studies*, 5(1), 27-35.

<sup>73</sup> Vadász, V. (2016). Lessons of Sevso Case—Restitution Challenges of the Illegally Exported Cultural Property. *Hungarian YB Int'l L. & Eur. L.*, 39.

overwhelming viability of restitution should broad coalitions of activists work to break down these barriers the pessimists view as so ingrained.

*Postcolonial Geopolitical Ambitions and the International Relations of Restitution*

France evidently does not exist in a void, nor do its decisions on repatriation. While it may no longer hold colonies to the extent that it once did, France still seeks relevance in the international arena and to maintain a certain sphere of influence. Restitution has political benefits and disadvantages, as do most policy decisions — it can strengthen alliances with African recipients and generate a positive image, but often at the cost of centuries-old French principles and the domestic officials that continue to revere them.

The Sarr-Savoy report elicited a variety of responses within France and around the world, demonstrating the international implications of a country's repatriation decisions. Within Europe, museum directors cautiously responded, marginally supporting the report's overarching premises but rejecting its specific recommendations. Stéphane Martin, the director of the Musée du Quai Branly at the time, expressed the concern that restitution would “empty European museums.”<sup>74</sup> Likewise, other museum officials across Europe dismissed restitution by offering alternative solutions — provenance research, circulating collections, long-term loans, co-curatorship, and collaboration between museums. While Europeans expressed unease, African governments and museums, especially in Senegal and Côte d'Ivoire, took the report as an opportunity to file restitution claims. Other countries, such as Benin and Gabon, sought to renovate their museums before requesting the repatriation of objects.<sup>75</sup> Europe isn't the only player in restitution and

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<sup>74</sup> von Oswald, M. (2018). The 'Restitution Report' - First Reactions in Academia, Museums, and Politics (2018). *Wie Weiter Mit Humboldts Erbe? Ethnographische Sammlungen Neu Denken*.

<sup>75</sup> von Oswald, 2018.

cultural retention in Africa — countries like China have played into anti-French sentiment. China financed the \$34 million Musée des Civilisations Noires in Dakar, which opened in late 2018 and was cited in the Sarr-Savoy report as a museum capable of receiving repatriated objects.<sup>76</sup> The museum has since requested the repatriation of many Senegalese objects that exist in France, including all 2,249 objects at the Musée Quai Branly of Senegalese origin.<sup>77</sup>

Prior to Macron’s Ouagadougou speech, French policy toward Africa had traditionally followed the logic of *Françafrique*, to varying degrees. Established by Charles de Gaulle, who feared losing global influence with decolonization, *Françafrique* is the idea that France and its former colonies in Africa would maintain special economic, cultural, and political, and military/security ties. Former French President Jacques Chirac described the concept as a “relation d’exception entre la France et l’Afrique.”<sup>78</sup> It is commonly associated with policies such as the franc zone in francophone West Africa and close cooperation between leaders on financial and technical assistance, though defense agreements led to over one hundred French military interventions in sub-Saharan Africa from 1960 to the 1990s.<sup>79</sup> France’s position as a colonizer may have formally ended with the independence of francophone Africa, but many *Françafrique* critics say this mindset is simply a new manifestation of imperialist attitudes and dominance.<sup>80</sup> Macron has claimed to have shifted from a *Françafrique* mindset, though his statements on African affairs reveal a continued interest in the region that is tied to common history and culture.

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<sup>76</sup> Author interview with Maureen Murphy.

<sup>77</sup> Searcey, D., & Nayeri, F. (2019, January 15). Senegal’s Museum of Black Civilizations Welcomes Some Treasures Home. *The New York Times*. <https://www.nytimes.com/2019/01/15/arts/design/museum-of-black-civilizations-restitution-senegal-macron.html>

<sup>78</sup> Banégas, R. (2007). *France-Afrique: Sortir du pacte colonial* (Vol. 105). KARTHALA Editions.

<sup>79</sup> Chafer, T. (2005). Chirac and ‘la Françafrique’: No longer a family affair. *Modern & Contemporary France*, 13(1), 7-23.

<sup>80</sup> Dufour, F. C. (2010). De l’idéologie coloniale à celle du développement: une analyse du discours France-Afrique. *De l’idéologie coloniale à celle du développement*, 1-276.

### *Restitution in International Law*

Legal scholars have worked to outline the legal justifications and implications of restitution, though mostly in the context of Western frameworks of international law. On the international level, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (amended 1999) was the first attempt to address protection of cultural property in the post-WWII international system. The Hague Convention employed universalist language and placed responsibility to protect cultural heritage in the hands of the international community, extending the scope of responsibility beyond a state's geographical borders.<sup>81</sup> Expanding on the Hague Convention, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is now the governing treaty on the issue of repatriation of cultural objects. It requires countries to halt the import of stolen cultural property and to return any such property to the country of origin, but for adequate compensation.<sup>82</sup> The UNESCO convention provided a baseline for international governance of cultural property, but it is not universally binding, especially since many parties have not ratified the convention. Furthermore, the concept of compensation in return for stolen property does not normatively conform to ideas of repatriation as correcting past imbalances of power or wrongdoings.

According to Vincent Négri, a researcher at the Institut des Sciences sociales du Politique, law related to cultural object repatriation must consider the provenance of the

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<sup>81</sup> Cassan, C. (2020). Should They Stay or Should They Go? African Cultural Goods in France's Public Domain, between Inalienability, Transfers, and Circulations. *Fordham Intell. Prop. Media & Ent. LJ*, 31, 1248.

<sup>82</sup> UNESCO. General Conference. (1971). *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property adopted at its sixteenth session, Paris, 14 November, 1970*. Unesco.



collection and territoriality — which laws apply to the collection.<sup>83</sup> In France, the latter becomes complicated, as national law protects the *inalienabilité* of national cultural heritage while international law is relatively inconclusive on the issue. Importantly, none of these international conventions — the Hague Convention, the 1970 UNESCO Convention, and its 1995 follow-up, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects — apply retroactively.<sup>84</sup> So while international law may govern future looting, it cannot force countries to repatriate any objects that entered museum collections prior to their signing of the convention. As Shuart suggests, none of these conventions were “ever intended to unlock the imperial trophy cases.”<sup>85</sup> Furthermore, the principle of intertemporality in international law judges historical actions in the context of the governing law at the time. In other words, further developments and new conventions in international law would not cause France’s 19th century actions to be evaluated under these new principles.<sup>86</sup> When Napoleon removed objects from Egypt, for example, no treaties existed that made this action illegal.<sup>87</sup>

Several prominent cases have helped test the limits of international restitution law. Early cases focused mainly on repatriation to European countries.<sup>88</sup> The restitution of the Euphronios Krater from the Metropolitan Museum of Art in New York to Italy in 2006 represented a major bilateral accord, in which ownership of the Krater was officially transferred to Italy. It allowed the Krater to remain at the Met for several years following the agreement as a loan, as well as

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<sup>83</sup> König, V., de L’Estoile, B., López Caballero, P., Négri, V., Perrin, A., Rinçon, L., & Bosc-Tiessé, C. (2018). Les collections muséales d’art « non-occidental » : constitution et restitution aujourd’hui. *Perspective*, (1), 37–70. <https://doi.org/10.4000/PERSPECTIVE.9059>

<sup>84</sup> Salem, A. Y. (2005). Finders Keepers-The Repatriation of Egyptian Art. *J. Tech. L. & Pol’y*, 10, 173.

<sup>85</sup> Shuart, J. (2004). Is All “Pharaoh” in Love and War? The British Museum’s Title to the Rosetta Stone and the Sphinx’s Beard. *University of Kansas Law Review.*, 52(3), 717.

<sup>86</sup> Anaya, S. J. (1989). The capacity of international law to advance ethnic or nationality rights claims. *Iowa L. Rev.*, 75, 838.

<sup>87</sup> Shuart, 692.

<sup>88</sup> Goodwin, P. S. (2008). Mapping the limits of repatriable cultural heritage: a case study of stolen Flemish art in French museums. *University of Pennsylvania Law Review*, 157(2), 673-705.

necessitated a continuing rotation of objects to be loaned from Italy to the Met. Importantly, it prevented Italy from making any future judicial claims for the objects mentioned in the accord, representing an extra-judicial, contract-based approach to restitution.<sup>89</sup> This model, however, is not replicable nor does it satisfy more recent justice-based calls for restitution. Firstly, it requires a museum to be able to negotiate, which necessitates resources and institutional support for a legal team. While the Met, one of the largest museums in the world, has its own legal department, not all museums faced with restitution claims do. Second, the accord is transactional, concerned with outcomes and losses rather than justice. France has also engaged in long-term loans as an alternative to full restitution when legislative support for return is low. For instance, the crown of Queen Ranavalona III of Madagascar was returned via a deposit agreement, which is a private agreement between a buyer and a seller, but ownership has not yet been officially transferred.<sup>90</sup> The move was criticized for being under the table, even by pro-restitution members of the French parliament, who argued it undermined their say in the issue:

“La décision du Gouvernement de remettre cette partie de couronne aux autorités malgaches sans en informer le Parlement, et ce alors même que nous examinions ce projet de loi en première lecture, démontre bien toute l’utilité que pourrait avoir ce conseil... si ce n’est pour souhaiter que le retour des biens culturels se fasse à l’abri des regards, sans concertation ni consultation du Parlement ?”<sup>91</sup>

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<sup>89</sup> Briggs, A. K. (2007). Consequences of the met-italy accord for the international restitution of cultural property. *Chicago Journal of International Law*, 7(2), 623-653. Retrieved from <https://ezpupv.scdi-montpellier.fr/login?url=https://www.proquest.com/scholarly-journals/consequences-met-italy-accord-international/docview/237215438/se-2?accountid=12542>

<sup>90</sup> Ministère de l’Europe et des Affaires étrangères. (2021, September). *Return of cultural goods*. France Diplomacy - Ministry for Europe and Foreign Affairs. <https://www.diplomatie.gouv.fr/en/country-files/africa/cultural-exchanges/return-of-cultural-goods/>

<sup>91</sup> “The government’s decision to hand over this part of the crown to the Malagasy authorities without informing Parliament, even though we were examining this bill on first reading, clearly demonstrates the usefulness of this council... if not to hope that the return of cultural property will be done out of sight, without consultation or consultation of Parliament?” Quote from Claudine Lepage. Compte rendu des débats du Sénat du 15/12/2020, 11891. [https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT\\_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT\\_20200114.pdf](https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT_20200114.pdf)

Amidst increased calls for global justice for colonial pasts by activists and the general public, behind-closed-doors negotiating does not seem to be the future of restitutions, in France and beyond.

### *Transitional Justice and Critiques of Western Cultural Law*

Some scholars argue that non-Western culture should not be subject to Western-style laws. They argue that rather than “adversarial” legal battles, restitution should be a process of dialogue and relationship building, with decisions on restitution of objects being made jointly and without legal intervention.<sup>92</sup> While a more collaborative process seems ideal, it is unlikely museums will willingly engage in such dialogue and subsequently agree to repatriate objects without outside incentive. Nevertheless, non-Western mechanisms for establishing justice do exist and can be effective in achieving equitable outcomes.

As a form of reparations for past wrongs, restitution has been linked with transitional justice (TJ) — a domain of international law that focuses on responding to and remedying past abuses in post-violence societies.<sup>93</sup> While including some Western concepts such as court trials, many TJ processes focus on a less Eurocentric, holistic view of healing and reconciliation. Reparations — which can be both tangible and symbolic — are a core tenet of TJ. Reparations can include a range of policies, from economic compensation for harm, social support services, guarantees of non-recurrence, and official apologies.<sup>94</sup> Recently, scholars have begun to concentrate on post-colonial reparations, an undertaking that until lately has been seen as too

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<sup>92</sup> Bienkowski, P. (2015). A Critique of Museum Restitution and Repatriation Practices. *The International Handbooks of Museum Studies*, 431–453. <https://doi.org/10.1002/9781118829059.WBIHMS219>

<sup>93</sup> Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge, 8.

<sup>94</sup> De Greiff, P. (2006). Justice and reparations. *The handbook of reparations*, 451-477.

logistically challenging and historically confusing.<sup>95</sup> This reevaluation of post-colonial reparations has also put the cultural object restitution question under the TJ umbrella. Writing in the context of post-Holocaust TJ, Thérèse O'Donnell argues that property restoration through restitution is “crucial to successful completion of transitional justice processes.”<sup>96</sup> TJ processes have yet to systematically confront post-colonial situations, having mostly occurred following civil wars, dictatorships, genocides, and other more recent events. The long and equally violent centuries of colonial exploitation are such a massive undertaking that scholars and practitioners of TJ have struggled to create mechanisms that can effectively respond to them. Still, the theoretical underpinnings of TJ arguments for repatriation establish a normative motivation for righting previous wrongs.<sup>97</sup>

### *Theories of Decolonial Activism*

Successful transitional justice relies on outside pressure, from non-governmental organizations (NGOs), activists, and the public.<sup>98</sup> Likewise, past success in restitution does not occur in a void inhabited by governments and museum administrators alone. Rather, activism plays an integral role in identifying objects for repatriation, facilitating their return, and advocating for proper care. Art and activism have deep historical ties. Not only can art be used for activist purposes, but activism targeted toward the institutions that uphold the Eurocentric “art world” should be seen as a type of decolonial activism seeking to change global systems of oppression.<sup>99</sup>

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<sup>95</sup> Forde, S., Kappler, S., & Björkdahl, A. (2021). Peacebuilding, Structural Violence and Spatial Reparations in Post-Colonial South Africa. *Journal of Intervention and Statebuilding*, 15(3), 327-346. Howard-Hassmann, R. E. (2011). *Reparations to Africa*. University of Pennsylvania Press.

<sup>96</sup> O'Donnell, T. (2011). 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), 49-80.

<sup>97</sup> Boehme, 2022, 2.

<sup>98</sup> Zvobgo, K. (2020). Demanding truth: The global transitional justice network and the creation of truth commissions. *International Studies Quarterly*, 64(3), 609-625.

<sup>99</sup> Serafini, P. (2018). *Performance action: The politics of art activism*. Routledge.

Activism comes in many forms, and nearly every political belief that exists has activists advocating for it. For this study, activists pushing for restitution fall into a progressive, decolonizing paradigm, so it is important to place restitution activists in this framework. From the Black Power Movement in the United States to the anti-apartheid movement in South Africa, activists learn from each other over time, and similar reincarnations of tactics appear throughout history.<sup>100</sup> Diyabanza, for instance, places himself within a pan-African paradigm, evoking the legacies of famous pan-Africanists Marcus Garvey in 1920s America, 1960s Ghanaian President Kwame Nkrumah, and Trinidadian Claudia Jones.

Decolonial activists often seek to de-Westernize the spaces they wish to change. Indigenous language activists in the United States, for example, have emphasized Native-led education and epistemology as vehicles for self-determination.<sup>101</sup> In France, it was often “rank and file” young French-educated African activists in the 1950s who called for the “decolonization of education and the production of new knowledge about Africa.”<sup>102</sup> Furthermore, decolonial scholars place the greatest strategic agency with the most marginalized groups of activists.<sup>103</sup> Indigenous feminist scholars have also pointed out the commodification of decolonial activism by white leftists, critiquing neoliberal cooptation of Indigenous-led movements while emphasizing the power of tactical media use to make local movements transnational.<sup>104</sup> While Western society tends to privilege activism based in consensual dialogue,

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<sup>100</sup> Wilkins, F. C. (2007). The making of black internationalists: SNCC and Africa before the launching of Black Power, 1960-1965. *The Journal of African American History*, 92(4), 467-490.

<sup>101</sup> Phyak, P., & De Costa, P. I. (2021). Decolonial struggles in Indigenous language education in neoliberal times: Identities, ideologies, and activism. *Journal of Language, Identity & Education*, 20(5), 291-295.

<sup>102</sup> Marker, E. (2019). African Youth on the Move in Postwar Greater France: Experiential Knowledge and Decolonial Politics at the End of the Empire. *KNOW: A Journal on the Formation of Knowledge*, 3(2), 283-303.

<sup>103</sup> Manning, J. (2021). Decolonial feminist theory: Embracing the gendered colonial difference in management and organisation studies. *Gender, Work & Organization*, 28(4), 1203-1219.

<sup>104</sup> Risam, R. (2022). Indigenizing Decolonial Media Theory: The Extractive and Redistributive Currencies of Media Activism. *Feminist Media Histories*, 8(1), 134-164.

mainstream scholars have begun to acknowledge the power dynamics that predispose dominant systems for success. Conflict in activist dialogue is thus actually an affront to these systems and a core driver of social change.<sup>105</sup>

## **Methods**

Each of the following three chapters is both a case study of a particular French museum as well as an exploration of a big idea in the restitution debate. Each chapter's topical focus thus requires diverse methods — some methods that work best for one part will not apply to others. Likewise, the case studies are not self-contained (some chapters will cross reference museums), but more so a template to understanding the complexities and nuances of the issue discussed in each chapter, as well as the physicality of museums and objects. The study of specific museums and objects grounds the theoretical concept in question and reminds the reader of its tangibility. Each museum is visited by thousands of visitors each week, all of whom perceive the objects and contemplate — or not — their place in the collection. Whether restitution and colonialism are addressed in the galleries is thus presented as a pressing issue, since not all visitors are aware of current debates being waged in newspapers, academic journals, on social media, and beyond.

Throughout the chapters, I rely on interviews with experts to gauge attitudes toward restitution among museum professionals, academics, activists, and government officials. These interviewees were chosen based on their previous writings on the subject or their experience working in French museums, cultural institutions, or with the government. The interviews were conducted by the author during field research in Paris and Marseille in June 2022, thus all information gathered from these conversations reflects what was current at the time.

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<sup>105</sup> Ganesh, S., & Zoller, H. M. (2012). Dialogue, activism, and democratic social change. *Communication Theory*, 22(1), 66-91.

Chapter one focuses heavily on rhetoric within museums, which is understood through textual analysis of museum wall texts, educational materials, press releases, public statements, and other documents, as well as interviews with relevant museum and government officials. Many of the materials analyzed were publicly available online or in the galleries during the author's site visits in June 2022, deriving from information directly available to visitors. The changing rhetoric of museum materials was also analyzed through past texts, acknowledging the temporality and fluidity of information in the galleries. Wall texts refer to textual information placed beside objects in the galleries, as well as general or sectional commentary. They normally provide the object's title or name, dating, and size, while often including a substantive description and information pertaining to provenance. Provenance in museums refers to the history of an object, from its creation to present.<sup>106</sup> Provenance is important in museums because it both traces the objects' ownership and acts as evidence that an object was acquired legally. Shady provenance often raises questions of illegal trade, looted objects, or other exploitative actions. Based on observations of provenance and its display in galleries, part one will also analyze the quality of provenance for contested objects and museums' motivations for improper or incomplete provenance. Though sometimes museums are honest with the public, these public rationales do not always tell the full story. Thus, the author-conducted interviews offer unique insights into the underlying, more private motivations behind restitution-related decisions.

Chapter two will include an analysis of French legal codes as it investigates the French legal concept of *inalienabilité* of cultural heritage, or *patrimoine*. Legal concepts will then be placed in the cultural context of the restitution debate, with a critical examination of the Westernized concept of legality over cultural objects. Discussion of geopolitical decision-making

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<sup>106</sup> Sweeney, S. (2008). The ambiguous origins of the archival principle of "provenance". *Libraries & the Cultural Record*, 43(2), 193-213.

strategies and extensive analysis of parliamentary debates supplement my argument that *inalienabilité* and exceptions to it are politicized for geopolitical ends.

Chapter three develops a schema for understanding different strains of activism and how museums and governments respond to issues raised by activists. Based on an understanding of decolonial activist traditions, I inductively generate a dichotomy of expert, radical, and citizen activism, analyzing how their tactics might coalesce to place pressure on French state institutions and museums. In discussing how museums and governments respond, I weave further textual evidence from parliamentary debates on restitution throughout my analysis, as well as evidence from expert interviews.

In each chapter, theoretical analysis is blended with references to the main case study museum of the chapter, specifically highlighting certain cases of object restitution or lack thereof. An analysis of a small textual installation at the Quai Branly, for instance, proves a lack of acknowledgment of restitution or the full violence of colonialism in museum spaces. At the Louvre, the Dendera Zodiac is highlighted as a very public case of restitution demands by prominent archaeologist Zahi Hawass, among others. This object highlights well a case that tests the legal limits of *inaliénabilité* and French national cultural law, but also demonstrates a geopolitical undercurrent that may be preventing its restitution. Likewise, an ivory spear at the MAAOA was chosen to highlight restitution activism, as it was taken from its gallery by pan-African activist Mwazulu Diyabanza while protesting colonialism and non-restitution of objects to Africa.

Out of the three case study museums, two are in Paris and one is in Marseille, offering relative geographic diversity, given that most major French ethnographic and art museums are in Paris. The political and cultural divide between the North and South of France is also important



in contextualizing each museum's decision making. Paris, located in the Northern half of France, is the country's economic and political center. The South of France, anchored by France's "second city," Marseille, tends to view itself with an independent and revolutionary regional identity — not necessarily in opposition to a French national identity, but peripherally located within France.<sup>107</sup> Thus, this paper offers a less centralized understanding of restitution in French institutions than those that analyze Parisian museums alone. The museums studied also vary in terms of their age, collection, and size — while the Louvre's collection features very little art from sub-Saharan Africa, Oceania, and the Americas, the MAAOA and the Musée Quai Branly collections are comprised nearly entirely of objects from these regions. Given the careful selection of varied cases, this paper's qualitative case studies will thus comprehensively highlight key themes of contemporary restitution debates in France while offering insight into future trends.

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<sup>107</sup> Thiesse, A. M. (2001). Les deux identite' s de la France. *Modern & Contemporary France*, 9(1), 9-18. Cocco, E., Sabatino, P., & Ragone, M. (2022). Branding the City Through Mediterranean Identity: Local Cosmopolitan Ideologies and Narratives of Exclusion in Napoli, Marseille and Rijeka. *Fuori Luogo. Rivista di Sociologia del Territorio, Turismo, Tecnologia*, 13(3), 33-46.

# CHAPTER I. Colonialism in the Museumsphere: Do French museums confront restitution?

“How do you think your ancestors got these? Do you think they paid a fair price? Or did they take it... like they took everything else?”

— N'Jadaka/Erik Killmonger, *Black Panther* (2018)<sup>108</sup>

## Introduction

This first chapter will analyze colonial rhetoric as manifested in contemporary French museums. Most museums do not openly acknowledge in their galleries the murky past of many of their objects, but the intentional (or unintentional) omissions can often be more telling than the few admissions of colonialism. In an analysis of museum rhetoric — that is, of wall texts, educational materials, and provenance declarations — this chapter aims to understand the mindset of museums when faced with restitution. Understanding this baseline can reveal the inherent willingness (or unwillingness) of French institutions to confront their pasts. It also allows us to predict why calls for object repatriation might be unsuccessful. Paired with these theoretical questions is a case study of the Musée Quai Branly - Jacques Chirac, one of the most prominent ethnographic museums in the world, the subject of controversy, and the target of numerous demands for repatriation.

### *The Musée Quai Branly - Jacques Chirac*

The Musée Quai Branly - Jacques Chirac opened in 2006 and is situated in a contemporary building along the banks of the Seine, near the Eiffel Tower, in the 7th arrondissement of Paris.

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<sup>108</sup> In the Marvel Cinematic Universe, Killmonger is the Wakandan cousin of T'Challa, the Black Panther, and plays the film's villain who challenges T'Challa for the throne. In this scene, Killmonger confronts a white curator of West African art in a fictional British museum. Coogler, R. (Director). (2018). *Black Panther* [Film]. Marvel Studios.

Its central location and soaring glass walls reflect the ambitions of the project: to create a large museum dedicated to the arts and objects of non-European cultures. To enter the museum complex, one must pass through an opening in a large glass wall off the Quai Branly (the road) by the Passerelle Debilly. The gardens and paths obscure the entrance and building itself, giving the illusion one is entering a space separate from the Parisian cityscape. The galleries, which flow freely between geographic areas, house roughly 3,500 objects at once, most displayed in modern, low-lit glass cases.<sup>109</sup> On a given day, visitors range from tourists to student groups on guided tours of the space. The complex also has two restaurants — “Les Ombres” and “Lutèce Eiffel,” the first alluding to a shadowy and mysterious atmosphere and Lutèce being a reference to the Gallo-Roman town that was the predecessor of modern Paris.

**Figure 3.** *The entrance to the Musée Quai Branly - Jacques Chirac.*<sup>110</sup>



The Quai Branly project followed criticism from collectors, art historians, artists, and writers that Paris art offerings were euro-centric or demeaning of other cultures. The group of hundreds of supporters, led by ethnologist Jacques Kerchache, published a manifesto in

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<sup>109</sup> Dias, N. (2008). Double erasures: rewriting the past at the Musée du quai Branly. *Social Anthropology/Anthropologie Sociale*, 16(3), 300-311.

<sup>110</sup> David Lefranc. (n.d.). *The Quai Branly Museum* [Photograph]. OTCP. <https://www.france.fr/en/paris/article/quai-branly-museum>

*Liberation* and a campaign directed at then mayor of Paris, Jacques Chirac.<sup>111</sup> At the time, Paris did not have a fine art museum dedicated to non-Western art, and signatories of the manifesto believed that the ethnographic Musée de l'Homme could not be reformed to do these works justice.<sup>112</sup> Chirac, who would become the President of France from 1995 to 2007, took on the museum as his pet project, in keeping with the French presidential tradition of constructing legacy museums or monuments as one's time in office ends. Looking to make his mark on the Parisian cultural landscape, Chirac worked to combine the art-oriented collection of the Musée national des Arts d'Afrique et d'Océanie with that of the Musée de l'Homme, run by anthropologists. The site was designed by Jean Nouvel, the Pritzker Prize-winning French “starchitect” responsible for other major museums, such as the Reina Sofia expansion in Madrid and the Louvre Abu Dhabi, as well as many landmark buildings in Paris, such as the Institut du Monde Arabe and later Philharmonie de Paris. Today, the museum holds roughly 300,000 works with African, Asian, Native American, and Oceanic origins.<sup>113</sup>

Since 2006, however, another controversy has surfaced. Today's activists argue these objects should never have been in Paris to begin with. The Musée Quai Branly benefits from being a seemingly new museum, combining two previous overtly colonial collections under a clean new face. Exploitative colonial history is thus artificially deemphasized — in fact, most of its galleries avoid any mention of colonial exploits.<sup>114</sup> Furthermore, a renaming and rebranding of the collection — deviating from previous characterizations of “primitif,” “premier,” and “exotique” — does not negate the underlying assumptions of the museum. As Maryse Fauvel writes in an essay on the Quai Branly:

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<sup>111</sup> Kerchache, J. (1990). Pour que les Chefs-d'Oeuvre du monde entier naissent libres et égaux. *Libération*, 15.

<sup>112</sup> Price, S. (2007). *Paris primitive: Jacques Chirac's museum on the Quai Branly*. University of Chicago Press, 50.

<sup>113</sup> Dias, 2008, 300.

<sup>114</sup> Amato, S. (2006). Quai Branly museum: representing France after empire. *Race & class*, 47(4), 46-65.

“... il est néanmoins à craindre qu’il fasse croire que ces objets et oeuvres représentant l’« autre », exotique en faisant oublier les vastes différences d’espaces et de temps entre les cultures créatrices, les milliers d’années qui peuvent les séparer, des siècles d’histoire, d’invasions coloniales, de guerres intestines, d’évolutions et de changements, et des dizaines de milliers de kilomètres.”<sup>115</sup>

What the Quai Branly attempts to put under one roof, Fauvel argues, is a disjointed attempt at defining and confining the “other” to a single aesthetic, doing the objects themselves injustice.

**Figure 4.** *The interior of the Musée Quai Branly - Jacques Chirac*<sup>116</sup>



### Analyzing Rhetoric in French Museums

Academic Maureen Murphy argued in an article in *Le Monde* that despite all other political and legal considerations, museums are still at the heart of the restitution debate. The willingness of museum leaders to address restitution and colonialism thus greatly affects the outcome.<sup>117</sup> This

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<sup>115</sup> “... it is nevertheless to be feared that it makes one believe that these objects and works representing the “other”, exotic by making one forget the vast differences in space and time between the cultures that created them, the thousands of years that can separate them, centuries of history, colonial invasions, internal wars, evolutions and changes, and tens of thousands of miles.” Fauvel, M. (2014). *Exposer l’«autre»*. *Essai sur la Cité nationale de l’histoire de l’immigration et le Musée du quai Branly*. Paris: L’Harmattan, 69.

<sup>116</sup> Ed Alcock. (2006). *Quai Branly* [Photograph]. The New York Times. <https://www.nytimes.com/2006/06/22/arts/design/22quai.html>

<sup>117</sup> Murphy, M. (2018). « Les non-dits du débat sur la restitution du patrimoine africain ». *Le Monde* 30.11.

discussion of rhetoric is best understood as deriving from two internal “voices” of the museum: 1) an institutional voice, and 2) a curatorial one. Museums in France generally operate like non-profit organizations, even when formally connected to the state, needing to meet business goals related to visitorship and revenue. But their artistic nature also places museums at a crux of creative development and societal change. Thus, museums have internal organizational tension.<sup>118</sup> Institutional stances generally derive from museum executives and official museum communications, often speaking to the museum’s overarching mission and financial goals. On the other hand, exhibitions and curatorial choices are spaces where curators and researchers have more creative and intellectual freedom. Organizational change in museums thus tends to happen first in temporary and creative programming. While museums’ internal voices may often work in tandem, sometimes they diverge. This curatorial divergence might be a preview of restitution attitudes to come.

### *Rhetoric at the Institutional Level: Official Museum Stances*

At an institutional level, museums are actors in a political and cultural sense, which means they often take official stances on issues related to their collections or purpose. These institutional stances usually take the form of museum communications such as speeches, statements, press releases, mission statements, and information displayed on their websites.

To understand the theoretical frameworks within which museum communications exist, it is important to remember several national myths perpetuated by French society: exoticism, universalism, and exceptionalism. Exoticism derives from French conceptions and expectations of the “other.” Rooted in 19th century orientalism, exoticism constructs an imaginary and often

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<sup>118</sup> Coblenz, E., & Sabatier, V. (2014). Articulating growth and cultural innovation in art museums: The Louvre's business model revision. *International Studies of Management & Organization*, 44(4), 9-25.

harmful vision of another culture, hidden behind false acknowledgment and appreciation of that culture's values.<sup>119</sup> Universalism, as earlier defined, refers to French values of viewing culture as universally applicable. In the context of French museums, universalist views manifest in their arguments for collections to remain in France for the public good of the French nation and the world, for purposes of education, and for the maintenance of a culture of preservation that museums embody.<sup>120</sup> Exceptionalism is essentially the idea that France is different from other countries, often deriving from its revolutionary and republican traditions, belief in its necessary global *rayonnement*, and devotion to culture and the special nature of cultural objects broadly understood.<sup>121</sup> Scholars debate the extent to which French exceptionalism is true, or whether French exceptionalism waned in the 1980s with the end of the *Trente Glorieuses*, but what is more important to this thesis's analysis is how exceptionalism manifests itself in the behavior of museums.<sup>122</sup> Materially, museums perpetuate the idea that France is a place that is "safe" for these objects, with illusions of exceptional stability and technological advancement for conservation.<sup>123</sup> These three national myths are present in the rhetoric of French museum communications — including speeches, statements, press releases, mission statements, and websites, particularly as they relate to colonialism and restitution.

From the Quai Branly's founding, the museum's self-framing straddled appreciation for non-European art and the creation of an exotic environment in Paris to match the far-flung objects the museum houses. Jacques Chirac made clear at the museum's inauguration his desire

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<sup>119</sup> Said, E. W. (1979). *Orientalism*. Vintage.

<sup>120</sup> Gorman, J. M. (2011). Universalism and the new museology: impacts on the ethics of authority and ownership. *Museum Management and Curatorship*, 26(2), 149-162.

<sup>121</sup> Hewlett, N. (2004). France and exceptionalism. *The French Exception*, 3-15. Godin, E., & Chafer, T. (Eds.). (2004). *The French Exception*. Berghahn Books.

<sup>122</sup> Furet, F., Julliard, J., & Rosanvallon, P. (1988). *La République du centre: la fin de l'exception française*. Calman-Lévy.

<sup>123</sup> Lavondès, A. (1981). The Museum of Tahiti and the Islands—towards realistic policies and practice. *Museum International*, 33(2), 118-121.

for an institution dedicated to cultural diversity and universal identities.<sup>124</sup> Chirac hailed the power of the museum to change minds: “Par là, il veut promouvoir, auprès du public le plus large, un autre regard, plus ouvert et plus respectueux, en dissipant les brumes de l’ignorance, de la condescendance ou de l’arrogance qui, dans le passé, ont été si souvent présentes et ont nourri la méfiance, le mépris, le rejet.”<sup>125</sup> As he spoke to ministers, museum officials, and the Secretary-General of the United Nations, Kofi Annan, Chirac described his museum as a global project to promote the power of “infinite diversity” and universalism to unify and foster cross-cultural dialogue. In attempting to advance the Quai Branly as a post-colonial museum, seeing its objects in an aesthetic and nearly spiritual light, Chirac failed to acknowledge what was and is an ongoing colonial legacy between France and its former colonies.<sup>126</sup>

Universalism often manifests as an argument for museums’ own existence. Generally, museums do not mention restitution unless they need to for fear the public will question this founding principle. For example, the Quai Branly displayed the Benin Bronzes in its collection in a 2007-2008 exhibition titled “Bénin : Cinq siècles d’art royal.” The museum described the exhibition as containing “Trésors de l’humanité et pièces maîtresses des musées du monde entier, de magnifiques bronzes et des sculptures en ivoire sont au cœur du parcours,” revealing the immense “richesse du passé du Nigeria.”<sup>127</sup> The exhibition catalog furthered this conception of the bronzes as universal objects belonging to humanity. In an editorial for the catalogue, Yves Le Fur, a French curator and director of the Quai Branly’s Département du patrimoine et des

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<sup>124</sup> Dias, 2008, 302.

<sup>125</sup> “By doing so, he wants to promote, among the widest public, another view, more open and more respectful, by dissipating the mists of ignorance, condescension or arrogance which, in the past, have been so often present and have nourished mistrust, contempt, rejection.” Déclaration de M. Jacques Chirac, Président de la République, sur le Musée du Quai Branly et le dialogue entre les cultures du Nord et du Sud, à Paris le 20 juin 2006.

<sup>126</sup> Dias, 2008, 306.

<sup>127</sup> “Treasures of humanity and masterpieces of museums around the world, magnificent bronzes and ivory sculptures at the heart ... wealth of Nigeria’s past.”



collections, described the bronzes as having been brought to Europe, where their presence on the market increased Europeans' interest in sub-Saharan art, for the better. The works drew the “admiration des spécialistes et un vif intérêt de la part des musées et des collectionneurs privés impressionnés par la beauté de ces pièces et leur importance pour l’histoire de la culture de l’Afrique occidentale.” He also appealed to French universalist values: the bronzes “incarnent aujourd’hui une valeur culturelle universelle et intemporelle,” Le Fur wrote.<sup>128</sup> The catalogue does not mention restitution, nor does it discuss how the bronzes were taken forcefully and without permission.

**Figure 5.** *Representation of the Benin Bronzes by contemporary artist Tony Phillips<sup>129</sup>*



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<sup>128</sup> “... admiration from scholars and keen interest from museums and private collectors impressed by the beauty of these pieces and their importance to the history of West African culture.” “... embody today a universal and timeless cultural value.”

<sup>129</sup> A contemporary Black British artist whose work has addressed the displacement of the Benin Bronzes in Western museums, Phillips imagined what the bronzes, now fragmented, might have looked like in the royal palace of the Kingdom of Benin. Tony Phillips. (1984). *Benin Bronzes* [Etching on wove]. <https://www.artsy.net/artwork/tony-phillips-benin-bronzes>

When the Quai Branly repatriated 26 of the Benin Bronzes in 2020, most museum explanations focused on this case as an exception, not the norm. The Quai Branly did not necessarily oppose the restitution of objects clearly identified as the spoils of colonial violence, such as the Benin Bronzes. Instead, museum officials heralded the restitution as a “symbolic gesture toward Africa” — framing the move more as an example than a trend; it was a one-time event to relieve the pressure. Director of the Quai Branly Stéphane Martin praised Macron’s “balance” between restitution and the preservation of museum collections.<sup>130</sup> This argument is a different type of case-based exceptionalism, with museums employing a version of national exceptionalist rhetoric to restitution. But this exceptionalism allows France to be at the vanguard of restitution while also defining strict parameters within which France will fulfill this vanguard role. Essentially, France is warning the world not to view the Benin Bronze restitution as the beginning of a pattern; it is exceptional.

*Curating Rhetoric in the Galleries: Wall Texts, Educational Materials, and Display Design*

Unique perhaps to the restitution debate — as opposed to many looting cases, for instance — is the fact that the objects in question are on display until they are repatriated. In Murphy’s understanding, the front lines of restitution conversations are thus museum galleries themselves, and what visitors can find there inform public attitudes and learning.<sup>131</sup> Undeniably, the work of curators might overlap with or undermine official discourse of the institution; there exists a tension between the tightly controlled discourse at the institutional level and the more subjective effects communicated in the galleries. A facade that appears coherent at the surface may actually

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<sup>130</sup> Hunt, T., Dorgerloh, H., & Thomas, N. (2018). Restitution Report: museum directors respond. *The Art Newspaper*, 27.

<sup>131</sup> Author interview with Maureen Murphy.

be rife with fault lines. What can curatorial choices such as wall texts, educational materials, and display design — from lighting choices to object placement — reveal about museum attitudes?

Whether museums decide to address controversy over restitution alongside the objects themselves demonstrates conflicting logics museums employ to maintain a positive image. In the first strain, museums avoid mentioning restitution altogether, assuming silence is best while restitution debates happen in the background. Only once an object's restitution has been finalized will the museum address the issue, but usually not in the galleries themselves. Likewise, this logic assumes that the public likely isn't aware of the debates over individual objects — why bring the issue to the public if the public hasn't brought the issue to the museum? It also implicitly assumes that visitors would side with the restitution advocates, affecting any previously held positive views of the museum and undermining the curatorial work done to immerse and impress visitors.

On the other hand, some museums address restitution head-on, assuming visitors have either already engaged in the debate or will have a more positive view of the museum as a self-aware and progressive institution. While rhetoric in the gallery does not always align with restitution outcomes (museums can “talk the talk” without “walking the walk”), acknowledging the museum's weaknesses to the audience in the galleries can be a way of taking the pressure off and acquiescing to a debate that would otherwise spark controversy and protest.<sup>132</sup>

Museum texts at the Quai Branly tend to echo the same exotic admiration of those individuals that found and took the object. For example, a wall text next to a display of a spear

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<sup>132</sup> Some museums have been criticized for not repatriating objects but have openly acknowledged the argument for repatriation. The MAAOA (the subject of the third chapter's case study), for instance, writes on its website that “Ce début du 21ème siècle s'ouvre sur la question de la provenance de ces œuvres, celle de leur utilité dans le musée ou de leur restitution dans leur pays d'origine.” While the MAAOA has not repatriated any objects thus far following outcry in 2020, its willingness to address the subject has worked in its favor and has at least temporarily diverted attention toward other (more silent) museums. <https://musees.marseille.fr/collection-permanente-du-maaoa>

and a staff from Mali introduces the objects with a quote from Paul Soleillet's *Voyage à Ségou*, the travel journal of the French explorer sent to investigate the area's economic potential prior to its conquering by French colonial forces.<sup>133</sup> Neither object had an identified source or provenance on its wall label or online, so it is unclear to the visitor whether the objects were collected during Soleillet's expedition. Still, the viewer is introduced to the objects and their meaning through the lens of a French outsider and colonial figure, who without foil is thus assumed to be the authoritative voice on the matter.

Subtle word choice in wall texts serve to soften colonial history. Instead of being stolen, objects are “discovered”; on “expeditions” more often than “conquests.” An introductory wall text to the Quai Branly's African collections invites the viewer on a universalist journey and says the objects presented illustrate “l'unité et la diversité des productions artistiques africaines qui émaillent cette invitation au voyage.”<sup>134</sup> A small installation — two wall texts along a central dividing wall of the museum — is potentially the best, if only, example of self-criticism in the Quai Branly. The installation claims to “contemplate and put into historic perspective the complex phenomenon of collecting, which is always the reflection of a period and a way of thinking.”<sup>135</sup> Nearly acknowledging the violent history of many objects in the collection, the installation tends apologist over apologetic. The first of the two wall texts, “travel fragments,” notes the “human adventure” behind every artifact. “... Their journeys invariably filled with encounters, and some enhanced by close ties subsequently forged with peoples from far-off

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<sup>133</sup> The objects in question are *Lance avec figure féminine* (70.2000.17.1) and *Bâton avec figure équestre*, (73.1962.5.1) both from Bamana in Mali. The Paul Soleillet quote reads as follows: “Le chef des forgerons fume une grosse pipe, a près de lui son cheval blanc tout sellé, et deux griots accroupis chantent le travail, la puissance du forgeron, qui prend le fer et le feu, ce que l'homme connaît de plus fort, joue avec eux, amollit le fer comme la cire, en fait, selon son plaisir, un couteau, une hache pour façonner le bois, une bêche pour remuer la terre, un sabre, une lance pour tuer et donner aux rois force et puissance.” *Voyage à Ségou*, 1879.

<sup>134</sup> “illustrating the unity and the diversity of the African artistic productions which embellish this invitation to travel.”

<sup>135</sup> Official museum translation on wall text.

lands,” the text reads — travelers facing their own “prejudices,” but also their “sense of wonder.” A second text, titled “magnetic lands,” acknowledges “the way Western eyes view the Other” and how the Quai Branly’s collection is framed by this exoticism. But it stops short of questioning the presence of the objects in the collection. In the Quai Branly, the story of the collection “begins with the exploration of the world by Westerners, and then continues with colonial conquests, ethnographical expeditions, and the discovery of these objects by artists in the early 20th century,” according to the wall text. This installation is thus a way of acknowledging that the Quai Branly does not attempt to tell the story of the objects as their owners would — it can only display them as figments of a Western imagination, which, it suggests, is not a bad thing. It’s this argument that restitution activists jump on — why display objects in a museum that is incapable of speaking to the experience of their makers?

Much of the exoticism, universalism, and exceptionalism in the galleries is conveyed by more subtle atmospheric curatorial choices, from architectural construction to lighting and display design. In fact, the museum deliberately limits or distances explanatory wall labels, leaving contextual information mostly in a virtual space.<sup>136</sup> Deep ambiguities exist within the Quai Branly’s galleries, and such curatorial choices can be read either as progressive or exotifying. The Quai Branly is a dark museum with theatrical lighting, evoking a trope in Western art and literature of Africa being dark, mysterious, and uncivilized.<sup>137</sup> The galleries flow from one region to another without much separation — while this could be considered a proclamation of openness and cross-cultural dialogue, it also evokes an understated assumption

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<sup>136</sup> Clifford, J. (2007). Quai Branly in process. *October*, 120, 3-23. Clifford, J. (2007). Le quai Branly en construction. *Le débat*, (5), 29-39.

<sup>137</sup> Some examples include *Heart of Darkness*, which while it is debated whether the novella is more racist than a condemnation of racism and colonialism, undeniably paints a picture of Africa as a dark and exotic continent, full of horror for its white characters.

of monolithism, whereas European art and objects are afforded the privilege of classification and stratification. Nor are these objects allowed to challenge European works side-by-side. Objects are encased in 360-degree glass, establishing an effect of seeing through the case to other objects beyond.<sup>138</sup> The central space housing the permanent collection is thus heavily curated, with temporary programming relegated to other areas of the museum complex.

Consistent with the theory that temporary museum programming is often more progressive or forward-looking than its permanent collection, Quai Branly exhibitions lean into locally owned objects on loan and allow its curation to challenge conceptions of belonging in a colonial collection. The 2022 exhibition “The Routes des Chefferies in Cameroon : From the visible to the invisible” was developed alongside *La Routes des Chefferies*, a Cameroonian association that aims to preserve its own cultural heritage.<sup>139</sup> Many of the objects in the exhibition were on loan from the Chiefdoms that owned them.<sup>140</sup> The Quai Branly’s programming has also been praised for engaging the community with interactive events.<sup>141</sup> On the other hand, loans from home countries are rare amongst displays of the Quai Branly’s permanent collection. Time will tell if the Quai Branly decides to permanently follow the lead of its temporary displays.

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<sup>138</sup> Pilegaard, A. (2020). Through the lens of the glass cabinet: entering the material realm of museum objects. *Interiors*, 10(3), 172-190.

<sup>139</sup> *On the Road to Chiefdoms of Cameroon*. (2022). Retrieved January 22, 2023, from <https://m.quaibrantly.fr/en/exhibitions-and-events/at-the-museum/exhibitions/event-details/e/on-the-road-to-chiefdoms-of-cameroon-39168>

<sup>140</sup> Naissance de la RDC. (n.d.). *Route Des Chefferies*. Retrieved January 22, 2023, from <https://routedeschefferies.com/a-propos/a-propos-de-nous/>

<sup>141</sup> Sciolino, E. (2016, October 27). At the Quai Branly, ‘Each Exhibition We Do Is a Book Telling a Story.’ *The New York Times*. <https://www.nytimes.com/2016/10/30/arts/design/at-the-quai-branly-each-exhibition-we-do-is-a-book-telling-a-story.html>

## Object Provenance

One place in which institutional and curatorial motivations merge or clash is in provenance display. Provenance in museums traces an object's history — where it was found and its past stewardship.<sup>142</sup> Provenance is one of the elements that unites institutional and curatorial discourse, as provenance research is an institutional endeavor with institutional implications for object ownership, whose results end up on the gallery wall texts of each individual object. There are two main elements of provenance analysis: 1) whether the provenance work is complete, correct, and properly displayed, and 2) how researchers' biases and theoretical assumptions have impacted the integrity of object provenance.

Modern museums expanded dramatically in France during the colonial period, and cross-cultural collections were introduced largely thanks to colonial endeavors in Africa, the Americas, southeast Asia, and Oceania. Current museum collections reflect this French sphere of influence and the many expeditions of political, economic, or religious intent — of which cultural objects were often byproducts brought back to France by missionaries and “explorers.” The idea of provenance arose first in France around the time of early French colonization in the seventeenth century. Some attribute the origin of provenance work to Jean Mabillon, a French Benedictine monk who was one of the first scholars to place importance on documentation and authentication of archival material.<sup>143</sup> At the beginning of the 20th century, historian Waldo Leland suggested museums adopt “the French method of describing archives in progressive levels of detail,” confirming the French origin of the idea.<sup>144</sup>

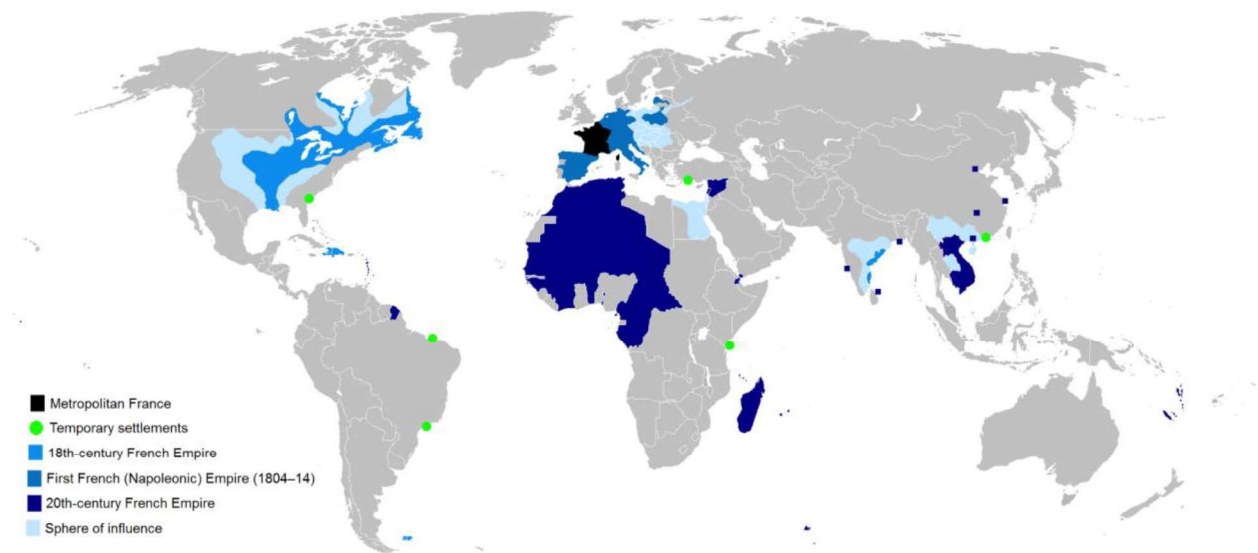
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<sup>142</sup> Sweeney, 2008.

<sup>143</sup> Sweeney, S. (2008). The ambiguous origins of the archival principle of “provenance”. *Libraries & the Cultural Record*, 43(2), 195.

<sup>144</sup> Belovari, S. (2013). Professional minutia and their consequences: provenance, context, original identification, and anthropology at the Field Museum of Natural History, Chicago, Illinois. *Archival Science*, 13(2), 143-193.

**Figure 6.** *Expanse of French colonial influence by era and category.*



Despite being a concept that originated in France, provenance in many French museums is lacking or inadequate. In the Quai Branly, some objects do not have their provenance displayed. Additionally, part of provenance research involves informing the public of object origins — currently, even if the public can see an object was acquired during the Dakar-Djibouti expedition, there is no Quai Branly resources for understanding the context of the expedition or under what conditions the object was acquired. Furthermore, on the art market and in museums, if the collector’s name is present, it is often more prominently displayed over the group or individual who made it.<sup>145</sup> Provenance, as far as it is presented to the public, is thus either celebratory or silent on the issue of colonialist expeditions.

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<sup>145</sup> Touré, D. (2015). Art africain et marché de l’art: provenance et pedigree des œuvres sans visa. *Presence Africaine*, 191(1), 53-62.



## The Bigger Picture

When considering curatorial choices, provenance, and rhetoric related to restitution, it is important to understand how object meanings have changed over the decades, and often centuries, they have remained in France. Scholars have identified a tendency for Western museums to focus on sight above all other senses, reducing non-Western, highly sensory objects to only a fraction of their initial significance.<sup>146</sup> On the other hand, French defenders of ethnographic museums argue French museums give new life to objects and allow them to be studied and researched.<sup>147</sup> This line of thinking is not far from that which grounds the principle of universalism — the idea that France has something intangible to gain (and to contribute to world culture) from the presence of foreign objects on French soil.

While this chapter's case study illustrated that the Quai Branly sees less divergence between its curatorial and institutional messaging, other museums more openly embrace restitution and more broadly, the bloody colonialist history that mars many of the objects in their collections. The Musée d'Arts Africains, Océaniens et Amérindiens (MAAOA) in Marseille, the case study for Chapter 3, openly acknowledges restitution in its galleries, for instance. Next to an empty case in its Oceania galleries, a wall text titled "Restitution du Patrimoine aux peuples d'origine" describes the 2012 restitution of a *toi moko* preserved tattooed head to its original Maori owners. Why have other museums like the MAAOA decided to address restitution in its permanent collection galleries when the Quai Branly did not? The answer could lie in a number of explanations: progressive curators, regional differences (the MAAOA is one of the only ethnographic museums in France outside of Paris), or increased activist attention. Still, the Quai

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<sup>146</sup> Classen, C., & Howes, D. (2006). The museum as sensescape: Western sensibilities and indigenous artifacts. *Sensible objects: Colonialism, museums and material culture*, 5, 199.

<sup>147</sup> Grognet, F. (2005). Objets de musée, n'avez-vous donc qu'une vie?. *Gradhiva. Revue d'anthropologie et d'histoire des arts*, (2), 49-63.

Branly has seen similar tactics and heightened activism because of its prominent public presence. What is clear is that museums respond to outcry and societal expectations differently, and museum rhetoric can also reflect the type of public pressure it faces, which will be a focus of Chapter 3 on activism.

## **Conclusion**

If there are seeds of restitution support in some museums, why aren't French museums better agents for restitution? Museum attitudes and rhetoric are ultimately somewhat ambiguous and actionless — they adopt a “hands are tied” attitude. Do museum directors appeal to legal and political constraints because of their proximity to those constraining officials and institutions?

While museums may be the most visible battleground of the restitution debate, in the highly centralized institutional structure of France, it is true that museum stances can only change so much. Museum directors are quick to cite national laws on *inalienabilité* and political considerations as barriers to restitution. And to a certain extent, they're right. Unlike other countries with colonial collections, where collection transfer powers often lie with a Board of Trustees and require little involvement from the national government, France's laws enshrine its museums' collections as national heritage property.<sup>148</sup> In France, restitution is an issue that can arrive on the President's desk. Our analysis of stalled restitution will thus follow this chain of blame to the next rung: French national law and politics.

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<sup>148</sup> The British Museum. (2018). *British Museum policy: De-accession of objects from the collection*. [https://www.britishmuseum.org/sites/default/files/2019-10/De-accession\\_Policy\\_Nov2018.pdf](https://www.britishmuseum.org/sites/default/files/2019-10/De-accession_Policy_Nov2018.pdf)

## CHAPTER II. *Inaliénable*: Public collections, national laws, international implications

“This is not just about the return of African art. When someone’s stolen your soul, it’s very difficult to survive as a people.”

— Prince Kum’a Ndumbe III, Academic and leader of Duala people of Cameroon<sup>149</sup>

### Introduction

While museums do not appear to support restitution, they tend to blame national laws and political constraints for their lack of agency on the matter. So how do French national politics drive or prevent restitution?

The principle of *inalienabilité*, which stipulates that French public museum collections are property of the state, suggests restitution constraints are unshakable legal principles. This chapter will propose that *inalienabilité* is an important barrier to repatriation, but not as an unyielding legal restriction as many museums frame the issue. Instead, I argue *inalienabilité* is heavily politicized to control repatriation so that it only occurs when it is geopolitically advantageous for France. Importantly, the unique intertwining of the French executive, legislative, and judicial branches of government (less pronounced than those of the United States, for instance) means law isn’t neutral — often, it is a function of politics.

In outlining how the French juridic-political context influences repatriation, this chapter will draw upon a second case study museum: the Musée du Louvre. While seemingly less a target for repatriation requests due to its predominantly Western collection, the Louvre actually

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<sup>149</sup> Nayeri, F. (2018, November 27). Return of African Artifacts Sets a Tricky Precedent for Europe’s Museums. *The New York Times*. <https://www.nytimes.com/2018/11/27/arts/design/macron-report-restitution-precedent.html>

has an intensely colonial collection of which many objects have open repatriation requests. The Louvre's Egyptian collection is particularly flagrant, as most objects were stolen or otherwise acquired during Napoleon's military conquest and subsequent colonial expeditions. Despite these many restitution requests, including a demand for the repatriation of the Dendera Zodiac by the prominent Egyptian archaeologist Zahi Hawass, the Louvre has not seen repatriation on equal scale to that of the Quai Branly. Evidence of non-repatriation is thus a good starting point for an analysis of legal and geopolitical roadblocks.

### *Le Musée du Louvre*

The Louvre is one of the most known and respected museums in the world, and it is deeply entrenched in France's national identity. Founded in 1793, in the middle of the French Revolution, the Louvre occupies the former palace of French kings. Originally comprised of the former royal art collection, the Louvre Museum is the archetype of a public art museum that has been the inspiration for similar institutions around the world. As such, the museum has always been highly political and symbolic (e.g., Socialist President François Mitterrand's then controversial decision to allow the museum and affiliated institutions to take over the entire Louvre building and to construct the I. M. Pei-designed glass pyramid as its new main entrance, inaugurated in 1989 for the bicentennial of the French Revolution). The Louvre's founding revolutionary goal of controlling memory and crafting a collective historical narrative still rings true in the contemporary iteration of a centuries-old museum.<sup>150</sup>

As the oldest museum of its type, its collection reflects centuries of French politics, domestically and abroad. Napoleon I's conquests across Europe and beyond resulted in the

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<sup>150</sup> McClellan, A. (1999). *Inventing the Louvre: Art, politics, and the origins of the modern museum in eighteenth-century Paris*. Univ of California Press.

plundering of thousands of objects, including 506 from Italy, many Flemish objects, and more from Russia and Prussia.<sup>151</sup> Though the Congress of Vienna in 1815 facilitated the return of many of these objects to their respective countries, many remain in the Louvre to this day.<sup>152</sup> The Louvre's collection mainly consists of European paintings, sculpture, and decorative arts, as well as the art of Ancient Greece, Rome, Egypt, and the Middle East. In 2000, however, 120 objects from the former collections of the Musée National des Arts d'Afrique et d'Océanie and the Musée de l'Homme (from which also derive the Quai Branly collection) were chosen for display in the Louvre.<sup>153</sup>

The Louvre is a public museum funded by the French government. It is also a Musée Nationale, a designation reserved for the most influential collections in France.<sup>154</sup> In many ways, the Louvre is more than a museum — it represents the worldwide symbolic cultural influence of France. Today, the Louvre is the most visited museum in the world, receiving millions of visitors each year. As such, it is also one of the most visible and influential institutions in the museum world. Decisions made by the Louvre are bound to be scrutinized worldwide. Thus, its decision-making process is often conservative and slow, with extreme changes — like a restitution — happening infrequently, if at all.

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<sup>151</sup> Bisi, F. (2022). 'Conquête Militaire': The Ethics of Restitution of the Louvre's Napoleonic Legacy. *The Coalition of Master's Scholars on Material Culture*. Goodman, 2008, 676. Auslander, L., & Zahra, T. (Eds.). (2018). *Objects of war: The material culture of conflict and displacement*. Cornell University Press, 27.

<sup>152</sup> Miles, M. (2011). Still in the aftermath of Waterloo: a brief history of decisions about restitution. *Cultural heritage, ethics and the military*, 29-42.

<sup>153</sup> *Artworks from Around the World: The Pavillon des Sessions*. (n.d.). Le Louvre. Retrieved June 12, 2022, from <https://www.louvre.fr/en/explore/the-palace/artworks-from-around-the-world>

<sup>154</sup> The Louvre and the Quai Branly are both considered part of the *Musées Nationaux*, a list created in 1945 under the Ordinance on the Provisional Organization of Fine Arts Museums. *Musées Nationaux* are also automatically considered *Musées de France*, under a newer, broader designation that applies to hundreds of museums across France. *Inaliénabilité* functions the same under both designations. *National Museums: The Network of Museums with National Collections*. (2023, September 3). Ministère de La Culture. <https://www.culture.gouv.fr/en/Thematic/Museums/Les-musees-en-France/The-museums-of-France/National-Museums-The-Network-of-Museums-with-National-Collections>

The Louvre, as one of the most prominent museums in the world, has undoubtedly been a target for restitution requests, to varying degrees of detail and success. One prominent case is that of the Dendera Zodiac, one of the highlights of the Egyptian artifact collection.<sup>155</sup> As a later section of this chapter will outline, the Louvre has yet to repatriate this object and others in its collection, only repatriating items such as Benin Bronzes and stolen Nazi art under immense pressure, and often as part of legislation that also targets other museums. The Louvre is particularly careful to comment on issues of repatriation. Several colloquia held at the Louvre have discussed restitution in an academic sense, placing emphasis on meticulous and judicious provenance research: “Si les recherches de provenance constituent une voie privilégiée de l’étude du musée à la source, celle-ci est également un terrain de recherche inestimable pour l’histoire des pratiques scientifiques.”<sup>156</sup> Some segments of a separate colloquium on June 1, 2022 focused on repatriation, but mainly in the context of cultural destruction or theft during the World Wars in Europe.<sup>157</sup> Only once do these colloquium bring up non-European art, acknowledging ongoing provenance work in the Egyptian art department: “... les départements du musée du Louvre et en particulier ceux des Antiquités égyptiennes et des Objets d’art présenteront l’avancement des travaux menés sur leurs fonds.”<sup>158</sup> The Louvre thus strategically controls discussion of

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<sup>155</sup> Doguereau. (2002). *Guns in the desert : General Jean-Pierre Doguereau's Journal of Napoleon's Egyptian expedition*. Praeger. Buchwald, J. Z. (2003). Egyptian Stars under Paris Skies. *Engineering and Science*, 66(4), 20-31. Denon, V. (1802). *Voyage dans la basse et la haute Egypte, pendant les campagnes du Général Bonaparte: Text* (Vol. 1). Didot.

<sup>156</sup> “While provenance research is a privileged avenue for the study of the museum at source, it is also an invaluable field of research for the history of scientific practices.” Collège de France. (2021, June 24). *Le musée comme archive* [Colloque]. <https://www.louvre.fr/en-ce-moment/evenements-activites/le-musee-comme-archiver>

<sup>157</sup> Anne Labourdette. (2022, June 1). *Le cas du musée de la Chartreuse de Douai: Œuvres retrouvées et restitutions*. Sur la piste des oeuvres disparues en temps de guerre (1870-1945), Auditorium Michel Laclotte, Musée du Louvre.

<sup>158</sup> “... the departments of the Louvre Museum, and in particular those of Egyptian Antiquities and Objets d'art, will present the progress of work carried out on their collections.” Anne Heilbronn et Aurélie Vandevoorde. (2022, February 2). *La politique de restitution de Sotheby's. Étude d'un cas pratique*. La recherche de provenance : Enjeux et méthodes, Musée du Louvre.

provenance and restitution by confining it to academic discourse, including museum professionals and excluding outside voices.

### **Nationalized Culture and the Principle of *Inaliénabilité***

Often cited as the main barrier to restitution, the principle of *inaliénabilité* has a long and dynamic history, serving the interests of a range of actors, from the monarchy to the contemporary European Union-oriented government. As demonstrated in the discussion of international law on repatriation, treaties are non-binding and only conveniently followed by France. *Inaliénabilité* reigns supreme in this sense, and few international legal considerations have the potential to convince French officials to ignore their national principle. That said, we do see French politicians make exceptions to *inaliénabilité*, raising the question, why?

#### *Tracking the Principle of Inaliénabilité Through History*

*Inaliénabilité* has its roots in the 16th century *ancien regime*, as it was created to protect royal property.<sup>159</sup> The term first appears in the Édit de Moulins of 1566, which outlines how royal property constitutes the public domain (different from the monarch's private property) and establishes prohibitions from buying and selling inalienable property, initially to prevent the monarchy from selling property and driving its people into poverty.<sup>160</sup> The principle was abolished in 1789 during the French revolution but reinstated in 1846.<sup>161</sup> With the proclamation of the Third Republic in 1870, French monarchs ceased to exist. But their cultural heritage lived

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<sup>159</sup> Descimon, R. (1995). L'union au domaine royal et le principe d'inaliénabilité. La construction d'une loi fondamentale aux XVIe et XVIIe siècles. *Droits*, (22), 79.

<sup>160</sup> Cassan, C. (2020). Should They Stay or Should They Go? African Cultural Goods in France's Public Domain, between Inalienability, Transfers, and Circulations. *Fordham Intell. Prop. Media & Ent. LJ*, 31, 1248.

<sup>161</sup> *Ibid*, 1268.

on. The principle of *inaliénabilité* thus required a new target, and France’s growing collection of national museums seemed poised to adopt the principle for their own benefit: the endurance of their collections.

While *inaliénabilité* operates much differently today, it appears consistently in case law throughout the 20th century, despite never having been formalized in the constitution or in national legislation until very recently.<sup>162</sup> In Feb. 2004, the French government adopted the *Code du patrimoine*. The code expanded upon the term “*Musée de France*” to refer to “any permanent collection composed of goods whose conservation and presentation take on an interest public and organized for the knowledge, education and pleasure of the public.”<sup>163</sup> The designation *Musée de France* had been introduced two years earlier in Jan. 2002 as part of a major reorganization of French public museums. The designation placed over 1,200 museums under the control of the Ministry of Culture, including many smaller regional museums. To become a *Musée de France*, a museum essentially signs a contract with the state. The relationship is intended to be reciprocal — museums must follow conservation, display, and education guidelines in exchange for advice, expertise, and prestige. The *Musée de France* legislation also enshrined the principle of *inaliénabilité* into national law and reaffirmed its constituent museum collections as inalienable property of the French state:

“Les biens constituant les collections des musées de France appartenant à une personne publique font partie de leur domaine public et sont, à ce titre, inaliénables. Toute décision de déclassement d'un de ces biens ne peut être prise qu'après avis conforme du Haut Conseil des musées de France.”<sup>164</sup>

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<sup>162</sup> Caillosse, J. (2018). Le Principe D'Inaliénabilité du domaine public. *Collected Papers of the Faculty of Law in Split*, 55(1).

<sup>163</sup> *Appellation «Musée de France»*. (n.d.). Ministère de La Culture. Retrieved March 1, 2023, from <https://www.culture.gouv.fr/en/Aids-Procedures/Protections-labels-and-names/Name-Musee-de-France>

<sup>164</sup> Code du Patrimoine, Article L451-5 (2020).



Long an antiquated but enduring principle, the enshrining of *inaliénabilité* in 2002 refreshed and substantiated its relevance, especially in a context where French museums had become clear targets of repatriation and *inaliénabilité* was a protection.

### *Exceptions to Inaliénabilité*

While *inaliénabilité* appears to have persisted despite many fundamental changes in French society and political systems, there are several recent examples of exceptions to the principle. First, in March 2002, just months after the “*Musées de France*” label was created, the French legislature decided to repatriate to South Africa the remains of Saartjie Baartman, a Khoikhoi woman who was exploited and exhibited in racist “freak shows” across Europe. Her remains were displayed at the Musée de l’Homme in Paris until the 1970s and remained in the collection until the new South African government under Nelson Mandela demanded her repatriation in 1994. It took eight more years before the French legislature finally approved the request. The return of Baartman’s remains was heralded by members of the French National Assembly as an act of French generosity, living up to the republican ideals of “Liberté, Égalité, Fraternité” — not as a means of reparations for colonial violence.<sup>165</sup> The language of the law also emphasizes the public nature of the museum’s collection: at a time when the “*Musées de France*” designation was relatively new, the law orders that the remains “cessent de faire partie des collections de l’établissement public du Muséum national d’histoire naturelle.”<sup>166</sup>

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<sup>165</sup> Vigneron, S. (2020). The Repatriation of Human Remains in France: 20 Years of (Mal) practice. *Santander Art and culture law review*, 6(2), 313-338.

<sup>166</sup> “cease to be part of the collections of the public establishment of the National Museum of Natural History.” Loi n° 2002-323 du 6 mars 2002 relative à la restitution par la France de la dépouille mortelle de Saartjie Baartman à l’Afrique du Sud.

More recently, in 2020, the French legislature enacted a law authorizing the return of some Benin Bronzes held at the Musée Quai Branly:

“Par dérogation au principe d'inaliénabilité des collections publiques françaises inscrit à l'article L. 451-5 du code du patrimoine, à compter de la date d'entrée en vigueur de la présente loi, les vingt-six œuvres provenant d'Abomey conservées dans les collections nationales placées sous la garde du musée du quai Branly-Jacques Chirac, dont la liste figure en annexe à la présente loi, cessent de faire partie de ces collections.”<sup>167</sup>

Another more recent exception involves a Feb. 2022 law, which passed unanimously in the National Assembly, intended to grant exceptions to *inaliénabilité* for museums to deaccession and return art looted by the Nazis, beginning with a series of works held at the Louvre and the Musée d'Orsay.<sup>168</sup> But in the universe of cases in which demands for repatriation have been levied against French museums, these examples of exceptions are just that — exceptions. French lawmakers are extremely clear each time they breach *inaliénabilité* that they do not intend to do so often, to maintain the rigidity of the law. In the language of the Benin Bronzes restitution law, lawmakers emphasized this was a “dérogation,” or exemption, from the principle of *inaliénabilité*, not a precedent for future derailing of the law. At the restitution ceremony for the returned objects, Macron stated, “The purpose of this adventure is not for France to get rid of every piece of the heritage of others. That would be a terrible vision.”<sup>169</sup> The Minister of Culture at the time, Roselyne Bachelot, said before the vote: “It is not an act of repentance or reparation, nor a condemnation of the French cultural model.”<sup>170</sup>

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<sup>167</sup> “By way of derogation from the principle of inalienability of French public collections enshrined in Article L. 451-5 of the Heritage Code, as of the date of entry into force of this Act, the twenty-six works from Abomey held in the national collections placed in the custody of the Quai Branly-Jacques Chirac Museum, a list of which is annexed to this Act, shall cease to form part of these collections.” LOI n° 2020-1673 du 24 décembre 2020 relative à la restitution de biens culturels à la République du Bénin et à la République du Sénégal (1), 2020-1673 (2020).

<sup>168</sup> Hershkovitch, C. (2022). Restitution of Nazi-Looted Art: The French Law of 2022. *Art, Antiquity & Law*, 27(1).

<sup>169</sup> Nayeri, F., & Onishi, N. (2021, October 28). Looted Treasures Begin a Long Journey Home From France. *The New York Times*. <https://www.nytimes.com/2021/10/28/arts/design/france-benin-restitution.html>

<sup>170</sup> <https://www.expatica.com/fr/general/french-mps-to-vote-on-returning-stolen-artefacts-to-benin-senegal-196090/>

## *Politicization of the Legal*

Laws or principles that prevent repatriation are thus able to be modified by legislative bodies when it is politically beneficial.<sup>171</sup> And not every legislator is against limited modification — some wish to use their power to create laws to diminish the supremacy of *inaliénabilité*. Member of the National Assembly Yannick Kerlogot — a member of Macron’s Renaissance (RE) party — acknowledged this fact when debating the law to repatriate stolen Nazi works, opening the door to “une suite logique qui permettrait au législateur de doter le droit français d’une disposition permettant de régler rapidement et de façon claire ces questions de restitutions.”<sup>172</sup> He said the contexts of WWII and colonial expeditions in sub-Saharan Africa may differ, but in both cases, France carries responsibility for wrongdoing, and thus he underscored a continuity and resonance between this law and the one two years earlier that repatriated the Benin Bronzes. Kerlogot envisioned that the prospect of future challenges to *inaliénabilité*: “revient à interroger le principe même de l’inaliénabilité des collections publiques. La tâche reste ambitieuse mais attendue.”<sup>173</sup>

When debating the Benin Bronzes restitution, members of the Senate were more frequently critical. Senate Member Max Brisson, a member of the center-right Republicans, decried the precedent such a restitution would set:

“Vous vous affranchissez des principes multiséculaires forgés justement pour que le patrimoine de la Nation ne soit jamais soumis aux humeurs du prince de l’instant. Vous contournez le Parlement, pourtant seul légitime depuis la Révolution française à autoriser toute aliénation du patrimoine national. Cette méthode est d’autant plus dangereuse qu’elle dévoie de son sens la pratique encadrée et définie du dépôt d’œuvres d’art,

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<sup>171</sup> Cornu, M., & Renold, M. A. (2010). New developments in the restitution of cultural property: alternative means of dispute resolution. *International Journal of Cultural Property*, 17(1), 1-31.

<sup>172</sup> “... a logical follow-up that would allow the legislator to provide French law with a provision that would quickly and clearly regulate these issues of restitution.”

<sup>173</sup> “... is to question the very principle of the inalienability of public collections. The task remains ambitious but expected.” *Compte rendu des débats de l’Assemblée du 25/01/2022*  
[https://www.legifrance.gouv.fr/download/pdf/debat?id=AN\\_2022-016.pdf&size=728,5%20Ko&pathToFile=/debats/AN/20220126/AN\\_2022-016.pdf](https://www.legifrance.gouv.fr/download/pdf/debat?id=AN_2022-016.pdf&size=728,5%20Ko&pathToFile=/debats/AN/20220126/AN_2022-016.pdf)

utilisée dans le cadre d'un projet scientifique et culturel, et non pour des processus de restitution. Méthode dangereuse également, car elle porte atteinte au principe d'inaliénabilité des collections nationales."<sup>174</sup>

Legislative transcripts demonstrate the political nature of the debate, with the left and center generally supporting restitution more often than right-leaning parties, but it also reveals the heavier criticism dealt when restitutions risk exposing France's colonial legacies.

*Inaliénabilité as a Barrier and the Pathway to Restitution: Why Has the Louvre Not Repatriated?*

*Inaliénabilité* is thus less a barrier to restitution itself, but more so it is a political means through which those who are hostile to repatriation can try to prevent it. The reality that politicians can create exceptions to *inaliénabilité* reveals the principle's strength may be conditional. The real barrier that restrains restitution is thus political will, which I argue in the case of post-colonial restitution is whether France will benefit geopolitically. Definitions of political will vary, but I adopt that of Treadway et al. who posit political will is "an actor's willingness to expend energy in pursuit of political goals, and it is viewed as an essential precursor to engaging in political behavior."<sup>175</sup>

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<sup>174</sup> "You free yourself from the multiseular principles forged precisely so that the Nation's heritage is never subjected to the moods of the moment. You bypass the Parliament, which is the only legitimate body since the French Revolution to authorize any alienation of the national heritage. This method is all the more dangerous because it deviates from its meaning the framed and defined practice of the deposit of works of art, used in the framework of a scientific and cultural project, and not for restitution processes. It is also a dangerous method because it undermines the principle of the inalienability of national collections." Compte rendu des débats du Sénat du 15/12/2020, 11891.  
[https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT\\_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT\\_20200114.pdf](https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT_20200114.pdf)

<sup>175</sup> Treadway, D. C., Hochwarter, W. A., Kacmar, C. J., & Ferris, G. R. (2005). Political will, political skill, and political behavior. *Journal of Organizational Behavior: The International Journal of Industrial, Occupational and Organizational Psychology and Behavior*, 26(3), 229-245.

So how does political will (or lack thereof) affect museums' ability to repatriate? At the Louvre, at least, the museum's legitimacy does not rest on repatriation. As opposed to the Quai Branly, the Louvre is less often associated with colonial expeditions since most of its collections are European. Whereas the Quai Branly's collections are viewed as being from elsewhere, the Louvre's are seen as inherent to French identity, even if they do include stolen objects. The Louvre's official communications on repatriation tends to be opaque or reluctant, as we saw with its relegation to a colloquium topic. Furthermore, the Louvre's unique status as France's best-known museum gives it the quality of acting nearly as spokesperson of the French government — decisions made by the Louvre are so influential that they set a precedent for the rest of the *Musées de France*. But even the Louvre feels pressure: the Dendera Zodiac, for example, is one of the stars of the Louvre's Egyptian collections, where it arrived in 1922 after it was chiseled and extracted using explosives from the ceiling of the temple of Hathor in Dendera (ancient Tentyra).<sup>176</sup> Prior to 2019, the largest controversy over the zodiac was a scientific one: a debate over ancient astrology and the dating of the zodiac.<sup>177</sup> But when Egyptian archaeologist Zahi Hawass requested the return of the zodiac in 2019, then again in a petition in 2022, a new controversy surrounded the object. The February 2022 colloquium at the Louvre that referenced increased provenance research in the Egyptian department could be evidence of Louvre's ivory tower finally feeling the political pressure of the current moment.

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<sup>176</sup> Egypt. (50 av. J.-C.). *Plafond ; relief mural ; Zodiaque de Dendéra* [Matériau : grès ; Technique : bas-relief saillant]. Louvre. <https://collections.louvre.fr/ark:/53355/cl010028871>

<sup>177</sup> Javed, T. A. Circular Myth—The Dendera Zodiac. *Unravelling the Mysteries of Ancient Artifacts*, 27.

**Figure 7.** *The Dendera Zodiac in the Louvre*<sup>178</sup>



### **France's Geopolitical Ambitions**

Having established that exceptions to *inaliénabilité* have precedent and can be created through legislation if the political will exists, I argue a primary driver of past exceptions has been informed by French geopolitical aspirations. Constitutionally, the French parliament is an independent and coequal branch of the French government, and its members represent individual regions and interests. But ultimately, elected officials are representatives of the French state, not their districts. The entities of the French national government are also intertwined. French presidential power is highly concentrated and despite sufficient checks and balances to maintain

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<sup>178</sup> Christian Décamps. (2008). *Plafond ; relief mural ; Zodiaque de Dendéra* [Photograph]. Louvre Département des Antiquités égyptiennes. <https://collections.louvre.fr/en/ark:/53355/cl010028871>

France's democracy, the President's agenda dominates the political scene.<sup>179</sup> Thus, a President's geopolitical agenda usually drives foreign policy decision making (by tradition, part of the presidential *domaine réservé* of regalian powers), and likely political will for restitution.<sup>180</sup>

### *What is Geopolitically Advantageous for France?*

Determining France's geopolitical interests is generally a difficult task, as they change heavily with presidential agendas, alliances, and international conflicts. In the case of the Louvre, France's refusal to repatriate to Egypt has had consequences. In 2009, when Hawass was Egypt's Secretary General of the Supreme Council of Antiquities, the Louvre refused to return frescos from the tomb of Tetaki near Luxor. Hawass responded by suspending the Louvre's excavation of Saqqara and canceled a lecture by a Louvre curator.<sup>181</sup> The French government seemed poised to respond to the pressure, convening a committee of specialists shortly thereafter to determine whether to return the objects. The committee determined the fragments, which the Louvre had bought in 2000 and 2003, were stolen in the 1980s and agreed to return them based on the UNESCO convention governing illegal trafficking of antiquities.<sup>182</sup> Still, this incident demonstrates France's respect for international law on the issue, not wishing to undermine its commitment to the post-war global order it helped establish. It also hints that France will bow to geopolitical pressure if it sees its reputation or interests threatened, though this case's consequences seem reserved to the art and culture world. While an example of poor provenance work and malpractice by a major museum, the Tetaki frescos incident thus does not center

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<sup>179</sup> Martinez, J. S. (2005). Inherent executive power: A comparative perspective. *Yale LJ*, 115, 2480.

<sup>180</sup> Duhennois, D. (2020). Restitution of African colonial artefacts: A reassessment of France's post-colonial identity. *international journal of francophone studies*, 23(1-2), 119-142.

<sup>181</sup> Associated Press. (2009, October 7). Egypt Cuts Ties With Louvre Over Artifacts. *CBS News*. <https://www.cbsnews.com/news/egypt-cuts-ties-with-louvre-over-artifacts/>

<sup>182</sup> France returns frescoes to Egypt. (2009, December 14). *BBC News*. <http://news.bbc.co.uk/2/hi/europe/8412762.stm>

France's colonial exploitation as a reason for repatriation. The resistance in the case of the Dendera Zodiac could prove a foil to the Tetaki example since it was acquired in a colonial campaign. Furthermore, it demonstrates a greater willingness by France to repatriate if the case does not implicate its colonialism.

*France and Egypt: A Deliberately Hidden Colonial Legacy?*

Historically, France has colonized Egypt and exploited its territory and resources on multiple occasions. The Napoleonic campaign (1798-1801) sought to establish a French trading center in the region, but it also caused massive social upheaval as the French imposed political codes and reconstructed major cities.<sup>183</sup> Evidence of the campaign's cultural mission lies in Napoleon's creation of the Institut d'Égypte, which was meant to encourage French scholars to study Egypt and its material culture. While the French abandoned the vision for a physical colony in Egypt in 1801, later that century, they reentered Egypt when Ferdinand de Lesseps created the Suez Canal Company and began construction on the canal in 1859, a vision originated by Napoleon but never implemented during his campaigns.<sup>184</sup> The British and French retained shared control of the canal for a planned 99 years. When Egyptian president Gamal Abdel Nasser nationalized the Suez Canal Company on July 26, 1956, France invaded Egypt alongside Israel and Britain.<sup>185</sup> Egypt won the conflict and finally gained control over the canal.<sup>186</sup> Complicating matters, France was also in the midst of war in Algeria and was angered when Nasser supported the Front de libération nationale (FLN). Despite these outwardly political and economic ambitions, France's

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<sup>183</sup> Strathern, P. (2009). *Napoleon in Egypt*. Bantam.

<sup>184</sup> Bonin, H. (2010). *History of the Suez Canal Company 1858-2008*. Librairie Droz.

<sup>185</sup> Papastamkou, S. (2015). *French-Egyptian Relations Before the Suez Crisis (1954-1956)*.

<sup>186</sup> Gorst, A., & Johnman, L. (2013). *The Suez Crisis*. Routledge.



colonization was not contained to these goals, it was also cultural, as some scholars have pointed out in the *mission civilisatrice* advanced by the French between 1860 and 1914.<sup>187</sup>

Recently, President Macron has sought to distance France's positions on human rights and cultural affairs in Egypt from its defense policy in the region. Tangibly, this reflects an unwillingness on Macron's part to sacrifice defense and anti-terrorism partnerships with Egypt's President Abdel Fattah al-Sisi, with whom France has negotiated several arms deals since 2015. Sisi came to power in June 2014 after a military coup (in which Sisi was a leading general) ousted Mohamed Morsi, who was democratically elected president after the 2011 revolution. Sisi has been accused of corruption, authoritarianism, and extrajudicial killings.<sup>188</sup> "I will not condition matters of defence and economic cooperation on these disagreements [over human rights]," Macron told France 24 in 2020. "It is more effective to have a policy of demanding dialogue than a boycott which would only reduce the effectiveness of one of our partners in the fight against terrorism."<sup>189</sup> Macron even awarded Sisi the Grand-Croix of the Légion d'honneur in 2020.

So, if France is willing to overlook Egypt's human rights record in the name of preserving their relationship, is Egypt effectively doing the same thing when it comes to overlooking non-repatriation? Increasingly, France's military has taken a front seat in French-Egyptian relations over the French Foreign Ministry, and the partnership expands beyond arms to infrastructure, increasing capital flows to France and benefiting Egypt's elite at the cost of low-

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<sup>187</sup> Burrows, M. (1986). 'Mission civilisatrice': French cultural policy in the Middle East, 1860–1914. *The Historical Journal*, 29(1), 109-135.

<sup>188</sup> Aziz, S. F. (2017). Military electoral authoritarianism in Egypt. *Election Law Journal: Rules, Politics, and Policy*, 16(2), 280-295.

<sup>189</sup> *Macron says French arms sales to Egypt will not be conditional on human rights.* (2020, December 7). France 24. <https://www.france24.com/en/france/20201207-live-macron-and-egypt-s-sisi-hold-joint-press-conference-in-paris>

and middle-income Egyptians.<sup>190</sup> The growing relationship between both countries' elites suggests repatriation is an issue neither country believes is worth the risk of disagreement. And as much as Egypt is an important regional partner for France in the Middle East, Egypt also relies on France for arms, which has put the country in billions of euros of external debt that French banks are financing.<sup>191</sup>

Another nuance to this relationship is Egypt's "special status" in Africa, perpetuated in part by the division of Africa between Northern Africa (generally grouped by Western scholars into the Middle East North Africa "MENA" region) and sub-Saharan Africa.<sup>192</sup> In many ways, early museums like the Louvre also perpetuated this division, viewing sub-Saharan art as inferior to Egyptian art. Curators and directors preserved a hierarchy centered around proximity to Europe and universal classicism, viewing France as the most prominent heir to this tradition. In doing so, these museums imagined ancient Egypt as a "museum culture" that is "divorced from the modern country and its people" and whose colonial baggage is left unaddressed in the galleries because the objects are assumed to belong without controversy.<sup>193</sup> The effect as it relates to present-day restitution is a French desire to leave this distinction untouched, to mask colonial legacies that are perhaps less evident or lesser known in the museumsphere (and in relation to restitution) than those in sub-Saharan Africa.

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<sup>190</sup> Maged Mandour. (2022, January 21). *The Cairo-Paris Axis*. Carnegie Endowment for International Peace. <https://carnegieendowment.org/sada/86239>

<sup>191</sup> Mourad R. Kamel. (2021, June 1). 'Egypt is a very useful partner for a declining France' says analyst. *The Africa Report*. <https://www.theafricareport.com/93002/egypt-is-a-very-useful-partner-for-a-declining-france-says-analyst/> 3.2 billion euros of Egypt-French arms deal financed by loan from Paris: Sisi. (2015, February 28). *Reuters*. <https://www.reuters.com/article/us-egypt-france-loan/3-2-billion-euros-of-egypt-french-arms-deal-financed-by-loan-from-paris-sisi-idUSKBN0LW0ZN20150228>

<sup>192</sup> Busse, J. (2020). The historical and social embeddedness of the Post-Ottoman space in world society. In *The multidimensionality of regions in world politics* (pp. 75-93). Routledge.

<sup>193</sup> Stevenson, A., & Williams, A. (2022). blind spots in museum anthropology: Ancient Egypt in the Ethnographic Museum. *Museum Anthropology*, 45(2), 96-110. Abu-Khafajah, S., & Miqdadi, R. (2019). Prejudice, military intelligence, and neoliberalism: examining the local within archaeology and heritage practices in Jordan. *Contemporary levant*.

### *A Neo-Françafrique Primacy?*

Where France has largely dismissed calls for repatriation to Egypt, it seems to take calls for repatriation to former colonies in sub-Saharan Africa more seriously, as is demonstrated by the several successful repatriations to the region. Is repatriation more central to France-sub-Saharan African relations? Or does France view the stolen objects in its national museum collections as diplomatic tools in sub-Saharan Africa? In a world in which France's economic and political influence in sub-Saharan Africa is waning, in large part due to China's heavy involvement in the continent via the Belt and Road Initiative (BRI), cultural heritage may prove to be France's last bargaining chip to achieve diplomatic goals. Instead of a *Françafrique* based on economic need, France may be crafting a *neo-Françafrique*, a policy based in (mostly one-sided) cultural exchange. Stolen objects might thus be leverage in France's geopolitical game.

### **Conclusion**

If museums blame the stalling of repatriation on national laws, which are influenced by France's geopolitical desires, one might posit that in the hands of political elites, the likelihood of repatriation is low. But these two components of the "pyramid of pressure" only tell a part of the story: in the discussion of national politics, we have thus far focused on mainly legal and diplomatic questions. What we have not examined, however, is the domestic political dimension, which will be the subject of the final chapter. These juridical and geopolitical considerations run deep, but the domestic political climate is changing dramatically, which is a recent trend that has the potential to undermine centuries of stagnancy.

And as this chapter has hinted and the next chapter will examine in greater detail, this issue is indicative of shifts in larger socio-political questions. More broadly, the legal status of *inaliénabilité* suggests a belief that restitution must be justified to the French public, but this brings up a fundamental question of the restitution debate: who is the French public and which public deserves the justification? French museums, as entities of the nation-state, are expected to act in the often obscure “national interest.” But brewing beneath the surface of a state that advances universalism, the French population has been changing for decades. Far from egalitarian, contemporary France is marred by unaddressed economic inequality. Furthermore, the violence France inflicted on its colonies for centuries is mirrored by the violence of structural racism felt by the descendants of former colonies now living in France. The multicultural (and postcolonial) population of contemporary France is thus contributing to changing what is in the “national interest,” arguing that racial and social justice should be included, too. These changing priorities are the reason restitution may be forced upon the agenda of political elites.

## CHAPTER III. Spectrums of activism and institutional reactions

“People have to understand that if someone stole their heritage they would react as I am now. Many of my ancestors died protecting these items: they were beheaded. They refused to accept that these objects be taken, and they were killed. Their pain is inside me.”<sup>194</sup>

— Mwazulu Diyabanza, *The Guardian*

### Introduction

If rhetorical, legal, and geopolitical roadblocks are barriers to restitution, then activism is the societal force seeking to propel restitution forward. France is often seen as a society in which citizen involvement in politics is commonplace, and individual citizens are increasingly viewing their actions as capable of capturing state attention and achieving their goals.<sup>195</sup> In the context of restitution, we see different types of activism arise, each composed of their own contingency and speaking to distinct (and sometimes overlapping) audiences. By analyzing how these strains of activists have coalesced, I argue they have pushed the restitution issue to the forefront of French political debates and engaged a broad swath of the French public. The result could usher in an era of political and legislative public pressure that will change the pace of restitution, in France and around the world.

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<sup>194</sup> Diyabanza, Mwazulu. 2020. “Experience: I Steal from Museums.” *The Guardian*, November 20, 2020, sec. Life and style. <https://www.theguardian.com/lifeandstyle/2020/nov/20/experience-i-steal-from-museums>.

<sup>195</sup> Vassallo, F. (2010). *France, social capital and political activism*. Springer.

*Le Musée d'Arts Africains, Océaniens et Amérindiens (MAAOA)*

The MAAOA is the only museum in France outside of Paris dedicated to the art of Africa, Oceania, and the Americas.<sup>196</sup> Founded in 1992, it is housed in the Vieille Charité, a historic building constructed between 1671 and 1749 that once served as an almshouse and workhouse for unhoused people. For the most part, the Vieille Charité remained dedicated to this purpose in various forms until 1962, except for a brief stint in the early 20th century when it served as barracks for the French Foreign Legion. In the 1970s, the building was restored and later transformed into a cultural center and museum. The MAAOA is in *le Panier*, a now-gentrifying neighborhood that is the oldest part of Marseille, located where the city was founded by Greek settlers from Phocaea around 600 B.C.

The MAAOA collection is based on the Henri Gastaut collection, supplemented by acquisitions from Jacques Kerchache, an art dealer instrumental in the conception of “arts premiers” in France who helped foster Jacques Chirac’s interest in African art, and Phillippe Guimiot, a prolific collector of non-Western art.<sup>197</sup>

While the MAAOA is a “musée de France,” it is the only museum in this study that is not a “musée national,” a special designation that is characterized by “la détention, la conservation et la valorisation de collections nationales. Les collections nationales recouvrent les œuvres d’art, les biens culturels, scientifiques ou techniques appartenant à l’Etat.”<sup>198</sup> While all “musées de

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<sup>196</sup> “Musée des Arts Africains, Océaniens et Amérindiens.” n.d. Ministère de la Culture. Accessed March 20, 2023. [https://www.pop.culture.gouv.fr/notice/museo/M0920?base=%5B%22Mus%C3%A9es%20de%20france%20%28MUSEO%29%22%2C%22R%C3%A9pertoire%20des%20Mus%C3%A9es%20de%20France%20%28Mus%C3%A9o%29%22%5D&mainSearch=%22marseille%22&last\\_view=%22list%22&idQuery=%22a6cdb0a-db42-7cc1-151-8260b1cca8d%22](https://www.pop.culture.gouv.fr/notice/museo/M0920?base=%5B%22Mus%C3%A9es%20de%20france%20%28MUSEO%29%22%2C%22R%C3%A9pertoire%20des%20Mus%C3%A9es%20de%20France%20%28Mus%C3%A9o%29%22%5D&mainSearch=%22marseille%22&last_view=%22list%22&idQuery=%22a6cdb0a-db42-7cc1-151-8260b1cca8d%22).

<sup>197</sup> “Musée des Arts Africains, Océaniens et Amérindiens,” Ministère de la Culture.

<sup>198</sup> “... the holding, conservation and development of national collections. National collections include works of art, cultural, scientific or technical goods belonging to the State.” “Les musées nationaux : le réseau des musées détenteurs des collections nationales.” 2023. Ministère de la Culture. March 9, 2023. <https://www.pop.culture.gouv.fr/notice/museo/M0920?base=%5B%22Mus%C3%A9es%20de%20france%20%28MUSEO%29%22%2C%22R%C3%A9pertoire%20des%20Mus%C3%A9es%20de%20France%20%28Mus%C3%A9>

France” are public museums and are subject to *inaliénabilité*, musées nationaux experience a deeper affiliation with the French national government — it is thus no surprise that many are in Paris; the only musée national in Marseille is the Musée des civilisations de l'Europe et de la Méditerranée (Mucem). For the purposes of this study, however, I consider the MAAOA a useful case study to compare and juxtapose with the major musées nationaux, the Louvre and the Quai Branly. The MAAOA holds a similar collection to that of the Quai Branly, though on a smaller scale, and it was also targeted by Mwazulu Diyabanza, the same activist who staged protests at the Quai Branly. It inhabits a historically significant building at the historic center of Marseille, not unlike the Louvre in Paris, though obviously at a smaller scale. At the same time, the MAAOA embraces the spirit of its city’s rebellious spirit: it is in no sense at the vanguard of museum reform but appears far more cognizant of its role in perpetuating France’s national myths and its ability to turn in a different direction.

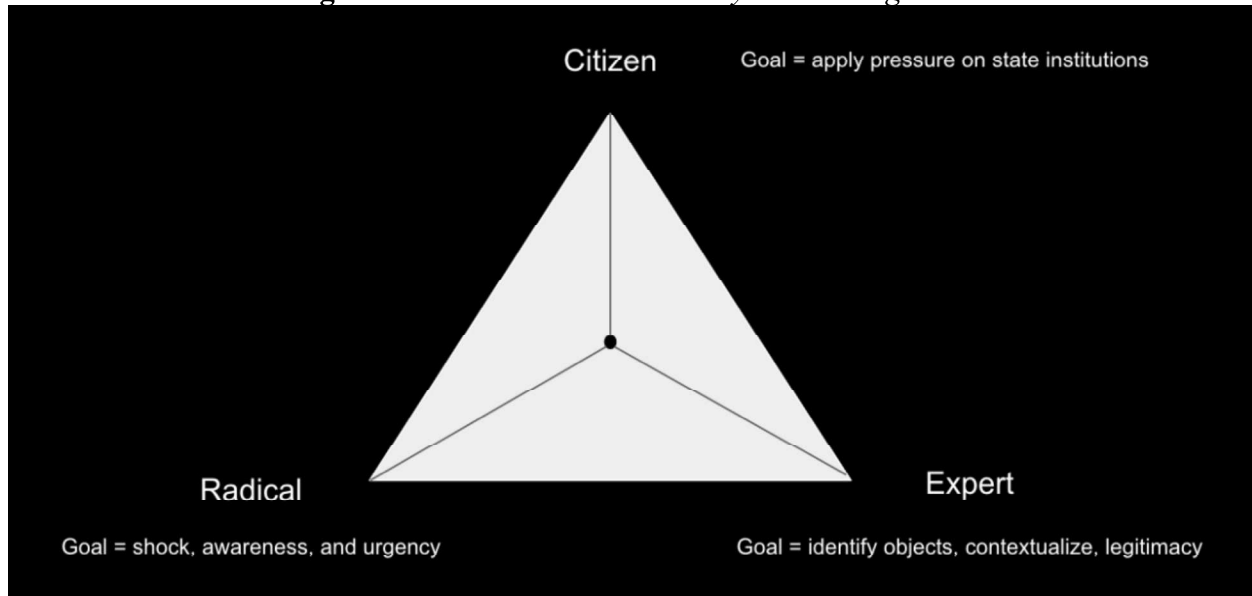
### **Restitution Activism: Varying Approaches to Change**

It is important to emphasize that each of these groups contributes in its own way to the restitution struggle, and that one type of activism alone cannot fully achieve restitution. Furthermore, these approaches exist on a continuum, where activism is dynamic and can take on any aspect of any extreme. (See Figure X.)

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[ofile%29%22%5D&mainSearch=%22marseille%22&last\\_view=%22list%22&idQuery=%22a6cdb0a-db42-7cc1-151-8260b1cca8d%22.](#)

**Figure 8.** *Activism extremes and dynamic categories.*



### *“Radical” Activism*

In the context of restitution, radical activism is a strain of activism that might be viewed as the most militant, often involving attention-grabbing protests at museums and direct confrontation with museum and state officials. Sometimes, radical activism is affiliated with the idea of ‘by any means necessary,’ which, while often seen as a euphemism for violence, can encompass a range of non-traditional or non-institutionalized activism.<sup>199</sup> Radical activists sometimes use the language of militancy: “we have decided to engage in a combat to return all that was stolen from Africa,” Diyabanza said. “... we do these political, militant acts to recuperate our heritage and to directly trigger the process of restitution.”<sup>200</sup> The goal of radical activism is to create a sense of shock and urgency, seeking to elicit an emotional response. While radical activism does frequently involve taking actions deemed illegal by the state, these actions are strategic;

<sup>199</sup> Zaal, M. P., Laar, C. V., Ståhl, T., Ellemers, N., & Derks, B. (2011). By any means necessary: The effects of regulatory focus and moral conviction on hostile and benevolent forms of collective action. *British Journal of Social Psychology*, 50(4), 670-689.

<sup>200</sup> Yeung, P. (2020, November 11). Emery Mwazulu Diyabanza: ‘France is still a colonial country.’ *Al Jazeera*. <https://www.aljazeera.com/features/2020/11/11/emery-mwazulu-diyabanza>



committing illegal actions calls attention to the immorality and illegality of colonial violence under which these objects were taken.

Diyabanza terms his activism “active diplomacy,” indicating a desire for broad dialogue and citizen agency in diplomatic and state processes.<sup>201</sup> He emphasizes his acts are those of protest, not theft. As a Black man, Diyabanza also faces racist assumptions of criminality that groups of white artist-activists engaged in similar acts do not, such as the group Frankfurter Hauptschule that took German artist Joseph Beuys’ sculpture and brought it to Tanzania in October 2021. As Marie Rosenkranz argues in a comparison of the two restitution-centered actions, white activism is necessary, as “white silence ... holds back restitution from happening,” but these white activists are given immense privilege compared to their Black counterparts.<sup>202</sup> Diyabanza acts with deliberate distance from institutionalized art, not presenting his “campaign as his artistic work but relies on artistic means to pursue a predominantly political goal.”<sup>203</sup> With this strategy, Diyabanza defies being coopted by the art world. But Frankfurter Hauptschule’s actions, a work of inherently Beuysian political performance art, were still seen with an air of artistic freedom and legitimacy by art world insiders that Diyabanza’s activism is not granted.<sup>204</sup>

For these reasons, radical activism for restitution may be easy to dismiss as not representative of a larger public. But together with expert activism, the two strains serve as a vanguard to ignite broad support in the form of citizen activism. The audience for radical activism is a general public — while not performative, radical activism relies on publicity to be effective. There is a strategic performative element to protests like Diyabanza’s, in which he

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<sup>201</sup> Yeung, 2020.

<sup>202</sup> Rosenkranz, M. (2021). Stealing (as) Art. Performances of Restitution from Mwazulu Diyabanza to Frankfurter Hauptschule. *Journal of Cultural Analysis and Social Change*, 6(1), 02.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

seeks to unveil the complicity of the public in crafting a condoning facade. And his actions have not gone overlooked nor have his messages gone unheard. During his protest at the Quai Branly, he described a sense of hesitancy and wavering in museum and state officials:

“With the post in my hands, I started speaking in the museum – and on a Facebook livestream – explaining how these objects were taken. A crowd gathered. The police arrived, but didn’t know what to do, so they listened to us. After half an hour, we were handcuffed and taken into custody. Security took back the post, and charges were pressed for attempted theft of a registered artwork.”<sup>205</sup>

Confronted with convincing arguments against the laws they are told to uphold, state officials (police) froze, indicating an uncertainty even within the institutions meant to uphold principles like *inaliénabilité* and the untouchable nature of public museum collections. Because of its shock factor, radical activism is the most successful in achieving this effect. Whereas other forms of activism give the state time to formulate its response, radical activism forces officials to act on the spot and to question the rules they uphold. For the public viewing this hesitancy, if officials are questioning their own laws, why shouldn’t the French people?

**Figure 9.** *Mwazulu Diyabanza at the MAAOA*<sup>206</sup>



<sup>205</sup> Diyabanza, 2020.

<sup>206</sup> Mwazulu Diyabanza Siwa Lemba (Director). (2020, August 1). *EN DIRECT DU MUSÉE COLONIAL DE MARSEILLE MAAOA, RÉCUPÉRATION DE NOTRE PATRIMOINE CULTUREL*. <https://www.facebook.com/watch/?v=2735423260067050>

### *“Expert” Activism*

If radical activists provide the shock factor, expert activists rely on authority and legitimacy to advance the restitution argument. As figure X demonstrates, experts can engage in radical activism and radical activists are often experts in their own right. But for the purposes of identifying differing tactics of activism in the restitution debate, it is important to analyze how perceptions of expertise in the Western tradition can be turned against individuals in that same Western art historical tradition to argue for restitution. Expert activism could be seen as a form of “insider activism,” since these experts (curators, archaeologists, academics) exist within the same intellectual community as other museum curators and government cultural officials. It is significant, too, that while some expert activism comes from within France, much of it does come from scholars in France’s former colonies, who question Western pedagogy. A prominent example is the famous Egyptian archaeologist Zahi Hawass, who has called for the restitution of the Rosetta Stone and the Dendera Zodiac, among other well-known artifacts.<sup>207</sup> Expert activists are key in identifying objects for repatriation and providing academic backing for the colonial context in which they were stolen. Their audience primarily includes museum officials and curators, the French ministry of culture, and other politicians. To a lesser extent, they also may attempt to speak to the public, but generally this audience is more intellectual and bound to already favor repatriation.

Critical decolonial scholars, for example, have been successful in outlining how archaeology was intertwined with colonial missions, how objects were stolen with colonial intent through often violent means. Expert activists were also key in promoting the repatriation of

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<sup>207</sup> Roche, B. J. (2011). *Museums and Restitution: The Actions and Effects of Dr. Zahi Hawass*.

artwork stolen by the Nazis during WWII, which gained widespread support in the French legislature due to the undeniable role of the French Vichy regime in perpetuating violence against Jewish communities during the Holocaust, including the looting of their art. Expert activists were able to gather evidence and create an irrefutable argument for repatriation, to the extent that voting against repatriation would have been politically disastrous for French members of parliament.

In the context of postcolonial repatriation, expert activists are similarly working toward creating a body of irrefutable evidence (which many would argue, already exists), however evidence of colonial violence is already well-known; the larger problem preventing postcolonial restitution lies in making anti-restitution stances political unfeasible. Some scholars, such as Dr. Silvie Memel Kassi, former director of the Musée des Civilisations de Côte d'Ivoire, have sought to promote capacity-development of African museums, including her own, and argue for restitution as a logical next step given the existence of capable museums.<sup>208</sup> Since France still relies on neocolonial and neoliberal principles in its relations with former colonies, and since global racism runs so deep in perpetuating colonial attitudes, postcolonial restitution will likely require mounting a greater hill. Given the unique ability of the legislature in France to create exceptions to *inaliénabilité*, a third set of tactics might be able to change the tide: citizen activism.

### *“Citizen” Activism*

I term citizen activism as such because it is the strain of activism with the broadest coalition of individuals working toward collective action through applying public pressure on state

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<sup>208</sup> Walendom, L. (2021). Afropolitanist Return and Circulation. *African Arts*, 54(3), 9-9.

institutions. The current radical and expert activism we see in France to date has primarily been rooted in support from activists from France's former colonies and their diaspora communities in France. While citizen activism will likely be led by these same activists, and sometimes non-governmental organizations or political parties, the addition of citizen activism to the arsenal of restitution activism poses the question: What happens when communities with no vested interest in restitution change their minds, too?

The goal of citizen activism is to shift public opinion and apply legislative pressure on political representatives. Citizen activism is a story of politicians who may fear losing their constituency over an issue, in this case, citizen activists hope to make restitution one of these issues. Much attention in scholarship has been paid to whether citizens are willing to engage in “benevolent” versus “hostile” collective action — signing petitions, peacefully protesting, and joining legitimized political movements versus “committing acts of vandalism and participating in riots.”<sup>209</sup> But citizen activism is not contingent upon ideals of nonviolence, instead it is defined by the strength of its coalition. Whether these broad coalitions are protesting using violent tactics or not, their malcontent is evidence that restitution is a motivator in elections. Violence or perceived illegality in protests can further a sense of urgency, as we see in radical activism, but citizen activism can take both violent and nonviolent forms.

France is already seeing evidence of prominent citizen activism on restitution, as the larger anti-racist, decolonial movement embraces it as a component of their struggle. Pan-Africanism, which Diyabanza embraces, also falls within a tradition of resistance via creating broad coalitions and engaging collective action. The Conseil représentatif des associations noires (CRAN) is a federation of African and Afro-Caribbean advocacy groups formed in 2005 with the

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<sup>209</sup> Zaal, “By any means necessary,” (2011).

goal of putting pressure on the French National Assembly to pass anti-discrimination legislation, tackling issues ranging from diversity in the media to countering Islamophobia and advocating for reparations to Haiti. Several times, the CRAN has also engaged in pro-restitution activism, for the first time in 2013 when it participated in a Benin-based campaign to repatriate Benin Bronzes from the Quai Branly; and again in 2015, when CRAN president Louis-Georges Tin called for their return at a meeting of the Africa Group of UNESCO. The CRAN was a form of legitimate, institutionalized pressure on French legislators and the international community on the issue of restitution. While it took five years for the Benin Bronzes to finally be repatriated from the Quai Branly, the CRAN was instrumental in identifying the need for restitution and placing it on elite agendas.

### **Museum and Government Pushback: How Activists Respond in Dialogue**

The museums studied in chapters one and two (the Quai Branly and the Louvre) often responded defensively to pressure. The Quai Branly, as we've seen, strategically avoids or downplays its colonial history in the galleries, while the Louvre similarly benefits from a lack of political will in national parliament for the restitution of its collections. In the face of activism, museums and the government that constrains them often respond directly to this pressure in various ways, namely through legal, logistical, and normative pushback. Often, these excuses are intended to kick the can down the road — to delay or prevent large-scale repatriation of collections and maintain the legitimacy of universalism that both museums and the French state rely upon.

Before we move to an example of a museum that positively responded to activism, it is helpful to recap the alternative rhetorical routes museums and the state can take to avoid change, and how in many ways, this pushback is strategically developed to undermine activists' arguments.

The legal barriers to restitution have been outlined in depth in chapter two, namely *inaliénabilité*, a barrier that is entrenched but surprisingly flexible and legislatively easy to override, given there exists the political will to do so. Thus, when museums blame *inaliénabilité*, it is a way of avoiding responsibility. When legislators and government officials blame *inaliénabilité*, there is an underlying political or geopolitical reason why they view restitution as unfavorable, perhaps to preserve conservative and universalist values on which their political legitimacy rests. Or in a political context in which the French president sets much of the national political agenda, perhaps Emmanuel Macron only encourages repatriation when it is with a country friendly to France's interests, or the inverse — to win over a country using a cultural bargaining chip. So, while legal barriers can appear unshakable, this veneer is increasingly unconvincing.

Perhaps one of the most often employed arguments against restitution is that of logistics, namely the inability to 1) transport objects to their home countries or 2) house them once they arrive. These arguments usually derive from museum curators and officials themselves, who posit themselves as superior custodians of the objects, or from French officials who believe France's cultural institutions are exceptional in the world and where objects are "safest." But as the anthropology scholar Salam Al Quntar outlines, "the argument of safety can only be valid as long as the current geopolitical map lasts."<sup>210</sup> In other words, Western museums may not be as safe as they are thought to be — conflict in the Middle East and Africa is manufactured by Western violence that could just as easily exist in Europe. Logistical arguments also tend to arise when museums and governments wish to slow the restitution process down, by stalling

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<sup>210</sup> Al Quntar, S. (2017). Repatriation and the Legacy of Colonialism in the Middle East. *Journal of Eastern Mediterranean Archaeology and Heritage Studies*, 5(1), 19-26.

restitution in the name of caring for objects. The latter argument can also be used for political gain, to accuse an object's home country of instability or corruption.

While logistical pushback has an appearance of legitimacy since they supposedly consider the well-being of the object itself and ignite paternalistic fear of destruction outside the “safety” of France, activists are good at undermining this argument as well. In reality, most of these logistical concerns are null in a contemporary globalized world. Western museums can easily share best practices for conservation with counterparts in the rising and impressively constructed museums of the Global South. Furthermore, advances in industrial technology make mass movement of objects not only possible, but efficient.<sup>211</sup>

Logistics is thus always political: small logistical issues are dramatized, and France seeks geopolitical advantages, even in the logistical transport of objects.<sup>212</sup> Future restitutions could even be coopted by Western capitalism, including through privatization, sensationalist marketing, and companies profiting from restitution. The danger in this productization of repatriated objects is just that: they are not products. Tchando et al. illustrate this argument through defining “memorial logistics,” the “physical, informational and spiritual circulation of works with a cultural and / or religious dimension transferred via the logistics chains of several institutions in the same country and internationally.”<sup>213</sup> Thus logistics should not be seen as a barrier to restitution, rather the dominant understanding of capitalist merchandise supply-chain logistics should be seen as insufficient for cultural objects. Instead, a new understanding of

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<sup>211</sup> Author interview with Gilles Paché (June 8, 2022).

<sup>212</sup> Ibid.

<sup>213</sup> Tchando, A. S., Godonou, B. T., Paché, G., & Bidan, M. (2021, December 9). Retour des trésors d'Abomey au Bénin: L'avènement d'une logistique « mémorielle ». *The Conversation*. <http://theconversation.com/retour-des-tresors-dabomey-au-benin-lavenement-dune-logistique-memorielle-172830>



logistics, pulling from processes that already exist combined with a deeper understanding of the animism of many cultural objects, can promote restitution rather than prevent it.

Museums and governments present several normative arguments against repatriation. The first is that of precedent: if one object is found to be worthy of repatriation, where does one draw the line?<sup>214</sup> In this vein, scholars reacting to the Sarr-Savoy report in particular, as well as to activist action, question whether all objects acquired before the 1960s in France were acquired under dubious circumstances.<sup>215</sup> For instance, one art lawyer argues the Sarr-Savoy report lacks nuance, claiming that the prices paid for objects that Sarr-Savoy determined were worth more is actually difficult to place in context.<sup>216</sup>

Second, relative to normative pushback, ethnographic and encyclopedic museums argue for their own existence by insisting upon the importance of cross-cultural understanding and a cosmopolitan worldview.<sup>217</sup> Repatriation, they argue, would concentrate cultural objects geographically by their origins, making it necessary to travel to view them. What is lost, in this line of thinking, is the ability to learn about other cultures by visiting a local museum. Some scholars thus argue that cooperation among museums and professionals from both the origin country of an object and its host country is paramount to solving the exploitation problem.<sup>218</sup> Staunch supporters of universal museums tend to also assume France gave additional meaning and gravity normatively to objects in its public collections. French parliamentary debates over the Benin Bronzes reveal, again, the government's tendency to argue for universalism and

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<sup>214</sup> Al Quntar, 2017.

<sup>215</sup> Paquette, J. (2020). France and the restitution of cultural goods: the Sarr-Savoy report and its reception. *Cultural Trends*, 29(4), 311.

<sup>216</sup> Pierrat, E. (2019). *Faut-il rendre des œuvres d'art à l'Afrique?*. Editions Gallimard.

<sup>217</sup> Cuno, J. (2014). Culture War: The Case Against Repatriating Museum Artifacts. *Foreign Aff.*, 93, 119.

<sup>218</sup> Andreu-Lanoë, G. (2010). Perspectives pour la coopération archéologique franco-égyptienne. *Archéopages. Archéologie et société*, (Hors-série 2), 107-109.

French exceptionalism in object preservation. Senator Bernard Fialaire (PR), claiming to speak on behalf of the French people, said:

“Certains biens n’auraient jamais acquis leur valeur culturelle sans l’expertise de notre propre culture. C’est le parcours culturel de la France qui amène à ce point d’appréciation permettant de décider si un bien mérite de retourner sur son lieu d’origine ou si, au contraire, il doit rester l’expression d’une culture universelle exposée dans nos musées.”<sup>219</sup>

In the same Senate debate on the Benin Bronzes, most members of the Senate were broad in framing their beliefs as responding to a nondescript “French people,” while some supporters of restitution did in fact reference certain sources of public pressure as having influenced their legislative priorities. “En effet, cette demande répond aux attentes de la société civile africaine, qui agit depuis de nombreuses années pour que reviennent sur son sol les biens culturels dont elle a été privée pendant la colonisation,” said Member of the Sénat Claudine Lepage.<sup>220</sup> There was no mention in this specific debate of activists like Diyabanza, but the reference by Lepage to activism by civil society reveals an acknowledgement of the power of citizen activism.

As each of these excuses outlined above is used more frequently, French museum and government officials will be showing a hand that’s already been seen. Activists are working to ensure the public perception of restitution pushback is that of weariness and avoidance, and in turn to strengthen perception of activists’ initiative and persistence. Activists are thus using

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<sup>219</sup> “Some properties would never have acquired their cultural value without the expertise of our own culture. It is France’s cultural journey that leads to this point of appreciation that allows us to decide if an item deserves to return to its place of origin or if, on the contrary, it should remain the expression of a universal culture displayed in our museums.” *Compte rendu des débats du Sénat du 15/12/2020*, 11894.

[https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT\\_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT\\_20200114.pdf](https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT_20200114.pdf)

<sup>220</sup> “Indeed, this request meets the expectations of African civil society, which has been acting for many years to return to its soil the cultural property of which it was deprived during colonization.” *Compte rendu des débats du Sénat du 15/12/2020*, 11891.

[https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT\\_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT\\_20200114.pdf](https://www.legifrance.gouv.fr/download/pdf/debat?id=SENAT_20200114.pdf&size=959,6%20Ko&pathToFile=/debats/SN/20201216/SENAT_20200114.pdf)

populist rhetoric to widen their support base and encouraging pressure from the general public: a turn to citizen activism.

### **The MAAOA responds: to what extent can activism and public pressure make change?**

Marseille's museums have traditionally occupied a less exclusive and more populist strain of museology, appealing to wider audiences. They have also faced low visitorship, personnel issues, and low budgets, thus needing to assert their social relevancy perhaps more urgently than the Paris museums.<sup>221</sup> These factors make them more in tune with public desires and necessarily more responsive to public outcry. We see hints of responsiveness to restitution arguments in the curatorial choices of the MAAOA and in Marseille government structures.

The MAAOA was the only museum in this study to openly acknowledge repatriation in its galleries. “La problématique des spoliations et des restitutions occupe aujourd'hui le devant de la scène,” one wall text declares.<sup>222</sup> Regarding the MAAOA's collection of Maori heads, another wall text acknowledges the need for repatriation: “Considérés comme des objets de curiosités par les occidentaux dès le 18ème siècle, elles furent très recherchées, générant un ignoble trafic jusqu'à son interdiction en 1831; mais leur commerce s'est poursuivi dans l'illégalité bien au-delà de cette date.”<sup>223</sup> In the MAAOA, we can see a semblance of the legal pushback for restitution other museums have employed, but the MAAOA seems to question rather than excuse these legal barriers. Multiple wall texts reference a law from May 18, 2010, which the MAAOA says allowed the museum to repatriate Maori heads in its collection. The rhetoric here poses itself in

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<sup>221</sup> Leenhardt, S. (2022, December 10). Gloire et misère des musées marseillais dans l'œil d'un ancien conservateur. *Marsactu*. <https://marsactu.fr/gloire-et-misere-des-musees-marseillais-dans-loeil-dun-ancien-conservateur/>

<sup>222</sup> “The issue of spoliations and restitutions is at the forefront today...”

<sup>223</sup> “Considered as objects of curiosity by Westerners since the 18th century, they were highly sought after, generating an ignoble traffic until its prohibition in 1831; but their trade continued illegally well beyond this date.”

necessary deference to the laws of the state, and perhaps even in opposition to the overarching powers that prevent the museum from doing what it wishes except in extreme cases.

In Marseille's local courts, too, acknowledgement of activism seems to be coming sooner. On July 30, 2020, Diyabanza and two other activists of the Multicultural Anti-Spoliation Front staged a similar protest to the Quai Branly at the MAAOA, taking a spear from its case into the courtyard of the Vieille Charité. While in Paris, Diyabanza faced a 1,000 euro fine for a similar action (admittedly far lower than the potential 150,000 euro fine and jail sentence), Marseille's high court acquitted him.<sup>224</sup> Diyabanza's lawyers went beyond defending his right to protest; they contested France's rightful ownership of the objects and referenced Macron's 2017 Ouagadougou speech. At least in this case, the court agreed. "It is no longer a secret to anyone that we want to bring together all the clans and peoples deprived of their heritage and cultural patrimony with the objective of obtaining a UN resolution forcing Western countries and kingdoms to return everything they have taken from us by force and without any conditions," Diyabanza said after the ruling.<sup>225</sup>

## **Discussion**

Until 2023, France has primarily seen radical and expert activism on restitution, some of which is tactically discredited by museums and the government, but some of which is effective in achieving its goals. This chapter has also outlined how radical and expert activism can together encourage broader coalition building, leading to citizen activism. If these activists can form a

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<sup>224</sup> When Diyabanza was fined in Paris, he attributed the ruling to politics: "It's a political decision. The judge said several times he understood the political-militant nature of our actions."

<sup>225</sup> Rea, N. (2020, November 19). *A French Court Acquits Four Anti-Colonial Activists Who Removed a Spear From a Museum, Saying the Gesture Counts as Free Speech*. Artnet News. <https://news.artnet.com/art-world/marseille-mwazulu-diyabanza-1924953>

citizen activism movement, this expansive public pressure on French state institutions could render legal pushback null, logistical pushback insufficient, and normative pushback ignorant.

As with other social movements in France, should they grow large enough in number and strength, politicians must pay attention. We have seen several issues-based movements begin in a similar fashion to this emerging wave of restitution activism. The environmentalist movement, for instance, is nothing new in France and has been active since the 1960s. But in the past several years, environmentalists have sought to rebuild the movement for a contemporary France and a more centrist government that has proven to prioritize elite voices over public opinion.

Environmentalists called for a day called “Retour sur Terres” in April 2022 to protest what they view as unfair and harmful government-backed infrastructure projects. The day was successful in coalescing thousands of demonstrators.<sup>226</sup> Just a year or two before, however, environmental activism in response to a lack of action on Paris Climate Accords standards looked more so like a combination of expert and radical activism — not dissimilar to the type of restitution activism we see now. These environmental activists rejected citizen-activism alone and took up shock tactics, such as blockading polluting multinational corporations and occupying public areas.<sup>227</sup> In one instance, radical environmental activists clashed with police in March 2022 while protesting an agriculture water storage project in Sainte-Soline, New Aquitaine (western France), with the government labeling the protestors “eco-terrorists.”<sup>228</sup> While these protests elicited condemnation from the government, they appear to have mobilized public support. New rounds

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<sup>226</sup> Audrey Garric. (2022, April 27). France’s environmental activists carry out day of protest against development projects. *Le Monde.Fr*. [https://www.lemonde.fr/en/environment/article/2022/04/27/france-s-environmental-activists-carry-out-day-of-protest-against-development-projects\\_5981772\\_114.html](https://www.lemonde.fr/en/environment/article/2022/04/27/france-s-environmental-activists-carry-out-day-of-protest-against-development-projects_5981772_114.html)

<sup>227</sup> Karina Chabour & Claire Paccalin. (2021, January 8). *Fighting for the climate: France’s new eco-warriors*. France 24. <https://www.france24.com/en/tv-shows/reporters/20210108-fighting-for-the-climate-france-s-new-eco-warriors>

<sup>228</sup> Florence Villeminot. (2022, November 3). *Eco-warriors or eco-terrorists? Exploring French environmental activism*. France 24. <https://www.france24.com/en/tv-shows/french-connections/20221103-eco-warriors-or-eco-terrorists-exploring-french-environmental-activism>

of protests in Sainte-Soline, which resulted in hundreds of injuries at the hands of the police, spurred criticism of the government's handling of the situation. NGO Friends of the Earth Europe penned an open letter attacking the government and calling on Macron "and his government to engage a democratic and peaceful debate with citizens and civil society."<sup>229</sup> The letter also noted that a number of other organizations expressed concern over the repression of protesters, including the UN Rapporteurs on the Right to Freedom of Peaceful Assembly, the human rights commissioner from the Council of Europe, Amnesty International, and Human Rights Watch.<sup>230</sup> Importantly, environmentalist groups also drew parallels with other social movements, such as the demonstrations against pension reform that caused unrest throughout France in early 2023.

The environmentalist movement evidently differs in topic and scope from the restitution movement, but we do see similarities in tactics and strategic intention. While citizen activism has long been seen as a strength of the environmental movement, along with a supportive base of researchers and scholars who were able to reinforce scientific claims, contemporary activists realized something was missing. They deliberately transformed into a movement that continued this citizen and expert activism, while also creating urgency through a new wave of radical activism. While we see expert and radical activism in the restitution movement, what is lacking is thus a different side of the triangle: citizen activism.

There is a certain difficulty in pinpointing how activists are changing political will, since politicians are unlikely to align themselves with more controversial acts by radical activists, nor are they often willing to give credit to expert activists for arguments they wish to co-opt. What is

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<sup>229</sup> We condemn the violent repression of environmental and social movements in France. (2023, April 4). *Friends of the Earth Europe*. <https://friendsoftheearth.eu/news/we-condemn-the-repression-and-use-of-force-against-environmental-social-movements-in-france/>

<sup>230</sup> Ibid.

missing, however, in current legislative debates on restitution, are increasing references to the changing desires of the French public. When politicians argue they are “defending the French public,” most often they are arguing against restitution, claiming to defend the public’s right to inalienable museum collections. On the other hand, pro-restitution legislators have difficulty pointing to public support as an argument in their favor, largely because citizen activism is lesser known and still growing in France. The “French people” in the minds of politicians is thus overwhelmingly associated with whiteness and support for universality; it is a racialized euphemism for white, often wealthier, French people. The idea that the real French public is more diverse, pro-social justice, and pro-restitution does not coexist with the ideational “French people.” In the future, the exact influence of citizen activism on restitution will become clearer, debunking notions that French public sentiment on restitution lies with the former restricted and racially biased conception of the French people. Public desires will be so evident as to not be ignored.

## Conclusion

An argument that underscores this thesis is the idea that public will can override elite will through tactical activism based on currents of justice for past wrongdoings, including colonialism. But in this causal chain lies an artistry and gravity to activism that must be appreciated. There's a certain theatricality to protest. There's a performer, someone speaking their truth, and there's an audience, perhaps one that shares that lived experience or perhaps one that does not. The performer/activist instills a realization in this audience, both those all too familiar with the situation and those just learning about it. Ultimately, the result is a call to action. And good performances reverberate.

When Diyabanza staged his protest at the Quai Branly, the state froze for thirty minutes, questioning itself. In the 33-minute video that documented the protest, Diyabanza takes the funerary post in minute three. In the time that followed, Diyabanza gathered a crowd of onlookers, most curious, as well as police officers and security guards that walked alongside Diyabanza throughout the museum.<sup>231</sup> The laws supposed to uphold the inalienable nature of *patrimoine* caved in the face of a haunting reality in France's colonial museums. While *inaliénabilité* is viewed as an unshakable concept, this thesis has demonstrated that it is vulnerable to political will and the pressure of activism that creates political will.

We began with an examination of museum rhetoric because museums are public institutions of confrontation and immersion. When we enter a museum space, we follow, physically and intellectually, the path set forth by a curator whose name we may never learn (not to mention, an architect, an interior designer, a lighting designer, and numerous administrators).

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<sup>231</sup> Ziana TV (Director). (2020, June 13). *Mwazulu Diyabanza Siwa Lemba récupère une statue au Musée du Quai Branly à Paris*. <https://www.youtube.com/watch?v=jyJH-ZlvBDo>



We encounter objects that come from places we may never have heard of and made by artists whose identities may remain anonymous. We are not asked to think about how the object entered the museum, its collection, or these glass cases; instead, we are asked to assign value to the object and to allow it to enrich our understanding of ourselves. The museum experience is largely a story of omissions: curatorial manipulation, carefully selected words, and a contrived built environment. But these characteristics do not indict a museum — all these elements can be convened to condemn a phenomenon such as slavery or colonial violence by narrowing focus and humanizing victims. But when curation omits colonial violence, it is in turn perpetuating stereotypes and myths, such as the universalism, exceptionalism, and exoticism that French museums are so often guilty of embodying.

When museums push culpability to state institutions, they expose the political nature of restitution in their galleries. Beyond being an issue of safekeeping of objects and education of the public, when museums involve the French state, they admit to a political identity. And they likewise submit to a political debate over the right of universal museums to exist: one that will now be fought in the streets rather than within the confines of museums' own curated galleries. Museums have given up their ability to self-represent and have become instruments of the state.

However, as we saw in chapter two, museums have very little autonomy to give up to the government, given public collections are inalienable property of the French state. While the rigidity of entrenched principles seems unshakable, this chapter also contended this rigidity is a facade, easily malleable if French politicians can gain enough public support (and votes) to do so. Political will is thus the undercurrent that drives whether principles are adhered to, which is an especially important concept in the context of restitution. This finding has implications beyond restitution and the principle of *inaliénabilité* that pertains to it, as each social issue

inevitably has different drivers and motivations. I argue that geopolitical undercurrents and a French neo-colonial desire to maintain close relations with its former colonies in Africa drive current political will for restitution. Further research might investigate how political will for restitution changes among different African contexts, or in non-African contexts. Additionally, scholars should track changes in political will over time, as increased activism places pressure on the state.

What this thesis has sought to outline is that France exists in a liminal state of transition, in which restitution is becoming a pressure point on the national political agenda. It is a process no longer constrained to the international sphere — French politicians can no longer base restitution on geopolitical desires alone. Likewise, activists are not only relying on international treaties such as the 1970 UNESCO Convention to create motivation for restitution; having seen restitutions happen in recent years through domestic legislation, activists are realizing just how dependent restitution is on French political will. France’s multicultural minorities are acutely aware of both their familial ties to postcolonial immigration and the neocolonial dimension of the systemic racism many face in France. They are the ones leading the activist charge. The “people français” is changing — it is less white, less universalist, and it no longer views restitution as an extra-hexagonal issue.

One limitation of this research is a lack of access to French legislators and aides beyond their public, recorded statements. While these transcripts of legislative debates have proven instrumental in supporting claims I make, they are admittedly only one part of the story. Should a researcher be privy to what might have been discussed in these elusive, behind-closed-doors conversations, closer connections between activism and legislative action might be more evident.

Public opinion polling on restitution has not been extensively conducted, nor have legislators heard testimony or directly interacted with activists.

But much of this thesis also looks to the future, illustrating in recent years a pronounced uptick in activism that has coincided with more restitution and increased public attention. Social movements in France thus have patterns and adopt a similar logic for different sources of pressure, and as I hypothesize in this thesis, there is only so much political pressure legislators can reasonably withstand without becoming unpopular. Restitution may soon become unignorable as other social movements have also become, predominantly because it is representative of a larger issue of social justice that has gone long ignored by the French government. What results is an inversion of the existing pyramid of pressure, in which activists hold overarching power to pressure the state and museums on the issue of restitution. But as we have seen, restitution is not an isolated issue, and it is not restricted to the museumsphere. Restitution activists place this issue within pan-Africanist and anti-racist movements, questioning France's national identity at its core and shaking the myths of exceptionalism, exoticism, and universalism that uphold this national identity. Will France cling to this 19th century colonial identity at all costs, or will it adopt a new one based on social justice? Restitution activists force the government to answer this question.

In seeking to appreciate the complexity of restitution, it is helpful to return to the questions of the artist Kader Attia introduced at the beginning of this thesis: "What should we think of the obvious political instrumentalization of the subject, particularly in Europe? And how can we think about repair in spite of this?" In responding to decolonial forces, the West tends to opt for easy and convenient political fixes. But Attia, an Algerian French visual artist whose work often addresses social injustice and decolonial repair, reminds us that political

instrumentalization has consequences; the relationship between colonized and colonizers persists in pervasive injustice, even if the West tries to hide it behind performative good conscience. Restitution is not simply to put objects back where they belong, but also to redress the wounds of colonial trauma in the process.

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