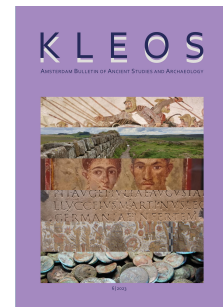




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German and French Colonial Restitution - 'New Relational Ethics' or Using the Legacy of Empire?

Aurora Hamm

ABSTRACT

Colonial restitutions are one of the most hotly debated discourses of the last few years, despite the fact that the debate has been going on since the 1960s. After the publication of the Sarr and Savoy Report in 2018, both France and Germany have made significant steps towards restitutions, which constitutes a meaningful switch in policy. While the restitutions of France and Germany are not framed as gifts but rather the righting of historical wrongs, they still entail one state giving one or several cultural objects to another one. I argue that this way, the restituted objects are instruments of soft power through public and cultural diplomacy. The (former) coloniser states utilise them, with geopolitical considerations in mind, as a means of 'restarting' their bilateral relationships and thus obtaining a certain reciprocity from the restitution. It is crucial for both Germany and France to be perceived as acting ethically, and according to their own proclaimed values by the populations they are restituting objects to. The objects they are returning thus take on a new meaning by being restituted. The materials act as ambassadors, adding a level of symbolism to their specific materiality. As such, (former) coloniser states can benefit from their former empires a final time.

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► [Profile page](#)

INTRODUCTION

In the 1960s and 1970s, (newly) independent (sub-Saharan) African nations started lobbying for a restitution of their moveable cultural heritage, an estimated 90–95 % of which is still stored in Western museums.¹ B. Savoy describes in her 2021 book *Afrikas Kampf um seine Kunst. Geschichte einer Postkolonialen Niederlage* how these

¹ Sarr and Savoy quote this number in their 2018 report and refer back to a speech made by Alain Godonou at a UNESCO forum in 2007. It is unclear to me where this number originated, especially with the lack of catalogues in Western ethnographic museums that will be problematised in this text. Nonetheless, Western museums possess the vast majority of heritage objects of sub-Saharan Africa.

debates were crushed on the institutional bulwarks of Western museums and parliaments.² It is no wonder that one of the biggest accomplishments of the debate of the '60s and '70s, the 1970 UNESCO Convention on the Transfer of Ownership of Cultural Property, was almost immediately ratified by formerly colonised or other source countries of antiquities, while coloniser countries such as France, the United Kingdom, and Germany only ratified or accepted in the late '90s or early 2000s.³ So why, if the debate around restitutions was already held in the 20th century, are restitutions looking more likely in the 21st century?

None of the facts have changed, in fact, the objects' prolonged stay of an additional 40-50 years since the decolonial movement from the 1960s onwards in Western museums has been used as an argument *not* to reconstitute them. In France, for instance, the argument that was made by opponents of restitution is that due to the time the objects have spent as property of the French nation, they have become inalienable to the French nation state.⁴ This argument was backed by a conscious political decision. In the 1960s, several (former) colonisers states put the inalienability of colonial collections into law, amongst them France, where collections were enshrined as property of the Ministry of Culture, making them almost inviolable.⁵ Yet, we are seeing more steps towards restitution than ever before, this time with the political backing needed for potential sustainable change.

The term 'restitution' includes an admission of wrongdoing.⁶ It means a wrong is being rightened, and an object returns to its *rightful* owner.⁷ When a restitution is carried out between nation states, as I am focussing on here, the material object and accompanying gesture are not understood as a gift but are understood to be righting a historical wrong.⁸ Yet, similar to a gift, it involves one or several objects moving from the territory of one

2 "Africa's Fight for its Art. Story of a Postcolonial Defeat" (translated by the author).

3 UNESCO 1970, ► <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>; see here for a list of State Parties in chronological order: ► https://en.unesco.org/sites/default/files/liste_etats_partis_convention_1970_en.pdf.

4 Sarr/Savoy 2018, 21. I will be using the English translation of the report by Burk for this paper for readability.

5 Savoy 2021, 13.

6 Merriam Webster Online Lexicon, restitution. ► <https://www.merriam-webster.com/dictionary/restitution>; Perrot 2022, 361.

7 Sarr/Savoy 2018, 29.

8 Sarr/Savoy 2018, 29: "The implicit act of the gesture of restitution is very clearly the recognition of the illegitimacy of the property that one had previously claimed ownership of, no matter what the duration of time was. As a consequence, the act of restitution attempts to put things back in order, into proper harmony. To openly speak of restitutions is to speak of justice, or a re-balancing, recognition, of restoration and reparation [...]".

state to the territory of another without the exchange of money. This practice is alike a diplomatic gift exchange that has been practised for centuries and is “constitutive” for diplomacy.⁹ In the context of colonial restitutions however, this means that the colonisation and accompanying systems of power and suppression are recognised, or as President Macron put it in his speech at the University of Ouagadougou (Burkina Faso): “[...] *crimes de la colonisation européenne sont incontestables et font partie de notre histoire.*”¹⁰

After this speech, President Macron commissioned the *Rapport sur la restitution du patrimoine culturel africain. Vers une nouvelle éthique relationnelle* by F. Sarr and Savoy, which was delivered in November 2018.¹¹ Following the report, French national legislation was changed, and in November 2021, 26 objects that were specifically mentioned in the Sarr and Savoy report, were returned to Benin from the Quai Branly Museum in Paris.¹² Restitution, in this case, means that the objects have physically moved back from Paris to Cotonou. The swift political action of the French legislature, especially when paired with little pressure from constituents, suggests a strong motivation of the French state to engage on the issue. While there is a growing movement towards restitution in civil society, Macron’s initiative was not born out of domestic policy considerations but foreign policy goals.¹³ In December 2022, German Foreign Minister Annalena Baerbock and the Commissioner for Culture Claudia Roth flew to Nigeria to physically return 20 Benin-Bronzes, showcasing that restitution is high enough on the German foreign policy agenda to include not one but two German ministers.¹⁴

Why does restitution have more political backing now? My central thesis concerns the fact that restitutions never occur in a vacuum. They are done in the context of the geopolitical situation and given that the geopolitical situation has evidently changed dramatically in the past few years, it seems prudent to investigate the effects of this on restitutions. For one, the role the African continent plays in international politics has changed. In a new global competition with China and Russia on one side and the West

9 Neumann 2021, 192.

10 Elysée 2017: “[...] the crimes of European colonization cannot be disputed and are part of our history.” (Translated by Elysée Palace). ► <https://www.elysee.fr/en/emmanuel-macron/2017/11/28/emmanuel-macrons-speech-at-the-university-of-ouagadougou>

11 Sarr/Savoy 2018, 1.

12 New York Times 2021. ► <https://www.nytimes.com/2021/10/28/arts/design/france-benin-restitution.html>

13 Paquette 2020, 303.

14 Deutsche Welle, 2022. ► <https://www.dw.com/de/baerbock-rueckgabe-der-benin-bronzen-war-laengst-ueberfaellig/a-64157668> .

on the other, the so-called Global South has benefited from a strengthening of its strategic leverage. As can be seen in recent United Nations Assembly votes, such as ES-11/1 (2 March 2022) condemning Russia's aggression against Ukraine, which "sent shockwaves" through Western diplomacy because of the lack of support it received from African nations.¹⁵ Even before the Russian war of aggression against Ukraine, Germany and France both enhanced their foreign policy presence in Africa and the war only exasperated this development.¹⁶

China's investment in Africa has made it the biggest foreign player on the continent and enabled it to compete for influence in a region that is rich in natural resources and was once considered a European sphere of influence.¹⁷ A study from June 2022 on the perception of China and the European Union in Africa shows that the only reliable lead the EU has on China is in soft power related activities.¹⁸ It makes sense then, that leaders of the EU would build on this soft power and, as I will show, use the material remnants of their colonial oppression to achieve this. For this, I will compare the policies of the two biggest EU countries, the French Republic and the German Federal Republic, concerning restitutions to sub-Saharan African countries, as the two states are diplomatically and culturally closely linked with synergies that influence each other.¹⁹ Yet, they approach restitutions in different ways.

While the French position was laid out in the Ouagadougou speech by President Macron and the Sarr and Savoy report, the German position was characterised by broad public discussion and the consensus building that is needed in a federal state.²⁰ This process has resulted in an "unconditional" return of all Benin Bronzes that are currently in Germany to Nigeria.²¹ This decision

15 Akum, Tull 2023, 2. ► https://www.swp-berlin.org/assets/afrika/publications/policybrief/MTAPB13_Akum_Tull_2023_Strategic_Competition.pdf

16 Askar 2020, ► <https://epc.ae/en/details/featured/germanys-tendency-to-enhance-its-presence-in-africa-limits-and-motives>; Cohen 2022, ► <https://carnegieendowment.org/2022/06/02/will-france-s-africa-policy-hold-up-pub-87228>.

17 Shikwati et al. 2022, 5-6.

18 Shikwati et al. 2022, 6. The study makes clear that China will overtake the EU on most aspects of partnership with Africa; however, currently " [...] the European Union is perceived to have a commanding lead on soft power-related activities such as the arts at 77.6% against China's 49.2%."

19 The Sarr and Savoy report is limited in scope to sub-Saharan countries. Thus, I will refer to sub-Saharan Africa here, although occasionally making points that are applicable to all 54 African nation states, in which case I will speak of 'Africa'. Furthermore, I use the terms EU and Europe interchangeably for readability.

20 Restitution - Absolution? Die Benin Bronzen und das koloniale Erbe. Podiumsdiskussion der Forschungsstelle "Hamburgs (post-)koloniales Erbe", ► <https://lisa.gerda-henkel-stiftung.de/benino81121>.

21 Auswärtiges Amt 2022a, 3. ► <https://www.auswaertiges-amt.de/blob/2540404/8a42afe8f5d79683391f8188eegee016/220701-benin-bronzen-polerkl-data.pdf>

from July 2022 goes beyond guidelines by the German Museums Association that recommend restitutions (in specific circumstances) and with a return of 1130 objects far beyond any restitution so far.²²

I will examine how restitutions are used as a tool of diplomacy. For this, I will utilise the understanding of M. Mauss of gifts (*le don*). I will show that restitutions can be used as a tool of soft power diplomacy and a new public diplomacy meant to influence the population of a country, not primarily its foreign ministry or government. I will also consider the role of the materiality of restituted objects, a topic that is severely understudied and underestimated.²³

I question if Sarr and Savoy's goal of a new relationship with (sub-Saharan) African countries based on a new relational ethic is possible or even a goal shared by German and French politicians. I conclude that the utilisation of restitutions is embedded in a colonialist power structure which allows (former) coloniser states to continue to benefit from the material legacy of their empire.

RESTITUTION AS DIPLOMACY

Restitutions in a European context are usually based on the Holocaust paradigm and the Washington Principles, which formalised principles for the return of Nazi-looted objects in 1998.²⁴ Colonial looted objects are perceived differently, partially because the memory of the Holocaust overshadows the one of colonialism, but also because restitutions in the context of the Holocaust take place on an individual level, with heirs reclaiming their murdered families' property back.²⁵ With regard to colonial objects, the discussion is generally between states.²⁶

Mauss is traditionally associated with the exchange of objects between individuals, but in his writings, he also explicitly looked at exchanges between states. G. Mallard's positioning of Mauss' writings on *le don* next to his other socio-political writings, enables us to look beyond the abstract theory of social exchange and gain a better understanding of Mauss' theory. The crucial aspect for Mauss was that a gift, *le don*, conditions an exchange.²⁷ According

22 Washington Conference on Holocaust Era Assets, 1998. ► <https://www.state.gov/washington-conference-principles-on-nazi-confiscated-art/>; Deutscher Museums Bund 2021, 81. ► <https://www.museumbund.de/wp-content/uploads/2021/02/e-reader-zum-leitfaden-umgang-mit-sammlungsgut-aus-kolonialen-kontexten-de.pdf>

23 Rudolph 2016, 4.

24 For an in-depth analysis of the legal framework of Nazi-restitution, see: Campfens 2021, Chapter 4.

25 Campfens 2021, 228.

26 This has led some researchers to propose a version of the Washington Principles for colonial-looted objects. See: Van Beurden 2017.

27 Mauss 2016 (1925), 177.

to Mauss, the gift retains something of the giver and establishes a social bond between giver and receiver that creates an obligation to reciprocate in one form or another.²⁸ In his political writings in the journal *Le Populaire* between 1920 and 1924, Mauss applied his theory of “*le don*” on nation states and diplomacy, focusing on the question of international debts – mainly German reparations after World War 1. According to Mallard, Mauss understood reparations and, crucially, debt cancellations as a way to create bonds between nations.²⁹ A gift one nation gives the other thus represents a bond between those nations as well as the expectation to reciprocate. By giving, you are receiving. As Mallard argues, this dynamic is not limited to traditional gifts but was understood by Mauss to include actions such as debt cancellations.³⁰ Thus, when one nation restitutes one or several objects, it can be argued that there is an expectation to reciprocate.³¹ The following analysis will show that this expectation is expressed as a desire for a new relationship with sub-Saharan African countries, both in policy papers and academic debate, in France and Germany.

This expectation is explicitly mentioned by Sarr and Savoy, who pose the question if restitutions should be done: “[...] as a tool of soft power aiming to “revalorize” France’s image to an African generation of youth that is less and less francophile?”.³² Interestingly, they do not answer this question in the report but instead go on to describe the ultimate goal of restitutions, which, in their view, is the establishment of a new relational ethics between France (Europe) and (sub-Saharan) Africa.³³

MATERIALITY

One of the ways these new relational ethics will be achieved, according to Sarr and Savoy, is through the materials themselves. They point to the transformative power of heritage for community building “[...] by a return of emblematic objects, the memory work can function as an operator for the reconstruction of the identity of subjects and communities.”³⁴ They also point out that the returned objects have a long history outside of their original context, a fact that has been used habitually to argue against restitution.³⁵ The object’s original meaning has switched not only

28 Mauss 2016 (1925), 57, 71.

29 Mallard 2011, 240-243.

30 Ibid.

31 Kustermans 2021, 105.

32 Sarr/Savoy 2018, 30.

33 Sarr/Savoy 2018, 3.

34 Sarr/Savoy 2018, 35.

35 Sarr/Savoy 2018, 21. For a study on the social transformation of heritage projects in the colonial era see: Van Beurden 2013.

by their forceful removal but also because their original society has changed. Just like displaced people, they present a historical (and often traumatic) migration and operate in a relation defined by resistance and assimilation to their host country.³⁶ J. Peffer talked of “Africa’s diasporas of images” and Savoy and Sarr take this interpretation further by applying the idea to restituted objects.³⁷ According to them, the returned objects have become part of the relational history of the (two) countries and societies.³⁸ Following this logic, when an object is restituted, it transforms into a symbol of a new start in the relations between the two countries. They become “mediators of a relation that needs to be reinvented.”³⁹ Without explicitly acknowledging it, Sarr and Savoy follow Mauss here, according to whom objects are “followed by their former owner, and they follow him”.⁴⁰ This seems to be the hope of French and German diplomats, who are at once ridding themselves of the colonial aftertaste of the objects in their collection by restituting them and creating a symbol of their ethical benevolence.

This function as a symbol only works because of the narrative and meaning ascribed to the objects by both the formerly colonised and former coloniser state. When looking at the objects returned in 2021 from the Quai Branly Museum, the monumentality and materiality of the objects are striking. Both politicians and scholars of contemporary diplomacy tend to underestimate the meaning of materiality in politics.⁴¹ As many restituted objects hold ritualistic or religious meaning for their community of origin, questions of object agency offer a fascinating avenue for future study of the materiality of restitution. I will not further engage with the agency and objects as actants here but would like to point to this possibility.⁴²

Research into the material culture of diplomacy is suitable for studying processes of cultural transfer and cultural hybridisation of the early modern and modern times.⁴³ This is especially true when it comes to restitutions, where the material, size and other aspects of objects that are requested for restitution and that are finally restituted should be studied more extensively. A specific role in this context is the restitution of human remains. Their materiality seems to transcend the debate about provenience, easing their return. Through their specific materiality,

36 Peffer 2005, 340-341.

37 Peffer 2005, 339.

38 Sarr/Savoy 2018, 40. For a similar analysis see Barker 2000.

39 Sarr/Savoy 2018, 39.

40 Mauss 2016 (1925), 178.

41 Rudolph 2016, 4.

42 For more on this see Latour 1992.

43 Rudolph 2016, 27.

they are less likely to have a concrete provenance, yet human remains have been restituted (from European countries) in greater numbers and during a time when the general debate about restitutions appeared to have been frozen.⁴⁴ This is pointed out by Sarr and Savoy, but they do not mention if this could, in turn, mean that other materials are less likely to be returned.⁴⁵ The 26 Quai Branly objects do not necessarily point this way, as the objects' monumentality cannot be overstated. They were, other than what the debate around colonial objects being in the depots of European museums sometimes suggests, central pieces of the museum. This fact has received little attention so far, suggesting that the materiality of the restituted objects is still being neglected as a field of study.

C. Stahn speaks of the "dual face" of the Benin Bronzes, which stand for both colonial looting and violence but also for the changing tide on colonial objects.⁴⁶ The Benin Bronzes, which Germany restituted to Nigeria in 2022, symbolise this change as they receive new meaning explicitly through the physical act of restitution. Amongst the objects was a richly decorated key which had previously been exhibited in the Rautenstrauch-Joest-Museum in Cologne. The mayor of Cologne used its materiality as a metaphor, pointing out that this key would symbolically open doors between the Cologne and Nigerian museums.⁴⁷ Indeed, during the official ceremony, in which the German ministers returned the first objects to Nigeria, the foreign minister used the specific materiality of the key as well: *"Heute ist der Schlüssel zurück. Er ist wieder da, wo er hingehört. [...] Dieser Schlüssel ist ein Symbol. Er kann uns helfen, ein neues Kapitel in der Freundschaft zwischen unseren beiden Völkern aufzuschließen. Dafür sind wir heute hier – um die Tür in die Zukunft unserer Freundschaft weit zu öffnen."*⁴⁸ This way, the German state has imbued the materiality of the restituted key with the symbolism of its return to Nigeria and simultaneously literally and figuratively opened the door to a new friendship between the two nations.

44 Indeed, several restitutions of human remains were carried out in France and Germany, including the 2002 remains of Saartjie Baartman from France to South Africa and the remains of several victims of the genocide of the Hereros and Namas from Germany to Namibia in 2018.

45 Sarr/Savoy 2018, 17.

46 Stahn 2022, 53.

47 Süddeutsche Zeitung 2022, ► <https://www.sueddeutsche.de/politik/geschichte-koelner-benin-bronzen-gehoren-nun-wieder-nigeria-dpa.urn-newsml-dpa-com-20090101-221215-99-911111>.

48 Auswärtiges Amt 2022b: "Today the key is back. It is back where it belongs. [...] This key is a symbol. It can help us open a new chapter in the friendship between our two peoples. That is what we are here for today - to open wide the door to the future of our friendship." (Translated by the author).

CULTURAL AND NEW PUBLIC DIPLOMACY IN FRANCE AND GERMANY

In October 2021, France organised the New Africa-France summit in the southern French student city of Montpellier. Not a single foreign head of state was present. Instead, Macron addressed the audience of young civil society leaders from (French-speaking) Africa. Here again, the return of cultural objects was addressed in panels and in a discussion with several young African men and women. Macron was able to give concrete proof of the changing French attitude towards cooperation with Africa and specifically former French colonies by pointing to the return of cultural objects he himself had set into motion. Patrice Talon, the Benin President, might have signed the documents returning the Quai Branly objects to his country at the Elysée Palace in November 2021, but the intended receiver of the objects, is arguably not Talon and his government. Governments come and go. Macron's intended audience is the youth of (French-speaking) Africa, an estimated 70% of the continent's sub-Saharan population.⁴⁹ This New Africa-France summit is one of many examples of France's strategy of public diplomacy, for which they utilise the restitution of colonial objects.

Since the dawn of diplomacy, and accelerated through the emergence of the printing press, the internet and social media, governments have not only connected with other governments but also with foreign populations directly. Public diplomacy can thus be defined as the relationship between diplomats and the foreign public with whom they work.⁵⁰ Increasingly, politicians engage with foreign audiences directly through social media. Cooperation with civil society and knowledge networks well beyond the limited foreign policy experts are central to establishing soft power via public diplomacy.⁵¹ Linked to this is cultural diplomacy, meaning a governmental practice of exchanging culture among nations (and their populations) that fosters cultural exchange.⁵² The central dilemma of this was identified by I. Ang et al. as cultural diplomacy has the "primary aim of serving strategic interests of national governments while at the same time holding out the promise of moving beyond the national interest to support a greater good through mutual cultural exchanges."⁵³

49 UN 2021, ► <https://www.un.org/ohrlls/news/young-people's-potential-key-africa's-sustainable-development>.

50 Melissen 2005, xix.

51 Melissen 2011, 2.

52 Cummings 2003, 1.

53 Ang et al. 2015, 379.

Soft power, also called the postmodern variant of power over opinion, has grown in importance following the World Wars.⁵⁴ Coined by J. Nye, it goes beyond culture to also include “[a nation’s] political values (when it lives up to them at home and abroad), and its foreign policies (when they are seen as legitimate and having moral authority)”.⁵⁵ Public and cultural diplomacy are among the key instruments of soft power, giving states the means to shape their image abroad and supporting in framing international norms, values and policies in a favourable light. The New Africa-France summit is exemplary of this strategy of cultural and new public diplomacy, with the goal of increasing the soft power of France in Africa. The initial discussion of restitution inside of the French Senate and National Assembly was heated, partially because the government returned some objects without a democratic process.⁵⁶ The report *‘Patrimoine partagé: universalité, restitutions et circulation des œuvres d’art’* by J. Martinez, commissioned by the president, was presented in May 2023 and proposes a doctrine and method for reviewing and processing restitution requests.⁵⁷ The report will serve as a basis for reviewing the French legislative framework. A concrete proposal will be discussed in the French parliament in the coming months.

In Germany, the revelation that Nigeria would not keep the restituted bronzes in public collections but instead return them as the private property of the Oba of Benin, King Ewuare II, was met with shock and called a “fiasco” for the ministers who had been involved in their return to Nigeria.⁵⁸ The German Foreign Ministry reacted by saying that the restitutions had not been bound to conditions but reiterated its “continued wish” for the bronzes to be made available to the public.⁵⁹ It can be argued that the bronzes will only fulfil their diplomatic objective if they are exhibited publicly and thus reach the Nigerian public. The expectation of some members of the public that the objects, as symbols of German benevolence, would still be under the influence of the German state reveals the deeply entrenched paternalistic attitudes towards Nigeria. It also opens questions about the

54 Melissen 2005, 4. “Power over opinion” is a term coined by E. Carr in his seminal book *The Twenty Years’ Crisis. 1919-1939*, first published in 1939.

55 Nye 1990, 196.

56 Perrot 2022, 262.

57 “Shared heritage: universality, restitutions and the circulation of works of art. Towards a French legislation and doctrine on “restitution criteria” for cultural property” (translated by the author).

58 Welt 2023. ▶ <https://www.welt.de/politik/ausland/article245193040/Bericht-Zurueckgegebene-Benin-Bronzen-in-Privatbesitz-gegeben-statt-ausgestellt.html>.

59 Focus 2023, ▶ https://www.focus.de/panorama/kontroverse-um-zurueckgebe-benin-bronzen-jetzt-reagiert-das-auswaertige-amt-auf-das-raubkunst-fiasko_id_193157783.html.

sustainability of the restitution process. While in Germany, no change of legislation was needed to return the objects, as opposed to France, there is no inalienability principle, there is also no legislative process to institutionalise and streamline restitutions.⁶⁰ Restitution processes remain built on bilateral cooperation, which is influenced by geo-strategical considerations.

An important aspect of the effectiveness of soft power is (being perceived as) living up to one's own political values. The German 2021 coalition agreement included colonial heritage objects, a sign of the importance of the subjects for German policymakers. Germany, just like France, went through an intense discussion on restitutions from the '60s to '80s. In 1982, H. Hamm-Brüchner actively tried to promote restitutions in her time at the foreign ministry and projected that the issue of restitutions would become the central question of the following years and one of the main topics of cultural foreign relations.⁶¹ The technical achievements of digitalisation and the opening of archives and catalogues have made it academically feasible to add credibility and force to the question of restitutions. While in 1982 Hamm-Brüchner had to send a letter from Bonn to Berlin to ask for a copy of the catalogue of the colonial collections (it did not exist), research into colonial collections has become much easier since then (albeit not as easy as it should be due to a lack of access and digitalisation).⁶² Savoy and Sarr point out how especially German museums have not catalogued their colonial collections, making the research of which objects to potentially return more difficult to answer. The 2021 German coalition agreement explicitly mentions this, advocating for digitalisation and accessibility of collections.⁶³ With the July 2022 agreement to return ownership of over 1130 Benin Bronzes to Nigeria, Germany is setting a precedent. Nigeria has become the legal owner of the pieces, some will stay in Germany while others will return to Nigeria, where Germany is aiding the financing of a museum.⁶⁴ Considering the staggering number of restituted objects, this precedent will reverberate to the other nations that currently own Benin Bronzes as well as to other sub-Saharan African states.

Germany and France are taking different paths, also due to their

60 Peters 2022, 318-219.

61 Savoy 2021, 165-178.

62 Savoy 2021, 177.

63 Sozialdemokratischen Partei Deutschlands, BÜNDNIS 90 / DIE GRÜNEN and Freie Demokraten 2021, 125. See ► <https://www.bundesregierung.de/resource/blob/974430/1990812/1f422c60505b6a88f8f3b3b5b8720bd4/2021-12-10-koav2021-data.pdf?download=1>.

64 Auswärtiges Amt 2022a, 3. See ► <https://www.auswaertiges-amt.de/blob/2540404/8a42afe8f5d79683391f8188ee9ee016/220701-benin-bronzen-polerkl-data.pdf>.

specific governance structure, to achieve the same aim of increasing their soft power in Africa broadly and former colonies specifically. They use the tools of public diplomacy and cultural diplomacy, and the material objects they are restituting to (sub-Saharan) Africa are their ambassadors. The Martinez report from 2023 called for a Europeanisation of restitutions, indicating that European states should collaborate and formalise restitution processes and principles.⁶⁵ Considering the developments in several other European states, this collaboration and harmonisation is probable.⁶⁶

These developments can also ensure that France, Germany and, through extension, the European Union, develop stronger influence over the region compared to the comparatively inactive United Kingdom. The United Kingdom still holds many pieces of African heritage and despite local interest in receiving the restitutions, the British state has not changed its stance or laws, namely the National Heritage Act or the British Museum Act. These make it impossible for national museums to retribute objects, while several non-state museums have conducted restitutions.⁶⁷ A House of Lords debate in October 2022 showed clearly that there is currently no government appetite to amend or abolish heritage legislature.⁶⁸ Godwin Obaseki, governor of a Nigerian region, raised the point that the British led in colonisation and looting (in the kingdom of Benin) and as such should also take the lead in restitution.⁶⁹ This illustrates the doors that restitution can open, but how refusal to do so can keep them closed as well.

DISCUSSING NEW RELATIONAL ETHICS

The subtitle of the Savoy and Sarr report is “Toward a New Relational Ethics”, revealing their main argument for the necessity of restitutions: to establish new relations, presumably more ethical ones.⁷⁰ A state usually does not act against its own interest (giving away valuable objects). Why, then, do France and Germany seemingly go against their own interest? I have outlined that the return of objects is a means of soft power diplomacy and add to this that cultural diplomacy can move beyond the national interest (keeping valuable objects) if this is perceived to be in the national

65 Martinez 2023, 72-73.

66 See for Austria: Spitra 2022, Belgium: de Clippele/Demarsin 2022, The Netherlands: van Beurden 2022.

67 Bursey 2022, 347.

68 Bursey 2022, 348.

69 The Guardian 2022, ► <https://www.theguardian.com/world/2022/dec/20/germany-returns-21-benin-bronzes-to-nigeria-amid-frustration-at-britain>.

70 Sarr/Savoy 2018, 2.

interest (better relations with (sub-Saharan) Africa).⁷¹

One of the elements mentioned in the 2022 study on the perception of the EU in Africa is Europe's "complacency deeply rooted in its legacy thinking" and perceived "paternalistic approach" towards Africa.⁷² Policy documents and speeches show that Germany and France expect there to be a change in the relationship with the African countries to which they return objects, potentially hoping to change this perception. In the 2021 German coalition agreement, the restitution of colonial objects is framed as overcoming colonial continuities and the start of a new partnership on eye level.⁷³ Thus, a restitution has strings attached, an expectation. Or, as Mauss would say, it exists in the "atmosphere of [...] obligation and of liberty mixed together."⁷⁴ Considering the changed geostrategic positioning of Africa as elaborated above, as well as the fact that problems such as pandemics or climate change can only be solved through global cooperation, Germany and France have recognised the significance of improving relations with the African continent. They aim to achieve this by overcoming their perception of being "paternalistic" and instead want to be perceived as acting according to their own values. This is echoed in the words of German Foreign Minister Baerbock, who emphasised that, with the return of the objects to Nigeria, Germany is finally facing its colonial history and healing a wound, highlighting that the material objects act as the vehicle of the aim to change the perception of Germany.⁷⁵

C. Scott has found that in previous cases of returns of objects from former coloniser to colonised, when the desire for reconciliation (for example because of geopolitical considerations) had grown, the willingness for returns of the former coloniser increased.⁷⁶ However, she adds, this was only the case if those returns were accepted as gestures of goodwill and not remorse or redress, so not as restitutions.⁷⁷ This dynamic appears not to be true in the case of French and German restitutions today. When framing restitutions as righting historical wrongs and as an ethical act to start a new relationship, the objects returned are more than

71 Ang et al. 2015, 379.

72 Shikwati et al. 2022, 6.

73 Sozialdemokratischen Partei Deutschlands, BÜNDNIS 90 / DIE GRÜNEN and Freie Demokraten 2021, 126. See ► <https://www.bundesregierung.de/resource/blob/974430/1990812/1f422c60505b6a88f8f3b3b5b8720bd4/2021-12-10-koav2021-data.pdf?download=1>.

74 Mauss 2016 (1925), 177.

75 Tagesschau 2022, ► <https://www.tagesschau.de/inland/rueckgabe-benin-bronzen-105.html>.

76 Scott 2020, 195.

77 Ibid.

the objects taken. The materials take on new meanings and serve a new purpose for the state returning them and, presumably, for the state receiving them.

According to Bourdieu, any gift receives its meaning from the response it triggers and “[...] if the response is a failure to reply, that retrospectively removes its intended meaning.”⁷⁸ Does this mean that if the restitutions (albeit not gifts as outlined above) do not achieve their desired effect of improved bilateral relations in the short term, they might be halted in the long term? Will the debate about restitutions return to oblivion as it has previously done? How sustainable are the procedures for restitution established in Germany and France?

CONCLUSION

A combination of geopolitical realities, societal change and technological advancements makes restitutions a reality today. Germany and France have both apologised for (parts of) their brutal colonial rule. With restitutions, they aim to follow these words with actions and, in doing so, with much public fanfare. To be seen as establishing an ethical relationship with formerly colonised states is an effective tool of soft power diplomacy. Through the use of public diplomacy, as Macron has done, this effect is increased and reaches civil society, perhaps changing the trend of less and less francophile populations that Sarr and Savoy imply but never get back to.⁷⁹ While I am not arguing that restitutions are not fundamentally the ethical thing to do, there seems to be a disconnect between taking actual responsibility for persisting colonial structures and returning a looted object. In Berlin, there are currently no laws in parliament that would formally institutionalise colonial returns to all countries that make a claim. They will continue to be negotiated for every case on a bilateral basis. This form of negotiation presupposes a request by a formerly colonised nation-state and close collaboration between former colonisers and formerly colonised. A collaboration that ensures continued diplomatic ties and contact. If, based on the French initiative, there is broader European cooperation on restitutions in the future, this would partially translocate the French and German soft power on the European stage but not change the essence of the restituted objects as diplomatic tools.

Following Mauss’ logic, restituted objects take on some of the essence of the state that is giving them back. After years of exile, in the case of the Benin Bronzes around 125 years, they return to their homelands and take on new meanings. This way, looted

⁷⁸ Bourdieu 1993, 5.

⁷⁹ Sarr/Savoy 2018, 30.

objects serve the (former) colonisers a final time, easing relations and making a mutually beneficial bilateral relationship focused on reconciliation possible. France and Germany have found a way to still benefit from their colonial empire, even if it is by disavowing it.

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