Decolonising Collections?

The Benin Artefacts in British Museums



Zhanna Ter-Zakaryan

St Antony's College

University of Oxford

Thesis submitted for the degree of

Master of Philosophy in Socio-Legal Research at the Faculty of Law

Word Count: 29,945

2021

ACKNOWLEDGEMENTS

I could not have written this thesis without the support of many individuals. I would like to thank my supervisor, Professor Linda Mulcahy, for her guidance and incisive feedback, which have been instrumental in shaping my research at Oxford. Thank you for your constant support and encouragement. I am grateful to everyone at the Centre for Socio-Legal Studies for being a space for rich intellectual exchange and support during the pandemic year. The development of this thesis would not have been possible without the insights provided by the staff of the Pitt Rivers Museum, the Barber Institute of Fine Arts, and the Bristol Museum and Art Gallery. For initiating my interest in cultural heritage law and challenging me to think critically about provenance, I thank Dr Silvia Beltrametti. My biggest gratitude goes to family and friends, for their endless support and unconditional love. For Dominic, whose intellectual companionship, conversations about colonial legacies, love, and patience got me through this challenging and demanding year at Oxford. Finally, I would like to thank the Faculty of Law at the University of Oxford, the Armenian General Benevolent Union, and the Armenian International Women's Association for their generous support to make my studies at Oxford possible.

ABSTRACT

This thesis explores how British museums position themselves within the contemporary restitution debate, and specifically how they treat the Benin Bronzes, which have problematic provenance from the colonial past. Examination of the international law of the nineteenth century suggests that the colonial powers believed that provisions for the protection of cultural property did not apply to 'uncivilised' colonies. I argue that this mindset of seeing Africa as uncivilised is still traceable in the twentieth-century retentionist attitudes of some western museums and governments. During the second half of the twentieth century, a new set of international treaties and conventions generated two opposing approaches to the ownership of art objects: one asserted that they belong to humanity as a whole, the other to the cultures that created them. The tension between these two positions translated into moral arguments, amplified by the broader decolonisation movement. This escalation created the restitution dilemma with which western museums are struggling.

Against this backdrop, I examine how British museums present their Benin collections online. So far, twelve out of thirty-nine museums have provided comprehensive information on the objects' history, their importance to the Kingdom of Benin, and how they were plundered by the British military. I show that university museums, museums in cities with a history of slave trading, and those with large Benin collections are more likely to do this. When these findings are placed together with observations of curatorial practices within two major museums (Pitt Rivers Museum and British Museum) and their involvement in a variety of decolonisation projects, it becomes clear that the stance of British museums in the restitution debate is nuanced, multi-layered, and occasionally counterintuitive. The thesis concludes with an open-ended question about the direction that museums are taking on matters of restitution and decolonisation.

TABLE OF CONTENTS

ACRONYMS 3

PRIMARY LEGAL SOURCES 4

TABLES 5

ILLUSTRATIONS 6

1 INTRODUCTION 7

1.1 Method 10

1.2 Chapter Outline 12

1.3 Historical Background of the Kingdom of Benin 13

2 THE LEGAL DEBATE 19

2.1 The Nineteenth Century and the Question of Protection 20

2.2 The Twentieth Century and the Question of Ownership 25

2.2.1 The Internationalisation of Cultural Belonging 26

2.2.2 The Nationalisation of Cultural Belonging 27

2.3 The Benin Case in the Context of International Law 30

2.4 Conclusion 33

3 THE INTERNATIONAL DEBATE 36

3.1 The Roots of the Restitution Debate 37

3.1.1 Cultural Decolonisation 38

3.1.2 Nigeria and its Claims 41

3.2 Restitution: Arguments in Favour and Against 43

3.2.1 The Belonging Argument 45

3.2.2 The Economic Argument 50

3.2.3 The 'Object-Oriented' Argument 52

3.3 Reframing the Debate 54

3.4 Conclusion 59

4 THE BRITISH CONTEXT 61

4.1 The Museums' Online Presentation 63

4.1.1 Popularity and Information 68

4.1.2 Size of the Benin Collection and Information 70

4.1.3 Museum Type and Information 72

4.2 Curational Choices in Practice 79
4.2.1 The Pitt Rivers Museum 80
4.2.2 The British Museum 88
4.3 Conclusion 94

5 CONCLUSION 97
5.1 Avenues for Further Research 102

APPENDIX 104

BIBLIOGRAPHY 113

ACRONYMS

ALVA	Association of Leading Visitor Attractions
BBC	British Broadcasting Corporation
BDG	Benin Dialogue Group
BM	British Museum
CNN	Cable News Network
CTS	Oxford Consolidated Treaty Series
CUREC	Central University Research Ethics Committee
EMOWAA	Edo Museum of West African Art in Nigeria
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOM	International Council of Museums
ICRC	International Committee of the Red Cross
IMO	International Museums Office
MA	Museums Association
MAA	Museum of Archaeology and Anthropology
MARKK	Museum am Rothenbaum World Cultures and Arts
MET	Metropolitan Museum of Art
NCMM	National Commission for Museums and Monuments
OHCHR	Office of the United Nations High Commissioner for Human Rights
PRM	Pitt Rivers Museum
UCLA	University of California, Los Angeles
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNIDROIT	International Institute for the Unification of Private Law
UNTS	United Nations Treaty Series
US	United States
V&A	Victoria and Albert Museum

PRIMARY LEGAL SOURCES

British Museum Act 1902, London, 22 July 1902 39

British Museum Act 1963, London, 10 July 1963 39

Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954 26

Convention on Stolen or Illegally Exported Cultural Objects, Rome, 24 June 1995 29

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Paris, 14 November 1970 28

Convention Respecting the Laws and Customs of War on Land, The Hague, 18 October 1907 24

Convention with Respect to the Laws and Customs of War on Land, The Hague, 29 July 1899 24

Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960 38

Instructions for the Government of Armies of the United States in the Field, 24 April 1863 22

TABLES

Table 1 68
Relationship between the Museums' Popularity and the Amount of Information Available on their Websites

Table 2 70
Relationship between the Museums' Number of Benin Artefacts and the Amount of Information Available on their Websites

Table 3 72
Relationship between the Museums' Types and the Amount of Information Available on their Websites

ILLUSTRATIONS

Illustration 1 15
Benin Plaque, 16th-17th Century, The Trustees of the British Museum

Illustration 2 15
Cast Brass Head of an Oba, 16th Century, The British Museum

Illustration 3 18
Members of the 1897 British 'Punitive Expedition' Surrounded by Objects from the Royal Palace

Illustration 4 81
The Benin Artefacts at the Pitt Rivers Museum

Illustration 5 82
Headdresses

Illustration 6 82
Brooches and Pins

Illustration 7 84
Bird of Prophecy Rattle Staff with Inscription on its Handle

Illustration 8 90
Sainsbury Galleries, The British Museum

Illustration 9 93
Taslim Martin's Sculpture Next to a 19th-Century Benin Head

Chapter 1

INTRODUCTION

The rise of western museums in the nineteenth century and the building of their collections was made possible in part by the confiscation and appropriation of cultural artefacts from territories that western countries conquered and colonised across the world. With the fall of the empires and the decolonisation movement in the twentieth century, the newly independent states began reclaiming the cultural artefacts that had been taken from them, often by force, by colonial administrations. More and more ex-colonies embarked on the reconstruction of their cultural heritage as an important part of the process of building a national identity that would be free from colonial domination.[1] Today, we are witnessing an increased number of restitution claims for objects that until now have enriched the collections of western museums. Those claims have raised a whole set of questions: around the artefacts' removal from their places of origin in the colonial period, their ownership in law, and the best location and most appropriate setting for their future exhibition. These questions are situated within a wider and deeper set of philosophical and ideological debates about the politics and ethics of decolonisation, as well as within discussions among lawyers, museum trustees and curators, and art historians and critics.

Nineteenth- and twentieth-century international treaties, conventions, and other sources of international law established a general rule that cultural property should not be destroyed or removed in times of conflict. Since the mid-twentieth century, this concern for protection was refocused towards the question of ownership. Provenance,

[1] According to UNESCO, the term 'cultural heritage' covers the tangible and intangible elements of culture. UNESCO, "What is Meant by 'Cultural Heritage'?", http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/. Following this definition, in the context of this thesis, the term 'cultural property' refers to the tangible component of cultural heritage.

originally a mere record of ownership, is increasingly becoming a tool used in legal disputes and in political claims for restitution. Within museums, it has also become a contentious subject, as both the legality and the morality of holding artefacts of dubious provenance generate ongoing debates about what a museum is for, whom it should serve, and what principles should guide its policies.

Although these recent developments have not opened avenues that would bring restitution claims of contentious objects to legal forums, they have generated an environment in which voices are being raised to return the booty of long-ago confiscations to its rightful owners.[2] Those voices were amplified by the recent emergence of the decolonisation movement in western countries. The movement calls on western governments to acknowledge their colonial past, to rectify, where possible, the harm inflicted on people in places such as Africa, and to reconstruct the presentation of history so as to admit the exact nature of past practice.

Inevitably, the western museums are being affected by these legal, social, and political developments, becoming spaces of complex interactions, debate, confrontations, and broader 'frictions'.[3] Museums are faced with a changing world that imposes a growing demand on them to review the provenance of collections in their custody, acknowledge the past associated with some items, and then take action to compensate for it. The compensation could take the form of voluntary restitution, but not necessarily. In recent years, museum practices have increasingly begun to include efforts to move away from conventional modes of display and narration of their

[2] Geoffrey Robertson, *Who Owns History? Elgin's Loot and the Case for Returning Plundered Treasure* (London: Biteback, 2019), 1-8.

[3] Corinne A. Kratz and Ivan Karp, "Introduction: Museum Frictions: Public Cultures/Global Transformations", in: Ivan Karp, Corinne A. Kratz, Lynn Szwaja, and Tomas Ybarra-Frausto (eds.), *Museum Frictions: Public Cultures/Global Transformations* (Durham: Duke University Press, 2006), 1-31.

collections with problematic provenance. Among many other examples, European museums such as the Tropenmuseum in the Netherlands and the Royal Museum of Central Africa in Belgium have explored their difficult colonial pasts through their curatorial practices, while museums in the United States since the 1980s increasingly addressed the history of slavery through exhibition-making.[4]

Against this backdrop, this thesis is intended to examine how British museums position themselves within the contemporary restitution debate. Are they sending back contested objects? If they continue to hold cultural property with problematic provenance, how do they present it? In particular, how do they deal with the growing pressure to critically reassess their collections of artefacts from the Kingdom of Benin, commonly referred to as the Benin Bronzes, which were brought to Britain as a result of a brutal military attack on the Kingdom by British forces in 1897?[5] While it is impossible to fully address this question within the scope of an MPhil thesis, the intention here is to make a contribution to answering it. To that end, I will first map out the debate and then examine how British museums are engaging with decolonisation on their digital platforms and through curatorial practices in two major museums that hold large collections of Benin artefacts.

[4] See, for example, the chapters by Bouquet and Lagae, in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020); Fath Davis Ruffins, "Revisiting the Old Plantation: Reparations, Reconciliation, and Museumizing American Slavery", in: Ivan Karp, Corinne A. Kratz, Lynn Szwaja, and Tomas Ybarra-Frausto (eds.), *Museum Frictions: Public Cultures/Global Transformations* (Durham: Duke University Press, 2006), 394-434. See also Ivan Karp and Steven Lavine (eds.), *Exhibiting Cultures: The Poetics and Politics of Museum Display* (Washington: Smithsonian Institution Press, 1991).

[5] Any references to Benin are to the Kingdom that is now in modern-day Nigeria, not the Republic of Benin.

1.1 Method

The data on which this thesis rests is derived from different sources. The first are primary sources of international law. Conventions, declarations, and manuals of the nineteenth and twentieth centuries that address cultural heritage in their articles are examined to establish the general pattern of thinking about cultural property protection in times of armed conflict.

Second, the existing scholarly literature on the restitution debate and on the issue of provenance and ownership of cultural property, combined with other publications, such as newspaper articles, has been scrutinised. The *Art Newspaper*, which has been extensively covering the restitution debate, was particularly helpful. The coverage of this debate has predominantly been followed in English, French, and German.[6]

Third, thirty-nine British museums that may hold Benin artefacts in their collections have been chosen for an exploratory empirical study. A content analysis of the websites of these museums has been undertaken to assess whether and how each of them has been reassessing its digital presentation of its Benin collections. It should be noted that some of the museums' online databases and collection catalogues used in this analysis were created primarily for the purposes of research and are usually consulted by an academic audience as opposed to the general public. It is debatable if the data taken from those databases can be analysed alongside data from so-called 'public-facing' websites in order to yield a single set of inferences. However, I would argue that such an approach is justified in the context of my thesis. First, although the two types of websites do indeed have different purposes and the thinking behind organising them is different, they are both accessible to anyone who searches the museum's website. As

[6] Relevant French and German sources have been interpreted with the help of a native speaker.

Marty suggests, any digital resource available on a museum's website, irrespective of the interface used to access it, is 'public-facing content'.[7] Therefore, as much as these museum websites are a resource for research, they are also, by virtue of their publicly accessible nature, a space for interaction and engagement with a wider, non-professional audience.[8] Secondly, my research question is not whether people see the information easily or have to make additional efforts to access such information, but rather on whatever digital evidence can be gathered on what museums do or do not do as part of the decolonisation process. That test of evidence applies regardless of the audience that any particular piece of website information is aimed at. And lastly, with the closure of cultural institutions as a result of the COVID-19 pandemic and their shift of operation from onsite to online, museum websites have found themselves increasingly exposed to larger audiences worldwide.[9] Therefore, even though there is a legitimate question about the validity of equal treatment of different parts of a museum's website, I would argue that, for the purpose of this thesis, the use of both parts as a single database is sufficiently well-grounded to enable me to draw tentative conclusions about the museums' digital engagement with decolonisation processes.

Fourth, two of these thirty-nine museums, the Pitt Rivers Museum of the University of Oxford and the British Museum in London, were chosen for a detailed case study. The study was designed to gain a more nuanced understanding of how two

[7] Email correspondence with Paul Marty, Professor of Museum Informatics at Florida State University, Oxford, 1 January 2022.

[8] The results of the surveys suggest frequent visitation of museum websites by the general public, including for the purposes of accessing online images and further information about the artefacts. Paul F. Marty, "Museum Websites and Museum Visitors: Digital Museum Resources and their Use", *Museum Management and Curatorship* 22 (2007), 81-99, 95.

[9] Lucrezia Gigante and Mingshi Cui, "Editorial: (Re)Visiting Museums", *Museological Review: (Re)Visiting Museums* 25 (2021), 8-11, 8.

museums with large collections but different ideological orientation deal with their Benin collections through their curatorial practices.

And last, insights from five semi-structured interviews with museum officials from three institutions and email correspondence with experts in the field have been obtained to enrich analyses of the curatorial practices of both museums as well as the inferences from digital data.

1.2 Chapter Outline

The following section of this chapter introduces the historical background of the Kingdom and its heritage, together with the details of the 1897 attack, to establish the artefacts' cultural value and their undisputed provenance.

Chapter two examines the development of the international legal debate around cultural property protection and ownership during the nineteenth and twentieth centuries to understand how international law treats the case of the Benin artefacts. I aim to show that international law did not restrain the actions of the colonial powers when these were operating outside of western geopolitical boundaries, and the more current legal developments often do not help to resolve restitution disputes by legal means. However, these international agreements did serve as an important factor in setting up a framework for wider social and political debates around cultural property protection and ownership.

Chapter three discusses the social and political context of the controversy surrounding the Benin artefacts held in western museums. Arguments used in the debate for and against restitution of the artefacts are analysed through the approaches of cultural internationalism and cultural nationalism, assessing the limiting nature of these

two approaches within the debate. I argue that there is some degree of continuity between the tactics of colonial powers towards Africa in the nineteenth century (discussed in the previous chapter) and the attitudes taken by some western museums and governments in the mid- to late twentieth century on the issue of restitution. This discussion is followed by an examination of the current initiatives dealing with the complexities of the Benin artefacts in western museums, showing that state and non-state actors, particularly in Europe, appear to be in the process of finding more concrete solutions to the Benin case.

After mapping out the current state of the debate on how collections with problematic provenance should be dealt with, chapter four explores the British context in more depth. Specifically, it looks at how British museums are engaging with, or reflecting, decolonisation debates online and in their curatorial practices within their own walls. Chapter five then concludes this thesis, summarising its main findings and suggesting a few avenues for further research.

1.3 Historical Background of the Kingdom of Benin

The Benin artefacts are a relevant case study to this thesis because of the uncontested facts about the nature of their acquisition and their prominence in the contemporary cultural property debate. Located on the territory of modern-day Nigeria, the Kingdom of Benin dates back to the tenth century, although the earliest available accounts about its capital, Benin City, only appear in 1472, when the Portuguese reached the Bay of Benin.[10] The Kingdom expanded significantly during the fifteenth and sixteenth

[10] Barbara Plankensteiner, "Benin: Kings and Rituals: Court Arts from Nigeria", *African Arts* 40, 4 (2007), 74-87, 76. For a general history of the Kingdom, see Philip A. Igbafe, "A History of the Benin Kingdom:

centuries by trading with the Portuguese, French, Dutch, and Germans.[11] It was home to various ethnicities, chief among them the Edo people. The Kingdom was ruled by the Oba, the 'divine king', who presided over its administrative and military structures.

The Portuguese's trade with the Kingdom included large quantities of brass, the basic material used for the making of the Benin artefacts.[12] These artefacts were culturally and socially important, being used both to record the Kingdom's history and to serve as commemorative objects during ceremonies. Outside the Benin context, they have since been appreciated as works of art created by exceptionally skilled craftspeople. The most famous of these artefacts, the relief plaques, mainly served to decorate the walls of the Oba's palace.[13] Their overarching themes revolve around Benin's ceremonial life, the actions of conquering enemies, and praise of the Kingdom's magnificence.[14] Illustration 1 shows one such plaque currently housed at the British Museum.[15] Brass altarpieces, including commemorative heads of deceased members of the monarchy, are another common type of Benin artefact (see Illustration 2).[16] All

---

An Overview", in: Barbara Plankensteiner (ed.), *Benin: Kings and Rituals: Court Arts from Nigeria* (Ghent: Snoeck, 2007), 41-53; Olphert Dapper, "Benin at the Height of its Power", in: Thomas Hodgkin (ed.), *Nigerian Perspectives: An Historical Anthology* (London: Oxford University Press, 1960), 122-30. For the representation of Benin in European accounts, see Osarhieme Benson Osadolor and Leo Enahoro Otoide, "The Benin Kingdom in British Imperial Historiography", *History in Africa* 35 (2008), 401-18.

[11] Robert Home, *City of Blood Revisited: A New Look at the Benin Expedition of 1897* (London: Rex Collings, 1982), 1.

[12] Neil MacGregor, *A History of the World in 100 Objects* (London: Penguin, 2012), 425. See also Barnaby Phillips, *Loot: Britain and the Benin Bronzes* (London: Oneworld, 2021), 10. Although these artefacts are commonly referred to as the 'Benin Bronzes', they are not in fact made of bronze, but mainly of brass.

[13] Home, *City of Blood Revisited*, 88; Phillips, *Loot*, 11.

[14] Paula Ben-Amos, *Art, Innovation, and Politics in Eighteenth-Century Benin* (Bloomington: Indiana University Press, 1999), 54-60. See also Christraud M. Geary, *The Idiom of War in the Bamum Court Arts* (Boston: Boston University, 1981), 8.

[15] British Museum, "Plaque", https://www.britishmuseum.org/collection/object/E_Af1898-0115-23.

[16] For an art historical account of the commemorative heads, see Frank Willett, Ben Torsney, and Mark Ritchie, "Composition and Style: An Examination of the Benin 'Bronze' Heads", *African Arts* 27, 3 (1994), 60-7+102.

Benin artefacts were officially the property of the Oba himself and were neither for sale nor meant to exit the Kingdom's territory.[17] As a result, they were not seen in Europe until after the so-called British 'punitive expedition' of 1897, making it a challenge for scholars in the field to accurately date them.[18]



Illustration 1: Benin Plaque, 16th-17th Century, The Trustees of the British Museum



Illustration 2: Cast Brass Head of an Oba, 16th Century, The British Museum

Although various European merchants traded with Benin, by the mid-nineteenth century, the British dominated the coast.[19] They grew increasingly unwilling to comply with Benin's trading conditions and tightened their grip on power by gradually removing local leaders.[20] The first attempt to take over control was through an 1892 treaty that considerably decreased the Oba's powers both in trade-related and general

[17] Ben-Amos, *Art, Innovation, and Politics*, 54.

[18] Ibid., 60. See also Felicity Bodenstein, "The Global Market Trajectories of Two Brass Leopards from Benin City (1897-1953)", in: Eva-Maria Troelenberg, Kerstin Schankweiler, and Anna Sophia Messner (eds.), *Reading Objects in the Contact Zone* (Heidelberg: Heidelberg University, 2021), 132-9, 134.

[19] Home, *City of Blood Revisited*, 1-3.

[20] Plankensteiner, "Benin", 77; Philip A. Igbafe, "The Fall of Benin: A Reassessment", *Journal of African History* 11, 3 (1970), 385-400, 386.

affairs.[21] Although the treaty was eventually signed, it has been argued that there is a strong possibility that the Oba did not fully understand its consequences because its terms may not have been accurately interpreted for him.[22]

Whatever the reason, the trade situation did not improve after the treaty was signed, as the Oba remained reluctant to accept British control of the Kingdom. The British therefore decided to organise an unarmed diplomatic expedition to Benin. There are views that the actual intention was to remove the Oba and 'establish a native council in his place and to take such further steps for the opening up of the country as the occasion may require'.[23] As the news of the expedition reached Benin, the Oba was unsure as to whether the British visit would be a genuinely peaceful one. There was an unease and disagreement among his senior chiefs in regard to how to respond to the visit.[24]

The British visit was scheduled to take place in January 1897, coinciding with the local Ague festival, which traditionally did not allow foreign visitors.[25] Partly for that reason, but also in attempting to delay the unwanted clash, the Oba decided to send messengers to meet the British and request that they postpone their expedition until after the festival.[26] These messengers were ignored, and the British soldiers continued their

[21] Home, *City of Blood Revisited*, 7f. See also Annie E. Coombes, *Reinventing Africa: Museums, Material Culture and Popular Imagination* (New Haven: Yale University Press, 1994), 9-11.

[22] Igbafe, "Fall of Benin", 388; Home, *City of Blood Revisited*, 8; Phillips, *Loot*, 42.

[23] James Philips, deputy of the vice counsel stationed in the Benin area at the time of the expedition, quoted in: Home, *City of Blood Revisited*, 34.

[24] Gert von Paczensky and Herbert Ganslmayr, *Nofretete will nach Hause: Europa – Schatzhaus der 'dritten Welt'* (Munich: Bertelsmann, 1984), 131.

[25] The Art Institute of Chicago, "Rituals at Court", 2013, https://archive.artic.edu/benin/rituals/.

[26] Alan M. Boisragon, *The Benin Massacre* (London: Methuen, 1897), 59.

journey as planned.[27] As they approached the Kingdom, shooting by the Oba's people began, killing almost all British troops.[28]

When the news about the attack reached Britain, it was clear that a military response would follow.[29] The purpose of this second expedition was not only to punish the 'primitive' Oba and his people, but mainly to take control of regional trade and extend the British Empire's reach.[30] A month later, Benin City was violently attacked and thoroughly ransacked, and its people were slaughtered.[31] In addition to the looting of other artefacts, such as elephant tusks and ancestral brass heads that stood on the palace altars, the British troops removed the plaques from the palace walls, later justifying their plundering as 'spoils of war'.[32]

A significant amount of information on the history, purpose, and placement of the Benin artefacts is lost, as the British troops did not systematically record their plunder. The precise number of looted artefacts is unclear, too, with estimates ranging from 2,400 to 10,000.[33] It is, however, clear that the artefacts were transported back to

---

[27] Kathy Curnow, "The Art of Fasting: Benin's Ague Ceremony", *African Arts* 30 (1997), 46-53, 46.

[28] Home, *City of Blood Revisited*, 44f. See also Times, "The Benin Disaster", 13 January 1897, https://go.gale.com/ps/retrieve.do?tabID=Newspapers&resultListType=RESULT_LIST&searchResultsType=SingleTab&hitCount=2&searchType=AdvancedSearchForm&currentPosition=2&docId=GALE%7CCS50651181&docType=Article&sort=Pub+Date+Forward+Chron&contentSegment=ZTMA-MOD1&prodId=TTDA&pageNum=1&contentSet=GALE%7CCS50651181&searchId=R4&userGroupName=oxford&inPS=true.

[29] Salome Kiwara-Wilson, "Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories", *DePaul Journal of Art, Technology & Intellectual Property Law* 23, 2 (2013), 375-425, 384.

[30] Ibid. See also Philip A. Igbafe, "British Rule in Benin 1897-1920: Direct or Indirect?", *Journal of the Historical Society of Nigeria* 3, 4 (1967), 701-17, esp. 701; id., *Benin under British Administration: The Impact of Colonial Rule on an African Kingdom, 1897-1938* (London: Longman, 1979).

[31] Phillips, *Loot*, 86-96.

[32] Home, *City of Blood Revisited*, 88; Plankensteiner, "Benin", 78.

[33] Felicity Bodenstein, "Notes for a Long-Term Approach to the Price History of Brass and Ivory Objects Taken from the Kingdom of Benin in 1897", in: Bénédicte Savoy, Charlotte Guichard, and Christine Howald (eds.), *Acquiring Cultures: Histories of World Art on Western Markets* (Berlin: De Gruyter, 2018), 267-88, 268.

Britain and the British Museum, with some sold to fund the 1897 attack. Today, the British Museum holds the vast majority of these artefacts in the UK, while the remaining ones are scattered around the world, appearing in many western private and national collections.[34] Unlike the circumstances of other artefacts that were purchased by western collectors, the circumstances of the removal of the Benin artefacts and their relocation are undisputed: they were taken by force, against the will of their original owners.



Illustration 3: Members of the 1897 British 'Punitive Expedition' Surrounded by Objects from the Royal Palace

[34] Staffan Lundén, *Displaying Loot: The Benin Objects and the British Museum* (Gothenburg: Göteborgs Universitet, 2016), 7; Kate Brown, "Benin's Looted Bronzes are All Over the Western World: Here are 7 Museums that Hold Over 2,000 of the Famed Sculptures", *Artnet News*, 27 July 2018, https://news.artnet.com/art-world/benin-bronzes-restitution-1322807. For an example of a Benin artefact in a private collection, see Sotheby's, "Tête, Edo, Royaume de Benin, Nigeria, XVIIe-XVIIIe siècle", *Sotheby's Paris*, 12 December 2017, https://www.sothebys.com/en/auctions/ecatalogue/2016/arts-afrique-oceanie-pf1718/lot.67.html.

Chapter 2

THE LEGAL DEBATE

The confiscation and relocation of cultural artefacts from their sources of origin is hardly a new practice. Felch suggests that the looting of antiquities is probably the world's 'second-oldest profession'.[35] For centuries, cultural property has been recognised to be the principal element in conditioning societal identity and collective memory, an insight that might explain why armed conflict has frequently involved the ransacking of sacred sites and looting of cultural artefacts. Discussions around the ownership of displaced objects, moreover, are hardly a new practice either. This chapter therefore discusses the international legal debate around restitution and cultural ownership as it unfolded throughout the nineteenth and twentieth centuries, paying particular attention to the debate's reference to colonial plunder and the removal of cultural objects under the spoils of war provision.

Through a discussion of treaties, declarations, conventions, and the work of intergovernmental committees, it is shown that the general principle of refraining from destroying or removing cultural artefacts in times of conflict was a recognised approach in western international relations well before the looting of the Benin artefacts took place in 1897. Yet, these provisions did not restrain the actions of the colonial powers when they were operating outside of western geopolitical boundaries. Furthermore, although there was a progression from the recognition of safeguarding cultural property against destruction in the nineteenth century to a growing appeal for restitution in the twentieth century, twentieth-century international law did not open avenues to resolve the case of the Benin artefacts. However, even though these international mechanisms

[35] Jason Felch and Ralph Frammolino, *Chasing Aphrodite: The Hunt for Looted Antiquities at the World's Richest Museum* (Boston: Houghton Mifflin Harcourt, 2011), 2.

might have fallen short in their applicability and might not have had direct repercussions, they have nevertheless contributed to the development of the wider cultural property debate, which has in turn put continuous pressure on western museums and governments to address artefacts with problematic provenance in their possession. The chapter proceeds by, first, examining key events in the nineteenth century which have reshaped the assumptions made about retaining confiscated cultural property. Second, the chapter will examine how the debate around restitution has been changing in the twentieth century, particularly after the bout of destruction of cultural property during World War II, shifting the focus from the protection of cultural property towards the legality of their possession and the importance of provenance. Last, the chapter will examine the case of the Benin artefacts in light of these developments in international law.

2.1 The Nineteenth Century and the Question of Protection

Some scholars suggest that the custom of avoiding the destruction of cultural property during wartime dates back to antiquity.[36] Although the concept of just war in the context of refraining from damaging the enemy's cultural property is discussed by philosophers such as Saint Augustine and Machiavelli from antiquity through to the Renaissance, this concept did not enter legal discussions until the end of the Thirty Years' War in 1648.[37] The Westphalian Peace Treaty of that year laid the groundwork for the inception of

[36] See, for example, Joshua E. Kastenberg, "The Legal Regime for Protecting Cultural Property during Armed Conflict", *Air Force Law Review* 42 (1997), 277-306, 281; Margaret M. Miles, *Art as Plunder: The Ancient Origins of Debate about Cultural Property* (New York: Cambridge University Press, 2009).

[37] Kastenberg, "Legal Regime", 282.

modern European international relations and law and also addressed the notion of restitution with regard to seized immovable property during the war.[38] The Treaty drew attention to the irreversibility of destruction of valuable objects and immovable property during armed conflict and proposed 'reciprocal restitution of "archives, writings and other movables"'.[39]

Despite this backdrop, the plunder of cultural artefacts continued to be intensively practised and broadly accepted as legitimate spoils of war.[40] Already in the nineteenth century, during the Napoleonic Wars (1803-15), it was common practice among French troops to ship looted artworks from conquered societies all over Europe and North Africa back to France and to the newly built Louvre, which soon came to embody French imperialism in a physical form. As part of his expansionist masterplan, these works were Napoleon's trophies of conquest.

However, with Napoleon's defeat in 1815, the victorious allies began making decisions in regard to the restitution of artworks seized from all over the continent.[41] The restoration and return policy of some of the objects was reflected in the Second Treaty of Paris (1815), which required comprehensive identification and return of all

[38] Treaty of Peace between France and the Empire (signed 24 October 1648) 1 CTS 271; Randall Lesaffer, "Restitution in Early-Modern Peace Treaties: The Case of the Dutch-Spanish Peace Treaty of Münster (1648) – Part I", *Oxford Public International Law*, https://opil.ouplaw.com/page/658.

[39] Irini A. Stamatoudi, *Cultural Property Law and Restitution: A Commentary to International Conventions and European Union Law* (Cheltenham: Edward Elgar, 2011), 234f.

[40] For examples of confiscation of cultural property as 'spoils of war' in ancient times, see Miles, *Art as Plunder*. The legal framing of "illegal pillage", "legitimate spoils of war", and, in naval warfare, "contraband of war" has been blurred throughout history. See, for example, Andrew Clapham, "Booty, Bounty, Blockade, and Prize: Time to Reevaluate the Law", *International Law Studies* 97, 1 (2021), 1201-34.

[41] Cynthia Saltzman, *Napoleon's Plunder and the Theft of Veronese's Feast* (London: Thames and Hudson, 2021), ch. 22.

objects looted by Napoleon. This requirement helped establish the principle of restitution to the nation from which the objects had been removed.[42]

Napoleon's defeat was an important milestone in a wider series of changes in the approach to the ownership and protection of cultural property. International treaties and policies began to emerge throughout the nineteenth century that addressed the issue. From the Lieber Code of 1863 to the Brussels Declaration of 1874, to the official prohibition of pillaging during armed conflict in the Oxford Manual of 1880, and finally to the codification of cultural property protection in the Hague Conventions of 1899 and 1907, the treatment of cultural objects began to shift internationally among western states.

Drafted during the American Civil War in 1863, the purpose of the *Instructions for the Government of Armies of the United States in the Field* (hereinafter referred to as the Lieber Code) was to codify the general behaviour of soldiers at war. Specific articles of the Code distinguished cultural artefacts as a separate category to be legally protected from destruction in wartime.[43] Although the Code provided for the protection of the objects from 'all avoidable injury', it did not necessarily forbid their seizure by the conquering state.[44] However, it prohibited any deliberate damage or destruction of

[42] Paige S. Goodwin, "Mapping the Limits of Repatriable Cultural Heritage: A Case Study of Stolen Flemish Art in French Museums", *University of Pennsylvania Law Review* 157, 2 (2008), 673-705, 681. See also Wojciech W. Kowalski, *Art Treasures and War: A Study on the Restitution of Looted Cultural Property Pursuant to Public International Law* (London: Institute of Art and Law, 1998), 22-4.

[43] Article 35: 'Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be *secured against all avoidable injury*, even when they are contained in fortified places whilst besieged or bombarded [emphasis added].' Instructions for the Government of Armies of the United States in the Field (signed 24 April 1863) (Lieber Code).

[44] Article 36: 'If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace. *In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured* [emphasis added].' Ibid.

objects as well as their private appropriation or sale. Even though the Lieber Code was initially drafted for American soldiers, it had a strong impact on European diplomats and jurists, who in turn influenced the international debate around the protection of cultural property during conflict, prompting the creation of various conventions in Europe.[45]

The Code was followed by the Brussels Declaration. Drafted in 1874, the *Project of an International Declaration Concerning the Laws and Customs of War* was an international effort to codify the laws of war, and the protection of cultural objects was one of them. Similar to the Lieber Code, the Brussels Declaration included a provision against wilful damage of cultural artefacts during conflict, considering them as private property.[46] However, it went a step further than the Lieber Code by forbidding the military practice of confiscating such private property. The Declaration was never ratified, as not all European member states were prepared to accept such rigorous rules. Nonetheless, the Declaration was key in the development of customs and the protection of cultural property in wartime.[47]

In the same year, the Institute of International Law in Ghent, Belgium, designated a special committee to study the Brussels Declaration. The result was the Oxford Manual on the *Laws of War on Land*, adopted by the Institute in 1880 for the

[45] Zhang Yadong, "Evolution of the Customary International Law on the Cultural Property Plundered in War", *Opole Studies in Administration and Law* 18, 4 (2020), 123-35, 129.

[46] Article 8: 'The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences even when State property, shall be treated as private property. *All seizure or destruction of, or wilful damage to, institutions of this character, historic monuments, works of art and science should be made the subject of legal proceedings by the competent authorities* [emphasis added].' Article 17: 'In such cases [of bombardment] *all necessary steps must be taken to spare, as far as possible, buildings dedicated to art*, science, or charitable purposes, hospitals, […] provided they are not being used at the time for military purposes [emphasis added].' Project of an International Declaration concerning the Laws and Customs of War (adopted 27 August 1874) (Brussels Declaration).

[47] Yue Zhang, "Customary International Law and the Rule against Taking Cultural Property as Spoils of War", *Chinese Journal of International Law* 17, 4 (2018), 943-89, 974f.

purposes of limiting the destructive nature of wars and providing governments with instructions about wartime conduct for their armies.[48] The Manual was distributed among various European states to encourage them to adopt a similar set of instructions within their respective jurisdictions.[49] Most importantly, it stressed the prohibition of confiscation and plunder of cultural property in times of conflict.[50] Unlike the 1874 Brussels Declaration, the text of the Manual specifically mentioned 'civilized nations', highlighting their responsibility to 'restrain the destructive force of war', and therefore clarifying to whom it applied.[51]

The Hague Conventions of 1899 and 1907 followed, becoming the two main international treaties which codified rules and customs of war, and were eventually ratified by the member states. The 1899 Hague Convention was a result of the proposal of the Russian Tsar Nicholas II, who sought to initiate a conference that, unlike previous ones, would eventually be ratified. The 1907 Hague Convention, proposed by US President Theodore Roosevelt, consisted of a few advancements and additions to the 1899 one.[52] As in the Lieber Code, both Conventions set out rules against the destruction, intentional damage, or seizure of cultural artefacts.[53] Most of the articles in

---

[48] The Laws of War on Land (adopted 9 September 1880) (Oxford Manual).

[49] Doris A. Graber, *The Development of the Law of Belligerent Occupation, 1863-1914: A Historical Survey* (New York: Columbia University Press, 1949), 30.

[50] Article 53: 'The property of municipalities, and that of institutions devoted to religion, charity, education, art and science, *cannot be seized*. *All destruction or wilful damage* to institutions of this character, historic monuments, archives, Works of art, or science, *is formally forbidden, save when urgently demanded by military necessity* [emphasis added].' Oxford Manual.

[51] Ibid.

[52] Convention concerning the Laws and Customs of War on Land (signed 18 October 1907) 205 CTS 277.

[53] Article 56: 'The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property. All seizure of and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.' International Convention with Respect to the Laws and Customs of War by Land (signed 29 July 1899) 187 CTS 429.

both Conventions were a mere restatement of the previously drafted international conventions. The articles concerning the protection of cultural property, therefore, remained the same, with no debate around the necessity to redraft them.

The provisions for the protection of cultural property in times of conflict within all of these treaties, manuals, and declarations exhibit the development of a change in public rhetoric in the nineteenth century. These treaties and declarations indicate the emerging normative framework supported by various western states to respect and protect cultural property in times of conflict. Although those principles arguably became expected norms of behaviour in the 'civilised' world, there was no public anticipation that they were relevant to actions that were taking place in colonies. However, the international framework that had evolved in the nineteenth century took a decisive turn in the twentieth century, influencing the legal and moral foundation of the current restitution debate.

2.2 The Twentieth Century and the Question of Ownership

In the mid-twentieth century, there was a transition from attention to avoiding the destruction or removal of cultural property to the notion of the legality of its ownership and belonging. Sparked by the mass destruction of World War II and by the theft and forced disposition by Nazis of many privately owned artworks and artefacts, the task of researching and establishing object provenance became a key concern. Provenance shifted from being a mere historical record of possession to being a proof of legitimate

ownership in legal restitution claims.[54] International conventions that asserted the general principles related to the various aspects of cultural property protection as well as mediating their return led to criminal and civil prosecutions in western courts. A heightened sense of obligation to critically address the relocation of man-made objects has since become the order of the day.

2.2.1 The Internationalisation of Cultural Belonging

Against the backdrop of the destructive nature of the nineteenth century and World War I, the looting of cultural objects during World War II was fundamental to the rise of the modern restitution movement.[55] In conjunction with the emergence of a radically new post-war process of decolonisation, these changes triggered the international community to come together and establish a protocol which, unlike the previously discussed agreements and treaties, would exclusively address cultural property protection.[56]

The immediate result was the *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (hereinafter referred to as the 1954 Hague Convention).[57] Not only was this Convention the first one to exclusively deal with matters pertaining to cultural property protection, but it was also the first one to define the term 'cultural

[54] Uwe Fleckner, "Marketing the Defamed: On the Contradictory Use of Provenances in the Third Reich", in: Gail Feigenbaum and Inge Reist (eds.), *Provenance: An Alternate History of Art* (Los Angeles: Getty Research Institute, 2012), 137-53, 138.

[55] World War I sparked international cultural cooperation through the creation of the International Museums Office (IMO) in 1926. The IMO was replaced by the creation of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the International Council of Museums (ICOM).

[56] David A. Meyer, "The 1954 Hague Cultural Property Convention and its Emergence into Customary International Law", *Boston University International Law Journal* 11, 2 (1993), 349-90, 350.

[57] Convention for the Protection of Cultural Property in the Event of Armed Conflict (adopted 14 May 1954, entered into force 7 August 1956) 249 UNTS 3511 (1954 Hague Convention).

property' as 'movable and immovable property of great importance to the cultural heritage of every people'.[58] The main objective of the Convention, mostly inspired by the Hague Conventions of 1899 and 1907, was to create a universal sense of urgency and responsibility to safeguard cultural property.[59] It was claimed that the Convention was based on a cosmopolitan belief that everyone, regardless of their nationality or origin, should have a shared interest in the protection of cultural property, and that such protection ought to be an international matter.[60] The 1954 Hague Convention thus laid the groundwork for what some scholars call cultural internationalism, a term that is commonly used in the context of the contemporary restitution debate and will thus be further discussed in the next chapter.[61]

2.2.2 The Nationalisation of Cultural Belonging

Around the same time, a wave of nationalist sentiment urged newly independent states to reclaim their cultural property, looted over centuries by colonial powers, as a way to establish their national identity.[62] Additionally, in the context of the post-war economic growth in the west that stimulated increasing interest in the antiquity market, the

[58] Ibid. See also Stanislaw E. Nahlik, *La protection internationale des biens culturels en cas de conflit armé* (Leiden: Martinus Nijhoff, 1967), 61; Roger O'Keefe, "The Meaning of 'Cultural Property' under the 1954 Hague Convention", *Netherlands International Law Review* 46, 1 (1999), 26-56.

[59] 1954 Hague Convention.

[60] Ibid.

[61] See, for example, James A. R. Nafziger, "Cultural Heritage Law: The International Regime", in: Académie de droit international de La Haye (ed.), *The Cultural Heritage of Mankind* (Leiden: Brill, 2008), 145-247, 202-4.

[62] Sebastian M. Spitra, "Civilisation, Protection, Restitution: A Critical History of International Cultural Heritage Law in the 19th and 20th Century", *Journal of the History of International Law* 22, 2-3 (2020), 329-54, 343.

ongoing traffic in cultural artefacts became a crucial concern for the international community. [63]

These concerns led to the conception of the 1970 UNESCO Convention. As its title suggests, the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* addressed the urgency of international cooperation to prevent the extensive looting and illegal export of cultural artefacts. Most importantly, it placed the responsibility for protecting cultural property on its individual member states.[64] The text of the Convention marks a clear deviation from the previous universalist wording of the 1954 Hague Convention, highlighting the responsibility of each state to safeguard its own cultural property.[65] Such a state-centred approach is particularly reflected in the Convention's proposal that states should introduce various domestic measures to prevent the outward flow of cultural artefacts from their country.[66] Thus, whereas the 1954 Hague Convention saw the responsibility to protect cultural property as belonging to 'all mankind', the 1970

[63] Patty Gerstenblith, "Implementation of the 1970 UNESCO Convention by the United States and Other Market Nations", in: Jane L. Anderson and Haidy Geismar (eds.), *The Routledge Companion to Cultural Property* (Abingdon: Routledge, 2017), 70-88, 71f.

[64] Silvia Beltrametti, "Museum Strategies: Leasing Antiquities", *Columbia Journal of Law and the Arts* 36, 2 (2013), 203-60, 210; Alexander Herman, "Fifty Years On: The Meaning of the 1970 UNESCO Convention", *Institute of Art & Law*, 18 June 2020, https://ial.uk.com/fifty-years-on-unesco-convention/.

[65] 'Considering that it is incumbent upon every State to protect the cultural property existing within its territory against the dangers of theft, clandestine excavation, and illicit export; Considering that, to avert these dangers, it is essential for every State to become increasingly alive to the moral obligations to respect its own cultural heritage and that of all nations.' Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (adopted 14 November 1970, entered into force 24 April 1972) 823 UNTS 11806 (1970 UNESCO Convention).

[66] Article 5: 'To ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties to this Convention undertake, as appropriate for each country, to set up within their territories one or more national services […] for the protection of the cultural heritage […]: (a) contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage […] (b) establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property […] (c) promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops …) required to ensure the preservation and presentation of cultural property; (d) organizing the supervision of archaeological excavations.' Ibid.

UNESCO Convention shifted the focus of this responsibility to each of its signatory states within their respective territories.[67]

The Convention was mainly celebrated for its capacity to act as a common forum in which opposing opinions on cultural property relocation were addressed in search of an adequate compromise.[68] In other words, it aimed to create a unified international discourse around cultural property protection and, more specifically, to tilt the balance in the international arena slightly in favour of the states from which cultural artefacts originated, while attempting to place the economic and regulatory responsibility on the importing, i.e. predominantly western states.[69] In doing so, it gave rise to the notion of cultural nationalism, the second term that has been frequently used in the contemporary restitution debate. Juxtaposed against cultural internationalism, this notion will be further discussed in the next chapter.

Finally, the *Convention on Stolen or Illegally Exported Cultural Objects* followed (hereinafter referred to as the 1995 UNIDROIT Convention).[70] The purpose of this Convention was to assert the transnational nature of cultural property debates by creating 'common minimal legal rules' to bridge the gaps between diverging national legal systems.[71] Although the terms of the Convention apply only to post-1970 instances

[67] 1954 Hague Convention.

[68] Lyndel V. Prott, "Strengths and Weaknesses of the 1970 Convention: An Evaluation 40 Years after its Adoption", *Second Meeting of States Parties to the 1970 Convention*, Paris, 20-1 June 2012, 1-12, 3.

[69] Herman, "Fifty Years On".

[70] Convention on Stolen or Illegally Exported Cultural Objects (adopted 24 June 1995, entered into force 1 July 1998) 2421 UNTS 43718 (1995 UNIDROIT Convention).

[71] Ibid.; Lucy Barker, "Indeterminacy in International Legal Discourse and the Cultural Property Debate", *Auckland University Law Review* 9, 2 (2001), 334-74, 364.

of looting or illegal removal of cultural artefacts, it nevertheless does not legitimise or condone any illegal activity to that end, regardless of the time of its occurrence.[72]

In sum, twentieth-century conventions stressed the importance of provenance and the need for domestic legislations to prevent the removal of cultural artefacts from their places of origin. This shift encouraged states to move these international concepts into their domestic jurisdictions, making it possible to prosecute illicit trafficking of stolen artefacts and to prohibit the removal of newly unearthed objects from their countries of origin. Provenance thus began to be used as a legal tool in disputes about ownership. Over time, this process has resulted in an increased number of restitution lawsuits taking place worldwide.[73]

2.3 The Benin Case in the Context of International Law

Most of the declarations and treaties of the nineteenth century came into being well before the Benin artefacts were looted from the Kingdom by the British in 1897. The general idea of protecting cultural property during conflict had thus been established by the time of the attack on the Kingdom, but seems to have had little impact on what

[72] 'Affirming that the adoption of the provisions of this Convention for the future in no way confers any approval or legitimacy upon illegal transactions of whatever kind which may have taken place before the entry into force of the Convention.' 1995 UNIDROIT Convention. See also Robertson, *Who Owns History?*, 142f.

[73] For criminal and civil lawsuits, see, for example, Peter Watson and Cecilia Todeschini, *The Medici Conspiracy: The Illicit Journey of Looted Antiquities, from Italy's Tomb Raiders to the World's Greatest Museums* (New York: BBS PublicAffairs, 2006); Neil Brodie, "Marion True", *Trafficking Culture*, 9 September 2012, https://traffickingculture.org/encyclopedia/case-studies/marion-true/; Alexi Shannon Baker, "Selling the Past: United States v. Frederick Schultz", *Archaeology Archive*, 22 April 2002 [last updated 25 June 2003], https://archive.archaeology.org/online/features/schultz/. For international claims, see, for example, Government of Peru v. Johnson, 720 F. Supp. 810 (C.D. Cal. 1989); *Government of the Islamic Republic of Iran v the Barakat Galleries Ltd*. [2007] EWCA 1374; *Attorney-General of New Zealand v Ortiz and Others* [1984] HL.

happened there. This is supported by the numerous other instances of looting, often violent, inflicted on the African continent by European imperial powers. For instance, the British military stole the Maqdala treasures from Ethiopia in 1868 and a set of gold artefacts from the Ashanti region in Ghana in 1874; a sculpture from Cameroon was removed under German colonial rule in 1884; and French troops seized artefacts from the royal palace of Ségou in Mali in 1890 and Abomey in what is today the Republic of Benin in 1892.[74]

Despite the existence of the nineteenth-century provisions, in practice they were not considered to be relevant by the colonial powers when acting in their overseas territories. Herman suggests that the reasons for this non-adherence were European imperialist stereotypes of western superiority and colonial material interests.[75] It is also suggested that late nineteenth-century international law highlighted the self-perception of the superiority of European states over the undeveloped colonial territories.[76] Kiwara-Wilson proposes nineteenth-century racism as another reason.[77] The 1880 Oxford Manual setting out the principles of war makes specific reference to 'civilized nations', a doctrine that is repeated in the British War Office's 1894 *Manual of Military Law*, which prohibited looting and pillaging during armed conflict, making it clear that this

[74] Margaret Plass, *African Miniatures: The Goldweights of the Ashanti* (London: Lund Humphries, 1967); Jacopo Gnisci, "The Looted Ethiopian Artefacts that Ended Up in UK Museums", *Apollo*, 31 May 2018, https://www.apollo-magazine.com/the-looted-ethiopian-artefacts-that-ended-up-in-uk-museums/; Almut Dieden, "Colonial Art: The Case of a Piece Stolen from Cameroon", *Deutsche Welle*, 2 September 2020, https://www.dw.com/en/colonial-art-the-case-of-a-piece-stolen-from-cameroon/a-54783942; Vincent Noce, "'Give Africa its Art Back', Macron's Report Says", *Art Newspaper*, 20 November 2018, https://www.theartnewspaper.com/news/give-africa-its-art-back-macron-s-report-says.

[75] Alexander Herman, "Law, Restitution and the Benin Bronzes", *Institute of Art & Law*, 23 December 2018, https://ial.uk.com/law-restitution-and-the-benin-bronzes/.

[76] Ana Filipa Vrdoljak, *International Law, Museums and the Return of Cultural Objects* (Cambridge: Cambridge University Press, 2006), 47-9.

[77] Kiwara-Wilson, "Restituting Colonial Plunder", 390-2.

prohibition extended only to conflict between 'civilised nations'.[78] In the same year, British legal scholar John Westlake further commented that international law did not include 'uncivilised natives', and that their rights should be determined by the sovereign states to which they belonged.[79] In summary, in the nineteenth century, it was well understood among European imperial powers that the looting of artefacts from what was then branded as an 'uncivilised nation' would not be condemned internationally within the club of 'civilised' countries.[80] This was the context in which the looting of Benin City took place.

Twentieth-century international law, on the other hand, placed greater emphasis on the legality of ownership. This, in turn, increased the importance of provenance as proof of ownership in legal claims for restitution. International law started to stimulate national legislation and be used as a reference point in domestic courts. It is important to highlight that, compared to other international examples of cultural property disputes, the illegality of the provenance of the Benin artefacts is undisputed, as is set out in the previous chapter. However, the legal provisions discussed cannot be applied to past events and can therefore not be used in the case of the Benin artefacts. Nevertheless, they continued to stress the moral justification of similar cases in regard to the removal of cultural artefacts.

The 1995 UNIDROIT Convention is one such example. Particularly noteworthy for the Benin case is Article 5(3)(b) and (d). Section (b) suggests that artefacts should be returned if their original removal has impaired the 'integrity of a complex object', and

---

[78] War Office, *Manual of Military Law* (London: Harrison and Sons, 1894).

[79] John Westlake, *Chapters on the Principles of International Law* (Cambridge: Cambridge University Press, 1894), 136.

[80] For British attitudes towards these developments, see Martins O. Akanbiemu, "The Dispersal of Benin Works of Art vis-à-vis the Return and Restitution of Cultural Property: An Exceptional Case", *Newsletter (Museum Ethnographers Group)* 21 (1987), 95-103, 100.

the forceful removal of the Benin plaques from the walls of the Oba's palace in 1897 has undoubtedly impaired the building's integrity.[81] Section (d), moreover, addresses the impairment of the 'traditional or ritual use of the object by a tribal or indigenous community'.[82] This could in theory be directly applied to the case of the Benin artefacts, as they originally served commemorative and religious purposes in the Kingdom. However, the 1995 UNIDROIT Convention cannot be legally applied or enforced in the Benin case, as the removal of the artefacts happened before 1970. It nonetheless still follows its predecessor conventions in encouraging moral conduct in relation to the handling of cultural artefacts that have been removed from their places of origin.

2.4 Conclusion

The western-made conventions and military guidelines introduced in the nineteenth century were not followed in colonial areas, neither in protecting cultural property against destruction nor in preventing the forcible removal of cultural artefacts. Africa was not considered 'civilised', and its people were therefore not seen as worthy of having rights to their own property. Yet, despite this, the provisions of the nineteenth century did have a significant long-term impact: they planted a seed in the form of the notion of cultural protection.

The provisions of the twentieth century evolved further to introduce more elaborate international legal frameworks intended to curb cultural destruction. After World War II, the importance of the protection of cultural property moved to the fore in

[81] 1995 UNIDROIT Convention.

[82] Ibid.

the public debate, given a hefty push by the general revulsion against the sheer scale of Nazi atrocities in relation to cultural property. A strong emphasis was placed on the legitimacy of the possession of the objects, which meant that stress was laid on the responsibility of the receiver to check the provenance of the artefact at the time of purchase. As provenance moved into the foreground, it drew more importance to the artefacts' place of origin and the manner in which they had been removed.

Although the provisions of international law continued to be regarded as soft law and lacked enforcement power, they did prompt a set of national laws and regulations that made the removal of cultural artefacts from their states of origin illegal. Of course, this did not stop the worldwide tendency for cultural sites to be damaged or destroyed during conflicts. The supply of looted objects continued to flow into western art markets: more recent examples include the ransacking of local museums in Iraq during the aftermath of its 1990 invasion of Kuwait or the trafficking of cultural artefacts from Syrian archaeological sites after the onset of the civil war in 2011.[83] Nevertheless, the new wave of law-making did make such activities punishable.

However, for cases such as Benin that go back to colonial history, it is not possible to make legally valid arguments if they rest on laws that were introduced later than the events. Yet, it should not be assumed that international law is completely ineffective when it comes to the protection of cultural artefacts that were forcibly removed from former colonies and ended up in western museums. The various international conventions and provisions may not have had direct repercussions, but it is likely that they have laid the groundwork for the development of larger social and

[83] Patty Gerstenblith, "From Bamiyan to Baghdad: Warfare and the Preservation of Cultural Heritage at the Beginning of the 21st Century", *Georgetown Journal of International Law* 37, 2 (2006), 245-352, 284; Neil Brodie and Isber Sabrine, "The Illegal Excavation and Trade of Syrian Cultural Objects: A View from the Ground", *Journal of Field Archaeology* 43, 1 (2018), 74-84.

political debates around restitution. These debates have in turn continued to put pressure on western governments and cultural institutions to critically reassess their collections of artefacts with problematic provenance.

The two ideological viewpoints that were responsible for the two directions in which international law has evolved have been reintroduced in contemporary moral debates on restitution: one side embraces culture as a universal value and, as such, it belongs to the whole of humanity; the other states that culture belongs to its creators and asserts the right of any country of origin to reclaim whatever objects were once taken from it. It is important to stress here that the debate around cultural property is not strictly confined to these two viewpoints, but they have allowed to get to the bottom line of the actual conversation. In the next chapter, I will look at the interplay of these confronting arguments within the restitution debate in the current socio-political context and set out some of its many complexities, specifically in the case of the Benin artefacts.

Chapter 3

THE INTERNATIONAL DEBATE

The cultural property and restitution debate dominates the art world today, and it is a multifold one. As shown in the previous chapter, international law has been unable to provide avenues that would bring to the legal forums the many current disputes around artefacts with problematic provenance from the colonial past. However, numerous conventions and treaties of the twentieth century were instrumental in articulating a set of internationally recognised normative standards against which the looting and trafficking of art objects of past centuries could be judged. They provided a moral grounding for a growing number of requests to western governments and museums to return the artefacts which were removed from African and other developing countries.

This chapter discusses the social and political context of the restitution debate in the postcolonial period from the mid-twentieth century on, positioning the Benin case within it. It proceeds by highlighting that, for Nigeria and many other African states, reclaiming their cultural artefacts was a matter of self-determination free from colonial powers. Section 3.1 of the chapter examines the roots of the political and social pressure of the restitution movement on western cultural institutions in the Benin context. Section 3.2 analyses the arguments in favour of and against restitution of the Benin artefacts through the approaches of cultural internationalism and cultural nationalism, assessing the limitations of these two approaches when grasping the complexities of the debate. The last section of this chapter analyses the current international initiatives dealing with the Benin artefacts in western collections and the various decisions of national governments and individual institutions to restitute these artefacts.

The argument underlying these sections is that there seems to be a certain degree of continuity between the nineteenth-century positions of colonial powers towards

Africa, as discussed in the previous chapter, and the way in which the overall debate was framed by western states and institutions in the mid- to late twentieth century. In other words, the conscious distinction between 'civilised' and 'uncivilised' nations in the nineteenth century finds parallels in the more recent defence strategies and retentionist positions of western institutions in the twentieth century. Only recently have the current initiatives proposed to deal with the Benin case shown that those defence strategies are no longer sustainable. Being at the very start of taking off, their impact remains unclear. What they have made clear, however, is that western institutions can no longer disregard the social pressure to critically reassess their colonial collections. State and non-state actors worldwide have therefore begun to respond to this social pressure in many different ways, some of which will be under scrutiny in the British context as part of the next chapter.

3.1 The Roots of the Restitution Debate

The contemporary restitution debate is embedded in the developments of the decolonisation movement in the second part of the twentieth century. In territories that for centuries were in the firm grip of colonial powers, reclaiming cultural heritage has become a crucial factor in developing a national consciousness liberated from colonial oppression.[84] Nigeria, along with many other newly independent African states, began to practise its right to self-determination through cultural development, amongst many other factors, since its independence in 1960. This section therefore lays the groundwork

[84] George Abungu and Webber Ndoro, "Introduction", in: Webber Ndoro, Albert Mumma, and George Abungu (eds.), *Cultural Heritage and the Law: Protecting Immovable Heritage in English-Speaking Countries of Sub-Saharan Africa* (Rome: ICCROM, 2008), vi-ix. See also Vincent Négri, "Cultural Laws and Museums in Africa", *Museum International* 58, 1-2 (2006), 41-8, 42.

of the restitution debate as it unfolded throughout the postcolonial period. This groundwork is significant to understand the subsequent approaches and arguments for and against the restitution of the Benin artefacts, as well as the current initiatives proposed to address their western possession.

3.1.1 Cultural Decolonisation

A key component of the decolonisation process, the UN's 1960 *Declaration on the Granting of Independence to Colonial Countries and Peoples* stressed the importance of the self-determination of all nations not only through economic, social, and political, but also through cultural independence.[85] The text of the Declaration highlighted that states were unable to freely practise cultural development as long as they were subject to colonial influence, urging complete independence from imperial powers.[86]

As the newly formed states began to enact national laws to preserve what was left of their cultural heritage, the issue of removal and relocation of cultural property was bound to be addressed and marked the beginning of a wave of demands for restitution.[87] Appreciating their heritage for its national value, these states began to exert

[85] Bénédicte Savoy, *Afrikas Kampf um seine Kunst: Geschichte einer postkolonialen Niederlage* (Munich: C. H. Beck, 2021), 11; Vrdoljak, *International Law*, 199.

[86] 'Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, *cultural* and economic development of dependent peoples and militates against the United Nations ideal of universal peace, [the Declaration] declares that: All peoples have the right to *self-determination*; by virtue of that right they freely determine their political status and freely pursue their economic, social and *cultural development* [emphasis added].' Declaration on the Granting of Independence to Colonial Countries and Peoples (adopted 14 December 1960) UNGA Res 1514 (XV).

[87] Neil Brodie, "Uncovering the Antiquities Market", in: Robin Skeates, Carol McDavid, and John Carman (eds.), *The Oxford Handbook of Public Archaeology* (Oxford: Oxford University Press, 2012), 230-52, 232; Aaron Glass, "Return to Sender: On the Politics of Cultural Property and the Proper Address of Art", *Journal of Material Culture* 9, 2 (2004), 115-39, 116.

pressure on western cultural institutions, governments, and international organisations, resulting in increased political activity in the following decades, both at the national and international levels. The contemporary restitution movement is thus embedded in the decolonisation movement and the wider political developments following World War II.

This pressure triggered a defence reaction in western institutions.[88] The British Museum's decision to repeal its original 1902 Act in 1963 can be considered one such example. The original Act addressed the storage issues at the Museum, allowing its Trustees to 'remove certain newspapers and other printed matter' from the building.[89] The 1963 Act, on the other hand, added two sections on the laws of deaccessioning, i.e. the disposal of objects and their transfers to other institutions.[90] Section 5 of the 1963 Act states that Trustees are authorised to dispose of duplicate works, objects made after 1850, and objects that are unfit to be kept at the Museum. Section 9 allows the Trustees to transfer certain works to specified national museums in the UK only. These are the only two provisions that allow the Museum Trustees to give away objects in the collection.[91] To date, the Museum has been intensely adhering to the 1963 Act.[92] Flessas

[88] For Europe's defence against restitution in the 1970s and 1980s, see Savoy, *Afrikas Kampf*.

[89] British Museum Act 1902 (given royal assent 22 July 1902).

[90] British Museum Act 1963 (given royal assent 10 July 1963). See also Hannah R. Godwin, "Legal Complications of Repatriation at the British Museum", *Washington International Law Journal* 30, 1 (2020), 144-70, 160f.

[91] In 1983, British Labour MP Hugh Jenkins petitioned to revise the 1963 Act, arguing that it was not flexible enough in the handling of restitution requests. His attempts were unsuccessful, leaving the Act unrevised to this day. Savoy, *Afrikas Kampf*, 183.

[92] The British Museum has sometimes sold artefacts after 1963, but this was far more prominent before 1963. Lundén, *Displaying Loot*, 169f., ch. 11; Charity Gates, "Who Owns African Art? Envisioning a Legal Framework for the Restitution of African Cultural Heritage", *International Comparative, Policy & Ethics Law Review* 3, 3 (2020), 1131-62, 1143.

suggests that legislation has become a tool used by museums to drive their own retentionist agendas.[93]

It is likely that the British Museum's decision to add the section on deaccessioning in 1963 was to some extent a response to the decolonisation movement and the wave of independence of many former colonies in the 1950s and early 1960s. It might therefore be suggested that the previously discussed nineteenth-century attitudes find certain parallels in the British Museum's amendment to its original 1902 Act, which can be seen as a defence strategy against restitution requests by non-western states. In other words, as law was used to prioritise western states' interests in the nineteenth century, law is also being used by the British Museum in the pursuit of its own agendas.

Growing social pressure on western states and institutions was not only reflected in an increase in restitution and loan claims, but also in the increased social critique of the basic assumptions about the role of modern museums from the 1960s onwards, from 'postcolonial, postmodern, environmentalist, and feminist perspectives'.[94] As a result, the museums found themselves under immense pressure to re-evaluate their practices, move away from conventional modes of display, and acknowledge the wrongdoings of the past that enriched their collections.

[93] Tatiana Flessas, "The Ends of the Museum", *LSE Legal Studies Working Paper* 14 (2013), 1-27, 3.

[94] Lundén, *Displaying Loot*, 69. See also Andrew McClellan, *The Art Museum from Boullée to Bilbao* (Berkeley: University of California Press, 2008), 42-9; Tim Barringer and Tom Flynn (eds.), *Colonialism and the Object: Empire, Material Culture and the Museum* (London: Routledge, 1997).

3.1.2 Nigeria and its Claims

It is significant in the context of this thesis that, from the outset, Nigeria was active in the cultural decolonisation movement. Once it achieved independence in 1960, its process of nation-building included reclaiming its cultural heritage to shape its postcolonial national identity and re-establish a cultural past that had been supressed by colonial powers for decades. The next decades thus saw a number of cultural ownership claims to western institutions, both from Nigeria and from other newly independent African states.[95] For Nigeria, however, these claims were not about the full, unconditional restitution of all Benin artefacts, nor were they about emptying the collections of western institutions, as the latter often claimed.[96] Instead, while also addressing the western museums individually, Nigeria continuously made various bids for cooperation through diplomatic channels of the Nigerian Foreign Office from the 1960s onwards.

Ekpo Eyo, the director of the Federal Department of Antiquities and the National Commission for Museums and Monuments (NCMM), addressed both national governments and individual museums, requesting only loans and returns of a small number of Benin artefacts. Between 1968 and 1971, with the plan to open a national

[95] Although some scholars suggest that there were a few individual restitutions to the descendants of the Kingdom of Benin before 1960, none of them were substantial enough to trigger a full-fledged restitution debate at the time. Sergey B. Chebanenko, "Regarding the Problem of Restitution of African Art Pieces Removed from Benin during the British Military Expedition of 1897: Practice and Legal Aspects", *Problems of Museology* 11, 2 (2020), 319-35 (in Russian). See also Jos van Beurden, *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects* (Leiden: Sidestone Press, 2017); Ekpo Eyo, "Nigeria", *Museum* 31, 1 (1979), 18-21; Martin Bailey, "How the Queen Came to Own a Lagos Museum Piece", *Art Newspaper*, 31 March 2002, https://www.theartnewspaper.com/archive/how-the-queen-came-to-own-a-lagos-museum-piece. For Congolese restitution claims, see Sarah van Beurden, "The Art of (Re)Possession: Heritage and the Cultural Politics of Congo's Decolonization", *Journal of African History* 56, 1 (2015), 143-64. For Ghana and Nigeria, see Russell Chamberlin, *Loot! The Heritage of Plunder* (Stroud: Sutton, 2003), esp. 49-57 and 161-98. For Zaire, Ghana, and the former British colony Gold Coast, see Savoy, *Afrikas Kampf*, esp. 52-65.

[96] Savoy, *Afrikas Kampf*, esp. 30-44.

museum in Benin City, the Department of Antiquities of Nigeria appealed to the International Council of Museums (ICOM) for donations of a few pieces. Eyo called on ICOM's collectors and museums in possession of Benin artefacts to cooperate with Nigeria and return at least one object each, but to no avail.[97] The Benin National Museum was left to display mainly cast replicas and photographs of objects that had once belonged to the Kingdom of Benin.[98]

Amongst notable pleas for international cooperation was the loan request for the 1977 FESTAC festival, the Second World Black and African Festival of Art and Culture in Nigeria, whose aim was to stress Nigeria's economic and cultural independence. The sixteenth-century ivory mask depicting Queen Idia of Benin, held at the British Museum, was selected as the festival's flagship symbol.[99] Nigeria requested the loan of the mask from London in 1974 and in 1976, but both requests were denied by the British Museum on the grounds that the mask was too fragile to travel and would not withstand the change of climate.[100] This resulted in a public outcry and increased scrutiny of the Museum, feeding into the overall pressure on cultural institutions to right the wrongs of the past and intensifying the restitution debate.[101]

---

[97] von Paczensky and Ganslmayr, *Nofretete*, 132. See also ICOM, "Resolutions Adopted by ICOM's 10th General Assembly: Grenoble, France: 1971", http://icom.museum/wp-content/uploads/2018/07/ICOMs-Resolutions_1971_Eng.pdf.

[98] Eyo, "Nigeria", 21.

[99] Afolasade A. Adewumi, "Possessing Possession: Who Owns Benin Artefacts?", *Art Antiquity and Law* 20, 3 (2015), 229-42, 240. See also Flora S. Kaplan, "Benin Art Revisited: Photographs and Museum Collections", *Visual Anthropology* 4, 2 (1991), 117-45, 130; For more information on the FESTAC festival, see Andrew Apter, *The Pan-African Nation: Oil and the Spectacle of Culture in Nigeria* (Chicago: University of Chicago Press, 2005).

[100] Dan Hicks, *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution* (London: Pluto Press, 2020), 197; von Paczensky and Ganslmayr, *Nofretete*, 133.

[101] David M. Wilson, *The British Museum: Purpose and Politics* (London: British Museum, 1989), 113.

3.2 Restitution: Arguments in Favour and Against

This section discusses how the restitution debate around the Benin artefacts in western possession has evolved since Nigeria's independence. The approaches of cultural internationalism and cultural nationalism are used as an analytical tool to map out and make sense of the overall arguments for and against the return of the Benin objects. These two approaches were initially developed in the course of transnational attempts to protect cultural property and deal with the legal issues arising on the international market of antiquities.[102] However, in recent years, the debate between them has been taken a step further, turning philosophical arguments for and against each viewpoint into defence strategies used by western governments and museums against demands for restitution, particularly in the Benin case.

Inspired by the 1954 Hague Convention discussed in the previous chapter, cultural internationalism, or cultural cosmopolitanism, suggests that cultural heritage belongs to humankind more broadly, regardless of its origin or current location.[103] It thus lays the foundation for the idea of 'universal' or 'encyclopaedic' museums.[104] Championing this line of thought, a large number of prominent museums, for instance the Art Institute of Chicago, the Louvre in Paris, and the State Hermitage Museum in Saint Petersburg, signed in 2004 the *Declaration on the Importance and Value of Universal Museums*, voicing their disapproval of the restitution movement.[105] The main

[102] John Henry Merryman, "Two Ways of Thinking about Cultural Property", *American Journal of International Law* 80, 4 (1986), 831-53, 831f.

[103] Ibid.

[104] Stamatoudi, *Cultural Property Law*, 23.

[105] "Declaration on the Importance and Value of Universal Museums", 28 July 2004, https://www.hermitagemuseum.org/wps/portal/hermitage/news/news-item/news/1999_2013/hm11_1_93/?lng=#:~:text=Today%20we%20are%20especially%20sensitive,displaced%20from%20their%20original%20source.

objective behind the idea of universal museums is to allow the public to appreciate various human cultures as they exist alongside one another.[106]

Cultural nationalism, on the other hand, refers to the approach of states' retention of cultural property as part of their national cultural heritage. This approach was particularly prominent in the mid- to late twentieth century, when newly independent African states began reclaiming their cultural artefacts from western states to promote their national identity.[107]

Grouping and contrasting the arguments between the internationalist and nationalist positions unavoidably simplifies the otherwise more nuanced and problematised discussions generated by the restitution issue. Even the use of the terminology was problematic in the way it was coined by Merryman in 1986. Merryman describes the cultural internationalist approach as 'protective' and the cultural nationalist approach as 'retentive'.[108] Positive terms such as 'preservation' and 'integrity' are used for internationalists, while nationalists are said to have 'covetous neglect' for their cultural property.[109] Merryman himself thus clearly favours the stance of cultural internationalists. In his description, the intentions of cultural nationalists automatically possess the negative connotation of being driven by overly nationalistic motives.[110]

---

[106] Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended up in Museums, and Why They Should Stay There* (Oxford: Oxford University Press, 2016), 229.

[107] Vincent Négri, "Introduction to Heritage Law in Africa", in: Webber Ndoro, Albert Mumma, and George Abungu (eds.), *Cultural Heritage and the Law: Protecting Immovable Heritage in English-Speaking Countries of Sub-Saharan Africa* (Rome: ICCROM, 2008), 7-10, 8.

[108] Merryman, "Two Ways", 846.

[109] Ibid.

[110] Stamatoudi, *Cultural Property Law*, 28.

The remnants of the nineteenth-century western attitudes to Africa as a place that was inferior to the west and home to 'uncivilised' states are therefore a subtheme of the cultural internationalists' line of argument. To place the restitution debate around the Benin artefacts within these two views is to succumb to a form of inherent prejudice: the alleged superiority of the west to postcolonial states such as Nigeria. For that reason, this chapter uses these two approaches only as a helpful starting point to map out the arguments of the overall restitution debate around the Benin artefacts. This will then allow me to grasp the deeper complexities of the competing perspectives on restitution and the strategies undertaken by museums in response to decolonising their collections, to be discussed in the next chapter.

Restitution has been the connecting and polarising link between these two approaches. In the case of the Benin artefacts, the two opposing camps of cultural internationalists and cultural nationalists have been putting forth arguments in favour of and against sending them back to Nigeria. The following subsections examine these three main arguments in more detail. By undertaking this exercise, I will seek to demonstrate the ways in which the internationalist arguments echo nineteenth-century attitudes, but in a style that is adjusted for modern consumption.

3.2.1 The Belonging Argument

There are different ways in which belonging has been interpreted in the case of the Benin artefacts. Cultural internationalists believe in the importance of a greater understanding of humanity through retaining the artefacts. Neil MacGregor, the former director of the British Museum, carefully chooses terms such as 'seizure' rather than 'looting' and stresses the beauty of the Benin objects existing in a diverse collection

alongside many other cultures.[111] The British Museum thus uses its position to exhibit cultural artefacts from around the world as an argument in favour of their belonging to the place in which they currently are.[112] This is further elaborated by the argument of the necessity of the 'breakdown of parochialism' and of promoting international understanding through the retention of these artefacts.[113] Drawing on the sophistication of the Kingdom's brass-making industry, MacGregor highlights how important the Benin artefacts were in changing European perceptions of Africa, which is why it is the responsibility of the British Museum, along with other universal museums, to present these artefacts to the rest of the world.[114]

Echoing this view, James Cuno, the former director of the Art Institute of Chicago, stresses the responsibility of modern museums to present the 'great wonder of the world's cultural diversity and interrelatedness'.[115] Examining the display of Chinese, Nigerian, Egyptian, Sicilian, and German collections at the Art Institute of Chicago, all of which are exhibited together, he emphasises the beauty of seeing an ivory tusk from Benin next to a Shang dynasty bronze, a case for the retention of these objects regardless of their provenance.[116] Furthermore, he argues that it is the museums'

---

[111] Neil MacGregor, "The Whole World in our Hands", *Guardian*, 24 July 2004, https://www.theguardian.com/artanddesign/2004/jul/24/heritage.art.

[112] Emily Duthie, "The British Museum: An Imperial Museum in a Post-Imperial World", *Public History Review* 18 (2011), 12-25, 13.

[113] Paul M. Bator, "An Essay on the International Trade in Art", *Stanford Law Review* 34, 2 (1982), 275-384, 307f.

[114] Neil MacGregor, "To Shape the Citizens of 'that Great City, the World'", in: James B. Cuno (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009), 39-54, 51-3.

[115] James B. Cuno, "Introduction", in: James B. Cuno (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009), 1-35, 17.

[116] Ibid. See also James B. Cuno, *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage* (Princeton: Princeton University Press, 2010), ix-xxxii. See also Sharon J. Macdonald, "Museums, National, Postnational and Transcultural Identities", *Museum and Society* 1, 1 (2003), 1-16.

responsibility to provide a broad understanding of the interconnection of different human civilisations through diverse collections, irrespective of dubious provenance.[117] All of these arguments have been used as a 'justification for [western museums'] self-appointed role as cultural custodians'.[118]

Cultural internationalists further highlight the belonging argument through the idea of 'cultural patrimony', the ability to respond to cultural artefacts not through one's national identity but through one's 'human connection' with them, i.e. the quality of being human and as such appreciating their human creation.[119] This argument negates that only the Nigerian people have the ability to appreciate their art, questioning their role as the legitimate custodians of the objects because of their innate connection with them.

In a more compromising manner, some cultural internationalists propose certain prerequisites that need to be fulfilled to make restitution justifiable. For example, Merryman suggests two: the culture in question must be alive, and the artefacts in question must serve a specific social purpose within this culture and, upon return, must be returned to active use.[120] Based on this criteria, it can be suggested that the Benin artefacts would not meet the latter criterion of 'active use', as they would not serve their original commemorative and religious purposes in present-day Nigeria if returned.

---

[117] James B. Cuno, *Museums Matter: In Praise of the Encyclopedic Museum* (Chicago: University of Chicago Press, 2011), 31.

[118] Annie E. Coombes, "Ethnography, Popular Culture, and Institutional Power: Narratives of Benin Culture in the British Museum, 1897-1992", *Studies in the History of Art* 47 (1996), 142-57, 143. See also id. and Ruth B. Phillips, "Introduction: Museums in Transformation: Dynamics of Democratization and Decolonization", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), xxxiii-lxiii, xli.

[119] Kwame Anthony Appiah, "Whose Culture is it?", in: James B. Cuno (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009), 71-86.

[120] John Henry Merryman, "The Retention of Cultural Property", *UC Davis Law Review* 21, 3 (1988), 477-514, 497; Pauno Soirila, "Indeterminacy in the Cultural Property Restitution Debate", *International Journal of Cultural Policy* (2021), 1-16, 6.

These definitions of belonging proposed by cultural internationalists should be approached with caution. MacGregor's promotion of a broader understanding of humanity through the retention of these artefacts begs the question of whose knowledge is prioritised. The choice of western museums as the carriers of such knowledge can be considered Eurocentric, echoing the previously discussed narratives of western superiority. As Coombes and Phillips suggest, the narrative of globalisation of western museums as a way to create interconnection between the objects in their collection perpetuates neocolonial relationships.[121] Furthermore, the argument of the western museums' duty to present different artefacts next to each other to highlight the interconnection of various civilisations reflects the Renaissance practice of collection and display in cabinets of curiosities, again prioritising a Eurocentric interpretation of the artefacts and thus 'othering' the voices of the cultures presented.[122] These curatorial choices deliberately remove the artefacts from their original context, thus raising the question of whether this display adds any value to the understanding of the artefacts themselves. Last, the requirement to fulfil the prerequisites in order to establish the "true" belonging of the artefacts turns an otherwise complex, multi-layered conversation around problematic provenance, difficult histories, ownership, and repatriation into a teleological line of argument. This, in turn, shifts the debate away from the objects' provenance and towards artificially created conditions for their repatriation, while also removing the question of morality from the overall equation.[123]

---

[121] Coombes and Phillips, "Introduction", xxxvi.

[122] Caroll Ann Dixon, *The 'Othering' of Africa and its Diasporas in Western Museum Practices* (PhD, University of Sheffield, 2016), e.g. title, 82. For the history of collecting in cabinets of curiosities, see Patrick Mauriès, *Cabinets of Curiosities* (London: Thames & Hudson, 2002).

[123] For a critique of Merryman's prerequisites for restitution, see Erin Thompson, "Which Public? Whose Interest? Rethinking Merryman's 'The Public Interest in Cultural Property'", *Art Antiquity and Law* 22, 4 (2017), 305-14. For the debate on morality, see Roundtable, "Stolen Artefacts: Finders Keepers?", *YouTube*, 4 January 2019, https://www.youtube.com/watch?v=ynEyDnJpF9E&ab_channel=Roundtable;

From a cultural nationalist perspective, the restitution of the Benin artefacts is focused on Nigeria's need to re-establish its national identity and to build its museum collections. Nigeria's identity is thus conditioned by a connection of the subject (i.e. the Nigerian people) with the object (i.e. the Benin artefacts and their history).[124] This argument, however, raises the question of how exactly national identity is defined and whether the artefacts' original belonging to the Kingdom adequately reflects the broader identity of the entire Nigerian nation. It also equalises the identity and the needs of the Kingdom with those of the Nigerian government, although they might not necessarily be the same.[125]

However, the framing of the restitution debate along the lines of the two approaches of cultural internationalism and cultural nationalism within the context of the belonging argument has its limitations. By doing so, these two binary concepts assume that the debate around cultural property ownership is limited only to the interests of 'the state' and 'the international'.[126] In the case of the Benin artefacts, the idea of cultural nationalism treats Nigeria as a homogenous group, without acknowledging the existence of diverging opinions among various stakeholders, for

---

Tiffany Jenkins, "Why Western Museums Should Keep their Treasures", *Guardian*, 25 November 2018, https://www.theguardian.com/culture/2018/nov/25/benin-bronzes-why-western-museums-should-keep-treasures.

[124] On the importance of the connection between the subject and the object, see Vasiliki Kynourgiopoulou, "National Identity Interrupted: The Mutilation of the Parthenon Marbles and the Greek Claim for Repatriation", in: Helaine Silverman (ed.), *Contested Cultural Heritage: Religion, Nationalism, Erasure, and Exclusion in a Global World* (New York: Springer, 2011), 155-70, 159.

[125] For an account of how nation-states appropriate cultural symbols to construct their identities, see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983). See also Lundén, *Displaying Loot*, 113-5.

[126] To avoid this dualism, Lixinski proposes 'cultural pluralism', a different way of thinking about who other stakeholders might be in the debate. Lucas Lixinski, "A Third Way of Thinking about Cultural Property", *Brooklyn Journal of International Law* 44, 2 (2019), 563-612, 565.

instance those of state officials, museum representatives, and Benin royalty.[127] Similarly, the term cultural internationalism might treat western governments, museums, and other cultural institutions as a homogenous group, disregarding the possibility of different agendas.

3.2.2 The Economic Argument

The economic value of cultural property does not only relate to its making, but to the tourism and demand it generates for the party that possesses it.[128] The Benin artefacts, which have been in British collections for decades, have been generating national revenue through tourism. The Arts Council England estimates that, 'for every £1 of salary paid by the arts and culture industry, an additional £2.01 is generated in the wider economy', for example through the development of businesses, the creation of jobs, and the attraction of tourists.[129] Thus, Nigeria's and other African postcolonial states' cultural property is an economic commodity for many western museums, which perceive its return as a 'transfer of wealth and financial equity'.[130] The postcolonial

[127] For an example of the current Oba's diverging opinions, see Catherine Hickley, "Nigeria Seeks to Calm Tensions over Return of Benin Bronzes", *Art Newspaper*, 7 January 2022, https://www.theartnewspaper.com/2022/01/07/nigeria-seeks-calm-tensions-over-return-benin-bronzes.

[128] Adewumi, "Possessing Possession", 236; Dilip Ratha and Patrick Kabanda, "African Art Needs to Come Home – and This is Why", *Guardian*, 21 October 2015, https://www.theguardian.com/global-development-professionals-network/2015/oct/21/african-art-needs-to-come-home-and-this-is-why.

[129] Arts Council England, *The Value of Arts and Culture to People and Society: An Evidence Review* (Manchester: Arts Council England, 2014), 7.

[130] Sylvester O. Ogbechie, "The Postcolonial African Museum in the Age of Cultural Informatics" (2016), 11-35, 31.

states, in turn, argue in favour of restitution because they see their cultural development as a crucial factor for their economic development.[131]

The economic argument is rejected by internationalists on the grounds that western universal museums are more exposed to the international community, positing that accessibility and visibility are paramount to the best placement of cultural artefacts.[132] They further support this counterargument by the idea that there should be an international trade in art and culture to ensure that cultural objects do not only exist in the places in which they have been created. As Bator puts it, 'it would be a disaster […] if one could see Mexican art only in Mexico, French art only in France'.[133] This argument was widely used in the 1970s by German museums to fend off Nigeria's restitution claims, when the Prussian Cultural Heritage Foundation stressed the danger of the radical emptying of German museums.[134] Through the continuous inflation of the importance of this argument, cultural internationalists have been deliberately misrepresenting Nigeria's claims. As has been shown, in the previous decades, Nigeria has never requested the return of the entirety of its Benin artefacts, so invoking the threat of western museums being emptied can be considered an overstatement.

MacGregor counters the idea that the Benin artefacts should be restituted for economic profit by praising the British Museum's free admission and that it does not generate direct revenue from the mere possession of cultural artefacts such as the Benin collection.[135] This argument, however, must be seen critically for its Eurocentric nature,

---

[131] Adewumi, "Possessing Possession", 236; Gates, "Who Owns African Art?", 1160f.

[132] Bator, "Essay", 299.

[133] Ibid., 306.

[134] Savoy, *Afrikas Kampf*, 56.

[135] Neil MacGregor and Jonathan Williams, "The Encyclopaedic Museum: Enlightenment Ideals, Contemporary Realities", *Public Archaeology* 4, 1 (2005), 57-9.

on the grounds that the cost of access to the British Museum varies greatly depending on one's place of residence. For a Londoner, the Museum is free, for a European, the Museum is relatively affordable, but for anyone from overseas, travelling to the Museum can incur high costs and immigration hurdles, offsetting its free admission.

However, it should be noted that the argument that restitution would strengthen the state's economy might not be that straightforward. In order to fully economically benefit from cultural development, a country needs to have a well-developed tourism industry which includes all the necessary infrastructure elements. Although Nigeria's tourism has been growing exponentially in the past few decades, the immediate return of all artefacts might not allow it to reap the entirety of the economic benefits connected to this.[136] The contemporary initiatives such as the Benin Dialogue Group, which are discussed in the following section of this chapter, address these complexities and work towards building a stronger infrastructure for the artefacts' return to Nigeria.

3.2.3 The 'Object-Oriented' Argument

Cultural internationalism promotes an object-oriented policy of dealing with cultural artefacts. It is argued that the western museums have more resources to better preserve, and care for, the Benin artefacts. During the 1977 FESTAC festival, the British Museum rejected Nigeria's request for a temporary loan of the Queen Idia mask on the premise that the artefact was too fragile to travel. Reports circulated in the Nigerian media that Britain had asked for three million dollars in insurance to cover potential

[136] Mulkat A. Yusuff and Mukail A. Akinde, "Tourism Development and Economic Growth Nexus: Nigeria's Experience", *European Journal of Hospitality and Tourism Research* 3, 4 (2015), 1-10.

damage to the mask, a cost so high it was seen as disrespectful towards Nigeria.[137] Von Paczensky and Ganslmayr stress the irony in this context that the mask had indeed originally travelled safely from the Kingdom of Benin to Britain after it was looted in 1897, a fact the British Museum officials conveniently overlooked.[138] The argument of fragility was invoked again during a 2007 ICOM conference in Vienna, when French delegates rejected Nigeria's requests for the return of the Benin artefacts.[139] This argument has been perceived by the Nigerian side as an insult and a 'continuing form of racism': to question the artefacts' safety in Nigeria is to 'question the ability of Africans to manage themselves'.[140] It is thus fair to argue that western states and museums have carried nineteenth-century distinctions between 'civilised' and 'uncivilised' states into the twentieth century, albeit in a form that is more palatable to modern audiences, as 'uncivilised' states have now been relabelled as unable to care for their cultural artefacts.

Similar to the belonging argument, the view that western museums can better preserve these cultural artefacts overlooks or minimises the importance of their provenance. Cultural internationalists deliberately refocus their rhetoric on why western

---

[137] Alma Robinson, "The Controversial Mask of Benin", *Washington Post*, 11 February 1977, https://www.washingtonpost.com/archive/lifestyle/1977/02/11/the-controversial-mask-of-benin/f6845f66-ffbd-40e5-8bc4-b7a551bdb8d0/; Alex Marshall, "This Art was Looted 123 Years Ago: Will it Ever be Returned?", *New York Times*, 23 January 2020, https://www.nytimes.com/2020/01/23/arts/design/benin-bronzes.html; Folarin Shyllon, "Restitution of Antiquities to Sub-Saharan Africa: The Booty and Captivity: A Study of Some of the Unsuccessful Efforts to Retrieve Cultural Objects Purloined in the Age of Imperialism in Africa", *Art Antiquity and Law* 20, 4 (2015), 369-84, 371.

[138] von Paczensky and Ganslmayr, *Nofretete*, 133.

[139] Jennifer Harris, "Globalisation, Post-Colonialism and Museums", *International Council of Museums-ICOFOM-Study Series* 37 (2008), 125-32, 125.

[140] Artist and curator Kevin Dalton-Johnson, quoted in: Paul Wood, "Display, Restitution and World Art History: The Case of the 'Benin Bronzes'", *Visual Culture in Britain* 13, 1 (2012), 115-37, 121. See also Sylvester O. Ogbechie, "Momentum Builds for the Restitution of African Art", *Current History* 118, 808 (2019), 194-6, 195.

institutions can better care for the objects, claiming to act in their best interest. As the colonial provenance of the Benin artefacts is being disregarded, the emphasis of the debate shifts towards the western museums' superior resources and international standing.[141] This change in focus was employed by these western institutions to serve their retentionist agendas in the second part of the twentieth century.

3.3 Reframing the Debate

In recent years, there have been attempts to reframe the debate around the possession of the Benin artefacts and to break loose from the impasse created by decades of repeated restitution and retention arguments. Disregarding the pressure that has been mounting since the 1960s on western museums to reassess their problematic collections, as well as framing the narrative of the current debate through the two approaches of cultural internationalism and cultural nationalism, is no longer sustainable. Thus, as a first step, representatives of the Royal Court of Benin, the Edo State Government, and the NCMM came together with museum officials from Germany, the UK, the Netherlands, Austria, and Sweden to form the Benin Dialogue Group (BDG) in 2007.[142] The aim of the initiative was to start an open dialogue between Nigeria and western institutions around matters of access to the Benin artefacts.[143]

---

[141] For a critique of the cultural internationalist position, see Neil Brodie, "Problematizing the Encyclopedic Museum: The Benin Bronzes and Ivories in Historical Context", in: Bonnie Effros and Guolong Lai (eds.), *Unmasking Ideology in Imperial and Colonial Archaeology: Vocabulary, Symbols, and Legacy* (Los Angeles: Cotsen Institute of Archaeology, 2018), 61-82, 74-7.

[142] For the Group's members, see MARKK, "Benin Dialogue", 12 August 2020, https://markk-hamburg.de/en/benin-dialogue/.

[143] Folarin Shyllon, "Benin Dialogue Group: Perhaps No Longer a Dialogue with the Deaf! University of Cambridge Students to the Rescue!", *Art Antiquity and Law* 22, 4 (2017), 299-304, 300.

What followed was a series of workshops in 2010, 2011, and 2013. In 2010, it was agreed that the workshops would be held on a regular basis and involve more museums. During the Group's 2011 meeting, German funding opportunities for visiting scholars were put forth, and all participating western museums agreed to make online collections of the Benin artefacts available for future collaboration. In 2013, the Benin Plan of Action was established, which included the creation of a conservation laboratory in Nigeria, the development of library facilities, and an agreement to enable more touring exhibitions of the Benin artefacts.[144]

The Group's 2017 meeting took place at the University of Cambridge, following the decision made by the student body of Jesus College to repatriate a Benin-made bronze cockerel.[145] The meeting focused on broader tensions which arose from the continuous requests by the Kingdom and the NCMM to repatriate the Benin artefacts, as well as on the challenges that curators in western museums faced in participating in these conversations.[146] The proposed plan of action was a rotating loan of the Benin artefacts from western museums to be permanently displayed in Benin City.

The following meeting in 2018 focused on the execution of the permanent loan.[147] The BDG members have agreed to guarantee the artefacts' preservation, matching 'western standards', and to assist Nigeria with building and exhibition design, and the development of a legal framework for the new museum. The legal title of the

---

[144] Tajudeen Sowole, "Benin Plan of Action: Plotting Repatriation of Looted Artefacts", *African Arts with Taj*, 1 March 2013, https://www.africanartswithtaj.com/2013/02/benin-plan-of-action-plotting.html.

[145] Johanna Zetterstrom-Sharp and Chris Wingfield, "A 'Safe Space' to Debate Colonial Legacy? The University of Cambridge Museum of Archaeology and Anthropology and the Campaign to Return a Looted Benin Altarpiece to Nigeria", *Museum Worlds: Advances in Research* 7, 1 (2019), 1-22, 1f.

[146] Ibid., 15.

[147] Catherine Hickley, "Nigeria Plans Museum for Art Looted from Benin", *Art Newspaper*, 22 October 2018, https://www.theartnewspaper.com/news/nigeria-plans-museum-for-art-looted-from-benin.

artefacts, however, would remain with the western museums, as the agreement did not include full restitution. Nonetheless, the Group's statement made clear that Nigeria's previous restitution claims had neither been waived nor abandoned, and that the western institutions had not eliminated the possibility of future returns.[148]

The Group then met in 2019, supporting the Edo State Government's initiative to establish a museum trust that would be responsible for the planning of the Edo Museum of West African Art (EMOWAA) in Benin City, which is supposed to become the new home of the Benin artefacts.[149] As a result of these discussions between the Kingdom, the Group, and the Edo State Government, the Legacy Restoration Trust was established to undertake the planning of the EMOWAA in collaboration with the NCMM, Adjaye Associates, as well as Nigerian and international researchers, curators, and academics.[150]

Over the years, the BDG has not been immune to criticism. Gundu and Shyllon, for example, regard the idea of a permanent loan proposal as insufficient, highlighting that, even though it is a step in the right direction, it should not replace a much-needed restitution and ownership discussion.[151] Kopp and Zimmerer, on the other hand, find the loan proposal offensive to the people of the Kingdom of Benin, calling it a result of 'shameful power politics' and arguing that its terms should be reversed, whereby the

---

[148] Benin Dialogue Group, "Statement from the Benin Dialogue Group, Nationaal Museum van Wereldculturen, The Netherlands, 19 October 2018", http://docs.dpaq.de/14096-statement_from_the_benin_dialogue_19_october_2018_16.33.pdf.

[149] Benin Dialogue Group, "Press Statement of the Meeting of the Benin Dialogue Group in Benin City, Nigeria, 5-7 July 2019", https://grassi-voelkerkunde.skd.museum/fileadmin/userfiles/GRASSI_Museum_fuer_Voelkerkunde_zu_Leipzig/Bilder/Allgemein/Veranstaltungen/Benin_Dialogue_Group/Press_Statement__Benin_Dialogue_Group_2019.pdf. See also id., "Press Statement: Benin Dialogue Group Steering Committee", 24 March 2021, https://markk-hamburg.de/files/media/2021/03/Press-Statement-24.3.21.pdf.

[150] Legacy Restoration Trust, "About Us", https://legacyrestorationtrust.org/about; id., "EMOWAA", https://legacyrestorationtrust.org/emowaa.

[151] Zacharys A. Gundu, "Looted Nigerian Heritage: An Interrogatory Discourse around Repatriation", *Contemporary Journal of African Studies* 7, 1 (2020), 47-66, 57f.; Shyllon, "Restitution of Antiquities", 378-81.

European institutions, after restituting the artefacts to Benin, could request them back for a fee.[152]

Parallel to the works of the BDG, in 2020, the Museum am Rothenbaum (MARKK) in Hamburg launched Digital Benin, an initiative that aims to create a catalogue of all Benin artefacts that were looted in 1897.[153] Over the course of the next two years, the project will generate a comprehensive online database of historical objects, documents, and photographs pertaining to global Benin collections to promote research and awareness. Against the backdrop of the limitations of nineteenth- and twentieth-century international law and the deadlock of the social and political debate unfolding since the 1960s, the establishment of the BDG and Digital Benin can be seen as an attempt to reframe previous narratives. These initiatives offer new, concrete approaches to dealing with the problematic history of the Benin artefacts.

At the governmental level, attempts to find concrete solutions are reflected in Germany's decision to return all of its Benin artefacts to Nigeria by 2022.[154] Building on the works of the BDG, Germany will also participate in archaeological excavations in Benin City and assist with the construction of the EMOWAA. .One of the first steps towards full restitution has been to collect comprehensive data on the Benin artefacts in

[152] Quoted in: Kate Brown, "Europe's Largest Museums will Loan Looted Benin Bronzes to Nigeria's Planned Royal Museum", *Artnet News*, 22 October 2018, https://news.artnet.com/art-world/benin-dialogue-group-ocotober-2018-1376824. See also Die Welt, "Forscher untersuchen Herkunft umstrittener Benin-Bronzen", 12 May 2019, https://www.welt.de/regionales/berlin/article193340309/Forscher-untersuchen-Herkunft-umstrittener-Benin-Bronzen.html.

[153] Digital Benin, "Digital Benin: Reconnecting Royal Art Treasures", https://digital-benin.org/.

[154] Catherine Hickley, "Germany Pledges to Return Benin Bronzes to Nigeria Starting in 2022", *Art Newspaper*, 30 April 2021, https://www.theartnewspaper.com/news/germany-pledges-to-return-benin-bronzes-to-nigeria-starting-in-2022. See also id., "Germany Moves towards Full Restitution of Benin Bronzes", *Art Newspaper*, 22 March 2021, https://www.theartnewspaper.com/news/germany-moves-towards-full-restitution-of-benin-bronzes.

German museums, the results of which were published in the Contact Point for Collections from Colonial Contexts.[155]

The Netherlands and France, too, have actively participated in these attempts. The Dutch government agreed in early 2021 to unconditionally return any cultural objects looted from former Dutch colonies.[156] France, on the other hand, has slowly been working on the implementation of the 2018 Sarr-Savoy report, although its realisation has proven more challenging than originally predicted.[157] As for the US, UCLA's Fowler Museum stressed it would follow Nigeria's lead in making the best decision for the artefacts, be that their unconditional return or a long-term loan, the Metropolitan announced its decision to return two Benin artefacts, and the Smithsonian has removed its Benin Bronzes from display and is planning for their repatriation.[158]

[155] German Contact Point for Collections from Colonial Contexts, "Benin Bronzes in Germany", https://www.cp3c.org/transparency/benin-bronzes.php.

[156] Government of the Netherlands, "Government: Redressing an Injustice by Returning Cultural Heritage Objects to their Country of Origin", 29 January 2021, https://www.government.nl/latest/news/2021/01/29/government-redressing-an-injustice-by-returning-cultural-heritage-objects-to-their-country-of-origin; Sarah Cascone, "The Dutch Government Just Promised to Return Any Stolen Colonial-Era Objects in its Collections Back to their Countries of Origin", *Artnet News*, 4 February 2021, https://news.artnet.com/art-world/netherlands-restitution-guidelines-1941734.

[157] Jonathan Paquette, "France and the Restitution of Cultural Goods: The Sarr-Savoy Report and its Reception", *Cultural Trends* 29, 4 (2020), 302-16; Alexander Herman, "One Year after the Sarr-Savoy Report, France has Lost its Momentum in the Restitution Debate", *Art Newspaper*, 12 November 2019, https://www.theartnewspaper.com/comment/one-year-after-sarr-savoy-where-are-we-on-colonial-restitution.

[158] Catherine Hickley, "UCLA's Fowler Museum to Reach out to Nigeria about Returning its Benin Bronzes", *Art Newspaper*, 14 April 2021, https://www.theartnewspaper.com/news/ucla-s-fowler-museum-seeks-talks-with-nigeria-on-return-of-benin-bronzes; Sarah Bahr, "Met Museum Announces Return of Two Benin Bronzes to Nigeria", *New York Times*, 9 June 2021, https://www.nytimes.com/2021/06/09/arts/design/met-museum-benin-bronzes-nigeria.html; Catherine Hickley, "Smithsonian Museum of African Art Removes Benin Bronzes from Display and Plans to Repatriate Them", *Art Newspaper*, 5 November 2021, https://www.theartnewspaper.com/2021/11/05/smithsonian-museum-of-african-art-removes-benin-bronzes-from-display-and-plans-to-repatriate-them.

3.4 Conclusion

This chapter has shown that the social and political pressure that drives the debate around the ownership of the Benin artefacts has grown significantly since the mid-twentieth century, fuelled by the decolonisation movement. This debate is not a contemporary development, but rather a product of decades of restitution and cooperation claims from Nigeria and other postcolonial states. Similarly, the responses to the pressure have been changing over time, with the emergence of alternative perspectives on where the Benin artefacts belong and how they should be treated.

Throughout the debate, cultural internationalism and cultural nationalism have been used as defence strategies by western museums to support their retentionist agendas and reject claims for the restitution of these artefacts. Cultural internationalism allowed these museums to reinforce their position as universal museums, granting them the right to display artefacts from around the world irrespective of provenance. Cultural nationalism, on the other hand, allowed the very same institutions to portray Nigeria and other postcolonial states as parochial. For a long time, western museums have argued that Nigeria's demand for the return of the Benin artefacts is overly nationalistic, even though it has been engaged in international cooperation since its independence.

Thus, against the backdrop of the previous chapter, which elaborated on the nineteenth-century western-made distinction between 'civilised' and 'uncivilised' states, the way the restitution debate unfolded in the mid- to late twentieth century can be considered a continuation of these practices. In the eyes of western museums, Nigeria was both unfit to care for its own heritage and unwilling to appreciate this heritage elsewhere.

Only recently have western state and non-state actors begun to critically reassess their right to possess and display cultural artefacts with problematic provenance.

Initiatives such as the Benin Dialogue Group, Digital Benin, and the construction of the Edo Museum of West African Art are proof of the progress made in the cultural property debate, as more weight has been given to provenance and international cooperation in finding concrete solutions to the Benin case.[159] It is nevertheless important to recognise that there is still an intense debate around the ownership and possession of these artefacts, and the question is: how do museums position themselves in this debate and how do they present artefacts with problematic provenance? This will be addressed in the context of British museums in the following chapter.

[159] For more on museum cooperation between Africa and Europe, see Thomas Laely, Marc Meyer, and Raphael Schwere (eds.), *Museum Cooperation between Africa and Europe: A New Field for Museum Studies* (Bielefeld: Transcript, 2018).

Chapter 4

THE BRITISH CONTEXT

Previous chapters have outlined the significant changes in attitudes towards cultural artefacts with questionable provenance since the nineteenth century and the growing demand to revisit their custody. They have also suggested a continuity between attitudes observed in nineteenth- and twentieth-century international conventions, political discussions, and public debates when addressing the western possession of the Benin artefacts. This chapter turns to an examination of how individual museums in the UK are currently positioning themselves within, and responding to, these national and international debates.

There are various ways in which this response can take place. As discussed in the previous chapter, one way has been to participate in international collaborative projects, and in some instances even return the artefacts. Although the general pattern in terms of restitution might be a reluctance to part with such valuable possessions, on a more local level, there are other ways through which museums can critically address their collections with problematic provenance, for instance through their presentation online and their curatorial practices onsite.

This thesis has no ambition to study in full how the decolonisation process is reflected within museums. That would require a large-scale, in-depth study of the museums' internal discussions on policy shifts and of the full range of policy changes that are either taking place or are intended to take place. Instead, due to the limited scope of the thesis, as well as restrictions imposed by the COVID-19 pandemic on active research, the spotlight here is exclusively on the website presentations of the museums in possession of Benin artefacts and also on curatorial practices in two major museums. Thus, the question that I am posing is: how do British museums engage with

the decolonisation process and deal with their Benin collections online and in the curatorial practices within their own walls?

The chapter thus proceeds by analysing the websites of British museums that may hold Benin artefacts to see what they reveal about how these artefacts are portrayed and specifically whether their troublesome past is alluded to. This approach has become particularly appropriate since the pandemic restrictions forced museums to move their work online, thus encouraging them to think about how to maximise digital representation and remote accessibility of their collections.[160] However, it is important to recognise the limitations of this method of research because the museums' websites are not always a direct reflection of their actual engagement with the Benin artefacts, and arguably not the most significant way through which they can participate in the decolonisation process. But it is a way that is more accessible to the wider public.[161]

Thus, as the first step in my research, I screened the websites of all British museums that may hold Benin artefacts to create a database consisting of the information that museums present about their Benin collections. This was followed by a content analysis of the collected texts, firstly to scrutinise the quantity and quality of information provided, and secondly to test whether the characteristics of the museums reveal a pattern of institutional participation in the decolonisation process through their digital presentation. The characteristics examined were the museums' popularity (measured by annual visitor numbers), the size of their Benin collections (based on the

[160] Amy Hondsmerk, "Let's Play in Lockdown: Museums, Interpretation, and Videogames in Convergence during the COVID-19 Pandemic", *Museological Review: (Re)Visiting Museums* 25 (2021), 53-65, 55.

[161] For one example of the role of digital presentation in museum practices, see Kimberly Christen, "On Not Looking: Economics of Visuality in Digital Museums", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 365-86.

data available on their websites), and their type (i.e. national, university, and other museums).

Last, the curatorial practices of two museums with a substantial number of Benin artefacts, a university and a national museum, have been examined to see whether and how the ongoing public debates were reflected in the way in which these museums' Benin artefacts were displayed, labelled, and described. The analysis was then complemented by semi-structured interviews with some museum officials and email correspondence with experts in the field.

4.1 The Museums' Online Presentation

There are about thirty-nine museums in the UK that currently hold Benin artefacts in their collections.[162] Most of the institutions have an online collection database that is sufficiently developed to enable an efficient search using keywords such as 'Benin', 'Benin Bronzes', 'Kingdom of Benin', 'Benin City', 'Edo', 'Oba', and 'decolonisation'. The content analysis of the statements collected from the museums' websites was conducted by four specific themes:

[162] This assessment is primarily based on Dan Hicks' appendix in *The Brutish Museums*, combined with the studies of Peter Junge and Zacharys Gundu. Hicks, *Brutish Museums*, 248f.; Gundu, "Looted Nigerian Heritage", 49f.; Shyllon, "Restitution of Antiquities", 384. Although these sources suggest forty-three institutions as holders of Benin artefacts, only thirty-nine are assessed. The Royal Armouries in Leeds and the Maidstone Museum in Kent have collections of British weaponry and medals associated with the 1897 attack, but not actual Benin artefacts. The Ashmolean stated that it is not aware of any Benin artefacts in its collection, although Hicks suggests that they are currently on loan at the Pitt Rivers Museum. Email correspondence with Agnes Valencak, Head of Exhibitions at the Ashmolean Museum, Oxford, 20 July 2021; Hicks, *Brutish Museums*, 172. The Dumas-Egerton Trust has also been removed from the list, as its Benin collection is currently on loan at the Pitt Rivers Museum. Dan Hicks, "The University of Oxford's Benin 1897 Collections: An Interim Report", November 2021, https://www.prm.ox.ac.uk/sites/default/files/prm/documents/media/benin_collections_interim_report_dan_hicks-2.pdf, 16.

(a) object description, such as the artefact's title, its origin, the timeline of its creation, its material and composition, and its dimensions (it may also include information on the process of the object's creation, its cultural, religious, or other relevant context, and its purpose);

(b) historical context, which may include background information on the Kingdom of Benin as well as any references to the 1897 attack;

(c) the acquisition process, which refers to the ownership history and provenance information of the objects;

(d) references to decolonisation, including any statements on the museum's involvement in decolonisation projects.

As the next step, depending on how those themes were reflected on their websites, the museums were divided into three groups: 'comprehensive', 'brief', and 'none', based on the amount of information about the artefacts provided in their portrayals of the Benin objects.[163] The picture that resulted from this exercise suggests that, out of the thirty-nine British museums with Benin artefacts in their collections, twelve fell into the 'comprehensive' category, eight into 'brief', and nineteen into 'none'. The twelve museums in the 'comprehensive' group offer the most thorough information, which includes descriptions of the objects and their current condition, but, most importantly, detailed information on the Kingdom's history, on the 1897 attack, on the forceful removal of the artefacts and their relocation to Britain, and on the

[163] See Appendix 1 for more detailed information on each museum, including on each of the four variables, the size of their Benin collection and on how many artefacts are on display, and a brief description of the museum's individual approach to presenting its artefacts. It is important to recognise that some museums might hold Benin material that was not brought to Britain as a result of the 1897 attack. For example, the Bristol Museum and Art Gallery has four Benin objects in its collection, two of which are modern sculptures. Another example is the Victoria and Albert Museum, which holds two brass plaques and many photographs of the objects. Victoria and Albert Museum Collections, "Benin", https://collections.vam.ac.uk/search/?q=benin&year_made_from=&year_made_to=. Where possible, Appendix 1 identifies what kind of Benin material museums hold. This chapter is mainly concerned with Benin artefacts that joined the museums' collections as a result of the 1897 attack.

circumstances under which these objects reached the given collections, i.e. their provenance. The data on each website in the 'comprehensive' group appears to be nuanced, with museums clearly recognising the contested nature of their Benin collections.

The Barber Institute of the University of Birmingham, for example, provides a critical description of the trade relationship between the Kingdom and Britain, paying particular attention to the latter's exploitative and opportunistic interests and the unfounded reasoning for the attack on the Kingdom in 1897:

> Unlike other parts of Africa, Benin retained its independence from European colonising states up to the late 19th century. However, the British saw great *economic opportunity in the Benin forests which they wished to exploit*, and resented the custom duties and trade restrictions imposed by Oba Ovoranmwen, King of Benin. James Phillips, Acting Consul General of the Niger Coast Protectorate, set out to the city of Benin to demand an end to this, but he was ambushed and he and his officers killed. *This provided the British with an excuse for annexation, and gave rise to the notorious 'punitive expedition' of February 1897*, when 1,200 troops under Admiral Sir Harry Rawson captured and burnt Benin city [emphasis added].[164]

Furthermore, the Institute explains the violent ransacking of Benin City and the looting of the objects by the British military, stressing that it takes any issues around the ownership of the Benin objects very seriously, and that it 'actively follow[s] the sector developments to be informed of best practice as well as undertak[e] further provenance research'.[165]

Another example is the Manchester Museum of the University of Manchester, which discusses its involvement in various unethical forms of artefact acquisition in the

[164] Barber Institute of Fine Arts, "Ikegobo to the Iyoba (Hand Altar to the Queen Mother)", https://barber.org.uk/ikegobo/.

[165] Ibid.

nineteenth and twentieth centuries, mentioning the ransacking of Benin City in 1897 as one such situation:

> Of course in some situations objects were not the property of individuals to sell and inequality in access to wealth meant that some items were sold for short term gain. Other objects were taken *in much more obviously immoral and violent situations*. Here are some examples of objects acquired in these ways: The Gelede mask was taken by governor John H Glover (1866-70) from a 'heathen temple' which was destroyed by colonial powers. The Benin plaque and tusk was *stolen* in the *'punitive raid'* by the British government on Benin's Royal Palace in 1897 [emphasis added].[166]

One similarity of the approaches of the Barber Institute and the Manchester Museum in describing the Benin artefacts is that both use the phrase 'punitive expedition' in quotation marks. This suggests that they criticise this phrase as a legitimising tool used by Britain to portray its attack on the Kingdom of Benin as a necessary one, rather than as an opportunity for colonial territorial gains.

In the second group, eight institutions provided brief information about their Benin artefacts on their websites. Unlike the museums in the 'comprehensive' group, these institutions either lack particular pieces of information in their descriptions (for example providing only an art historical account, but no historical or provenance reference) or do not elaborate further on these descriptions (for example mentioning the objects' association with the 1897 attack, but not explaining it any further), or still, in the case of some institutions, offer a general overview of their policy changes in favour of decolonisation, but with no specific reference to their Benin artefacts.

An example of a museum with brief information on its Benin artefacts is the National Museum of Scotland in Edinburgh. Its collection database offers only a brief

---

[166] Manchester Museum, "The Slave Trade and Colonialism", http://harbour.man.ac.uk/mmcustom/narratives/display.php?irn=1402&QueryPage=%2Fmmcustom%2Fnarratives%2F.

art historical description of the artefact, specifying its medium and dimensions. Under the subcategory 'Associations', the 'British Punitive Expedition to Benin City, 1897' is mentioned, but without any explanation of what happened and why.[167]

Some museum websites, however, either did not show any results on their Benin collections or did not have an online database to search for any.

To sum up, twelve out of thirty-nine British museums are responding to the broader public debates online by providing comprehensive information about their Benin artefacts and decolonisation practices online. The majority (twenty-seven museums), on the other hand, offer little to no information. However, it needs to be taken into account that the resources available for the development of the websites, both human and financial, vary between museums. The online presentation of any particular museum may not be a direct reflection of its level of engagement with decolonisation processes. An example of this is the Great North Museum in Newcastle, which has agreed to return its Benin Bronze to Nigeria, even though the Museum's website appears in the 'brief' group.[168] Its proactive decision for restitution thus stands in contrast with the amount of information the Museum has made available online.

To better understand the distribution of the museums between those three groups and make sense of the observations, I tested three potential explanatory factors: the museums' popularity, the size of their Benin collections, and the museums' type.

[167] National Museums Scotland, "Ceremonial Sword", https://www.nms.ac.uk/explore-our-collections/collection-search-results/ceremonial-sword/334139.

[168] Mark Brown, "Newcastle Museum to Return Benin Bronze Stave", *Guardian*, 12 January 2022, https://www.theguardian.com/culture/2022/jan/12/newcastle-museum-to-return-benin-bronze-stave.

4.1.1 Popularity and Information

It seems reasonable to expect that social pressure would be stronger on those museums with larger numbers of visitors and more public exposure, and therefore that the most popular museums (measured here by the annual number of visitors) would be inclined to provide comprehensive information on their websites.[169] Correspondingly, the less popular museums would be less likely to provide comprehensive information on their websites and more likely to appear in the 'brief' group. According to this logic, the very least popular museums would be the most likely to appear in the 'none' group.

The relationship between the popularity of each of the thirty-nine museums and the amount of information each of them has provided on its Benin collection online is presented in Table 1.

Table 1: Relationship between the Museums' Popularity and the Amount of Information Available on their Websites

Museums*	Comprehensive	Brief	None	Total
Top 15	2	3	2	7
16-99	4	4	6	14
100 on	2	1	5	8

* There was no information on the annual visiting numbers for ten museums, so they are not included in this table.

In order for the assumption to work, the majority of the museums ranked among the top fifteen should appear in the 'comprehensive' group. However, for the top fifteen museums, no pattern was identified. That is, the British Museum, the V&A, the Royal Museums Greenwich, the National Museums Scotland, the Royal Windsor Collection,

[169] The annual visitor figures are taken from the Association of Leading Visitor Attractions (ALVA). For the purposes of this research, the 2019 figures were used, as the COVID-19 pandemic skewed visitor numbers for the following year. ALVA, "2019 Visitor Figures", https://www.alva.org.uk/details.cfm?p=610. As some museums were not in ALVA's list, their visitor numbers were researched through the museums' individual annual reports.

the Kelvingrove Museum in Glasgow, and the Natural History Museum in London show very different approaches to their collections.[170] The British Museum and the V&A (despite the latter having only two artefacts in its possession) both appear in the 'comprehensive' group, acknowledging the contested, violent history of the Benin objects and the dubious process that brought them into their collections.[171] The remaining museums, though equally among the top fifteen in popularity, provide only limited or no information at all about their Benin collections or their efforts towards decolonisation. Therefore, a top-fifteen museum's propensity to acknowledge or critically report on its collection does not follow from its popularity.[172]

Similarly, no recognisable pattern emerges in the second group, ranked up to 100 by popularity. There is merely a slight pattern in the third group, '100 on', in that five out of eight show no information on their websites about either their Benin collections or their efforts towards decolonisation. However, these are the least visited museums and are therefore more likely to lack the resources needed to review and update their websites. Also, the small sample size of the '100 on' group makes it difficult to draw justified inferences, as the variation in the distribution is not sufficiently significant.

[170] In 2019, the British Museum was ranked number one in its number of visitors (6,239,983), the Natural History Museum in London came in fourth (5,423,932), the Victoria and Albert Museum came in sixth (3,992,198), the Royal Museums, Greenwich, were ranked ninth (2,906,000), and the Kelvingrove Museum, Glasgow, was ranked fifteenth (1,832,097). Ibid.

[171] British Museum, "Collecting Histories", https://www.britishmuseum.org/about-us/british-museum-story/collecting-histories.

[172] Among those top fifteen museums, the annual numbers of visitors vary significantly. For example, while the British Museum has more than six million visitors per year, the Kelvingrove Museum in Glasgow welcomes only 1.8 million.

4.1.2 Size of the Benin Collection and Information

Does the size of the collection of Benin artefacts at the museums determine how much information they make available on their respective websites? To test this proposition, I arranged the data by the size of their Benin collection: the ones with more than fifty artefacts, the ones that hold between six and fifty artefacts, and the ones that have small collections, up to five. Nineteen museums did not provide any information at all on the number of Benin artefacts in their possession. Here, I made the arguable assumption that their holdings of Benin artefacts must be very small. The very fact that those museums did not attach importance to the collection to provide information on the number of such objects in their possession suggests that this number is very small indeed. The distribution of museums by the amount of information available digitally and by the size of the Benin collections is presented in Table 2.

Table 2: Relationship between the Museums' Number of Benin Artefacts and the Amount of Information Available on their Websites

Number of Artefacts	Comprehensive	Brief	None	Total
More than 50	3	1	0	4
6 to 50	2	2	1	5
Up to 5 and N/A*	7 (6+1)	5 (4+1)	18 (2+16)	30 (12+18)

* Numbers in brackets show the breakdown of the overall number of museums into those *with* available information and those *without* information about the number of artefacts.

The initial assumption was that institutions with larger collections of Benin objects would provide the most comprehensive amount of information on their websites. And indeed, three of the four museums with large collections provide the most comprehensive information: the British Museum (around 1218 objects), the Museum of Archaeology and Anthropology (MAA) in Cambridge (around 455 objects), and the Pitt Rivers Museum (around 145 objects). Only one out of four of these institutions, the

National Museums Scotland (around 90 objects), fell into the 'brief' rather than the 'comprehensive' group.

Interestingly, no pattern emerged for museums with smaller, but still significant numbers of artefacts (from six up to fifty). It was not so for the museums with very small collections of up to five artefacts. In the group with the smallest collections, more than half (eighteen out of thirty) provided no information, five museums gave brief information, and only seven out of thirty did comprehensively engage with the decolonisation process through their digital presentation. The conclusion that might be drawn from this distribution is that the size of the collection is a generally strong predictor of whether a host museum will provide a comprehensive digital description of the Benin objects only in the case of museums with large collections, i.e. of more than fifty artefacts. Museums with average-size collections can fall into 'comprehensive', 'brief', or 'none' with equal probability.

The proposition is only a medium predictor of the amount of information for museums with a smaller number of artefacts under their roof. However, the analysis reveals an interesting group that invites further attention: six of the museums that possess only a small number of artefacts nevertheless provide comprehensive online information about the objects, their history, and provenance. Further scrutiny of this group revealed that they are mostly institutions that are attached to a university (four out of six).[173] This finding led me to explore the next factor, the type of the museums, which proved to be the most significant factor in understanding the pattern of museums' participation in the decolonisation process through attention to their digital presentation of the Benin artefacts.

[173] If we extend the group and include those that hold up to ten artefacts, the number of museums will increase to seven, out of which five are university-affiliated.

4.1.3 Museum Type and Information

According to the Museums Association, a professional membership organisation for museums and heritage based in London, there are several types of museums in the UK depending on who they are owned by and how they are funded.[174] For the purposes of this thesis, which is understandably limited in terms of its timeframe and scope, the two types of national and university museums are central. Hereafter, the remaining types will be subsumed into an 'other' category.[175] National museums are run by the central government of one of the four UK countries, while university museums are owned by, or affiliated with, universities and therefore governed independently. The distribution of the degree of information provided by the three types of museums is shown in Table 3.

Table 3: Relationship between the Museums' Types and the Amount of Information Available on their Websites

Museum Type	Comprehensive	Brief	None	Total
University	7	0	0	7
National	3	2	5	10
Other	2	6	14	22

This table demonstrates that all seven university museums in the sample provided comprehensive website information about their Benin objects and their contested provenance. The university museums have been actively involved in the current dialogue around the ethics of ownership of the Benin artefacts in several ways. Some of them have joined international initiatives on the matter, while others have individually

[174] Museums Association, "FAQs about Museums", https://www.museumsassociation.org/about/faqs/.

[175] The 'other' group includes local authority museums, independent museums owned by registered charities, historic properties, National Trust properties, regimental museums, and unoccupied royal palaces. Ibid.

negotiated and even completed the return of specific artefacts to the current Oba, for example the University of Aberdeen and Jesus College, Cambridge.[176]

Additionally, university museums appear to be in the process of critically reassessing their Benin collections as part of an overall revision of their general policies. The Barber Institute, for example, decided in 2021 that it would change the display location of its Benin artefact. The artefact was originally on display in the Baroque Gallery, along with other works of sculpture of the sixteenth and seventeenth centuries.[177] With the reopening of the Museum after the pandemic, the decision was made to display the artefact with two other 'contentious objects' commissioned by William Beckford, whose wealth is known to be linked to the slave trade.[178] The significance of this is that the artefact would in the future not be displayed based on its medium or type, but on its contested nature. In terms of its general policy changes, the Barber Institute is working on a project which aims to shed light on the colonial legacies in its collection, unlearning previously accepted narratives of display.[179]

Another example is the Pitt Rivers Museum, which claims that, as part of its 'decolonisation process', it has made 'critical changes' to its exhibits during the pandemic. Examples are the removal of more than a hundred human remains from its cabinets and the review of its display labels to identify potentially derogatory and

---

[176] Jesus College Cambridge, "Jesus College Returns Benin Bronze in World First", 27 October 2021, https://www.jesus.cam.ac.uk/articles/jesus-college-returns-benin-bronze-world-first; University of Aberdeen, "Ceremony to Complete the Return of Benin Bronze", 27 October 2021, https://www.abdn.ac.uk/news/15479/.

[177] Interview with a senior museum official at the Barber Institute of Fine Arts, Oxford, 7 September 2021.

[178] Ibid. See also Barber Institute of Fine Arts, "Unknown Italian Maker and British Goldsmith Paul Storr (1771-1844)", https://barber.org.uk/unknown-italian-maker-and-british-goldsmith-paul-storr-1771-1844/; id., "Daniel Smith and Robert Sharp (Active Partnership 1763-1788)", https://barber.org.uk/unknown-english-artist/.

[179] Email correspondence with Helen Cobby, Assistant Curator at the Barber Institute of Fine Arts, Oxford, 23 July 2021; Barber Institute of Fine Arts, "Unlearning: Colonial Legacies", https://barber.org.uk/unlearning-colonial-legacies/.

problematic language.[180] One of my interview respondents, a leading specialist at the museum, stressed the importance of conducting an ethical review of the displays to get an understanding of the 'different layers of coloniality' in them.[181]

Both Table 2 and Table 3 suggest that, if a museum is affiliated with a university and holds any Benin artefacts, however few, one might safely conclude that it is highly likely to provide comprehensive information about them on its website and possibly to be involved in restitution negotiations or other international initiatives.

The literature suggests that the tendency of university museums to occupy the leading role in the British debate about the ownership of artefacts with a colonial past is not at all new. In fact, the distinction between university museums from other types of museums in the UK due to their active role in the restitution debate was made as early as the 1980s.[182] The considerable size of the colonial collections held in university museums and the responsibility that it implied were highlighted during the 1981 *Lost Heritage* symposium at the Africa Centre in London.[183] Particularly relevant to my argument is the presentation of Peter Gathercole, then curator of the MAA in Cambridge, who drew attention to the work that the university museums of Cambridge and Oxford had done to improve the care and conservation of their collections.[184] He

[180] Pitt Rivers Museum, "Critical Changes to Displays as Part of the Decolonisation Process", https://www.prm.ox.ac.uk/critical-changes; id., "Human Remains in the Pitt Rivers Museum", https://www.prm.ox.ac.uk/human-remains-pitt-rivers-museum; id., "Labelling Matters: Reviewing the Pitt Rivers Museum's Use of Language for the 21st Century", https://www.prm.ox.ac.uk/labelling-matters.

[181] Interview with a senior museum official at the Pitt Rivers Museum, Oxford, 29 June 2021.

[182] Savoy, *Afrikas Kampf*, 153f.

[183] Irene Staunton and Murray McCartney (eds.), *Lost Heritage: A Report on the Symposium on the Return of Cultural Property Held at the Africa Centre, 38 King Street, London, WC2 on Thursday, 21st May, 1981* (London: Commonwealth Arts Association/Africa Centre, 1981). I wholeheartedly thank Kathrin Czychi of the Munich School of Philosophy for helping me access this publication.

[184] Peter Gathercole, "British University Museums and the Problems Relating to Restitution", in: Irene Staunton and Murray McCartney (eds.), *Lost Heritage: A Report on the Symposium on the Return of*

noted the absence, in the British context, of a single shared approach to the question of ownership of cultural artefacts, predicting that the social pressure towards restitution would grow exponentially in the future and take a significant toll on university and other 'flexible' museums if 'certain important museums' (i.e. the British Museum) did not take action.[185] This specific account shows that university museums have been involved over the past forty years in conversations addressing colonial collections and their handling. Their online presentation clearly reflects this history.

There is a number of possible explanations as to why it is the university museums that are taking the lead in the decolonisation process. One explanation that was offered by one of my interviewees is that most university museums 'tend to be smaller [than national museums]', so there is 'less hierarchy to have approval' when it comes to decision-making.[186] The Barber Institute, for example, has a relatively small staff, which allows those who do the work in the Museum to regularly make decisions 'as a group'.[187]

Another reason could be that university museums are located on the premises of their respective universities, which often discuss issues around provenance and ownership within their academic communities and student bodies. This might make the university museums 'more aware […] and therefore more active' in participating in these conversations.[188] Besides, students have been particularly active in other aspects of the decolonisation movement, demanding disinvestment from what are alleged to be

---

Cultural Property Held at the Africa Centre, 38 King Street, London, WC2 on Thursday, 21st May, 1981 (London: Commonwealth Arts Association/Africa Centre, 1981), 11-4, 12.

[185] Ibid., 13.

[186] Interview with a senior museum official at the Barber Institute of Fine Arts.

[187] Ibid.

[188] Ibid.

neocolonial business firms, calling for academic curricula to be decolonised, questioning the acceptability of statues on campus and other physical reminders of Britain's colonial past within the university context, and generally exhorting the academic community to make up for the damage that the countries of the 'civilised' world once inflicted on people in their colonies.[189] The student-led campaign since 2020 to pull down the statue of Cecil Rhodes in Oxford's Oriel College is only one recent example. With this in mind, it is not surprising that university museums are particularly responsive to calls for decolonisation within academia.

One should also appreciate that university museums are in a better position to outsource research on provenance and the historical context of their artefacts in general through academic connections and interdepartmental cooperation.[190] Thus, even if these university museums lack specific curatorial expertise due to financial constraints, they can access this expertise elsewhere.

The remaining five institutions in the 'comprehensive' group of Table 3 are three national museums (the British Museum, the V&A, and the World Museum in Liverpool) and two others, which are both local authority museums (the Bristol Museum and Art Gallery and the Warrington Museum and Art Gallery). It is noticeable that four out of these five museums are located in the vicinity of the most important British colonial ports, i.e. Bristol, Liverpool, and London, through which the slave trade was carried out during the seventeenth and eighteenth centuries.[191] Thus, in light of the most recent

---

[189] See, for example, Sadhvi Dar, Manali Desai, and Clive Nwonka, "'Students Want to Confront it': Academics on How to Decolonise the University", *Guardian*, 17 June 2020, https://www.theguardian.com/education/2020/jun/17/students-want-to-confront-it-academics-on-how-to-decolonise-the-university.

[190] Email correspondence with Silvia Beltrametti, Lecturer in Art History, Theory, and Criticism at the School of the Art Institute of Chicago, Oxford, 21 August 2021.

[191] The National Archives, "Britain and the Slave Trade", http://www.nationalarchives.gov.uk/slavery/pdf/britain-and-the-trade.pdf.

Black Lives Matter movement in 2020 and the toppling of public statues connected to Britain's imperial history, the museums in cities with extensive colonial history seem more prone to critically reassessing their collections and to responding to the cultural decolonisation process.[192]

An example of how local pressures trigger policy response is the Bristol Museum and Art Gallery, which emphasises that decolonising its collection is its priority. The Museum's main website visibly encourages its audience to 'follow [its] journey to decolonisation'.[193] The statement addresses the need for direct and honest conversations about the difficult and, at times, controversial histories behind the Museum's objects. In taking this initiative, the Museum hopes to involve a more diverse group of people in the decision-making on how best to display and maintain the objects in its collection. The three main aims of the journey are emphasising the limitations that colonial collections may have created, the trauma that such problematic heritage has caused, and the importance to represent and collaborate with a more inclusive and diverse community when dealing with these objects.[194]

---

[192] See, for instance, Susanna Jorek and Finn White, "Doing the Work: Exploring Black History in Bristol Museums", *Museological Review: (Re)Visiting Museums* 25 (2021), 124-34; Zoe Drewett, "Calls Grow to Pull Down Racist Statues, Buildings and Memorials across UK", *METRO*, 9 June 2020, https://metro.co.uk/2020/06/09/calls-grow-pull-racist-statues-buildings-memorials-across-uk-12826287/; Gareth Harris, "Protesters Topple Monument to Slave Trader Edward Colston in Bristol: Mayor Wants to Place it in a Museum", *Art Newspaper*, 8 June 2020, https://www.theartnewspaper.com/news/protesters-topple-monument-to-slave-trader-edward-colston-in-bristol-mayor-wants-to-place-it-in-a-museum. Additionally, one of my interviewees mentioned the creation of the Transatlantic Slavery and Legacies in Museums Forum, a network of museums working on the creation of a 'narrative thread to fully represent slavery and its legacies in the UK'. National Museums Liverpool, "Transatlantic Slavery and Legacies in Museums Forum", https://www.liverpoolmuseums.org.uk/tslforum; interview with a curator at the Bristol Museum and Art Gallery, Oxford, 6 January 2022.

[193] Bristol Museum & Art Gallery, "Follow us on our Decolonisation Journey", https://www.bristolmuseums.org.uk/collections/action-on-decolonisation/.

[194] Id., "Our Aims and Objectives", https://www.bristolmuseums.org.uk/decolonisation-aims-and-objectives/.

The Museum recognises that Bristol is steeped in colonial history, highlighting its aim to 'work with [its] staff, partners and audiences to understand the barriers created by [its] colonial heritage' and 'actively dismantle' them.[195] It should be noted that the Museum was one of the very few institutions with a direct and clear presentation of its work on these matters. Its standpoint was clear and accessible to anyone visiting its webpage, a characteristic that was rarely found to the same degree on any other museum website across the UK.

Another example is the World Museum in Liverpool. Apart from providing comprehensive art historical, historical, and acquisition information, the Museum is in the process of redisplaying its Benin collections. This project involves critically reassessing its display of the Benin artefacts to make it 'more responsive to the contemporary audiences of Liverpool and beyond'.[196] Furthermore, the Museum has a separate webpage dedicated to the Black Lives Matter movement, on which it provides educational resources to work towards 'eradicating racism and racial discrimination'.[197] The Museum recognises its responsibility to 'educate and put a spotlight on the importance of racial justice'.[198]

In summary, twelve of the thirty-nine museums with Benin artefacts have critically addressed the provenance of these objects online. As far as the data allows us to conclude, the popularity of the museums is not a significant factor in determining the museums' intention to address the provenance of their Benin collection through digital

---

[195] Ibid.

[196] Zachary Kingdon, "What to Do with your Loot: Renovating the Benin Displays at World Museum", *National Museums Liverpool*, https://www.liverpoolmuseums.org.uk/stories/what-do-your-loot-renovating-benin-displays-world-museum.

[197] National Museums Liverpool, "Resources: Black Lives Matter", https://www.liverpoolmuseums.org.uk/black-lives-matter.

[198] Ibid.

means. However, museums with large collections do offer comprehensive historical background, while those with only a few artefacts tend not to. Museums in cities with extensive colonial history have also been particularly outspoken about their Benin collections and their efforts towards decolonisation. The search for the most reliable predictor of the museums' digital participation in the decolonisation process tells us that it is the university museums that are actively participating in it. University-affiliated institutions, even those with small collections, provide the most comprehensive information.

To further analyse how the information on museum websites corresponds with curatorial practices, the following section presents two case studies chosen from the 'comprehensive' group: the Pitt Rivers Museum in Oxford (PRM) and the British Museum in London (BM). How do these two museums, one university-affiliated and one supported by the UK government, present their Benin artefacts within their walls?

4.2 Curatorial Choices in Practice

This section describes the outcomes of a more in-depth analysis of the displays of the Benin artefacts of two museums with a view to explore how these museums are responding to the previously discussed broader debates within their own walls. Both museums have large collections of Benin artefacts, and both have provided comprehensive information on their digital platforms in the spirit of decolonisation. Both museums are participants of the Benin Dialogue Group. However, the PRM being a university museum and the BM a national museum, they have different institutional structures. The PRM has been leading three domestic research projects related to the issue of African restitution, working with British non-national museums across the

country. The BM, on the other hand, for decades has been strongly criticised for adhering to the notion of cultural internationalism. The Museum has been the only member of the Benin Dialogue Group to continuously object, in principle, the return of its Benin artefacts. Furthermore, as discussed in the previous chapter, the Museum has also been continuously adhering to its 1963 Act to prioritise its own retentionist agendas. The question that I tried to explore is how those two custodians of large collections of Benin artefacts, which appear to be actively engaged in the decolonisation process on their digital platforms and yet are differently positioned in the restitution debate, participate in this process through the curatorial practices of the exhibition of the objects within their respective museums.

4.2.1 The Pitt Rivers Museum

A visual analysis undertaken on fieldwork visits to the PRM made apparent that its space is filled with large glass cabinets lined up next to one another, mimicking the Renaissance notion of cabinets of curiosities, a common way of displaying collections of objects before modern museums existed.[199] This reflects practices at the time the Museum was founded in 1884, when archaeologist Augustus Pitt Rivers donated his collection of 26,000 objects to the University of Oxford.[200]

[199] See, for example, Mauriès, *Cabinets*. For an analysis of the typological displays at the PRM, see Henrietta Lidchi, "The Poetics and the Politics of Exhibiting Other Cultures", in: Stuart Hall (ed.), *Representation: Cultural Representations and Signifying Practices* (London: SAGE, 1997), 151-222, esp. 187-91; William Ryan Chapman, "Arranging Ethnology: A.H.L.F. Pitt Rivers and the Typological Tradition", in: George W. Stocking, Jr. (ed.), *Objects and Others: Essays on Museums and Material Culture* (Madison: University of Wisconsin Press, 1985), 15-48.

[200] Pitt Rivers Museum, "History of the Museum", https://www.prm.ox.ac.uk/history-museum.

According to the interim report of the Museum, there are 145 objects in its collection associated with the 1897 attack.[201] Pitt Rivers himself analysed the craftsmanship of these works and gave two contradictory accounts about their artistry: in private, he supported the hypothesis that there was no European influence on their production, while in public he stressed this European influence, as it was commonly believed at the time that works of such mastery could not have been produced by the people of Benin.[202]



Illustration 4: The Benin Artefacts at the Pitt Rivers Museum

[201] Hicks, "University of Oxford's Benin 1897 Collections"; Pitt Rivers Museum, *Donations and Accessions, 1900*, Microfiche.

[202] Coombes, *Reinventing Africa*, 46; Pitt Rivers Museum, "Rethinking Pitt-Rivers: Analysing the Activities of a Nineteenth-Century Collector", https://web.prm.ox.ac.uk/rpr/index.php/article-index/12-articles/207-introduction-to-pr-benin-catalogue/index.html; Augustus Pitt Rivers, *Antique Works of Art from Benin* (London: Harrison and Sons, 1900).

The collection nowadays is displayed in a glass cabinet that is roughly two meters high and twice this in length. The vertical wooden panels visually divide it into three different parts, and the objects are arranged accordingly, hanging from metal hooks or resting on the floor. Located in the far-right corner of the first floor, the Benin cabinet is surrounded by typologically organised cabinets containing headdresses and brooches and pins (see Illustrations 4 and 5). Unlike the Benin collection, these cabinets hold typological series of artefacts, a group of objects of the same kind. Many objects are individually labelled.





Illustration 5: Headdresses
Illustration 6: Brooches and Pins

The left part of the Benin cabinet contains a built-in pillar, with eleven brass plaques hanging from both sides. There is no individual labelling for each artefact. Instead, a small caption titled 'Palace Plaques' provides a generic description of their role in the Oba's palace.[203]

[203] 'Palace Plaques: On the pillar are plaques that adorned pillars in the Oba's Palace until the seventeenth century. Some illustrate scenes of courtly life. Others represent animals that symbolize gods, or the Oba's power.' Pitt Rivers Museum, *Court Art of Benin*, Cabinet 154.

The section on the right-hand side of the glass cabinet is visually the most dense one, as it contains many smaller artefacts that all hang next to one another. These are brass and ivory bracelets, ceremonial objects that were used as part of the Oba's regalia during courtly rituals. Two rattle staffs are hanging from a wall. The most striking aspect of these staffs is a surprisingly large inscription, engraved directly in the objects: 'BENIN CITY, W. AFRICA. Bequeathed by M. M. Kingsley, 1900' (see Illustration 7). This inscription visibly demonstrates the ways in which the artefacts came to be traded and owned by individuals at the time. One cannot help questioning if this presentation is deliberate, as these artefacts are the only ones in the entire cabinet that are labelled. Their inscriptions do not contain any particulars about the artefacts or their makers, but only information about their western ownership. Similar to the left-hand side of the cabinet, there is no individual information about the objects, but rather a three-sentence panel briefly labelling them as ceremonial objects and vaguely describing their overall purpose at the court of Benin.[204]

[204] 'Ceremonial Objects: Court life is organized around an annual cycle of ceremonies. These are held to ensure the well-being of the kingdom. Many of these objects were used by the Oba and members of his court in professional rituals.' Ibid.



Illustration 7: Bird of Prophecy Rattle Staff with Inscription on its Handle

The middle section of the cabinet features a semi-oval platform with objects resting on it and an inscription in capital letters: 'ROYAL ART OF BENIN'. This platform supposedly mimics the altar of the Oba's palace, as the artefacts exhibited on it are the ones that were used during religious rituals in the Kingdom.[205] Other objects, such as swords and steel blades, are resting by the wall.

Above the altar is the main panel of the entire cabinet, a general description of what a viewer will find behind the glass:

> Benin is a kingdom in Nigeria, West Africa. It has been ruled by a succession of kings known as Obas since the fourteenth century. Benin is famous for its rich artistic traditions, especially in brass-casting. In January 1897 a small

[205] Objects such as masks of the Oba's queens, ceremonial heads, and bells are on the pedestal. The masks and commemorative heads were placed on the altar by the Oba himself to honour his royal ancestors. The altar bells were used to summon the spirits of ancestors and scare 'intruding spirits' away during rituals. Barbara Plankensteiner (ed.), *Benin: Kings and Rituals: Court Arts from Nigeria* (Ghent: Snoeck, 2007), 375, 409.

> party of British officials and traders on its way to Benin *was ambushed*. *In retaliation* a British military force attacked the city and the Oba was exiled. Members of the expedition *brought thousands of objects back to Britain*, including many of those shown here. The Oba returned to the throne in 1914 and court life began again. The artists of Benin continue to make objects for the Oba and the court, and rituals and ceremonies are still performed. The objects displayed here were made between the fifteenth and the end of the nineteenth century [emphasis added].[206]

To a visitor with no previous knowledge of the case of the Benin artefacts, this panel does not raise any questions about their provenance. The impression is that no change has been made to the narrative of representation of the Benin artefacts for years. This is even more obvious when comparing the cabinet's main panel to the 1899 description of the Benin artefacts in the *Antiquities from the City of Benin* catalogue of the British Museum:

> Selection of the principal objects obtained by the recent *successful expedition* sent to Benin *to punish the natives* of that city for a *treacherous massacre of a peaceful English mission.* […] Four years later a *larger mission*, under Consul Phillips, was attacked on its way up from the coast, and the majority of the party were *massacred*. *This outrage led to the despatch of a military expedition*, which destroyed Benin city, and made accessible to students of ethnography the interesting works of native art that form the subject of the following pages [emphasis added].[207]

It is noticeable that, even though some key words have been changed, such as the omission of the word 'successful' in regard to the British expedition, the description of a 'small party' instead of a 'larger mission', or the use of the term 'ambush' rather than 'treacherous massacre', the PRM's current panel is more reflective of the 1899 version than one would expect, based on the Museum's digital image and actual participation in

[206] Pitt Rivers Museum, *Court Art of Benin*, Cabinet 154.

[207] Charles Hercules Read and Ormonde Maddock Dalton, *Antiquities from the City of Benin and from Other Parts of West Africa in the British Museum* (London: British Museum, 1899), preface, 4.

the decolonisation process. Through my interviews with two museum officials, I tried to find explanations to this disparity.

What I learnt was that, indeed, the current display of the Benin artefacts has not been changed since the 1990s, and that the curators find the 'mocked-up' arrangement of the altar problematic.[208] One of the explanations that I was given for this inertia in revisiting the display was that the PRM is a small organisation, and therefore its structure is not necessarily a usual one in terms of responsibilities. Advanced academic activities, such as research, are separate and often disconnected from the museums' other missions, overseen by the Collections, Education, and Conservation departments. In terms of reconsidering the descriptive labels in the cabinet, the *Labelling Matters* project is being undertaken at the Museum, aiming to review racist labels on display.[209] However, this project has not yet extended to the Benin cabinet, and it is not clear whether it will.

The main reason that I was given for why the display has not been redesigned or relabelled is that changing the permanent displays of the Museum is a 'big undertaking' that does not happen very often. Both museum officials whom I interviewed pointed out that, if and when there is a redisplay project of the Benin artefacts at the PRM, it should include Nigerian voices in the decision-making, echoing principles of 'consent', the term introduced in the 2018 French Sarr-Savoy report in regard to the removal of cultural artefacts from their places of origin.[210]

---

[208] Interview with a curator at the Pitt Rivers Museum, Oxford, 6 July 2021.

[209] Pitt Rivers Museum, "Labelling Matters".

[210] Interviews with museum officials at the Pitt Rivers Museum, Oxford, 29 June/6 July 2021. See also Felwine Sarr and Bénédicte Savoy, *The Restitution of African Cultural Heritage: Toward a New Relational Ethics* (Paris: Ministère de la Culture/Université Paris Nanterre, 2018), e.g. 46f.

The Museum has already been implementing this approach of co-curation in other projects, such as the Maasai Living Cultures Project.[211] Over the last few years, visits by Maasai representatives have taken place, with conversations around the ways in which the PRM talks about the Maasai in its displays and educational programmes. However, in the case of the Benin artefacts, it is not as clear-cut. Who do you ask and whose voices do you include when it comes to 'consent'? Is it the current Oba of the Kingdom, the descendant community, the Nigerian government that resembles a choir rather than a single voice, the Nigerian museum representatives, the academic communities, or others? Reflecting on what comes out of my interviews is that an ideology of inclusivity resulted in a belief that action should be taken either in the most comprehensive manner, or not at all. These labels should not be changed unilaterally, but rather in cooperation with the Nigerian side.

However, this approach can be hindering to the overall progress in decolonising the PRM's collections. Inclusivity in this case appears to be limiting change, as critical curatorial practices are one of the key components in this process. Paradoxically, the all-or-nothing approach of inclusivity stands in opposition with some of the efforts that the Museum is making in its current projects. The *Restitution of Knowledge* research initiative is an example of this. Even though the project is directed to 'reframe current public, professional and academic debates around cultural restitution to encompass not just the issue of the return of property, but also the return of knowledge and the remembrance of loss', it is precisely this knowledge and remembrance of loss as a result of the 1897 attack that are absent on the descriptive panel of the Benin artefacts.[212]

---

[211] Pitt Rivers Museum, "Decolonizing Cultural Spaces: Maasai Living Cultures Project", https://www.prm.ox.ac.uk/maasai-living-cultures.

[212] Pitt Rivers Museum, "The Restitution of Knowledge: Artefacts as Archives in the (Post)Colonial Museum", https://www.prm.ox.ac.uk/the-restitution-of-knowledge.

In summary, the PRM's curatorial practices do not correspond with its otherwise active participation in the decolonisation process by other means.[213] The Museum has been at the forefront of the restitution debate through its involvement in international initiatives and leadership of many decolonisation projects. However, within its own walls, the PRM has not critically reassessed its display of the Benin artefacts.

4.2.2 The British Museum

In the Benin controversy, the BM has been the most publicly criticised museum, caused no doubt in the past by its association with MacGregor and his cultural internationalist rhetoric. The previous chapter has discussed the Museum's continuous rejection of the possibility of restitution of the Benin artefacts and its use of law to justify this retentionist agenda. However, a fieldwork visit has suggested that curatorial practice within the Museum shows some sensitivity to the Benin issue.

Room twenty-five of the BM's Sainsbury Galleries is called 'Africa'. The main panel describes the ways through which the artefacts on the floor have joined the Museum's collection, mentioning military expeditions and colonial acquisition. The floor is divided into sections by the type of material used: pottery, forged metal, woodcarving, textiles, and brass casting. This material division has been in place since the opening of the Galleries in 2001, and the curators have described this choice of presentation as a 'means of shedding light on African history and social life'.[214]

---

[213] For examples of other projects undertaken by the Museum, see Kratz and Karp, "Introduction", 16; Alison K. Brown and Laura Peers, "The Blackfoot Shirts Project: 'Our Ancestors Have Come to Visit'", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 263-87.

[214] Christopher Spring, Nigel Barley, and Julie Hudson, "The Sainsbury African Galleries at the British Museum", *African Arts* 34, 3 (2001), 18-37, 18, 21.

However, some scholars such as Phillips suggest that the updated 2001 display of the artefacts by material classification is a Eurocentric practice of understanding non-western artefacts.[215] More specifically in the Benin case, the brass-work practice in the Kingdom was unknown in the west until the 1897 attack. As previously discussed, there were debates around the presence of European influence on the mastery and production of these artefacts when they were brought to Britain. As a result, the focus became the material of the artefacts and the ability of the people of Benin to work with brass, rather than the meaning and the value of these objects. The current display of these artefacts might thus be perceived as a continuation of the curatorial focus on their medium, rather than their origin and purpose in the Kingdom.

The Benin artefacts share a room with textile works and are displayed in glass cases, each similar in size to the cabinet at the PRM (see Illustration 8). The difference, however, lies in the artefacts' labelling. Each object has a separate label containing its title, a reference number to search for more information on the Museum's website, a small description, and a short explanation of its use in the Kingdom of Benin. As a result, the perception and memory of each artefact is different: at the PRM, the artefacts are not necessarily remembered as individual pieces of art, while at the BM each artefact receives its own share of attention. In cases in which knowledge of the artefacts' use or the date of their creation is limited, their labels usually acknowledge this: 'Little is

[215] Ruth B. Phillips, "Where is 'Africa'? Re-Viewing Art and Artifact in the Age of Globalization", *American Anthropologist* 104, 3 (2002), 944-52, 945; id., "Exhibiting Africa after Modernism: Globalization, Pluralism, and the Persistent Paradigms of Art and Artifact", in: Griselda Pollock and Joyce Zemans (eds.), *Museums after Modernism: Strategies of Engagement* (Malden: Blackwell, 2007), 80-103, 88.

known about the dates or relationships of the bronze casting traditions found in southern Nigeria'.[216]



Illustration 8: Sainsbury Galleries, The British Museum

Furthermore, coupled with photographs and video materials, the BM has installed multiple large information labels, describing in great detail the rise and fall of the Kingdom of Benin, its artefacts, their social role and art historical value, as well as the practice of traditional and modern brass casting.[217] Most striking is the wall panel explaining the artefacts' forceful removal. Titled 'Benin: Colonial Conquest and Military Looting', it offers a thorough, historically accurate account of the Kingdom's

[216] British Museum, Object Label for *Bronze Head, Southern Nigeria*, Copper Alloy, c. 10th-16th Century, Af1956,27.224. See also id., "Figure", https://www.britishmuseum.org/collection/object/E_Af1956-27-224.

[217] British Museum, *The Royal City of Benin*, Sainsbury Galleries; id., *The Benin Bronzes*, Sainsbury Galleries; id., *Brasscasting*, Sainsbury Galleries.

history, the 1897 attack, and the relevant international projects of which the BM is a member:

> Up to the 1890s, the West African Kingdom of Benin resisted British colonial control. In 1897, *a highly provocative British mission* to Benin City was attacked and its 230 African and seven British members were killed. *This triggered a large-scale British military expedition*. Benin City suffered a *violent and devastating occupation with many casualties*. Objects were *plundered* from palaces and shrines, including nearly 1000 brass plaques. Oba Ovonramwen, Benin's king, was deposed, marking the *end of Benin's independence and its integration into the British Empire*. […] Thousands of objects were brought to Britain, as official *'spoils of war' and personal trophies*. […] *The Museum is actively and openly investigating Benin objects in its collection in collaboration with Nigerian partners*. It is a member of the Benin Dialogue Group, a working group of European and Nigerian museums, representatives of Benin's Royal Palace, and Edo State government [emphasis added].[218]

The presentation at the BM contrasts with that of the PRM. The BM uses terms such as 'plunder' and 'devastating occupation' in its description of the artefacts' removal and their subsequent transfer to Britain. The PRM, on the other hand, has chosen phrases such as 'bringing objects back to Britain' and 'in retaliation', downplaying the British actions of 1897.

It is, however, important to note that the changes to the BM's labels are rather recent. Based on the digital imagery provided by Google Arts and Culture, it seems that they were updated at some point over the past two years, with the previous panels being written in a more neutral, uncritical tone.[219] Current phrases such as 'violent and devastating occupation with many casualties' and 'objects were plundered' were preceded by 'a punitive expedition conquered the capital' and 'treasures were taken as

[218] British Museum, *Benin: Colonial Conquest and Military Looting*, Sainsbury Galleries.

[219] Google Arts and Culture, "British Museum", https://artsandculture.google.com/streetview/british-museum/AwEp68JO4NECkQ?sv_h=134.32480646827253&sv_p=-3.3395048588337772&sv_pid=2j9zcVqEC9rBVLi6Yj3g-A&sv_lid=3582009757710443819&sv_lng=-0.1274657110619728&sv_lat=51.51946967460949&sv_z=2.5900206023931185.

booty' in the previous panels.[220] At another instance, the tone in the previous label reads 'almost like a justification for the looting: "When the British reached Benin City in 1897, the royal palace was being rebuilt with brass sheeting, and some 900 brass plaques from the old building were found half-buried in a storehouse."'[221]
One of the glass cases contains commemorative heads similar to the ones found at the PRM. Among them is a cast-iron sculpture made by a contemporary Nigerian artist, Taslim Martin.[222] Its label explains that the method of its creation is identical to the technique used in the Kingdom of Benin a few centuries ago (Illustration 9). In 2014, Christopher Spring, one of the former curators of the Museum, explained this juxtaposition as his commitment to creating a more collaborative approach to curation.[223] As Dixon puts it, he prioritised contemporary African artists as 'co-curators and occasionally counter-narrators of the interpretation presented in the thematic display'.[224]

To better understand the triggers behind the Museum's recent approach to the presentation and labelling of the Benin artefacts, but also its current thinking in the context of decolonisation, I tried to reach out to some of its curators. Yet, the pandemic limited my options to establish contact, and my emails were not responded to. This left me with many questions and speculative contemplations: how should one explain the contrast between the BM's cultural internationalist positioning in the decolonisation debate and the displays of sensitivity on its digital platform as well as within its recent curatorial practices? Is the display of the contemporary Nigerian artist along with the

[220] Ibid.

[221] Coombes and Phillips, "Introduction", xxxvii.

[222] British Museum, "Bust", https://www.britishmuseum.org/collection/object/E_2010-2042-1.

[223] Quoted in: Dixon, *'Othering'*, 83-9.

[224] Ibid., 89.

traditional Benin artefacts a result of an internal institutional strategic thinking or a genuine incentive to include Nigerian voices in the spirit of the 'consent' ideology, as described in the previous subsection? And if it is, what conclusion should be drawn? To what extent can this be considered an 'intervention' to reinterpret and rethink conventional narratives?[225] Is the position of the BM within the international debate on the Benin artefacts changing, or is the increasing attention to the display in an effort to engage with decolonisation and with Nigeria an institutional strategy to resist restitution by demonstrating that the artefacts are best presented and looked after where they currently are? At the time of writing, this remains unclear, yet the latter sounds more plausible.



Illustration 9: Taslim Martin's Sculpture Next to a 19th-Century Benin Head

[225] For other examples of contemporary artists seeking to 'disrupt conventional narratives and modes of display', see Saloni Mathur, "Against the Edifice Complex: Vivan Sundaram's History Project and the Colonial Museum in India", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 527-43; Coombes and Phillips, "Introduction", liii.

4.3 Conclusion

This chapter analysed how museums in the UK have addressed their Benin collections and how they have engaged with wider cultural decolonisation processes on their websites. It then examined the internal practices of how the Benin collections have been exhibited in two museums, the PRM and the BM, both of which offer a comprehensive digital presentation of their artefacts but appear to be on opposite sides of the debate on the future of their collections with problematic provenance.

Content analyses of museum websites revealed that, so far, twelve out of thirty-nine museums have offered comprehensive information about their Benin artefacts or made references to their efforts towards decolonisation. No centralised approach similar to the one in Germany, France, or the Netherlands has been identified among these museums, which is in good part due to their differences in governance structures. As a result, even though some museums have been working alongside one another, each of them takes different approaches towards how they talk about, present, and display their Benin collections on their websites.

Museums that were more likely to engage with the decolonisation process on their websites are university museums, museums with large collections, and those in cities with a vivid memory of colonial history, which have now become the epicentres of decolonisation movements in all institutional settings. Those twelve museums are outspoken on their digital platforms about efforts to decolonise their collections and have addressed the question of the Benin artefacts more critically.

Popularity of the museum as a factor proved to be insignificant. However, this conclusion should also be taken with caution. Although the sample included all the museums with Benin artefacts, this number was small. Therefore, conclusions based on these statistics are tentative.

Moving beyond these statistics and evaluating the Benin displays of the Pitt Rivers Museum and the British Museum led to the observation that the Pitt Rivers Museum's progressive online presence conflicts with its in-house exhibit of the collection. The British Museum, on the other hand, has shown a more nuanced curatorial position towards the Benin artefacts and their problematic provenance.

However, it cannot necessarily be inferred from this observation that the British Museum has been critical towards its possession of the Benin artefacts, judged by its consistent cultural internationalist positioning in the debate. Moreover, even though the Museum is a member of the Benin Dialogue Group and has stated that it is 'actively and openly investigating Benin objects in its collection in collaboration with Nigerian partners' on its curatorial labels, in practice it has been the only member of the Group to continuously reject claims for the artefacts' restitution.[226] These disparities beg the question as to whether the BM's current curatorial and online efforts echo, albeit in a different form, the nineteenth- and twentieth-century attitudes discussed in the previous chapters.

Similarly, it cannot be inferred that the Pitt Rivers Museum is not engaged in the decolonisation process because of its unchanged display of the Benin artefacts: its digital presentation and active involvement in other restitution and research projects clearly suggest the contrary. This disparity can only imply that the Museum's efforts towards decolonisation have not yet extended to their Benin display, and it is unclear if, and how, these efforts will be reflected in the Benin case in the future.

It is therefore important to recognise that the museums' online and onsite efforts are just two of many ways through which they can engage with their collections with

[226] British Museum, *Benin: Colonial Conquest and Military Looting*, Sainsbury Galleries.

problematic provenance or with decolonisation processes more broadly, and a full picture cannot be drawn by only assessing these two aspects. At the very least, the actions taken by museums within their walls and on their online platforms show the complexity of the overall debate and the range of factors involved in participating in it.

Chapter 5

CONCLUSION

This thesis aimed to explore how British museums position themselves in the changing environment of the international debate about cultural property to address their collections with problematic provenance. More specifically, the thesis examined how British museums deal with the growing international pressure to critically reassess their Benin collections, as the Benin case is a prime example of cultural artefacts with problematic, yet undisputed provenance.

To explore this topic, I first analysed how the issue of protection of cultural property has been evolving over time on the international stage through treaties, conventions, and military codes of conduct. Chapter two addressed the legal foundation of the cultural property debate, situating the looting of the Benin artefacts within it. In the nineteenth century, several legal provisions addressed the protection of cultural property in times of conflict. But in practice, the colonial powers did not consider these provisions relevant when it came to their actions in their colonial territories. African people were perceived as 'uncivilised', to whom the norms of the 'civilised' west were not considered to be applicable. However, these provisions were successful in formulating the notion of cultural protection and in influencing the legal and moral foundation of the current restitution debate.

Building on this foundation, twentieth-century international law shifted the overall debate towards the importance of the legality of ownership of cultural artefacts and their provenance. Although twentieth-century international law lacked enforceability, it set standards that triggered legislation in domestic jurisdictions and started to be used as a reference point in a growing number of restitution lawsuits. Provenance was increasingly used as a tool in legal claims for ownership. However,

these legal advances could not be applied retrospectively in general and to the case of the Benin artefacts in particular. Even so, they have greatly contributed to the overall social and political debates around restitution, raising concern about the morality of their possession in western museums, which has in turn put continuous pressure on western governments and cultural institutions to reassess their collections of dubious provenance. Moreover, they generated two opposing approaches to the ownership of art objects: one asserted that they belong to humanity as a whole, the other to the cultures that created them.

The purpose of chapter three was then to examine the wider cultural property debate that unfolded from the mid-twentieth century onwards, specifically with reference to the Benin artefacts. It was established that the pressure to address the western possession of these artefacts has been growing significantly over the past decades, fuelled by the cultural decolonisation movement and Nigeria's independence. The responses to this pressure have been changing, too. Based on the way the debate was framed by western states and museums in the mid- to late twentieth century, I argued that there seems to be a certain degree of continuity between the nineteenth-century attitudes of 'civilised' colonial powers and the way the retentionist agendas of western museums were articulated. Portraying Nigeria as unfit to care for its cultural property, these institutions continuously used Eurocentric narratives to defend their position as the custodians of the Benin artefacts and to reject any requests for their restitution or even for smaller-scale cooperation.

Only recently have the current international projects designed to deal with the artefacts started to reframe the overall debate. Museums and national governments worldwide have begun to seek active cooperation with Nigeria, establishing international initiatives such as the creation of the Edo Museum of West African Art, the

Benin Dialogue Group, and Digital Benin. These initiatives are rather new, however, and their impact remains unclear at the time of writing.

It is with these legal, social, and political developments in mind that chapter four sought to understand how British museums are dealing with their Benin collections in practice. Although there are various ways in which museums can respond to these debates and participate in the decolonisation process, my research was primarily focused on their website presentations of the Benin artefacts as well as on the curatorial practices of two museums with large Benin collections, but with different positions in the restitution debate.

My content analysis of thirty-nine museum websites revealed that, so far, twelve out of thirty-nine museums provide comprehensive information on their Benin collections online. This includes information not only on the objects themselves but also on their colonial history and the way in which they were plundered and appropriated by Britain.

To further understand these results, I looked at potential characteristics of the museums that might reveal any patterns in their online participation in the decolonisation process. It appears that the museums' popularity (measured by annual visitor numbers) is not a significant variable, although the size of their Benin collections (based on the data available on their websites) is. I found that museums with larger Benin collections are more likely to provide comprehensive information about their artefacts. Furthermore, museums in cities that are steeped in colonial history tend to be more outspoken about the problematic provenance of their Benin collections and their efforts towards decolonisation. Finally, I showed that university museums have been particularly active in their website presentations, providing more comprehensive information about their Benin collections and their involvement and leadership in

various decolonisation initiatives. These museums have also been the ones to initiate, and in some instances complete, the return of their Benin artefacts.

It is important to stress here that these conclusions do not necessarily imply that the museums that have not revised their websites, or have done it only partially, were necessarily indifferent towards, or did not engage in, the decolonisation process. In fact, some examples in chapter four have shown the contrary. One reason for this might be that the human and financial resources available to each museum vary, so their online presentations may not always be a direct reflection of their actual engagement with the Benin artefacts or the decolonisation process more broadly.

After my analysis of the data gathered from British museum websites, I looked at the curatorial practices of two museums, the Pitt Rivers Museum and the British Museum. The Pitt Rivers Museum's curatorial approach stands in contrast with its online presentation, as the information on its website and its participation in various relevant initiatives portray the Museum as one of the leading university museums on this matter, whereas the display of its large collection of Benin artefacts as well as their explanatory labels have remained unchanged since the 1990s. The British Museum, on the other hand, appears to have a more sensitive approach to presenting its Benin artefacts.

These observations, however, should be read with caution. Through my interviews with museum officials at the Pitt Rivers Museum, I learned that the governance structure of the Museum can play a restrictive role in its curatorial policies. Furthermore, the Museum stressed the importance of co-curation when it comes to the Benin artefacts, highlighting that the change in their display should be achieved in collaboration with Nigerian partners. Paradoxically, this attempt at inclusivity has so far resulted in the stalling of progress in the Benin case, as the artefacts' labels remain

unchanged at the time of writing. That said, the Museum's active involvement in restitution projects and its comprehensive digital presentation of the Benin artefacts show its efforts to engage with the decolonisation process, and its onsite choice of display can only mean that these efforts have not yet extended to the Benin cabinet.

Similarly, the British Museum's more nuanced approach in its display of the Benin artefacts does not necessarily suggest that the Museum is most engaged with the decolonisation process and its Benin artefacts. On the contrary, the Museum has been known for its consistent retentionist narratives, building up legal defences to reject any claims for restitution. Whether the Museum's recently updated labels suggest a changing attitude or whether they are just another form, or a continuity, of the previously identified nineteenth- and twentieth-century positions is unclear. In other words, at the time of writing and without additional qualitative data from the Museum itself, it is difficult to say whether the Museum's current approach to the presentation of its Benin artefacts is an institutional strategy in line with previous narratives, or whether its overall position within the debate is actually shifting.

Overall, this thesis has indeed shown a certain degree of continuity between nineteenth-century attitudes and more recent positions in the debate around the possession of the Benin artefacts. The colonial powers' treatment of Africa as 'uncivilised' in the nineteenth century finds parallels in the political discussions of the twentieth century, which in turn are reflected in the arguments put forth by western museums under the pretence of internationalism, irrespective of provenance. Looking at the context of British museums and their websites, it was evident that their online and onsite efforts are just two of many ways in which they participate in these broader debates. Their current efforts towards decolonisation exhibit the wide scope of internal

and external factors involved and, ultimately, the complexity of the overall debate around cultural repatriation.

5.1 Avenues for Further Research

In congruence with the findings of this thesis, a range of potential avenues for further research opens up. First and foremost, there is significant room to study in more depth the different ways through which British museums participate in the decolonisation process. A closer look is needed at their internal discussions on policy changes as well as their curatorial changes and the intentions behind them.

Second, it is important to further examine why university museums in particular are driving the British cultural decolonisation process. Some suggestions have been made to that effect, such as the universities' own expertise and ability to outsource research through academic connections and interdepartmental cooperation, or the additional pressure put on them by their student bodies. Furthermore, some university museums may differ in their organisational and governance structure and in the level of contact with their respective universities.[227] As a result, their role in, and approach to, the cultural decolonisation process may differ, too, even though they are all affiliated with an academic institution. These nuances merit scholarly scrutiny.

Last, the progress of current international initiatives should be further tracked. With the Edo Museum of West African Art under construction, with archaeological excavations underway in Nigeria in cooperation with western museums, with

[227] For example, the Barber Institute is affiliated with the University of Birmingham, and its staff are all University employees, but the Museum is owned and governed by the Henry Barber Trust, which is independent from the University. Interview with a senior museum official at the Barber Institute of Fine Arts.

Germany's agreement to fully return the Benin artefacts, and with the impending launch of Digital Benin, it is important to study these current developments in the Benin case in order to assess their shortcomings and advantages. The question could then be posed as to whether these initiatives have actually moved away from the previously identified attitudes. This, in turn, will help assess the continuous efforts that museums employ to acknowledge their difficult histories and their attempts to further strengthen their narratives of cultural decolonisation in practice.

Such an objective overview would help to assess and steer the future trajectory of the cultural property debate. It would also help to identify whether the current efforts to address the issue of the Benin artefacts are a continuation of nineteenth- and twentieth-century attitudes, or whether they are pointed in a different, more innovative, direction.

APPENDIX

Appendix 1: List of British Museums that May Hold Benin Artefacts, Grouped by the Amount of Information Provided on their Websites

Appendix 1.1: Comprehensive Amount of Information

Museum	Type (N/U/O)	Ranking	# of Benin Artefacts / # on Display	Art Historical Description	Historical Context	Acquisition/ Provenance	References to Decolonisation	What kind of information is available?
British Museum, London https://www.britishmuseum.org/	N	1	1218/ 108	Yes	Yes	Yes	Yes	The Museum dedicates a separate page to the Benin artefacts, with extensive information on how the objects were removed from the Kingdom and how they were brought to the Museum. Additionally, the current status of discussions as well as the Museum's position is available.
Victoria and Albert Museum, London https://www.vam.ac.uk	N	6	2/2	Yes	Yes	Yes	Yes	Through the works of a contemporary artist, Tony Phillips, whose work is inspired by the Benin Bronzes, the Museum sets out an in-depth discussion of the objects and the 1897 attack, highlighting the brutality and immorality of the looting.
World Museum, National Museums Liverpool https://www.liverpoolmuseums.org.uk/museum-of-liverpool	N	55	2/0	Yes	Yes	Yes	Yes	Apart from art historical, historical, and acquisition information, the Museum is in the process of redisplaying its collections. This project involves critically reassessing its display of the Benin artefacts to make it 'more responsive to the contemporary audiences of Liverpool and beyond'.

Barber Institute, University of Birmingham https://barber.org.uk/	U	N/A	1/1	Yes	Yes	Yes	Yes	An in-depth art historical object description, together with detailed information on the 1897 attack, clearly indicating its illegality and immorality.
Museum of Archaeology and Anthropology, University of Cambridge https://maa.cam.ac.uk/	U	205	455/ 29	Yes	Yes	Yes	Yes	A statement on the Museum's approach to the return of the Benin artefacts is available on the main page of the website. The Museum states that, even though no official request for return has been made, such a request 'would be supported and steps taken to return the artefacts'.
Jesus College, Cambridge https://www.jesus.cam.ac.uk/	U	N/A	1/0	No	Yes	Yes	Yes	The College, as part of a long-term project to critically reflect on its previous legacies of slavery and colonial violence, has decided to return the one Benin artefact in its collection. In December 2020, it decided to transfer the artefact to the current Oba.
Manchester Museum, University of Manchester https://www.museum.manchester.ac.uk/	U	67	3/ N/A	Yes	Yes	Yes	Yes	Within the object description, the Museum references the 1897 attack, making it clear that the artefacts were stolen by the British.
Sainsbury Centre, University of East Anglia, Norwich https://www.sainsburycentre.ac.uk/	U	182	8/5	Yes	Yes	Yes	Yes	Along with providing an art historical and a historical description, the Museum recognises the contested nature of the ownership of the Benin artefacts in its collection due to the looting of 1897. Furthermore, the Museum has a

								decolonisation policy outlined on their website.
University Museums, University of Aberdeen https://www.abdn.ac.uk/museums/	U	N/A	4/ N/A	Yes	Yes	Yes	Yes	The main webpage provides in-depth information on the University's plan to return its Benin artefact to Nigeria. This includes an art historical description and detailed information on the 1897 attack as well as the Museum's acquisition of the artefact in 1957.
Pitt Rivers Museum, University of Oxford https://www.prm.ox.ac.uk/	U	78	145/ 119	Yes	Yes	Yes	Yes	The museum is currently involved in three projects on African restitution, which include critically reassessing its Benin collection. Moreover, as part of its decolonisation process, the Museum has conducted an internal review of its displays.
Bristol Museum and Art Gallery https://www.bristolmuseums.org.uk/bristol-museum-and-art-gallery/	O	74	12/2	Yes	Yes	Yes	Yes	The Museum has set out a clear action plan for decolonising its collection. The website provides a clear statement about the aims and objectives of the Museum's plan for decolonisation. As part of this plan, the 'Uncomfortable Truths' project uncovers the difficult pasts behind museum objects, discussing the Benin artefacts in depth. Students, together with curators and colonial studies specialists, discuss what reparation means for the artefacts.

Warrington Museum and Art Gallery https://wmag.culturewarrington.org/	O	N/A	N/A	Yes	Yes	Yes	Yes	In October 2020, as part of the Black History Month, the Museum started the initiative of telling the full story of some of the artefacts in its collection. Its spotlight were the Benin artefacts, which are discussed in depth, covering both art historical and historical information.

Appendix 1.2: Brief Amount of Information

Museum	Type (N/U/O)	Ranking	# of Benin Artefacts / # on Display	Art Historical Description	Historical Context	Acquisition/ Provenance	References to Decolonisation	What kind of information is available?
National Museums Scotland, Edinburgh https://www.nms.ac.uk/	N	12	90/18	Yes	Yes	No	No	The database offers a brief art historical description of the object. Under the subcategory 'Associations', the 'British Punitive Expedition to Benin City, 1897' is mentioned, without any further historical explanation of the attack.
Royal Museums Greenwich, London https://www.rmg.co.uk	N	9	1/1	Yes	Yes	No	No	One artefact found in the Museum's collection. There are also fifty-nine archival materials relating to the 1897 attack.
Great North Museum, Newcastle https://greatnorthmuseum.org.uk/	O	75	2/2	Yes	No	No	Yes	The database offers a brief art historical description of the objects, and the year 1897 is mentioned in relation to them. The Museum has also been making changes to its collection policies, paying particular attention to sensitive collections and matters of repatriation.
Horniman Museum, London https://www.horniman.ac.uk/	O	41	45/23	Yes	No	No	No	The Museum does not provide a precise number of the Benin objects in its collection, but it is comprised of originals and cast replicas that were made in Benin City in the late twentieth century in partnership with the Museum.
Norfolk Museums	O	76	1/0	Yes	No	No	No	The database offers a brief art historical description of the object, with no further reference to

https://www.museums.norfolk.gov.uk/								its historical or provenance context.
Royal Albert Memorial Museum, Exeter https://rammuseum.org.uk/	O	116	6/ N/A	Yes	Yes	Yes	Yes	A brief art historical and provenance account is available.
Royal Collection, Windsor https://www.rct.uk/collection	O	13	N/A	Yes	No	No	No	There seem to be no original Benin objects in the collection, but there is a cast bronze replica made in 2002.
Wellcome Collection, London https://wellcomecollection.org/	O	63	1/ N/A	Yes	No	No	No	One Benin head available, with no further information on the object's origin or provenance.

Appendix 1.3: No Information

Museum	Type (N/U/O)	Ranking	# of Benin Artefacts / # on Display	Art Historical Description	Historical Context	Acquisition/ Provenance	References to Decolonisation	What kind of information is available?
Natural History Museum, London *https://www.nhm.ac.uk*	N	4	N/A	No	No	No	No	No results.
Ulster Museum, Belfast https://www.nmni.com/home.aspx	N	76	3/ N/A	No	No	No	Yes	There is no information on the Museum's Benin collection on the website. The Museum's Twitter account, however, states that the Museum holds three Benin objects.
National Museum of the Royal Navy, Portsmouth https://www.nmrn.org.uk/	N	29	0/0	No	No	No	No	No results.
Museum of Liverpool *https://www.liverpoolmuseums.org.uk/museum-of-liverpool*	N	40	0/0	No	No	No	Yes	There are no Benin objects in the Museum of Liverpool, only in the World Museum.
Kelvingrove Museum, Glasgow https://www.glasgowlife.org.uk/museums/venues/kelvingrove-art-gallery-and-museum	N	15	N/A	No	No	No	No	No way to search the Museum's collection.
St Mungo's Museum of Religious Life, Glasgow https://www.glasgowlife.org.uk/museums/venue	O	169	22/ N/A	No	No	No	No	No way to search the Museum's collection, but according to Zacharys Gundu there are twenty-two Benin artefacts in the collection.

s/st-mungo-museum-of-religious-life-and-art								
Ipswich Museum https://ipswich.cimuseums.org.uk/visit/ipswich-museum/	O	201	1/1	No	No	No	No	There is no information on the Museum's Benin collection. However, there is one reference to the Royal Court of Benin in the Museum's Collecting Policy.
Cumberland House Museum, Portsmouth https://portsmouthnaturalhistory.co.uk	O	132	N/A	No	No	No	No	No way to search the Museum's collection.
Lancashire Infantry Museum, Fulwood Barracks, Preston https://www.lancashireinfantrymuseum.org.uk	O	N/A	N/A	No	No	No	No	No way to search the Museum's collection.
Salford Museum and Art Gallery https://salfordmuseum.com	O	187	0/0	No	No	No	No	No results.
Bankfield Museum, Halifax https://museums.calderdale.gov.uk/visit/bankfield-museum	O	N/A	N/A	No	No	No	No	No way to search the Museum's collection.
Birmingham Museum and Art Gallery https://www.birminghammuseums.org.uk/bmag	O	57	N/A	No	No	No	No	No results.
Brighton Museum and Art Gallery	O	128	N/A	No	No	No	No	No results.

https://brighton museums.org.uk /brighton/								
Lambeth Palace, London https://www.archbishopofcanterbury.org/about-lambeth-palace	O	N/A	N/A	No	No	No	No	No way to search the Museum's collection.
East Yorkshire Regiment, Hull *http://museumcollections.hullcc.gov.uk/collections/storydetail.php?irn=193&master=457*	O	N/A	N/A	No	No	No	No	No results.
Hull Museums *https://www.hcandl.co.uk/museums-and-galleries*	O	35	N/A	No	No	No	No	No results.
Leeds City Museum *https://museumsandgalleries.leeds.gov.uk/leeds-city-museum/*	O	18	N/A	No	No	No	Yes	No results.
Powell Cotton Museum, Birchington-on-Sea *https://powell-cottonmuseum.org*	O	N/A	N/A	No	No	No	No	The Museum is in the process of adding its objects to the website. No results for Benin artefacts so far.

BIBLIOGRAPHY

Primary Sources

Attorney-General of New Zealand v Ortiz and Others [1984] HL.

British Museum Act 1902 (given royal assent 22 July 1902).

British Museum Act 1963 (given royal assent 10 July 1963).

Convention concerning the Laws and Customs of War on Land (signed 18 October 1907) 205 CTS 277.

Convention for the Protection of Cultural Property in the Event of Armed Conflict (adopted 14 May 1954, entered into force 7 August 1956) 249 UNTS 3511.

Convention on Stolen or Illegally Exported Cultural Objects (adopted 24 June 1995, entered into force 1 July 1998) 2421 UNTS 43718.

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (adopted 14 November 1970, entered into force 24 April 1972) 823 UNTS 11806.

Declaration on the Granting of Independence to Colonial Countries and Peoples (adopted 14 December 1960) UNGA Res 1514 (XV).

Government of Peru v. Johnson, 720 F. Supp. 810 (C.D. Cal. 1989).

Government of the Islamic Republic of Iran v the Barakat Galleries Ltd. [2007] EWCA 1374.

Instructions for the Government of Armies of the United States in the Field (signed 24 April 1863).

International Convention with Respect to the Laws and Customs of War by Land (signed 29 July 1899) 187 CTS 429.

Project of an International Declaration concerning the Laws and Customs of War (adopted 27 August 1874).

The Laws of War on Land (adopted 9 September 1880).

Treaty of Peace between France and the Empire (signed 24 October 1648) 1 CTS 271.

Secondary Sources

Abungu, George, and Webber Ndoro, "Introduction", in: Webber Ndoro, Albert Mumma, and George Abungu (eds.), *Cultural Heritage and the Law: Protecting Immovable Heritage in English-Speaking Countries of Sub-Saharan Africa* (Rome: ICCROM, 2008), vi-ix.

Adewumi, Afolasade A., "Possessing Possession: Who Owns Benin Artefacts?", *Art Antiquity and Law* 20, 3 (2015), 229-42.

Akanbiemu, Martins O., "The Dispersal of Benin Works of Art vis-à-vis the Return and Restitution of Cultural Property: An Exceptional Case", *Newsletter (Museum Ethnographers Group)* 21 (1987), 95-103.

ALVA, "2019 Visitor Figures", https://www.alva.org.uk/details.cfm?p=610.

Anderson, Benedict, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

Appiah, Kwame Anthony, "Whose Culture is it?", in: James B. Cuno (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009), 71-86.

Apter, Andrew, *The Pan-African Nation: Oil and the Spectacle of Culture in Nigeria* (Chicago: University of Chicago Press, 2005).

Arts Council England, *The Value of Arts and Culture to People and Society: An Evidence Review* (Manchester: Arts Council England, 2014).

Bahr, Sarah, "Met Museum Announces Return of Two Benin Bronzes to Nigeria", *New York Times*, 9 June 2021, https://www.nytimes.com/2021/06/09/arts/design/met-museum-benin-bronzes-nigeria.html.

Bailey, Martin, "How the Queen Came to Own a Lagos Museum Piece", *Art Newspaper*, 31 March 2002, https://www.theartnewspaper.com/archive/how-the-queen-came-to-own-a-lagos-museum-piece.

Baker, Alexi Shannon, "Selling the Past: United States v. Frederick Schultz", *Archaeology Archive*, 22 April 2002 [last updated 25 June 2003], https://archive.archaeology.org/online/features/schultz/.

Barber Institute of Fine Arts, "Daniel Smith and Robert Sharp (Active Partnership 1763-1788)", https://barber.org.uk/unknown-english-artist/.

———, "Ikegobo to the Iyoba (Hand Altar to the Queen Mother)", https://barber.org.uk/ikegobo/.

———, "Unknown Italian Maker and British Goldsmith Paul Storr (1771-1844)", https://barber.org.uk/unknown-italian-maker-and-british-goldsmith-paul-storr-1771-1844/.

———, "Unlearning: Colonial Legacies", https://barber.org.uk/unlearning-colonial-legacies/.

Barker, Lucy, "Indeterminacy in International Legal Discourse and the Cultural Property Debate", *Auckland University Law Review* 9, 2 (2001), 334-74.

Barringer, Tim, and Tom Flynn (eds.), *Colonialism and the Object: Empire, Material Culture and the Museum* (London: Routledge, 1997).

Bator, Paul M., "An Essay on the International Trade in Art", *Stanford Law Review* 34, 2 (1982), 275-384.

Beltrametti, Silvia, "Museum Strategies: Leasing Antiquities", *Columbia Journal of Law and the Arts* 36, 2 (2013), 203-60.

Ben-Amos, Paula, *Art, Innovation, and Politics in Eighteenth-Century Benin* (Bloomington: Indiana University Press, 1999).

———, *The Art of Benin* (London: British Museum Press, 1995).

Benin Dialogue Group, "Press Statement: Benin Dialogue Group Steering Committee", 24 March 2021, https://markk-hamburg.de/files/media/2021/03/Press-Statement-24.3.21.pdf.

———, "Press Statement of the Meeting of the Benin Dialogue Group in Benin City, Nigeria, 5-7 July 2019", https://grassi-voelkerkunde.skd.museum/fileadmin/userfiles/GRASSI_Museum_fuer_Voelkerkunde_zu_Leipzig/Bilder/Allgemein/Veranstaltungen/Benin_Dialogue_Group/Press_Statement__Benin_Dialogue_Group_2019.pdf.

———, "Statement from the Benin Dialogue Group, Nationaal Museum van Wereldculturen, The Netherlands, 19 October 2018", http://docs.dpaq.de/14096-statement_from_the_benin_dialogue_19_october_2018_16.33.pdf.

Bodenstein, Felicity, "Notes for a Long-Term Approach to the Price History of Brass and Ivory Objects Taken from the Kingdom of Benin in 1897", in: Bénédicte Savoy, Charlotte Guichard, and Christine Howald (eds.), *Acquiring Cultures: Histories of World Art on Western Markets* (Berlin: De Gruyter, 2018), 267-88.

———, "The Global Market Trajectories of Two Brass Leopards from Benin City (1897-1953)", in: Eva-Maria Troelenberg, Kerstin Schankweiler, and Anna Sophia Messner (eds.), *Reading Objects in the Contact Zone* (Heidelberg: Heidelberg University, 2021), 132-9.

Boisragon, Alan M., *The Benin Massacre* (London: Methuen, 1897).

Bouquet, Mary, "Reactivating the Colonial Collection: Exhibition-Making as Creative Process at the Tropenmuseum, Amsterdam", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 133-56.

Bristol Museum & Art Gallery, "Follow us on our Decolonisation Journey", https://www.bristolmuseums.org.uk/collections/action-on-decolonisation/.

———, "Our Aims and Objectives", https://www.bristolmuseums.org.uk/decolonisation-aims-and-objectives/.

British Museum, "Benin Bronzes", https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/benin-bronzes.

———, "Bust", https://www.britishmuseum.org/collection/object/E_2010-2042-1.

———, "Collecting Histories", https://www.britishmuseum.org/about-us/british-museum-story/collecting-histories.

———, "Figure", https://www.britishmuseum.org/collection/object/E_Af1956-27-224.

———, "Plaque", https://www.britishmuseum.org/collection/object/E_Af1898-0115-23.

Brodie, Neil, "Marion True", *Trafficking Culture*, 9 September 2012, https://traffickingculture.org/encyclopedia/case-studies/marion-true/.

———, "Problematizing the Encyclopedic Museum: The Benin Bronzes and Ivories in Historical Context", in: Bonnie Effros and Guolong Lai (eds.), *Unmasking Ideology in Imperial and Colonial Archaeology: Vocabulary, Symbols, and Legacy* (Los Angeles: Cotsen Institute of Archaeology, 2018), 61-82.

———, "Uncovering the Antiquities Market", in: Robin Skeates, Carol McDavid, and John Carman (eds.), *The Oxford Handbook of Public Archaeology* (Oxford: Oxford University Press, 2012), 230-52.

———, and Isber Sabrine, "The Illegal Excavation and Trade of Syrian Cultural Objects: A View from the Ground", *Journal of Field Archaeology* 43, 1 (2018), 74-84.

Brown, Alison K., and Laura Peers, "The Blackfoot Shirts Project: 'Our Ancestors Have Come to Visit'", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 263-87.

Brown, Kate, "Benin's Looted Bronzes are All Over the Western World: Here are 7 Museums that Hold Over 2,000 of the Famed Sculptures", *Artnet News*, 27 July 2018, https://news.artnet.com/art-world/benin-bronzes-restitution-1322807.

———, "Europe's Largest Museums will Loan Looted Benin Bronzes to Nigeria's Planned Royal Museum", *Artnet News*, 22 October 2018, https://news.artnet.com/art-world/benin-dialogue-group-ocotober-2018-1376824.

Brown, Mark, "Newcastle Museum to Return Benin Bronze Stave", *Guardian*, 12 January 2022, https://www.theguardian.com/culture/2022/jan/12/newcastle-museum-to-return-benin-bronze-stave.

———, "New Museum in Nigeria Raises Hopes of Resolution to Benin Bronzes Dispute", *Guardian*, 14 November 2020, https://www.theguardian.com/culture/2020/nov/14/new-museum-in-nigeria-raises-hopes-of-resolution-to-benin-bronzes-dispute-david-adjaye.

Cascone, Sarah, "The Dutch Government Just Promised to Return Any Stolen Colonial-Era Objects in its Collections Back to their Countries of Origin", *Artnet News*, 4 February 2021, https://news.artnet.com/art-world/netherlands-restitution-guidelines-1941734.

Chamberlin, Russell, *Loot! The Heritage of Plunder* (Stroud: Sutton, 2003).

Chapman, William Ryan, "Arranging Ethnology: A.H.L.F. Pitt Rivers and the Typological Tradition", in: George W. Stocking, Jr. (ed.), *Objects and Others: Essays on Museums and Material Culture* (Madison: University of Wisconsin Press, 1985), 15-48.

Chebanenko, Sergey B., "Regarding the Problem of Restitution of African Art Pieces Removed from Benin during the British Military Expedition of 1897: Practice and Legal Aspects", *Problems of Museology* 11, 2 (2020), 319-35 (in Russian).

Christen, Kimberly, "On Not Looking: Economics of Visuality in Digital Museums", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 365-86.

Clapham, Andrew, "Booty, Bounty, Blockade, and Prize: Time to Reevaluate the Law", *International Law Studies* 97, 1 (2021), 1201-34.

Coombes, Annie E., "Ethnography, Popular Culture, and Institutional Power: Narratives of Benin Culture in the British Museum, 1897-1992", *Studies in the History of Art* 47 (1996), 142-57.

———, *Reinventing Africa: Museums, Material Culture and Popular Imagination* (New Haven: Yale University Press, 1994).

———, and Ruth B. Phillips, "Introduction: Museums in Transformation: Dynamics of Democratization and Decolonization", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), xxxiii-lxiii.

Cuno, James B., "Introduction", in: James B. Cuno (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009), 1-35

———, *Museums Matter: In Praise of the Encyclopedic Museum* (Chicago: University of Chicago Press, 2011).

———, *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage* (Princeton: Princeton University Press, 2010).

——— (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009).

Curnow, Kathy, "Alien or Accepted? African Perspectives on the Western 'Other' in 15th and 16th Century Art", *Society for Visual Anthropology Review* 6, 1 (1990), 38-44.

———, "The Art of Fasting: Benin's Ague Ceremony", *African Arts* 30 (1997), 46-53.

Dapper, Olphert, "Benin at the Height of its Power", in: Thomas Hodgkin (ed.), *Nigerian Perspectives: An Historical Anthology* (London: Oxford University Press, 1960), 122-30.

Dar, Sadhvi, Manali Desai, and Clive Nwonka, "'Students Want to Confront it': Academics on How to Decolonise the University", *Guardian*, 17 June 2020, https://www.theguardian.com/education/2020/jun/17/students-want-to-confront-it-academics-on-how-to-decolonise-the-university.

Dewar, Jonathan, "Where are the Children? And 'We are So Far Away …': Exhibiting the Legacies of Residential Schools, Healing, and Reconciliation", Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 85-112.

Dieden, Almut, "Colonial Art: The Case of a Piece Stolen from Cameroon", *Deutsche Welle*, 2 September 2020, https://www.dw.com/en/colonial-art-the-case-of-a-piece-stolen-from-cameroon/a-54783942.

Die Welt, "Forscher untersuchen Herkunft umstrittener Benin-Bronzen", 12 May 2019, https://www.welt.de/regionales/berlin/article193340309/Forscher-untersuchen-Herkunft-umstrittener-Benin-Bronzen.html.

Digital Benin, "Digital Benin: Reconnecting Royal Art Treasures", https://digital-benin.org/.

Dixon, Caroll Ann, *The 'Othering' of Africa and its Diasporas in Western Museum Practices* (PhD, University of Sheffield, 2016).

Drewett, Zoe, "Calls Grow to Pull Down Racist Statues, Buildings and Memorials across UK", *METRO*, 9 June 2020, https://metro.co.uk/2020/06/09/calls-grow-pull-racist-statues-buildings-memorials-across-uk-12826287/.

Duthie, Emily, "The British Museum: An Imperial Museum in a Post-Imperial World", *Public History Review* 18 (2011), 12-25.

Ehikhamenor, Victor, "Give us Back What our Ancestors Made", *New York Times*, 28 January 2020, https://www.nytimes.com/2020/01/28/opinion/looted-benin-bronzes.html.

Eyo, Ekpo, "Nigeria", *Museum* 31, 1 (1979), 18-21.

Felch, Jason, and Ralph Frammolino, *Chasing Aphrodite: The Hunt for Looted Antiquities at the World's Richest Museum* (Boston: Houghton Mifflin Harcourt, 2011).

Feld, Liz, "Museum Hegemony, Postcolonial Collections and the Scars of the Colonial Process", *Academia Letters* 867 (2021), 1-7.

Fleckner, Uwe, "Marketing the Defamed: On the Contradictory Use of Provenances in the Third Reich", in: Gail Feigenbaum and Inge Reist (eds.), *Provenance: An Alternate History of Art* (Los Angeles: Getty Research Institute, 2012), 137-53.

Flessas, Tatiana, "The Ends of the Museum", *LSE Legal Studies Working Paper* 14 (2013), 1-27.

Gates, Charity, "Who Owns African Art? Envisioning a Legal Framework for the Restitution of African Cultural Heritage", *International Comparative, Policy & Ethics Law Review* 3, 3 (2020), 1131-62.

Gathercole, Peter, "British University Museums and the Problems Relating to Restitution", in: Irene Staunton and Murray McCartney (eds.), *Lost Heritage: A Report on the Symposium on the Return of Cultural Property Held at the Africa Centre, 38 King Street, London, WC2 on Thursday, 21st May, 1981* (London: Commonwealth Arts Association/Africa Centre, 1981), 11-4.

Geary, Christraud M., *The Idiom of War in the Bamum Court Arts* (Boston: Boston University, 1981).

German Contact Point for Collections from Colonial Contexts, "Benin Bronzes in Germany", https://www.cp3c.org/transparency/benin-bronzes.php.

———, "German Contact Point for Collections from Colonial Contexts", https://www.cp3c.org/index.html.

Gerstenblith, Patty, "From Bamiyan to Baghdad: Warfare and the Preservation of Cultural Heritage at the Beginning of the 21st Century", *Georgetown Journal of International Law* 37, 2 (2006), 245-352.

———, “Implementation of the 1970 UNESCO Convention by the United States and Other Market Nations”, in: Jane L. Anderson and Haidy Geismar (eds.), *The Routledge Companion to Cultural Property* (Abingdon: Routledge, 2017), 70-88.
———, “The Public Interest in the Restitution of Cultural Objects”, *Connecticut Journal of International Law* 16, 2 (2001), 197-246.
Gigante, Lucrezia, and Mingshi Cui, “Editorial: (Re)Visiting Museums”, *Museological Review: (Re)Visiting Museums* 25 (2021), 8-11.
Glass, Aaron, “Return to Sender: On the Politics of Cultural Property and the Proper Address of Art”, *Journal of Material Culture* 9, 2 (2004), 115-39.
Gnisci, Jacopo, “The Looted Ethiopian Artefacts that Ended Up in UK Museums”, *Apollo*, 31 May 2018, https://www.apollo-magazine.com/the-looted-ethiopian-artefacts-that-ended-up-in-uk-museums/.
Godwin, Hannah R., “Legal Complications of Repatriation at the British Museum”, *Washington International Law Journal* 30, 1 (2020), 144-70.
Goodwin, Paige S., “Mapping the Limits of Repatriable Cultural Heritage: A Case Study of Stolen Flemish Art in French Museums”, *University of Pennsylvania Law Review* 157, 2 (2008), 673-705.
Google Arts and Culture, “British Museum”, https://artsandculture.google.com/streetview/british-museum/AwEp68JO4NECkQ?sv_h=134.32480646827253&sv_p=-3.3395048588337772&sv_pid=2j9zcVqEC9rBVLi6Yj3g-A&sv_lid=3582009757710443819&sv_lng=-0.1274657110619728&sv_lat=51.51946967460949&sv_z=2.5900206023931185.
Government of the Netherlands, “Government: Redressing an Injustice by Returning Cultural Heritage Objects to their Country of Origin”, 29 January 2021, https://www.government.nl/latest/news/2021/01/29/government-redressing-an-injustice-by-returning-cultural-heritage-objects-to-their-country-of-origin.
Graber, Doris A., *The Development of the Law of Belligerent Occupation, 1863-1914: A Historical Survey* (New York: Columbia University Press, 1949).
Gundu, Zacharys A., “Looted Nigerian Heritage: An Interrogatory Discourse around Repatriation”, *Contemporary Journal of African Studies* 7, 1 (2020), 47-66.
Handler, Richard, “On Having a Culture: Nationalism and the Preservation of Quebec’s Patrimoine”, in: George W. Stocking (ed.), *Objects and Others: Essays on Museums and Material Culture* (Madison: University of Wisconsin Press, 1985), 192-217.
Harris, Gareth, “Protesters Topple Monument to Slave Trader Edward Colston in Bristol: Mayor Wants to Place it in a Museum”, *Art Newspaper*, 8 June 2020, https://www.theartnewspaper.com/news/protesters-topple-monument-to-slave-trader-edward-colston-in-bristol-mayor-wants-to-place-it-in-a-museum.
Harris, Jennifer, “Globalisation, Post-Colonialism and Museums”, *International Council of Museums-ICOFOM-Study Series* 37 (2008), 125-32.
Herman, Alexander, “Fifty Years On: The Meaning of the 1970 UNESCO Convention”, *Institute of Art & Law*, 18 June 2020, https://ial.uk.com/fifty-years-on-unesco-convention/.
———, “Law, Restitution and the Benin Bronzes”, *Institute of Art & Law*, 23 December 2018, https://ial.uk.com/law-restitution-and-the-benin-bronzes/.

———, “One Year after the Sarr-Savoy Report, France has Lost its Momentum in the Restitution Debate”, *Art Newspaper*, 12 November 2019, https://www.theartnewspaper.com/comment/one-year-after-sarr-savoy-where-are-we-on-colonial-restitution.

Hickley, Catherine, “Germany Moves towards Full Restitution of Benin Bronzes”, *Art Newspaper*, 22 March 2021, https://www.theartnewspaper.com/news/germany-moves-towards-full-restitution-of-benin-bronzes.

———, “Germany Pledges to Return Benin Bronzes to Nigeria Starting in 2022”, *Art Newspaper*, 30 April 2021, https://www.theartnewspaper.com/news/germany-pledges-to-return-benin-bronzes-to-nigeria-starting-in-2022.

———, “Nigeria Plans Museum for Art Looted from Benin”, *Art Newspaper*, 22 October 2018, https://www.theartnewspaper.com/news/nigeria-plans-museum-for-art-looted-from-benin.

———, “Nigeria Seeks to Calm Tensions over Return of Benin Bronzes”, *Art Newspaper*, 7 January 2022, https://www.theartnewspaper.com/2022/01/07/nigeria-seeks-calm-tensions-over-return-benin-bronzes.

———, “Smithsonian Museum of African Art Removes Benin Bronzes from Display and Plans to Repatriate Them”, *Art Newspaper*, 5 November 2021, https://www.theartnewspaper.com/2021/11/05/smithsonian-museum-of-african-art-removes-benin-bronzes-from-display-and-plans-to-repatriate-them.

———, “UCLA’s Fowler Museum to Reach out to Nigeria about Returning its Benin Bronzes”, *Art Newspaper*, 14 April 2021, https://www.theartnewspaper.com/news/ucla-s-fowler-museum-seeks-talks-with-nigeria-on-return-of-benin-bronzes.

Hicks, Dan, *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution* (London: Pluto Press, 2020).

———, “The University of Oxford’s Benin 1897 Collections: An Interim Report”, November 2021, https://www.prm.ox.ac.uk/sites/default/files/prm/documents/media/benin_collections_interim_report_dan_hicks-2.pdf.

Home, Robert, *City of Blood Revisited: A New Look at the Benin Expedition of 1897* (London: Rex Collings, 1982).

Hondsmerk, Amy, “Let’s Play in Lockdown: Museums, Interpretation, and Videogames in Convergence during the COVID-19 Pandemic”, *Museological Review: (Re)Visiting Museums* 25 (2021), 53-65.

ICOM, “Resolutions Adopted by ICOM’s 10th General Assembly: Grenoble, France: 1971”, http://icom.museum/wp-content/uploads/2018/07/ICOMs-Resolutions_1971_Eng.pdf.

Igbafe, Philip A., “A History of the Benin Kingdom: An Overview”, in: Barbara Plankensteiner (ed.), *Benin: Kings and Rituals: Court Arts from Nigeria* (Ghent: Snoeck, 2007), 41-53.

———, *Benin under British Administration: The Impact of Colonial Rule on an African Kingdom, 1897-1938* (London: Longman, 1979).

———, “British Rule in Benin 1897-1920: Direct or Indirect?”, *Journal of the Historical Society of Nigeria* 3, 4 (1967), 701-17.

———, “The Fall of Benin: A Reassessment”, *Journal of African History* 11, 3 (1970), 385-400.

Jenkins, Tiffany, *Keeping Their Marbles: How the Treasures of the Past Ended up in Museums, and Why They Should Stay There* (Oxford: Oxford University Press, 2016).
———, "Why Western Museums Should Keep their Treasures", *Guardian*, 25 November 2018, https://www.theguardian.com/culture/2018/nov/25/benin-bronzes-why-western-museums-should-keep-treasures.
Jesus College Cambridge, "Jesus College Returns Benin Bronze in World First", 27 October 2021, https://www.jesus.cam.ac.uk/articles/jesus-college-returns-benin-bronze-world-first.
Jorek, Susanna, and Finn White, "Doing the Work: Exploring Black History in Bristol Museums", *Museological Review: (Re)Visiting Museums* 25 (2021), 124-34.
Kaplan, Flora S., "Benin Art Revisited: Photographs and Museum Collections", *Visual Anthropology* 4, 2 (1991), 117-45.
Karp, Ivan, and Steven Lavine (eds.), *Exhibiting Cultures: The Poetics and Politics of Museum Display* (Washington: Smithsonian Institution Press, 1991).
Kastenberg, Joshua E., "The Legal Regime for Protecting Cultural Property during Armed Conflict", *Air Force Law Review* 42 (1997), 277-306.
Kingdon, Zachary, "What to Do with your Loot: Renovating the Benin Displays at World Museum", *National Museums Liverpool*, https://www.liverpoolmuseums.org.uk/stories/what-do-your-loot-renovating-benin-displays-world-museum.
Kiwara-Wilson, Salome, "Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories", *DePaul Journal of Art, Technology & Intellectual Property Law* 23, 2 (2013), 375-425.
Kowalski, Wojciech W., *Art Treasures and War: A Study on the Restitution of Looted Cultural Property Pursuant to Public International Law* (London: Institute of Art and Law, 1998).
Kratz, Corinne A., and Ivan Karp, "Introduction: Museum Frictions: Public Cultures/Global Transformations", in: Ivan Karp, Corinne A. Kratz, Lynn Szwaja, and Tomas Ybarra-Frausto (eds.), *Museum Frictions: Public Cultures/Global Transformations* (Durham: Duke University Press, 2006), 1-31.
Kynourgiopoulou, Vasiliki, "National Identity Interrupted: The Mutilation of the Parthenon Marbles and the Greek Claim for Repatriation", in: Helaine Silverman (ed.), *Contested Cultural Heritage: Religion, Nationalism, Erasure, and Exclusion in a Global World* (New York: Springer, 2011), 155-70.
Laely, Thomas, Marc Meyer, and Raphael Schwere (eds.), *Museum Cooperation between Africa and Europe: A New Field for Museum Studies* (Bielefeld: Transcript, 2018).
Lagae, Johan, "'Congo as it is?': Curatorial Reflections on Using Spatial Urban History in the Memory of Congo: The Colonial Era Exhibition", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 157-80.
Legacy Restoration Trust, "About Us", https://legacyrestorationtrust.org/about.
———, "EMOWAA", https://legacyrestorationtrust.org/emowaa.
Lesaffer, Randall, "Restitution in Early-Modern Peace Treaties: The Case of the Dutch-Spanish Peace Treaty of Münster (1648) – Part I", *Oxford Public International Law*, https://opil.ouplaw.com/page/658.
Lidchi, Henrietta, "The Poetics and the Politics of Exhibiting Other Cultures", in: Stuart Hall (ed.), *Representation: Cultural Representations and Signifying Practices* (London: SAGE, 1997), 151-222.

Lixinski, Lucas, "A Third Way of Thinking about Cultural Property", *Brooklyn Journal of International Law* 44, 2 (2019), 563-612.
Lundén, Staffan, *Displaying Loot: The Benin Objects and the British Museum* (Gothenburg: Göteborgs Universitet, 2016).
Macdonald, Sharon J., "Museums, National, Postnational and Transcultural Identities", *Museum and Society* 1, 1 (2003), 1-16.
MacGregor, Neil, *A History of the World in 100 Objects* (London: Penguin, 2012).
———, "The Whole World in our Hands", *Guardian*, 24 July 2004, https://www.theguardian.com/artanddesign/2004/jul/24/heritage.art.
———, "To Shape the Citizens of 'that Great City, the World'", in: James B. Cuno (ed.), *Whose Culture? The Promise of Museums and the Debate over Antiquities* (Princeton: Princeton University Press, 2009), 39-54.
———, and Jonathan Williams, "The Encyclopaedic Museum: Enlightenment Ideals, Contemporary Realities", *Public Archaeology* 4, 1 (2005), 57-9.
Manchester Museum, "The Slave Trade and Colonialism", http://harbour.man.ac.uk/mmcustom/narratives/display.php?irn=1402&QueryPage=%2Fmmcustom%2Fnarratives%2F.
MARKK, "Benin Dialogue", 12 August 2020, https://markk-hamburg.de/en/benin-dialogue/.
———, "Digital Benin: Reconnecting Royal Art Treasures", https://files.cargocollective.com/c696558/Digital_Benin_Press_Kit.pdf.
Marshall, Alex, "This Art was Looted 123 Years Ago: Will it Ever be Returned?", *New York Times*, 23 January 2020, https://www.nytimes.com/2020/01/23/arts/design/benin-bronzes.html.
Marty, Paul F., "Museum Websites and Museum Visitors: Digital Museum Resources and their Use", *Museum Management and Curatorship* 22 (2007), 81-99.
Mathur, Saloni, "Against the Edifice Complex: Vivan Sundaram's History Project and the Colonial Museum in India", in: Annie E. Coombes and Ruth B. Phillips (eds.), *Museum Transformations: Decolonization and Democratization* (Chichester: Wiley Blackwell, 2020), 527-43.
Mauriès, Patrick, *Cabinets of Curiosities* (London: Thames & Hudson, 2002).
McClellan, Andrew, *The Art Museum from Boullée to Bilbao* (Berkeley: University of California Press, 2008).
Merryman, John Henry, "The Retention of Cultural Property", *UC Davis Law Review* 21, 3 (1988), 477-514.
———, "Two Ways of Thinking about Cultural Property", *American Journal of International Law* 80, 4 (1986), 831-53.
Meyer, David A., "The 1954 Hague Cultural Property Convention and its Emergence into Customary International Law", *Boston University International Law Journal* 11, 2 (1993), 349-90.
Miles, Margaret M., *Art as Plunder: The Ancient Origins of Debate about Cultural Property* (Cambridge: Cambridge University Press, 2008).
Museums Association, "FAQs about Museums", https://www.museumsassociation.org/about/faqs/.
Nafziger, James A. R., "Cultural Heritage Law: The International Regime", in: Académie de droit international de La Haye (ed.), *The Cultural Heritage of Mankind* (Leiden: Brill, 2008), 145-247.
Nahlik, Stanislaw E., *La protection internationale des biens culturels en cas de conflit armé* (Leiden: Martinus Nijhoff, 1967).

National Museums Liverpool, "Resources: Black Lives Matter", https://www.liverpoolmuseums.org.uk/black-lives-matter.
———, "Transatlantic Slavery and Legacies in Museums Forum", https://www.liverpoolmuseums.org.uk/tslforum.
National Museums Scotland, "Ceremonial Sword", https://www.nms.ac.uk/explore-our-collections/collection-search-results/ceremonial-sword/334139.
Négri, Vincent, "Cultural Laws and Museums in Africa", *Museum International* 58, 1-2 (2006), 41-8.
———, "Introduction to Heritage Law in Africa", in: Webber Ndoro, Albert Mumma, and George Abungu (eds.), *Cultural Heritage and the Law: Protecting Immovable Heritage in English-Speaking Countries of Sub-Saharan Africa* (Rome: ICCROM, 2008), 7-10.
Noce, Vincent, "'Give Africa its Art Back', Macron's Report Says", *Art Newspaper*, 20 November 2018, https://www.theartnewspaper.com/news/give-africa-its-art-back-macron-s-report-says.
Ogbechie, Sylvester O., "Momentum Builds for the Restitution of African Art", *Current History* 118, 808 (2019), 194-6.
———, "The Postcolonial African Museum in the Age of Cultural Informatics" (2016), 11-35.
Okosun, Anthony, "The Glory of Benin Kingdom and the Shame of British Empire", *Oblong Media*, 21 December 2015, https://oblongmedia.net/2015/12/21/the-glory-of-benin-kingdom-and-the-shame-of-british-empire-by-anthony-okosun/.
Osadolor, Osarhieme Benson, and Leo Enahoro Otoide, "The Benin Kingdom in British Imperial Historiography", *History in Africa* 35 (2008), 401-18.
Paquette, Jonathan, "France and the Restitution of Cultural Goods: The Sarr-Savoy Report and its Reception", *Cultural Trends* 29, 4 (2020), 302-16.
Phillips, Barnaby, *Loot: Britain and the Benin Bronzes* (London: Oneworld, 2021).
Phillips, Ruth B., "Exhibiting Africa after Modernism: Globalization, Pluralism, and the Persistent Paradigms of Art and Artifact", in: Griselda Pollock and Joyce Zemans (eds.), *Museums after Modernism: Strategies of Engagement* (Malden: Blackwell, 2007), 80-103.
———, "Where is 'Africa'? Re-Viewing Art and Artifact in the Age of Globalization", *American Anthropologist* 104, 3 (2002), 944-52.
Pitt Rivers, Augustus, *Antique Works of Art from Benin* (London: Harrison and Sons, 1900).
Pitt Rivers Museum, "Critical Changes to Displays as Part of the Decolonisation Process", https://www.prm.ox.ac.uk/critical-changes.
———, "Decolonizing Cultural Spaces: Maasai Living Cultures Project", https://www.prm.ox.ac.uk/maasai-living-cultures.
———, "History of the Museum", https://www.prm.ox.ac.uk/history-museum.
———, "Human Remains in the Pitt Rivers Museum", https://www.prm.ox.ac.uk/human-remains-pitt-rivers-museum.
———, "Labelling Matters: Reviewing the Pitt Rivers Museum's Use of Language for the 21st Century", https://www.prm.ox.ac.uk/labelling-matters.
———, "Rethinking Pitt-Rivers: Analysing the Activities of a Nineteenth-Century Collector", https://web.prm.ox.ac.uk/rpr/index.php/article-index/12-articles/207-introduction-to-pr-benin-catalogue/index.html.
———, "The Restitution of Knowledge: Artefacts as Archives in the (Post)Colonial Museum", https://www.prm.ox.ac.uk/the-restitution-of-knowledge.

Plankensteiner, Barbara, "Benin: Kings and Rituals: Court Arts from Nigeria", *African Arts* 40, 4 (2007), 74-87.
———, "The Benin Treasures: Difficult Legacy and Contested Heritage", in: Brigitta Hauser-Schäublin and Lyndel V. Prott (eds.), *Cultural Property and Contested Ownership: The Trafficking of Artefacts and the Quest for Restitution* (Abingdon: Routledge, 2016), 133-55.
——— (ed.), *Benin: Kings and Rituals: Court Arts from Nigeria* (Ghent: Snoeck, 2007).
Plass, Margaret, *African Miniatures: The Goldweights of the Ashanti* (London: Lund Humphries, 1967).
Prott, Lyndel V., "Strengths and Weaknesses of the 1970 Convention: An Evaluation 40 Years after its Adoption", *Second Meeting of States Parties to the 1970 Convention*, Paris, 20-1 June 2012, 1-12.
———, and Patrick J. O'Keefe, *Law and the Cultural Heritage, Volume 3: Movement* (London: Butterworths, 1989).
Ratha, Dilip, and Patrick Kabanda, "African Art Needs to Come Home – and This is Why", *Guardian*, 21 October 2015, https://www.theguardian.com/global-development-professionals-network/2015/oct/21/african-art-needs-to-come-home-and-this-is-why.
Read, Charles Hercules, and Ormonde Maddock Dalton, *Antiquities from the City of Benin and from Other Parts of West Africa in the British Museum* (London: British Museum, 1899).
Robertson, Geoffrey, *Who Owns History? Elgin's Loot and the Case for Returning Plundered Treasure* (London: Biteback, 2019).
Robinson, Alma, "The Controversial Mask of Benin", *Washington Post*, 11 February 1977, https://www.washingtonpost.com/archive/lifestyle/1977/02/11/the-controversial-mask-of-benin/f6845f66-ffbd-40e5-8bc4-b7a551bdb8d0/.
Roundtable, "Stolen Artefacts: Finders Keepers?", *YouTube*, 4 January 2019, https://www.youtube.com/watch?v=ynEyDnJpF9E&ab_channel=Roundtable.
Ruffins, Fath Davis, "Revisiting the Old Plantation: Reparations, Reconciliation, and Museumizing American Slavery", in: Ivan Karp, Corinne A. Kratz, Lynn Szwaja, and Tomas Ybarra-Frausto (eds.), *Museum Frictions: Public Cultures/Global Transformations* (Durham: Duke University Press, 2006), 394-434.
Saltzman, Cynthia, *Napoleon's Plunder and the Theft of Veronese's Feast* (London: Thames and Hudson, 2021).
Sarr, Felwine, and Bénédicte Savoy, *The Restitution of African Cultural Heritage: Toward a New Relational Ethics* (Paris: Ministère de la Culture/Université Paris Nanterre, 2018).
Savoy, Bénédicte, *Afrikas Kampf um seine Kunst: Geschichte einer postkolonialen Niederlage* (Munich: C. H. Beck, 2021).
Shyllon, Folarin, "Benin Dialogue Group: Perhaps No Longer a Dialogue with the Deaf! University of Cambridge Students to the Rescue!", *Art Antiquity and Law* 22, 4 (2017), 299-304.
———, "Restitution of Antiquities to Sub-Saharan Africa: The Booty and Captivity: A Study of Some of the Unsuccessful Efforts to Retrieve Cultural Objects Purloined in the Age of Imperialism in Africa", *Art Antiquity and Law* 20, 4 (2015), 369-84.
Soirila, Pauno, "Indeterminacy in the Cultural Property Restitution Debate", *International Journal of Cultural Policy* (2021), 1-16.

Sotheby's, "Tête, Edo, Royaume de Benin, Nigeria, XVIIe-XVIIIe siècle", *Sotheby's Paris*, 12 December 2017, https://www.sothebys.com/en/auctions/ecatalogue/2016/arts-afrique-oceanie-pf1718/lot.67.html.

Sowole, Tajudeen, "Benin Plan of Action: Plotting Repatriation of Looted Artefacts", *African Arts with Taj*, 1 March 2013, https://www.africanartswithtaj.com/2013/02/benin-plan-of-action-plotting.html.

Spitra, Sebastian M., "Civilisation, Protection, Restitution: A Critical History of International Cultural Heritage Law in the 19th and 20th Century", *Journal of the History of International Law* 22, 2-3 (2020), 329-54.

Spring, Christopher, Nigel Barley, and Julie Hudson, "The Sainsbury African Galleries at the British Museum", *African Arts* 34, 3 (2001), 18-37.

Stamatoudi, Irini A., *Cultural Property Law and Restitution: A Commentary to International Conventions and European Union Law* (Cheltenham: Edward Elgar, 2011).

State Hermitage Museum, "Declaration on the Importance and Value of Universal Museums", 28 July 2004, https://www.hermitagemuseum.org/wps/portal/hermitage/news/news-item/news/1999_2013/hm11_1_93/?lng=#:~:text=Today%20we%20are%20especially%20sensitive,displaced%20from%20their%20original%20source.

Staunton, Irene, and Murray McCartney (eds.), *Lost Heritage: A Report on the Symposium on the Return of Cultural Property Held at the Africa Centre, 38 King Street, London, WC2 on Thursday, 21st May, 1981* (London: Commonwealth Arts Association/Africa Centre, 1981).

The Art Institute of Chicago, "Rituals at Court", 2013, https://archive.artic.edu/benin/rituals/.

The National Archives, "Britain and the Slave Trade", http://www.nationalarchives.gov.uk/slavery/pdf/britain-and-the-trade.pdf.

Thompson, Erin, "Which Public? Whose Interest? Rethinking Merryman's 'The Public Interest in Cultural Property'", *Art Antiquity and Law* 22, 4 (2017), 305-14.

Times, "The Benin Disaster", 13 January 1897, https://go.gale.com/ps/retrieve.do?tabID=Newspapers&resultListType=RESULT_LIST&searchResultsType=SingleTab&hitCount=2&searchType=AdvancedSearchForm&currentPosition=2&docId=GALE%7CCS50651181&docType=Article&sort=Pub+Date+Forward+Chron&contentSegment=ZTMA-MOD1&prodId=TTDA&pageNum=1&contentSet=GALE%7CCS50651181&searchId=R4&userGroupName=oxford&inPS=true.

UNESCO, "What is Meant by 'Cultural Heritage'?", http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/.

University of Aberdeen, "Ceremony to Complete the Return of Benin Bronze", 27 October 2021, https://www.abdn.ac.uk/news/15479/.

van Beurden, Jos, *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects* (Leiden: Sidestone Press, 2017).

van Beurden, Sarah, "The Art of (Re)Possession: Heritage and the Cultural Politics of Congo's Decolonization", *Journal of African History* 56, 1 (2015), 143-64.

Victoria and Albert Museum Collections, "Benin", https://collections.vam.ac.uk/search/?q=benin&year_made_from=&year_made_to=.

von Paczensky, Gert, and Herbert Ganslmayr, *Nofretete will nach Hause: Europa – Schatzhaus der 'dritten Welt'* (Munich: Bertelsmann, 1984).
Vrdoljak, Ana Filipa, *International Law, Museums and the Return of Cultural Objects* (Cambridge: Cambridge University Press, 2006).
War Office, *Manual of Military Law* (London: Harrison and Sons, 1894).
Watson, Peter, and Cecilia Todeschini, *The Medici Conspiracy: The Illicit Journey of Looted Antiquities, from Italy's Tomb Raiders to the World's Greatest Museums* (New York: BBS PublicAffairs, 2006).
Westlake, John, *Chapters on the Principles of International Law* (Cambridge: Cambridge University Press, 1894).
Willett, Frank, "Restitution or Re-Circulation: Benin, Ife and Nok", *Journal of Museum Ethnography* 12 (2000), 125-31.
———, Ben Torsney, and Mark Ritchie, "Composition and Style: An Examination of the Benin 'Bronze' Heads", *African Arts* 27, 3 (1994), 60-7+102.
Williams, Sharon A., "Recent Developments in Restitution and Return of Cultural Property", *International Journal of Museum Management and Curatorship* 3, 2 (1984), 117-29.
Wilson, David M., *The British Museum: Purpose and Politics* (London: British Museum, 1989).
Wood, Paul, "Display, Restitution and World Art History: The Case of the 'Benin Bronzes'", *Visual Culture in Britain* 13, 1 (2012), 115-37.
Yadong, Zhang, "Evolution of the Customary International Law on the Cultural Property Plundered in War", *Opole Studies in Administration and Law* 18, 4 (2020), 123-35.
Yusuff, Mulkat A., and Mukail A. Akinde, "Tourism Development and Economic Growth Nexus: Nigeria's Experience", *European Journal of Hospitality and Tourism Research* 3, 4 (2015), 1-10.
Zetterstrom-Sharp, Johanna, and Chris Wingfield, "A 'Safe Space' to Debate Colonial Legacy? The University of Cambridge Museum of Archaeology and Anthropology and the Campaign to Return a Looted Benin Altarpiece to Nigeria", *Museum Worlds: Advances in Research* 7, 1 (2019), 1-22.
Zhang, Yue, "Customary International Law and the Rule against Taking Cultural Property as Spoils of War", *Chinese Journal of International Law* 17, 4 (2018), 943-89.

Interviews

Dan Hicks, Curator of World Archaeology at the Pitt Rivers Museum, Oxford, 6 July 2021.
Laura van Broekhoven, Director of the Pitt Rivers Museum, Oxford, 29 June 2021.
Lisa Graves, Curator World Cultures at the Bristol Museum and Art Gallery, Oxford, 6 January 2022.
Nicola Kalinsky, Director of the Barber Institute of Fine Arts, Oxford, 7 September 2021.
Vibe Nielsen, Junior Research Fellow at the Pitt Rivers Museum, Oxford, 23 July 2021.

Email Correspondence

Agnes Valencak, Head of Exhibitions at the Ashmolean Museum, Oxford, 20 July 2021.
Helen Cobby, Assistant Curator at the Barber Institute of Fine Arts, Oxford, 23 July 2021.
Paul Marty, Professor of Museum Informatics at Florida State University, Oxford, 1 January 2022.
Silvia Beltrametti, Lecturer in Art History, Theory, and Criticism at the School of the Art Institute of Chicago, Oxford, 21 August 2021.

Other Sources

British Museum, *Benin: Colonial Conquest and Military Looting*, Sainsbury Galleries.
———, *Brasscasting*, Sainsbury Galleries.
———, Object Label for *Bronze Head, Southern Nigeria*, Copper Alloy, c. 10th-16th Century, Af1956,27.224.
———, *The Benin Bronzes*, Sainsbury Galleries.
———, *The Royal City of Benin*, Sainsbury Galleries.
Pitt Rivers Museum, *Court Art of Benin*, Cabinet 154.
———, *Donations and Accessions, 1900*, Microfiche.