

INTRODUCTION

Felicity Bodenstein and Damiana Oțoiu

Works of ancient and modern art, archaeological or ethnographic artefacts, physical anthropology and natural history collections generally occupy separate realms in the museum world, with dedicated institutions and disciplines. Yet, the claims on museum collections made by former owners, descendant communities or nations, and the growing discourse surrounding these claims, unite them in a very specific category, one that we will set out to define and will refer to as ‘contested holdings’. As such, they can range from old masters owned by Jewish collectors in the 1930s to the ancestral remains of indigenous populations, which were fervently sought after by racial anthropologists in the nineteenth and early twentieth centuries. They can include things that may appear to have little in common at first glance; therefore, the term ‘holdings’ in no way qualifies the nature of the things referred to and for which, in some cases, even the term ‘object’ or ‘artefact’ proves problematic. It indicates, rather, their state as kept collections, which has become problematic due to the conditions in which they were taken at some point in their trajectories. It is the questioning of these conditions, the perception that museums and public opinion have of them and how they are judged that, *in fine*, defines the contested holding.

Contested holdings are museum collections that become involved, at some stage, in a process of contestation and (potential) return, a term that can be understood as encompassing both restitution, defined by Piotr Bienkowski as a ‘return to legitimate owner, based on property rights’, and repatriation, a ‘return to country or sub-state group, based on ethical considerations’ (2015: 433). In her foundational study, Jeannette Greenfield (1989: 368) had already privileged the term ‘return’ over repatriation or restitution in order to encompass as many different kinds of case studies as possible. As well as encompassing diplomatic and legal actions that may lead to restitution or repatriation, return, in its different stages, may

also take the form of ethical and historical inquiries, such as provenance research (see chapter 1), critical artistic expressions (see chapter 3), restoration and recreation (see chapters 2 and 11), activist interventions and healing ceremonies (see chapter 4) or internal debates for the redefinition of standards and procedures in the museum milieu (see chapters 8 and 9). This process of return also takes the form of a radical questioning of the museum institution, the epistemic authority of the disciplines built around these collections, and the usefulness of these very holdings – a questioning that is perhaps most visible when we look at what were formerly defined as specimens of physical anthropology before being demuseified and transformed into ancestors (see chapters 5, 6 and 9). The extent to which museums have come to be judged on the basis of their treatment of contested collections can best be understood by taking into consideration the long and intense history of requests, debates and in some cases the returns that have followed.

Return, Restitution, Repatriation? Historicizing the Current Debates

It is clear that the museum, place of the impostor discourse of European museology, must disappear, pushed off the scene by a disruption imposed by a museographic practice nourished by the experience of those billions of people who continue to be ignored and who, every day, more and more, know that they have to propose models other than those bequeathed by classical Greece and the Renaissance. (Adotevi 1971: 133)

Though we cannot know for certain exactly what kind of ‘museographic practice’ the philosopher and politician Stanislas Spero Adotevi, the then director of the National Archives and Museums in Benin, was advocating for, his project of ‘decentering the West’ (Clifford 2013: 1) remains a burning issue, as does the question of the status of museum collections and their possible restitution to the countries where they were created. Since the 1970s, the arguments for and against the status quo of colonial collections, as well as concerns about the illicit trafficking of cultural objects, have produced an exponentially growing body of literature by museum professionals (e.g. Coggins 1969; Eyo 1979 – and all other articles from the same special issue of *Museum*, Goy 1979). Their concerns have been echoed by other actors, in particular artists, such as the Ghanaian documentary and feature film maker Nii Kwate Owoo, who drew attention to the vast quantity of objects of contentious origins to be found in European museum collections. *You Hide Me*, a film

that he wrote, produced and directed, was shot in the basement of the British Museum in 1970 and was intended as a plea for the restitution of African collections. At the same time, multiple political initiatives aimed at facilitating dialogue between states in order to promote repatriation were emerging, including the drafting of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, in 1970, the elaboration of a *Study on the Principles, Conditions and Means of Restitution or Return of Cultural Property for the Reconstitution of Dispersed Heritage*, carried out in 1977 by the International Council of Museums (ICOM), the call for the return of museum collections made in 1978 by the then director general of UNESCO, Amadou-Mahtar M'Bow (M'Bow 1979), or the creation of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation within the framework of UNESCO, in 1978. The 1970s also saw the multiplication of United Nations resolutions on this subject: the United Nations General Assembly (UNGA) Resolution 3187 (XXVIII) on the Restitution of Works of Art to Countries Victims of Expropriation, 18 December 1973, the UNGA Resolution 3391 (XXX) on the Restitution of Works of Art to Countries Victims of Expropriation, 19 November 1975, the UNGA Resolution 32/18 on the Restitution of Works of Art to Countries Victims of Expropriation, 11 November 1977, and the UNGA Resolution 33/50 on the Protection, Restitution and Return of Cultural and Artistic Property as Part of the Preservation and Further Development of Cultural Values, 14 December 1978. Even if most of these political gestures have not had a substantial impact on national legislations, some famous transfers of collections between the former metropolitan areas and the former colonies were initiated in the 1970s, as, for example, in the case of the Congolese collections presented by Placide Mumbembe Sanger in chapter 7 (see also Wastiau 2000 and Van Beurden 2015).

In the 1990s, the issue of the restitution of colonial collections in European museums faded into the background somewhat as the focus shifted to resolving the consequences of what Lynn H. Nicholas famously termed 'the rape of Europa' in 1994. This endeavour, formalized by the establishment of the Washington principles on Nazi-Confiscated Art in 1998, largely affected an entirely different category of museums as energies were initially focused on the destinies of modern and ancient European art in Jewish collections. This shift was felt by heritage actors of former European colonies as an expression of a kind of double standard, which could be observed in an even longer history of restitution demands.

Indeed, the Greek author Polybius was the first point of reference for the Cambridge-educated Nigerian archaeologist Ekpo Eyo (1931–2011), who, shortly after independence, became the director of the Nigerian Federal Department of Antiquities in 1969 (later renamed the National Commission of Museums and Monuments). In an account of his experience of restitution requests, written in 1994, he refers to Polybius's famous passages from *Historiae*, questioning the right of the Romans to seize and maintain their trophies from the wars against Greek city states and uses this as an argument to establish a European intellectual tradition recognizing the right to reclaim heritage. He also goes on to quote the Viscount Castlereagh, the British delegate at the Vienna Congress, and his arguments for the enforcement of the return of art looted by Napoleon and the French Revolutionary Armies across Europe. After establishing a chronology of attitudes against plunder that ends with the United Nations Declaration of 1943, shortly before the end of the Second World War, he remarks on the differences he perceives between historical instances of plunder within Europe and those that took place in colonial contexts: 'It is interesting to note that in all these examples the restitution process and the transfer or traffic in cultural property took place within Europe. These measures can, therefore, be seen as self-protective because most, if not all, of the countries of continental Europe had at one time or another been conquered territories. Plunder was thus seen as demeaning and unjust' (Eyo 1994: 332). Eyo details his frustrated attempts with international agencies, principally UNESCO, to ensure the restitution and implementation of texts that inhibit the illicit export of antiquities throughout the 1970s and 1980s. For Eyo, the lines of the debates surrounding ongoing failed efforts for restitution to former colonies in the 1990s, in particular Nigeria, could be drawn between the diverging interests in this question for the 'nonindustrialized and the industrialized nations' (Eyo 1994: 332).

Eyo's provocative reading of Europe's history of restitution highlighted the need for a global history of restitution in the twentieth century, a history that is currently emerging (Gaudenzi and Swenson 2017; Bodenstein, Savoy and Lagatz 2021). This volume seeks to contribute to and reframe this history by including cases relating to material culture and ancestral remains, as well as collections that are at the frontier between museum objects and human bodies (casts of human bodies). Such a history, or rather histories, build on the body of literature on the restitution or repatriation of museum collections that has emerged and grown exponentially over the last fifty years. As a full review of this literature is, of course, beyond the scope of this introduction, the references provided

here should merely be considered exemplary; many are at once sources for and contributions to this history.

A particularly important corpus examines legal and anthropological perspectives, the legal framework, its dynamics, its inconsistencies, as well as the social and political ‘making of the law’ (see, for instance, Vrdoljak 2006; Sandholtz 2007; Arvanitis and Tythacott 2014). Another group of writings considers the long history of collecting and looting practices, particularly in a colonial context, and includes studies illustrating the strong interweaving of the violence of colonial conquest, the subjection of populations and the violence of the appropriation of objects and human remains, providing a rapidly growing foundation for addressing the issue of restitution (see, for example, Wastiau 2000 and 2017; Legassick and Rassool 2000; Foliard and Arzel 2020; Hicks 2020; Lagatz, Savoy and Sissi 2020; Aly 2021). Recent developments in curatorial policies and practices, and the ownership debates have also been examined in the light of the relationship between historical memory (or amnesia) and restitution (see, for instance, Diner and Wunberg 2007) or the impact of postcolonial studies upon the museum field (e.g. Simpson 1996; Seiderer 2014). From a practice-based perspective, one can observe the gradual proliferation of texts relating to political and legislative initiatives and the emergence of new internal procedures and codes of ethics in museum institutions (e.g. Speaker 2003). It is in dialogue with these growing fields of literature that the authors in this volume have analysed a series of case studies covering a wide range of geographies and time frames.

Overview of the Volume

The political and social nature of what are essentially relational processes will be examined in a series of twelve chapters organized into four parts reflecting different modalities, stages and degrees of the process and practices of return. By bringing together scholars and practitioners interested in case studies related to a wide range of object types or museum collections, this book presents a multidisciplinary engagement that is not restricted to any particular period or geographical context. The authors included in this volume come from a wide range of disciplinary backgrounds and their current positions illustrate the growing interest in such specific fields of inquiry as art crime, for which Erin Thompson is associate professor at John Jay College, New York, or provenance research, for which Ulrike Saß is junior professor at Bonn University. This diversity of perspectives, arising from art history, anthropology, archaeology, political

sciences, legal studies and museum studies, allows this volume to explore different inflexions and cultures of return and to give greater historical depth to a phenomenon that is often considered exclusively through the lens of contemporary debates that neglect the more layered and complex histories on which these often repose.

Nevertheless, the contributions in this book are directly relevant to the situation of museum collections today, as they lay out some of the wider ramifications of contested holdings for museum legitimacy and transparency in relation to their collection history. Implicit to this is a range of questions about how objects can be exemplary expressions of sometimes contradictory values that they negotiate across periods and cultures, but also across public and private spheres of ownership.

Contested holdings of the twenty-first century are collections whose identification as displaced things and persons with often extremely violent histories of extraction has taken centre stage in a growing narrative about the durability (Stoler 2016) of certain histories, in particular those from colonial contexts: their potential to encapsulate the memory of larger conflicts makes them ideal bodies through which the continued impact of those conflicts on our present can be interrogated, explored, debated and contested.

The organization of the chapters was designed to highlight several fundamental tensions between the different values that are entangled in dealings with the histories of displaced things and persons in museum holdings (Bienkowski 2010). Contested holdings are often, albeit in very different ways, traces of lost lives and lost ways of life, their biographies closely tied to the biographies of former owners, collectivities and collectors. This relationship will be explored in Part I, entitled 'From Objects Back to People: Ways of Life and Loss'. The overall management of requests for the repatriation or restitution of human remains, in particular, previously conceived of as a museum specimen like any other, has raised the possibility of changing the ontological status of these collections, which have become, symbolically and sometimes legally, ancestors. This has led to the formation of practices and values that question the traditional heritage values that formerly defined museums' archaeology and biological anthropology collections (see Fforde 2002, 2020; Rassool 2015; Förster and Fründt 2018). Aspects of this change will be examined in Part II, 'The Subject of Return: Between Artefacts and Ancestors'. Part III, '"The Making of Law": Politics and Museum Ethics', explores how legal and ethical standards related to processes of return form over time and who contributes to establishing them, both inside and outside of institutions. Finally, Part IV, 'Partial and Paused Return', presents cases

that question the limits of the term ‘return’ itself and consider certain geopolitical and economic factors that inhibit or limit these processes.

Methodologically, the focus on contested holdings leads to an examination of the museum and the private collection as a distributed entity engaging many actors both inside and outside of the institution and reaching out to the many contexts from which the collections originate, an approach that builds on the concept of the ‘relational museum’ (Gosden, Larson and Petch 2007). These case studies show how returns are related to the recognition of the museum’s role as a site of soft power and how these relate to changing museum ethics and knowledge systems, calling on new actors and forms of curation and ‘curature’ (Hamilton and Skotnes 2014) and producing more hybrid or heterogeneous biographies and identities that question traditional categories of classification. Although the cases dealt with tend to consider the trajectories of specific objects or groups of objects, analysing their agency as contested things, they do not intend to provide complete object biographies. This nevertheless allows for these contributions to go beyond the questions of legal property and identity politics that tend to dominate restitution issues and introduce an approach anchored in the relations and affordances of the museum thing itself at specific moments in its story, calling on institutional, cultural, legal history and heritage studies, but also the anthropology of colonialism and the history of art history to frame their meanings.

Part I. From Objects Back to People: Ways of Life and Loss

The volume opens with two chapters that deal with the consequences of the Second World War, an indubitable turning point in the negotiation of historical injustices (Barkan 2000); however, both adopt rather unusual perspectives in relation to some of the more frequently explored narratives of Nazi-looted art and its restitution. On the one hand, Ewa Mankowska’s chapter allows us to think through strategies of coping with the loss of traditional Jewish ways of life in the museum context, whilst, on the other hand, Ulrike Saß evokes the systematic confiscation of Jewish holdings as expressed through modern and ancient art collecting, leading to contested holdings that arguably remain the most widely discussed and most often restituted museum objects today.

Behind the scenario of the outright pillaging and spoliation of Jewish modern and ancient art collections, Saß considers secret negotiations relating to the artworks of Jewish collectors and dealers in the Netherlands during Nazi occupation and how they literally bartered art for their lives

or the lives of family members. Such instances of forced commodification, which are often key moments in the lives of contested museum things, represent an extreme form of value transformation. The equivalence of human life with a material object reminds us of Igor Kopytoff's (1986: 64–65) discussion of enslavement, in which he introduces the many varied states of commodification that 'things' can go through on a sliding scale from object to subject.

Ulrike Saß's contribution allows for the lives saved by the artworks to come back into focus alongside what the artworks meant and their value, both for those from whom they were taken and for those who appropriated them, showing us that the writing of this history is in itself a form of return, a dialogue with the conditions of how something was taken. In negotiations around Nazi-looted art, gaining a fuller picture of the intentions involved is key as what it meant to take is directly related to what return and restitution signify.

Ewa Manikowska's contribution provides an important counterpoint to the focus on Jewish collectors of modern paintings and old masters and discusses an essential marker of Jewish traditional and religious heritage. Manikowska traces a history of interest in the study and documentation of European synagogues that goes back to the end of the nineteenth century and shows how, at the height of Holocaust memorial culture, this essentially antiquarian interest was transformed and developed to provide recreations of these edifices or parts of them as museum objects. These constitute the product of a particularly complex process of return, one that has clearly been conceived of as a means of compensating for what has been lost. The replica of the synagogue is used in the Polin Museum of the History of Polish Jews in Warsaw ('Polin'), in particular, to index the lost presence of Jewish communities in Poland. Its role in the Polin is to offer a key moment in the museum's narrative, filling a void and providing a frame for the re-enactment of the ways of life of Eastern European Jewish communities. Most of the museums discussed in relation to the central case study of Polin are examined as institutions that actively provide the frame for these recreated spaces; this is arguably a liminal case in the context of our category of contested holdings, as these objects seem to constitute the end of the process, the homecomings. Although, in some instances, they had already been musealized in other contexts; one case is the 1968 donation by the Bamberg Museum in Southern Germany of the painted ceiling of an eighteenth-century synagogue to the Israel Museum (see chapter 2). This donation can, of course, be read as a form of repatriation, one that can only be understood in relation to Holocaust memorial

culture, as the object itself was already in the Bamberg Museum in 1913 and was sent far from its original site at Horb am Mein to a new *patrie*.

Ruth Iskin's contribution weaves together different strands related to the restitution claims that have long been made in relation to the famous polychrome Nefertiti head, today displayed in isolated glory at the Neues Museum in Berlin. By drawing parallels between efforts made by the famous Jewish collector and donor James Simon in the 1920s to have the head returned to Egypt and contemporary artistic activism, which has led to the circulation and reburial of a 3D copy of the head, she shows that the question of return can rarely be reduced to a simple confrontation between the interests of two nation states. *The Other Nefertiti* by the artists Nora Al-Badri and Jan Nikolai illustrates how return can take the form of reappropriation in the absence of restitution.

The role of James Simon in this story, the long amnesia in Berlin's cultural circles regarding his activities and their recent 'rediscovery', and the homage that has finally been paid to him through the opening of the James Simon gallery, just in front of the Neues Museum, shed a different light on German reactions to demands for the Nefertiti head. Ruth E. Iskin examines how one story can cover another, pointing to intersections that explain the deep sense of unease in relation to collections acquired in colonial contexts that is currently moving through Germany's museum world (Savoy 2017) and the new parallels that are being drawn in public opinion between the spoliations of Jewish heritage and what happened in the decades preceding them (Zimmerer 2015; Bodenstein and Howald 2019).

Part II. The Subject of Return: Between Artefacts and Bodies

From the intersection of the biographies of objects and persons, the second set of chapters moves towards examining the boundaries between museum specimens and individual bodies. What is the fate of the old physical anthropology collections, created especially by racial anthropologists and phrenologists, once their scientific projects have been questioned and shown to be obsolete and potentially damaging for the representation of certain persons or groups? Who has the right to hold those collections of human remains, which, in some countries, are becoming 'ancestors', both from a legal and a symbolic point of view? How can one reconstruct the provenance of these collections? What is the status of life casts and their moulds: artefacts, scientific specimens, remains containing traces of human DNA, (representations of) ancestors? What role do different

actors (politicians, museum professionals, legal practitioners, indigenous activists, public historians, etc.) play in the debates about the fate of museum collections? These are all questions that the three chapters in Part II attempt to answer.

Noémie Etienne analyses life casts of people, their ambiguous status ‘at the frontier between artefacts and human bodies’ and the complexity and multiplicity of the circumstances in which these casts were made. These include not only Renaissance portraits of wax, plaster or clay, pervading Italian private and museum collections, but also anthropometric casts made by racial anthropologists during the fairs and colonial expeditions of the nineteenth and twentieth centuries. She reveals different ways of displaying them (or not) in museums, in different contexts and eras, and shows that they are as valued, exposed and omnipresent as they are disturbing, painful, and concealed in other contexts. Even if these artefacts – persons carry simplifying labels, which identify them as casts of individuals or stereotyped representatives of a given population, Etienne shows us that they were sometimes true ‘assemblages’, made up of the arms, legs and bodies of different people. This is, for instance, what the anthropologist Arthur Parker and the German sculptor Caspar Mayer had to do in order to put together the dioramas for the museum in Albany in the United States at the beginning of the twentieth century. Parker noted in his correspondence that ‘I have no females available and if he went ahead he would have to do as other museums do – use white models for the bodies – and attach Indian arms and heads’.

Finally, Etienne turns to recent debates about these collections to show how the fate of collections has varied in France, Italy, the United States and South Africa, and how views can differ radically in different contexts. If the old dioramas are perceived as highly problematic and a way of perpetuating the violence of the racial sciences, their transformation into artistic representations of known individuals can be seen as liberating. This is precisely the fate of the casts that, in around 1990, were removed from the New York State Museum in Albany, the capital of New York State, which went from being considered politically incorrect to being exhibited after 1995 as an act of restitution in an indigenous museum created near the US–Canadian border. Etienne concludes her chapter by insisting on the importance of meticulously reconstructing the historical context of cast production ‘through a close observation of the material objects and the reading of archives’, thus bringing ‘to light the identity of the people studied and whose singularity had been – partially and temporarily – erased’.

Christopher Sommer takes up this challenge in the next chapter. Sommer, too, traces the *longue durée* history of life casts, from the time

of the casting projects carried out by French phrenologists at the beginning of the nineteenth century to the current debates about the return of these casts and their (re)museification. He does this with reference to a specific case study: the biography of (what is presented as) the life cast of Takatahara, a chief of Ngāi Tahu, the principal Māori *iwi* of the southern region of New Zealand, on display in a small local museum, the Akaroa Museum on Banks Peninsula. How and when do these life casts return to the communities of the descendants of the indigenous populations studied by phrenologists in the nineteenth century? What is the role of local indigenous communities, museum professionals and politicians in these restitution processes? Are these casts displayed in museums or are they too problematic to be placed there? If the casts are displayed, which historical narratives become part of the museography and which are forgotten? What is the relationship between museum politics, museum narratives and *iwi* politics? And what do visitors see when they look at the showcases created by museum professionals in close collaboration with local indigenous communities (*iwi*)?

Sommer provides answers to these questions on the basis of an ethnography conducted within the Akaroa Museum and exhaustive research in local archives. And he expresses them in a nuanced way, insisting on the limits of the sources and the need to combine archival ‘certainties’ with doubts and unverifiable conjectures. We are advised that the central object of the Akaroa Museum exhibition, the life cast of the Māori chief Takatahara, may not be his life-cast, since the Māori regard the head as *tapu* (sacred, untouchable). It is likely that this cast was in fact a copy given as a diplomatic gesture in 1991, following a request made by the former curator, Steve Lowndes, through the French Ambassador to New Zealand. Moreover, Sommer underlines that the ‘local Māori did not play a significant role in this repatriation process’. In any case, the restitution of the cast (or its copy) creates an opportunity for dialogue between the museum professionals and representatives of local tribes (*iwi*). The article and the photos that accompany it allow us to see the metamorphoses of the museum exhibition and especially a ‘slow change in displaying indigenous artefacts from an ethnographic mode of display perpetuating the colonial gaze to a collaborative model that acknowledges and reflects Māori belief systems and expectations’, as stated by the author in the abstract of his chapter. Sommer assures us that this close collaboration between the museum and the *iwi*, which goes as far as co-ownership of the Māori *taonga* (treasures), represents a major paradigm shift. But this shift has not been met with unanimous appreciation – the display of Māori *taonga* is not widely accepted.

However, there is another component of the ancient racial anthropology collections that is even more problematic than the life casts: the remains of humans from autochthonous populations that the university laboratories and the museum collections of anthropology and natural history and are full of. The status of the ancestral remains disturbs the museums' taxonomies and reveals not only the history of scientific practices but also the production of 'rules' and 'regimes of truth', as shown by Cressida Fforde, Major Sumner, Loretta Sumner, Tristram Besterman and Steve Hemming in chapter 6, in which the authors consider the case of the return of ancestral Ngarrindjeri remains from British museums. While many have already been repatriated, this chapter focuses on a special type of ancestral remains usually inventoried in museums under the name 'cranial water vessel'. But for the members of the Ngarrindjeri Nation of Australia, they are simply 'Old People', deceased kin (or *merikin*). The history of controversies surrounding these *merikin* is not simply a history of negotiating the return of the remains to their descendant community. It is, above all, a form of recognition of the epistemic authority of contemporary Ngarrindjeri representatives.

This question of epistemic authority has consequences for the constitution of a (new) legal framework for these collections.

Part III. 'The Making of Law': Politics and Museum Ethics

Part III includes anthropological and historical analyses of the elaboration of laws and principles aimed at the potential restitution or repatriation of collections – be they of cultural objects or human remains. The authors of the three chapters in this part not only examine how laws are being revised, but also how the convictions of certain protagonists regarding what is just/unjust or necessary/unnecessary and their understandings of the definition of heritage are gradually changing. Who should own the collections? Can human remains be considered 'heritage objects'? The answers to these questions are formulated not only in the museum sector, but also through a sometimes heated dialogue between museum professionals, lawyers and politicians. Methodologically, all three chapters are based on long-term fieldwork and therefore on a constant dialogue with the actors who have built and implemented museum standards: museum professionals and lawyers, but also diplomats, civil servants and politicians. They all take an approach that historicizes what is very often (including in recent scientific literature on the subject) seen as moral evidence. In other words, the authors do not start from the conviction that mainstream discourse

on the subject is the obvious solution, that the principles of some of their interlocutors represent the way forward; rather, they show how norms, vocabularies and even the most banal gestures of everyday collection management change over time. Such changes are, in many ways, responsible for how laws themselves are transformed.

Chapter 7 by Placide Mumbembele Sanger presents a complex history of Belgian–Congolese relations, full of ambiguity and conflict, which at times pits the metropolitan administration against Belgian elites in the Congo. In a letter sent on 16 June 1945 to the Minister of the Colonies, Pierre Ryckmans, the Governor General of the Belgian Congo, expressed his opposition to the idea of systematically sending objects of great value from Congo to Belgium: ‘In my opinion, except perhaps in the case of zoological specimens, I doubt whether it is appropriate to send out [from the Congo to Belgium] unique specimens ... Today scientists must be globetrotters in order to study them. I rather believe that the Government’s duty towards future generations is to absolutely prohibit the export of unique pieces. They are part of the Colony’s heritage and we are responsible for them as guardians.’ It is through wide-ranging research, combining the reading of archival sources with interviews with political decision-makers of the time, that the author manages to present a non-simplifying perspective on the colonizer–colonized relationship and to account for the sometimes divergent interests of the different actors in both countries.

At the same time, the chapter shows to what extent the fate of the museum collections (both in the final decades of the colonial period and following independence) was strictly dependent on bilateral political relations and the political and economic interests of both countries, for example, the fate of Belgian mining companies established on Congolese territory. Perhaps counter-intuitively, the highly political character of museum-building and collection negotiations does not mean that the decision-makers were exclusively diplomats or politicians. Very often, the basis or even the vocabulary of the negotiations was provided by museum professionals.

Cristina Golomoz examines the role of curators in the following chapter, considering some cases of repatriation requests made to French museums in relation to human remains. She chooses to assess these claims for repatriation from a ‘law in action’ perspective – that is, by considering the way in which professionals in charge of managing the museum collections engage with cultural property law and how they navigate the tension between moral considerations and legalistic norms when dealing with repatriation claims.

For almost two centuries, the norm concerning the inalienability of public collections has been a founding principle for the French heritage code (Cornu et al. 2012). The charter of ethics for heritage curators and other scientific managers of museums in France (Circulaire n° 2007/007 of 26 April 2007) also states that ‘The curator is the warrantor of the inalienability of the collections ... She/ He is liable for the collections entrusted to his care. His/her mission is to ensure the safeguarding of the assets.’ But the legal categorization of physical anthropology collections, and human remains in particular, is neither straightforward nor stable. Are they scientific specimens (and therefore inalienable heritage objects) or are they human body parts (and therefore subject to the constraints of bioethics legislation, which excludes the idea of ownership or commodification)? With reference to two repatriation cases from the 2000s, relating to the human remains of Sarah Baartman and twenty Māori heads, the author shows that French curators appeal to the moral concept of human dignity to distinguish between ‘named’ and ‘unnamed’ remains and thus between ‘specimens’ and ‘persons’. Although categorizations change through legal and political interventions and repatriation decisions take the form of parliamentary law-making, Golomoz demonstrates that the way in which curators engage with cultural property law might be an important factor in these decisions.

In chapter 9, Damiana Oțoiu also focuses on museum professionals in order to explore the metamorphosis, over the last thirty years, of the norms concerning the management of human remains. In all museums established during the colonial era, be they in South Africa, France or elsewhere, physical anthropology collections contain a significant number of human remains from the indigenous populations of southern Africa. Long regarded as scientific specimens, these ancestral remains are now seen as material traces that tell the story of colonial violence and the objectification of indigenous populations by racial anthropologists and museum professionals.

There is already an extensive body of scholarly literature on the ‘repatriation’ or ‘reburial’ of human remains, mainly centred around militant actors and pressures that originate outside the museums (communities of origin, pro-restitution activists, public historians, politicians). Chapter 9 showcases the environment of museum professionals and the way they redefined their role and the ethical norms governing their profession, starting in the mid-1990s. How did the curators of these collections address this ethical, but also epistemic, challenge? When, why and how did these debates appear on the agenda of South African professional organizations and, in particular, on the agenda of the South African Museums

Association (SAMA)? How do other actors, including members of the descendant communities, politicians, public historians and other researchers, take part in these ethical and legal debates? How do ideas and norms circulate between South Africa and other countries, particularly other former settler colonies? These are the main questions that the chapter addresses in its examination of a case of international restitution (the repatriation of Sarah Baartman's remains by France to the South African state) and the debates surrounding South African collections. Moreover, by highlighting the process of elaborating norms concerning human remains, the projects aimed at inventorying the human remains and the first collaboration projects with the communities identified as current descendants, Oțoiu illustrates the complexity of the debates at the infra-state level. It is precisely this complexity that is neglected in many restitution solutions, which are conceived mainly as a result of diplomatic negotiations between officials of two states.

Part IV. Partial and Paused Returns

In the last part of the book, degrees of return across different geopolitical spheres of control and property (private, ecclesiastical, municipal, national and international contexts) are considered, as well as the intentions of their sometimes unexpected agents. Diving into the early modern history of antiquarianism, Fabrizio Federici's chapter takes this volume outside of its largely twentieth-century chronological frame and explores whether the urge to return a collected object to something akin to its original context of place or function can be observed in contexts preceding the creation of the modern public museum. Taking us to Counter-Reformation Rome, a city that already had a rich history of antiquarian collectionism by the seventeenth century, this chapter examines the efforts of the erudite collector Francesco Gualdi to replace certain pieces of his collection in adapted religious or historic settings related to their former use or past institutional connections. Gualdi's actions, as well as his discourses, in particular in a pamphlet entitled *Oratio de Christianae Antiquitatis Reliquiis* (Discourse on the remnants of Christian antiquity), demonstrate that return as a practice was, from the outset, a reaction to the processes of modernity and secularization that generally worked to excerpt and extract materials for scholarly or ostentatary purposes. The French architect and neoclassical theoretician Antoine-Chrysostome Quatremère de Quincy is generally credited with developing the notion of the importance of the original context for artworks as he attempted

to sway public opinion in relation to the spoliation of Rome's collections by Napoleon's army in Italy at the end of the eighteenth century (Quatremère de Quincy and Poulot 2012). Though Gualdi's actions did not take place in a situation of conflict, return is described with reference to the ancient Roman military concept of *tanquam postliminium*, which relates to the rights of prisoners of war upon returning to their homes after captivity, essentially comparing the sacred object in a private collection to an exile. This idea became a trope in discourses on restitution from 1800 onwards, as observed by Bénédicte Savoy during her conferences at the Collège de France (Savoy 2017). It sets out a line of thinking about return in a context and at a time when notions such as collective heritage were still nascent. Federici makes it clear that the notion of replacing objects in what was considered a kind of original context can be observed even before the development of the modern museum and contemporary notions of return or redress.

Changing frontiers and changing conceptions and frames of sovereignty often make it difficult or impossible to return objects to the polities that once owned them as they are delegitimized or assimilated within new political regimes. Felicity Bodenstein's examination of the global history of demands for the return of the Benin pieces, taken by the British naval forces in 1897, uncovers the complicated interrelationship between local Benin actors and national colonial and subsequent postcolonial requests. The buying back of objects that had been looted in Benin through the international art market by colonial authorities in the 1950s, for the new national museum that opened in Lagos in 1957, illustrates a partial case of return, not to a place or function of origin but to the national museum frame defined by the colonial authority, one that assimilated Benin City into the territory of Nigeria. Due to the superior buying power of Nelson A. Rockefeller and the newly established Museum of Primitive Art, colonial Nigeria failed to acquire for Lagos one of the most coveted pieces that appeared on the market during this period, a situation that led to the transformation of an ivory hip mask and its pendant in the British Museum into an icon of pan-African postcolonial resilience, the FESTAC Mask. Providing a necessary backstory to a contemporary debate (Bodenstein and Howald 2019), chapter 11 shows how and why the question of the Benin pieces has come to dominate public discourse on the restitution of African heritage (Hicks 2020).

Finally, in the last chapter of the volume, Erin Thompson focuses on a contemporary and ongoing situation, considering the legal and political ramifications of the intermediate states in which objects can be caught during or as a consequence of military conflict. Her intricate interweaving

of contemporary reports and current legal jurisdiction both in the United States and internationally illustrates the range of difficulties surrounding the ‘paused’ returns of archaeological findings to Iraq and to Syria. Once seized from dealers or illegal sales, these objects, often initially circulated through ISIS networks, should, in principle, immediately be returned to the existing sovereign states of Iraq and Syria. For obvious reasons related to fragile security situations, this has not occurred in many instances. She examines, in particular, the difference in the treatment of objects considered to be of Iraqi provenance and those that are most likely to have come from Syrian territory (though it is not always easy to make this distinction with certainty). Thus, she shows how a current political relationship can supersede obvious legal standards and thereby pause even the most clear-cut forms of return.

Moving through the very different contexts invoked in this book, from baroque Rome to zones of ongoing conflict in Iraq and Syria, the reader is encouraged to consider a series of important questions that guided the selection of chapters and their organization. How can we understand historic cases of restitution or returns before the Second World War in relation to the contemporary culture of reparations and redress, led by the human rights movement? What do negotiations related to Nazi-looted art have in common with the legal and ethical questions associated with objects appropriated in colonial contexts? Have the growing number of negotiations regarding human remains had an impact on how we perceive the issue of ownership for other types of collections, for example, when specific cultural objects or artworks are perceived as unique bodies, akin in status to persons? To what extent do processes of return decolonize, in so much as they effectively challenge imperial and colonial constructions and categories of knowledge? Can the desire for return also be read as a deeper reaction to the accumulative and appropriatory nature of European and North American collection-building inherent in the nineteenth-century expansion of the museum world?

Felicity Bodenstein is a lecturer in the history of museums and heritage studies at Sorbonne University, Paris. She is also a principal investigator in the digital humanities project, financed by the Ernest von Siemens Foundation, ‘Digital Benin’ (<https://digital-benin.org/>), which will bring together data from the close to two hundred museums containing pieces from the 1897 British colonial expedition to Benin in their collections. She was recently guest editor of the *Journal for Art Market Studies*, on ‘Africa: Trade, Traffic, Collections’, vol. 4, no. 1, 14 October 2020, and

co-editor of the volume *Translocations. Histories of Dislocated Cultural Assets* (Transcript, 2021) with Bénédicte Savoy and Merten Lagatz.

Damiana Oțoiu is a political and legal anthropologist (PhD, Free University of Brussels) and is currently an assistant professor at the Political Science Department, University of Bucharest. Her research is focused on how property rights over museum collections are (re)defined and disputed in postcolonial contexts. She has carried out long-term ethnographic fieldwork in the Democratic Republic of Congo, South Africa, France and Belgium and co-ordinated several research projects, including *Museums and Controversial Collections. Politics and Policies of Heritage-Making in Post-colonial and Post-socialist Contexts* (2015–17) and *Decolonial Practices in Museum Collections (Europe and Sub-Saharan Africa): Local Histories and Global Circulations* (2021–22).

References

- Adotevi, S.S. 1971. 'Le musée dans les systèmes éducatifs et culturels contemporains', *Actes de la 9e Conférence Générale de l'ICOM*, September 1971, Grenoble. Republished in.
- Aly, G. 2021. *Das Prachtboot: Wie Deutsche die Kunstschätze der Südsee raubten*. Frankfurt am Main: S. Fischer.
- Bienkowski, P. 2015. 'A Critique of Museum Restitution and Repatriation Practices', in C. McCarthy (ed.), *The International Handbooks of Museum Studies. Part 3. Processes*. Chichester: John Wiley & Sons, Ltd, pp. 431–53.
- Bodenstein F., B. Savoy and M. Lagatz. 2021. *Translocations. Histories of Dislocated Cultural Assets*. Bielefeld: Transcript.
- Bodenstein F., and C. Howald. 2019. 'Weltkunst Unter Verdacht. Raubkunst, Ihre Geschichte Und Erinnerungskultur in Deutschen Sammlungen', in J. Zeller and M. Bechhaus-Gerst (eds), *Deutschland Postkolonial*. Berlin: Metropol-Verlag, pp. 25–43.
- Bouquet, M. 2012. *Museums: A Visual Anthropology*. London: Berg.
- Clifford, J. 2013. *Returns: Becoming Indigenous in the Twenty-First Century*. Cambridge, MA: Harvard University Press.
- Coggins, C. 1969. 'Illicit Traffic of Pre-Columbian Antiquities', *Art Journal* 29(1): 94–114.
- Diner, D., and G. Wunberg (eds). 2007. *Restitution and Memory: Material Restoration in Europe*. New York: Berghahn Books.
- Eyo, E.O. 1979. 'Le point de vue du Nigéria sur le retour et la restitution des biens culturels', *Museum XXXI*(1): 18–21.
- . 1994. 'Repatriation of Cultural Heritage: The African Experience', in F.S. Kapan (ed.), *Museums and the Making of "Ourselves": The Role of Objects in National Identity*. London: Leicester University Press, pp. 330–50.
- Fforde, C., J. Hubert, and P. Turnbull (eds). 2002. *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London: Routledge.
- Fforde, C., T. McKeown, and H. Keeler (eds). 2020. *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*. London: Routledge.

- Foliard, F., and L. Arzel (eds). 2020. 'Tristes trophées. Objets et restes humains dans les conquêtes coloniales au XIX^e siècle', *Monde(s)* 17.
- Förster, L., I. Edenheiser, S. Fründt, and H. Hartmann (eds). 2018. *Provenienzforschung zu Ethnografischen Sammlungen der Kolonialzeit. Positionen in der Aktuellen Debatte*. Berlin: Humboldt-Universität zu Berlin.
- Förster, L., and S. Fründt. 2018. 'Menschliche Überreste in Deutschen Institutionen: Historische Entwicklungen und Zukünftige Perspektiven', in J. Zeller and M. Bechhaus-Gerst (eds), *Deutschland Postkolonial? Die Gegenwart der Imperialen Vergangenheit*. Berlin: Metropol-Verlag: 505–31.
- Cornu, M. et al. (sous la direction de) et al. 2012. *L'inaliénabilité des collections, performances et limites*. Paris: L'Harmattan.
- Gaudenzi, B., and A. Swenson. 2017. 'Looted Art and Restitution in the Twentieth Century – Towards a Global Perspective', *Journal of Contemporary History* 52(3): 491–518.
- Geismar, H. 2013. *Treasured Possessions: Indigenous Interventions into Cultural and Intellectual Property*. Durham, NC: Duke University Press.
- Gosden, C., F. Larson, and A. Petch. 2007. *Knowing Things. Exploring the Collections at the Pitt Rivers Museum, 1884–1945*. Oxford: Oxford University Press.
- Goy, R. 1979. 'Le retour et la restitution des biens culturels à leur pays d'origine en cas d'appropriation illégale', *Revue Générale de Droit International Public* 4: 962–85.
- Greenfield, J. 1989. *The Return of Cultural Treasures*. Cambridge: Cambridge University Press.
- Hamilton, C., and P. Skotnes. 2014. *Uncertain Curature: In and Out of the Archive*. Johannesburg: Jacana.
- Hicks, D. 2020. *The Brutish Museum: The Benin Bronzes, Colonial Violence and Cultural Restitution*. London: Pluto Press.
- Kopytoff, I. 1986. 'The Cultural Biography of Things: Commoditization as Process', in A. Appadurai (ed.), *The Social Life of Things: Commodities in Cultural Perspective*. Cambridge: Cambridge University Press, pp. 64–91.
- Lagatz, M., B. Savoy, and P. Sissis. 2021. *Beute. Ein Bildatlas Zu Kunstraub Und Kulturerbe*. Berlin: Matthes & Seitz.
- Legassick, M., and C. Rassool. 2000. *Skeletons in the Cupboard: South African Museums and the Trade in Human Remains 1907–1917*. Kimberley: McGregor Museum.
- M'Bow, A.-M. 1979. 'Pour le retour, à ceux qui l'ont créé, d'un patrimoine culturel irremplaçable', *Museum XXXI* (1): 58–59.
- Nelson, R.S. 2003. 'Appropriation', in R. Shiff (ed.), *Critical Terms for Art History*. Chicago: University of Chicago Press, pp. 160–73.
- Nicholas, L.H. 1994. *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*. New York: Vintage Books.
- Quatremère de Quincy, A.-C., and D. Poulot. 2012. *Letters to Miranda and Canova on the Abduction of Antiquities from Rome and Athens*. Los Angeles, CA: Getty Research Institute.
- Rassool, C. 2015. 'Human Remains, the Disciplines of the Dead, and the South African Memorial Complex', in D. Peterson, K. Gavua, and C. Rassool (eds), *The Politics of Heritage in Africa: Economies, Histories, and Infrastructures*. Cambridge: Cambridge University Press, pp. 133–56.
- Sandholtz, W. 2007. *Prohibiting Plunder: How Norms Change*. Oxford: Oxford University Press.

- Savoy, B. 2017. *Objets du désir, désir d'objets*. Paris: Fayard, Collège de France.
- Simpson, M.G. 1996. *Making Representations: Museums in the Post-Colonial Era*. London: Routledge.
- Seiderer, A. 2014. *Une critique postcoloniale en acte: les musées d'ethnographie contemporains sous le prisme des études postcoloniales*. Tervuren: RMCA.
- Skrydstrup, M. 2010. 'What Might an Anthropology of Cultural Property Look Like?', in P. Turnbull and M. Pickering (eds), *The Long Way Home: The Meaning and Values of Repatriation*. New York: Berghahn Books, pp. 57–80.
- Smith, L.T. 1999. *Decolonizing Methodologies: Research and Indigenous Peoples*. London: Zed Books.
- Speaker, S. 2003. 'Repatriating the Remains of Ishi: Smithsonian Institution Report and Recommendation', in K. Kroeber and C. Kroeber (eds), *Ishi in Three Centuries*. Lincoln: University of Nebraska Press, pp. 73–86.
- Tythacott, L., and K. Arvanitis (eds). 2014. *Museums and Restitution: New Practices, New Approaches*. Surrey: Ashgate.
- Vagues: une anthologie de la nouvelle muséologie, vol. 1, textes choisis et présentés par André Desvalées, Mâcon/ Savigny-le-Temple, W./MNES, 1992.
- Van Beurden, S. 2015. *Authentically African: Arts and the Transnational Politics of Congolese Culture*. Athens: Ohio University Press.
- Vrdoljak, A.F. 2006. *International Law, Museums and the Return of Cultural Objects*. Cambridge: Cambridge University Press.
- Wastiau B. 2000a. *Congo-Tervuren. Aller-retour: le transfert de pièces ethnographiques du Musée royal de l'Afrique centrale: l'Institut des musées nationaux du Zaïre, 1976–1982*. Tervuren: RMCA.
- . 2000b. *Exit Congo Museum: un essai sur la 'vie sociale' des chefs-d'œuvre du Musée de Tervuren*. Tervuren: RMCA.
- . 2017. 'The Legacy of Collecting. Colonial Collecting in the Belgian Congo and the Duty of Unveiling Provenance', in P. Hamilton and J.B. Gardner (eds), *The Oxford Handbook of Public History*. Oxford: Oxford University Press, pp. 460–478.
- Zimmerer, J. 2015. 'Kulturgut Aus Der Kolonialzeit – Ein Schwieriges Erbe?', *Museumskunde* 80(2): 22–25.