

ABSTRACT

Title of Thesis: RECLAIMING THE PAST: HOW A LEGACY OF
PATERNALISM AFFECTS MODERN EFFORTS OF
ARTIFACT REPATRIATION

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The twenty first century has seen a push towards the righting of past wrongs, as social awareness has been on the rise. One such wrong that has currently caught the public's attention is the repatriation of artifacts. Museums throughout the West are filled with objects that have been acquired through a variety of means, some, if looked at through a twenty first century lens would come across as immoral or even illegal. Museums in the West have been hesitant to hand over ownership of these objects back to the cultures that produced them. Though many of the reasons given for the reluctance to return the objects are legitimate, the notion of Western paternalism still looms large. My thesis will examine the link between repatriation and paternalism by primarily examining Nigeria's efforts in seeking the repatriation of the Benin Bronzes from the British Museums. I will also look into repatriation claims to a lesser extent, including the Elgin Marbles and the repatriation of indigenous human remains in the US and Australia. Through the examination of historical newspapers, academic journals, monographs, I will argue that the hesitance in granting repatriation by Western Museum is directly linked to generations of paternalism

from the West, towards these societies seeking repatriation. Furthermore, I will argue that this paternalism was fostered by the museums that hold these objects. The job of a curator is to tell a story through the objects in an exhibit. The story curators of the late nineteenth and early twentieth century told was one of cultural superiority. However, by analyzing the allocated funding for Museums in Britain, the US, and Benin, I will show that these concerns from the West, while steeped in paternalism, may still be warranted.

RECLAIMING THE PAST: HOW A LEGACY OF PATERNALISM AFFECTS
MODERN EFFORTS OF ARTIFACT REPATRIATION

By

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Introduction

In the winter of 2018, *Black Panther* hit the theaters just in time for Black History Month. The movie, based on the Marvel Comic character of the same name, stars Chadwick Boseman as the title character, playing opposite Michael B. Jordan, who is the film's primary villain, Erik Stevens. Early in the film, Michael B. Jordan's character, Erik Stevens, alias Killmonger, walks into a museum in the heart of London. The museum is nondescript but could stand for any universal museum the world over, with exhibit cases filled with artifacts from around the world spread throughout the gallery halls. We find Stevens standing in front of a display case filled with African artifacts when he is approached by a museum worker, an expert on the museum's collection of African artifacts. The curator sips from her cup, presumably coffee or tea, as Stevens peppers her with questions about the origin of this and that artifact. The Bobo Ashanti tribe, she reveals, is the origin of the first mask; the Edo people of Benin were the original owners of the second. At this point Stevens, who seems highly impressed by the curator's breath of knowledge, moves over to a second display case and points to an object, "Now, tell me about this one," he says to her. "Also, from Benin, seventh century. Fula tribe, I believe" she responds as she clears her throat and places her hand on her stomach. "Nah" Stevens exclaims, causing the curator to look upon him confused, her only response being "I beg your pardon." Here the music turns ominous, the audience of the theater collectively holds their breath. If you haven't realized Stevens is the antagonist in the movie you do now. He turns to the curator, a smirk present on his face, "It was taken by British soldiers in Benin, but it's from Wakanda. And it's made out of vibranium. Don't trip. I'mma take it off your hands for you." He exclaims. This reveal causes a mixture of confusion and curiosity to

play across the curator's face. "These items aren't for sale," she tells him, as if this has all been a big misunderstanding. Now he turns fully towards her, menace clear on his face, "How do you think your ancestors got these? You think they paid a fair price? Or did they take it, like they took everything else?" The movie theater, which moments before was quiet enough to hear a pin drop, comes alive with murmurs of agreement. The scene finishing with Stevens calling for the guards to come assist the now visibly ill curator, which was enough of a distraction for him to make off with the vibranium artifact, and a mask for good measure.¹

Problem Statement

The days and weeks after the release of this movie filled social media with a newfound awareness of the issues of repatriation. The social media buzz catapulted Nigeria's decade old struggle for the return of the Benin Bronzes from the British museum back to Nigeria and the Edo people; Benin was cast to the forefront of every discussion. Calls for museums to be emptied of the colonial treasures reverberated across multiple social media platforms. When later that year the British Museum announced they would be loaning the artifacts to Nigeria, people asked how can a stolen object be loaned back to the people from whom it was stolen? Debates over who should be the legal owner of these pieces are, were pitted against what was best for the objects. The French President would come out and declare his resolve to see all the objects taken during colonization returned to the societies that produced them, to the grumbles and dismay of the many museums in France. With most major acts of overt colonization ending in the 1960s, why are museums so hesitant to return these artifacts to the descendants of the societies that produced them,

¹ https://transcripts.fandom.com/wiki/Black_Panther, accessed August 15, 2019.

especially when we take into account how they were acquired to begin with? In the following paper I take a closer look at this issue and examine how the arguments against repatriation are rooted in the paternalistic attitudes that were used to justify colonization; these attitudes reinforced the scientific theories of race that developed in the nineteenth century. I will do this by examining Nigeria and its continued fight to regain possession of the Benin Bronzes from the British Museum. In order to justify colonization, European powers cast their efforts in Africa under the light of altruism, bringing civilization to the dark continent. The residual effects of these paternalistic attitudes have persisted to the present day, influencing the arguments against repatriation.

Purpose and Significance

The purpose of the study is to examine Nigeria's efforts to have the Benin bronzes repatriated from the British Museum in London, and the museum's refusal to hand over legal ownership of the objects to Nigeria. In this paper I will analyze the relationship between the paternalist attitudes fostered by the West towards Africa that were developed during colonization and whether this has affected the repatriation attempt. Also, it will examine the legitimate reasons for and against repatriation in an attempt to better understand the arguments presented by each side. This paper is less concerned with the ethical question of whether the artifacts should be returned, but the reasons for and against repatriation and what influences these reasons.

This study is important because it seeks to find a more definitive determination on whether or not the resistance towards repatriation is warranted. The calls for the repatriation of looted artifacts are not just coming from Sub-Saharan African countries; Egypt, Greece, Turkey, and others are seeking the return of artifacts lost to them. However,

there is no clear answer on what the response should be or why some things are repatriated, and others aren't. For museums and society to transition into a more global future, they must come to terms with their past, including the origins of many of the objects they possess. Repatriation is important because it can allow these former colonies to be able to shape the narrative of their own past and chart the course of their future. Also, as countries like Nigeria begin to build institutions to tell their story, they will want to fill them with the artifacts that were lost.

When discussing the formal process to have artifacts returned from one institution or country to another, one of two words can be used, restitution or repatriation. While both words mean ultimately the same thing, the return of objects, they have subtle differences depending on how the objects are to be returned. Restitution is the return of objects from an institution to a community or individual. This is usually done after a formal claim is submitted by those seeking restitution. A museum would review the claim, and depending on its criteria for restitution, the claim would either be granted or denied. Every museum has their own criteria for judging claims of restitution; however, some generalizations can be drawn. Liz Bell gives five criteria that museums should consider when reviewing restitution claims. They are, "the Status of those making the request, the cultural and religious significance, how the artifacts were originally acquired, the status of objects within the museum and the legal status of institutions, the scientific, educational and historic value of the remains to the museum and the public, and how the objects have been used in the past."² Repatriation on the other hand is the return of objects from one

² Liz Bell, "Museums, Ethics and Human Remains in England: Recent Developments and Implications for the Future," in *The Long Way Home: The Meaning and Values of*

government to another. Repatriation as opposed to restitution, is a legal process that is based on a formal request between governments and institutions. Both repatriation and restitution are firmly entrenched in national and international laws that govern the process.

When a claim for restitution or repatriation is made, the institution determines the cultural significance of the object to the people making the claim. If a claimant can establish their cultural affiliation to an object, a museum may be less inclined to require them to produce a continual title that establishes ownership. Cultural affiliation establishes the continuity between the society that created an object to those who are requesting the return of the object. Cultural affiliation also ties the religious and spiritual significance of an object to a community. Even with cultural affiliation established, the return of an object is not guaranteed. Museums often impose conditions on the return of objects and are very hesitant to return objects to places that are not other museums. The articulated primary concern for museums is the safety of an object. This includes the continued conservation and physical security of an object.³

In 2018 French President Emmanuel Macron announced his plan for the restitution of all African artifacts acquired during colonization. This announcement came after a year filled with calls for the restitution of artifacts from countries around the world. Public opinion can be one of the most important factors in determining claims for repatriation. While many things can affect public opinion, changes in the law can be very effective. The fight over the repatriation of human remains in the United States and Australia is a good

Repatriation (Museums and Collections Book 2) (New York, N.Y.: Berghahn Books, 2010): 32.

³ Kathryn Whitby-Last, "Legal Impediments to the Repatriation of Cultural Objects to Indigenous Peoples," in *The Long Way Home: The Meaning and Values of Repatriation* (New York, N.Y.: Berghahn Books, 2010): 41.

example of this. While the native peoples of these countries tried without success to have the remains of their ancestors returned to them from the institutions which held them in their collections for years, they did not receive much sympathy from the public, initially. It was not until the laws started to change and people began to take notice of the wrongs that were done to these indigenous groups that public opinion really began to transform. Once the indigenous people had the public on their side, institutions began to feel more pressure when determining their repatriation claims.⁴

Background

Museums came into being around the start of the Age of Exploration. The first museums were a simple collection of specimens collected from voyages of the likes of Captain Cook. The sailors on these voyages would trade their knickknacks to the local inhabitants of the lands they were “discovering” in exchange for specimens and other objects. Once back in Europe sailors would usually sell these objects to collectors and scientists who would place them in their cabinet of curiosities. These cabinets of curiosities were the prototype for the future museums of the world. The cabinets, which could usually be found in the parlor rooms of Europe, would draw crowds interested in seeing the wonders of the world brought to them. When the owners of these proto museums eventually died, they would will their collections to the state, with the stipulation that they would continue to be available for the public viewing.

⁴ Ann M. Kakaliouras, “An Anthropology of Repatriation: Contemporary Physical Anthropological and Native American Ontologies of Practice,” *Current Anthropology* 53, no. S5 (2012): 211.

When the age of exploration turned into the age of enlightenment, the interest of people began to shift from the natural world to that of human existence. The cabinets of curiosity would replace its flora and fauna with statues and artifacts of past civilizations. For better or worse the age of Enlightenment would run parallel with the age of empire and Europe's military conquest of the world. Scientist, most of whom were of the amateurish distinction, would begin to use the military expeditions of their country as their means to acquire artifacts. An example of this is Britain and France's dealings with a weakening Ottoman Empire in the early 19th century. The Ottoman's ruled a vast empire of conquered peoples across Europe, Asia, and North Africa. When the European powers began to make excursions into the Ottoman's domain, it was at a time when the Ottomans grasp on their vast empire was beginning to slip. The British and French were able to use this to their advantage and gain certain concessions out of the Ottomans, including permission to excavate and remove antiquities, in return for support.⁵ One of the more famous, or infamous examples of this is the extraction the Elgin Marbles. The Elgin Marbles, which are now prominently featured in the British Museum, were once part of the Parthenon in Athens. Greece, at the time when the marbles were removed, was part of the Ottoman Empire and had no say in what happened to the antiquities of its ancient past. In 1798 the Earl of Elgin was appointed Ambassador to the sultan of Turkey. During his time in Greece, Elgin requested permission from the sultan to "contemplate...measure and draw, take moldings...dig in rubbish for inscriptions...and [take away pieces of old stone with

⁵ Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018): 71.

inscription] or [figures], without interference” of the marbles on the Acropolis of Athens.⁶ Elgin would exceed the mandate of the firman, a written royal order, and extract and remove the marble statues of the Parthenon. During his excavation many pieces were dropped and destroyed, and in 1802, when the marbles were being shipped, one of the ships carrying them to Britain sank; its contents were later retrieved by divers.

When the marbles made it to Britain, Elgin petitioned Parliament to purchase the marbles for to the British Museum.⁷ Before purchasing the marbles Parliament considered the following; “... on what authority the collection from the Parthenon was acquired; the circumstances under which the authority was granted; the merit of the sculptures and whether making them public property would add to the purpose of promoting the study of the fine arts in Britain; and finally, the value as objects of sale.”⁸ After considering these points, Parliament would approve the purchase of the marbles for the British Museum, and for good measure, it cleared Elgin of any wrongdoing or illegality that may have occurred during his time as ambassador. As soon as Greece won its independence from the Ottomans, it began formally requesting the return of the marbles from the British Museum and has continued to do so up to the present.

The British Museum’s defense in retaining the marbles is a good examination of the arguments museums use to reject claims for repatriation. What makes this different from the repatriation request African countries make is that it does not have the stigma of colonialism attached to it; thus we do not have to wonder if there is some underlying

⁶ Margaret M. Miles, *Art as Plunder: The Ancient Origins Of Debate About Cultural Property*, 1 edition (Cambridge: Cambridge University Press, 2009): 308.

⁷ Jenkins, *Keeping Their Marbles*, 105.

⁸ Ibid., 105

rationale for their refusal. The British Museum's primary reason for refusing Greece's repatriation claims is that they have protected and preserved the marbles for generations. The museum feels that it has shown the ability to care properly for the artifacts in their possession and the care of the marbles if returned would not be to the level that the British Museum deems necessary. While this argument is not racially motivated, it does still hold a level of paternalism towards another culture. Another reason for the British Museum refusing to repatriate the marbles back to Greece is because the British museum is a universal museum and as such, has the ability to connect objects and cultures with others from around the world. This lets visitors explore the relationships between cultures all in one place without having to travel around the world. Universal museums will be discussed in greater detail below. Lastly, the British Museum claims that, if left in Greece, there is a good chance that the marbles may have been destroyed. The Ottoman Empire displayed no interest for the antiquities of Greece or any of the societies it controlled. The Ottomans would use the Parthenon in a number of different roles throughout the centuries, including a military garrison and a quarry. For the British, the artifacts were only valuable because they gave them value by placing them in their museum.

The case of the Elgin Marbles is interesting because it proves a microcosm of the debate around repatriation without the added baggage of racism or colonialism. Through the Elgin Marbles we can key in on a number of points that will be of particular interest when examining the fight for the repatriation of the Benin Bronzes. First, is time: the statute of limitation has long since run out making repatriation a far-flung hope; at best, Greece can hope for the restitution of the artifacts from the British Museum. Next, under the norms of the time, Elgin did not steal or loot the marbles and was even granted

permission by the Ottoman Empire, which had been ruling Greece for over 300 years.

Lastly, according to the nation of Greece the Acropolis played a pivotal role in the formation of a Greek national identity after its independence from the Ottoman Empire, and the Elgin Marbles are a vital part of that. Thus, the marbles are an essential part of Greece's cultural heritage.

As stated previously, the thing that differentiates repatriation from restitution is that repatriation is reliant on laws and judgements. Every country has its own laws governing both repatriation and restitution, and there are international laws as well. The fight over human remains in North America and Australia helped to establish the legal precedent for restitution. While countries and societies, like Greece, have been seeking the return of objects taken from them for well over one hundred years, it was not until the 1970s that the demand really began to increase.⁹ Beginning in the late 1980s, the American government would begin to pass a series of laws aimed at protecting Native American ancestral artifacts and remains. After the passage of one of the first laws in 1987, the American Relationship Final Management Policy, more began to follow. In 1989 the National Museum of the American Indian Act was passed followed by, in 1990, the Native American Graves Protection and Repatriation Act. Prior to the passage of the legislation, the American anthropologist and archeologist were staunchly against the idea of repatriation. Their attitudes would change over the following 20 years, as repatriation became a normal part of their world.¹⁰ Sometimes a single policy or law has the ability to start a precedent that museums and other institution would follow. Meanwhile in England, the Sale of Goods act

⁹ Kakaliouras, "An Anthropology of Repatriation, 210.

¹⁰ Ibid., 210

was passed in 1980. This act states that the statute of limitation is not applicable to objects which were stolen. One important fact to keep in mind when discussing the laws around restitution and repatriation is that the peoples whose objects are at the center of the dispute have almost no say in how the laws are made or decided.

Like most laws, statutes of limitation change depending on the country, and in the case of the United States, depending on the states which the objects reside. In Western law, statutes of limitation are not affected by the country which produced the artifact. In England, the statute period is six years from the date that the artifact was purchased through a legal sale. In Scotland however, a claimant has twenty years from the theft before the statute of limitations is exceeded. As stated previously, the United States is unique because the limitation period changes from state to state. With that in mind, most states have laws that favor the original owner and allows him or her ample time to regain their loss property.¹¹ The term “legal owner” does not refer to the society which produced the artifact in question; it refers to whomever has a clean title of ownership. An example of the international laws that affect repatriation would be the regulation under UNIDROIT. Article 3(3) of the UNIDROIT Convention on stolen or Illegally Exported Cultural Objects of 1995, “provides a fifty-year limitation period for claims, but by virtue of article 10, the convention is not retrospective in its effect and few states have ratified it.”¹²

In most cases it is required for claimants to establish property rights for legal repatriation or restitution claims. A legal title would establish the original property owner; however, many cultures, prior to the arrival of Europeans, as in Africa, did not have

¹¹ Bell, “Museums, Ethics and Human Remains in England,” 37–38.

¹² Whitby-Last, “Legal Impediments,” 38.

extensive written documents establishing ownership of objects. Many of the legal systems that would hear cases of restitution are in the West, and they base their judgment off of Western notions of property and property rights. In the West property is owned by an individual who has a clear title of ownership; a group or a community very rarely owns something together. For countries outside of the west, where communal ownership is a reality, they would find it difficult to receive restitution because a court would be unable to establish a clear owner. In Benin, the plaques were commissioned by the king, built by the guild and put on display in the imperial courtyard. The king had no clear title of ownership for numerous reasons, including the lack of a written language.¹³

There are international laws in place that call for the return of stolen objects; however, most of these laws are not ex post facto laws and they require documentation of ownership or possession. These laws are in place to provide protection to museums and other institutions, not to return artifacts taken during colonization. In 1970, UNESCO, the educational, scientific, and cultural arm of the United Nations, held a convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Article 7(b) of the convention “requires state parties to take appropriate steps to return cultural property from a museum or secular public monument that is located in another state that is party to the convention, provided that such property is documented as appertaining to the inventory of that institution.”¹⁴ At this convention, UNESCO also banned the illegal export and transfer of cultural property to help put a stop to illegal smuggling and the illicit antiquities black market. This provision, like the

¹³ Ibid., 39.

¹⁴ Ibid., 40.

previous one, does not affect things that had already been taken out of these countries. Also, in many cases, objects that were taken during colonialism are not thought of as being taken illegally, even if the local inhabitants did not give permission for the artifact's removal.¹⁵

Some museums are actually handicapped by law in their ability to give relief to those seeking the return of artifacts. Section 3(4) of the *British Museum Act of 1963* severely restricts any Museum in Britain from removing objects from their collection, except under very specific circumstances. The section states, "Objects vested in the Trustees as part of the collections of the Museum shall not be disposed of by them otherwise than under section 5 or 9 of this Act [or section 6 of the Museums and Galleries Act 1992]."¹⁶ While this section has been updated a couple of times since 1963, the effect stays much the same, even if the British Museum wanted to give back the Benin Bronzes and all of its colonial artifacts, Parliament has placed handcuffs on them. Britain considers its museum collections to be inalienable and thus they cannot be taken away or given away. Under International Law a formal claim for repatriation or restitution can be made to the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origins or its Restitution in Case of Illicit Appropriation*. However, this body has no legal authority to force an institution or state to return an object.¹⁷

Countries that have a deep and rich archeological record and that have been subject to looting, have started to take measures into their own hands by passing retentionist

¹⁵ Sharon Waxmon, *Loot: The Battle Over the Stolen Treasures of the Ancient World* (New York, N.Y.: Henry Holt and Company, 2008).

¹⁶ Expert Participation, "British Museum Act 1963," Text, accessed August 20, 2019, <https://www.legislation.gov.uk/ukpga/1963/24/contents>.

¹⁷ Whitby-Last, "Legal Impediments," 42.

cultural property laws to protect their cultural heritage. Retentionist laws, which consist of ownership laws and export laws, are aimed at limiting the number of artifacts that can leave the country without authorization. Ownership laws require artifacts that have been excavated within the borders of a country to be deemed state property. Export laws limit the type of objects that can be taken out of the country without official permission; this includes privately owned objects. One of the most prominent countries to have these laws is Egypt. There are also hybrid laws which allows countries to buy privately owned artifacts if they do not want them to be exported. If the country chooses not to buy the object, the owner has the right to export it from the country. These laws are usually in place in countries like Britain in the form of treasure hunting laws.¹⁸

Detractors of these laws claim that they have hindered and even discouraged the building of encyclopedic museums because they limit the availability and the flow of artifacts out of the old world and into museums. These detractors feel that the function of the scientific museum in broadening our understanding of the world by bringing artifacts from all over the world into one place, should be the priority of everyone. Consequently, these laws which are in place to protect the country, in fact hurt society as a whole. Unfortunately since most claims of repatriation boil down to a moral argument over ownership, as few laws, international or domestic, provides much recourse for those looking to regain the artifacts taken from them, countries have had to find ways to protect themselves and the artifacts that they deem essential to forming their cultural identity and heritage.¹⁹

¹⁸ James Cuno, ed., *Whose Culture?: The Promise of Museums and the Debate over Antiquities* (Princeton, NJ: Princeton University Press, 2012): 37.

¹⁹ Ibid., 39.

Methodology

In order to accomplish the goals of this paper, this paper will look into the history of the colonization of Africa during the latter part of the 19th century. More specifically, it will look at the British Punitive Expedition of 1897 and the looting of artifacts of Benin. Also, it will look at the development of colonization and how the thinking around the new scientific study of anthropology was used to justify Europeans' action in Africa. It will also look into the ideas around the practice of the right of conquest, and how what we think of as illegal looting was in reality a millennia old practice. It will also look at how the practice of the right of conquest has been challenged throughout the centuries, and how even after the practice had fallen out of favor in Europe, Europeans would use it in Africa. It will look at the arguments for and against repatriation and the factors that influences a museums decision either way. It will do this by looking into the significant roles these objects played in the cultures that produced them, as well as the value of them remaining in Western museums. Furthermore, it will look at Europe's relationship with Africa, specifically the Kingdom of Benin, and how that relationship evolved and changed overtime.

My expectation for this paper is a greater understanding of repatriation and the value of artifacts to museums and the societies that wish to have them returned. I want to determine whether or not the arguments against repatriation are in fact imbedded in paternalism, and if these paternalistic attitudes are a holdover from colonial era attitudes. Or if it is truly better for the artifacts to remain where they are, do their value to science outweigh the ethical consideration for their return.

Literature Review

In 2018, news outlets began to report on a potential solution between the British Museum in London and the Nigerian Government, on the return of artifacts taken by the British during the 1897 Punitive Expedition. In a June 2018 article on CNN's website titled "Benin Bronzes: Will Britain return Nigeria's stolen treasures?" Keiron Monks states that after almost sixty years, a solution might soon be at hand. The British Museum in London has agreed to loan certain objects to Nigeria; according to the article, other institutions are also on board with loaning some of their Benin collection to Nigeria. While negotiations are still on going, this entire affair raises a number of questions, such as: who is the proper owner of objects acquired as a result of military looting, and why are Western institutions hesitant to return object to the society that produced them?²⁰ While there are a plethora of monographs detailing the colonization of Africa and its legacy, there are far fewer that touch upon the artifacts taken during this period and what those artifacts meant to the societies that lost them. In 1897 Benin City was looted by a British military force. Priceless artifacts including ivory carvings and bronze plaques were taken from Benin's imperial palace; most would end up in Britain while others found their way into public and private collections throughout the West.

In *The Benin Plaques: A 16th Century Imperial Monument*, author Kathryn Wysocki Gunsch provides her hypothesis on the use and function of the Benin Bronzes. What Gunsch does that sets this book apart is that she studies the over 900 plaques together as a single corpus and not individual pieces. What makes this so revolutionary is that together the plaques reveal details that cannot be gleamed otherwise. To help place the plaques in

²⁰ "Benin Bronzes: Will Britain Return Nigeria's Stolen Treasures? - CNN."
<https://www.cnn.com/2018/06/29/africa/nigerias-stolen-treasures/index.html>

context, Gunsch also gives a history of the Kingdom of Benin and its obas. This history allows us to see just how the plaques fit into the spiritual and political world of Benin. Gunsch also tries to give us a window into this African kingdom, void of the paternalistic attitudes brought on by colonization.

Gunsch tries successfully to weed through the inaccurate accounts and legends that surround the bronze plaques to provide us with a better understanding of their function. This point can be seen when she tries to determine the date that Benin began casting in bronze. Much of what we know, or think we know of this, is shrouded in misinformation and half-truths. Benin had no written language and relied on the oral tradition to convey information from generation to generation. This system worked well until 1897 and the Punitive Expedition. When the British seized the capital city of Benin, many court officials were killed, including those tasked with keeping the histories and tradition of Benin. When things had settled and the British began conducting interviews to get a better understanding of the kingdom they had just conquered, they were forced to rely on minor officials and those not properly trained in the oral tradition. According to the British, one account given was of “a white man named Ahammangiwa,” who “came with the Portuguese during Esigie’s reign and made plaques and bronze works for the king. Esigie then gave Ahammangiwa young boys to teach because he had no children of his own.”²¹ What is most fascinating about this account is how well it reinforces the prevailing notions of Africans at the time. Europeans could not believe Africans were able to produce such works on their own. The only logical solution to them was that the Africans had to learn the

²¹ Kathryn Wysocki Gunsch, *The Benin Plaques: A 16th Century Imperial Monument*, (London New York: Routledge, 2017): 5.

process from Europeans. If Africans were able to produce such amazing works of art, it would go against the narrative that the British were trying to convey; that they were bringing civilization to savages.

Gunsch also places Benin in the larger context of the world and not just a West African kingdom. Gunsch shows that Benin had relationships, on equal terms, with European nations for hundreds of years. These relationships were not just with traders but kings, as Benin would send diplomats to the court of the king of Portugal. According to Gunsch, the first contact Benin had with Europe was in 1486 when Joao Afonso d'Aveiro of Portugal arrived. In at least one instance the Portuguese even fought alongside an Oba of Benin to help quell a revolt. The relationship between Benin and Europe ebbed and flowed as tensions over trading rights grew. However, as Gunsch shows, at no point did any European power think of taking away their sovereignty because of that; that is until the rise of European colonialism in Africa.

Gunsch links the advancement in productivity of the bronzes to three things: military expansion, increased trade, and times of turmoil. While it is easy to see why increased trade would lead to an increase in the production of the bronzes, more financial resources to spend on their creation, all three of these reasons are linked. As Gunsch shows, the primary purpose of the plaques was to convey a message ordained by the oba. In essence the plaques were a source of court propaganda. The bronze plaques would be displayed on the pillars in the courtyard of the oba's palace in plain view for all those who visited the oba to see. Depending on how the plaques were arranged and interpreted by the guild members, a particular message would arise. This can most clearly be seen during the reign of Oba Esigie. Gunsch writes, "Due to the social and political upheaval of the time

the plaques were commissioned, it is likely that their meaning is more than aesthetic...During the fifteenth and sixteenth centuries, Benin faced a period of political upheaval and a significant level of socioeconomic change, as documented by Benin's oral tradition as well as the European accounts dating to the reigns of Ozolua and Esigie."²² Esigie would use the plaques to reinforce his right to rule while also showcasing the power of Benin's warriors.

In the book *The Kingdom of Benin*, author Dominique Malaquais provides a brief overview of the history of the Benin kingdom and its culture. In the chapter titled "The Art of Benin" Malaquais details the many different types of art that would be present in the royal city and its significance to Benin. Malaquais discusses the importance of the different mediums used in creating their artwork and how these materials would tie the pieces not only to the king, but to the gods. Brass, one of the materials the plaques were made of was thought by the people of Benin to represent a spirit named Erunmwini. According to Malaquais, the color of copper as well as the heat required to melt it reminded the Edo people "of the awesome powers of Olokun and of his representative on earth, the *oba*, both of whom could behave as furiously as a raging fire."²³ Ivory also reminded the Edo people of their sea-god Olokun, but for different reasons than copper. Ivory was seen as pure and as such was associated with the life-giving power of Olokun and the *oba*. Malaquais reveals that the artwork made in Benin was not just made for aesthetic pleasure but served many important functions. These artworks represent a link between the *oba* and the gods, granting a divine right to the king's rule. The materials in which they were made shows the wealth

²² Ibid., 25.

²³ Dominique Malaquais, *The Kingdom of Benin* (New York: Franklin Watts, 1998): 36.

and power of the king, not just for the people of Benin, but foreign dignitaries, some as far away as Europe. They also functioned as a vehicle to tell the royally sanctioned history of Benin and to pass that history down to future generations. Many of these artworks also provided a religious function, playing a vital role in religious ceremonies.²⁴

When discussing the artifacts taken from Benin and other African societies during colonization, it is important to analyze where these artifacts ended up. While some would find their way into private collections, the vast majority would be featured in museums throughout the West. Museums have the ability to control the narrative of a given culture through their exhibitions. This in turn takes away the control of the narrative from the societies in which the artifacts originate. With this in mind, a museum's unwillingness or inability to update their exhibitions with up to date theories and research could result in the miseducation of its patrons. This is what happened at the Smithsonian's Museum of Natural History with their African exhibit.

In the article "From Diorama to the Dialogic: A Century of Exhibiting Africa at the Smithsonian's Museum of Natural History," author Mary Jo Arnoldi examines the evolution of African exhibits at the Natural History Museum. Arnoldi's purposes that through museums, anthropology is able to shape the public's perception of a given topic, in this instance Africa. "These studies of the history of anthropological representation of Africa and Africans in museums displays have analyzed the concepts which frame these

²⁴ Malaquais, *The Kingdom of Benin*.

displays and the ways that these exhibits, as the public face of anthropology, have shaped the Western popular imagination about Africa.”²⁵

While science and scientific thought is ever changing, and what scientist believe today may be disproven tomorrow, museums do not operate with the speed of science. The static nature of museum exhibits results in them being left on display even when scholarship and information on display has changed. According to Arnoldi, the original African exhibit went on display in 1922 when Herbert Ward donated a large quantity of artifacts from the Congo. Over the next seventy years the exhibit would only be updated twice, once in 1967 and again in 1992, when outrage from the community forced the museum’s hand. Museums can often provide information that is no longer the scientific consensus for years or even decades. This is a serious problem when the public sees a museum as the expert on a given topic. Visitors in museums can learn out of date information and unless they are themselves knowledgeable in the area of study, they will not know that the information they are receiving is out of date. Furthermore, museums can control the narrative of a given culture by the use of their exhibition. This takes control away from the cultures whose artifacts are on display.

Arnoldi also discusses how the acquisition of objects from Africa added to the anthropologists and the museum’s ability convey misinformation to the public. Almost all of the objects that would be exhibit in the Smithsonian’s African exhibit until its ultimate dismantling in 1992 were donated to the museum from white explores. These objects would

²⁵ Mary Jo Arnoldi, “From the Diorama to the Dialogic: A Century of Exhibiting Africa at the Smithsonian’s Museum of Natural History (Du Diorama Au Dialogue: Un Siècle d’exposition Sur l’Afrique Au Smithsonian Museum of National History),” *Cahiers d’Études Africaines* 39, no. 155/156 (1999): 701.

come into the hands of European and American explorers with little to no documentation. The scholars who put together the exhibit had no information to tell them how these objects were used within the cultures that produced them, nor what the meaning of the objects were. Scientists would hypothesize about the true nature of the exhibits using the leading theories on Africa and race, of the day, to go by. The exhibit at the Smithsonian told a story of Africa and Africans as the inferior race and society to those in the West. As Arnoldi explains, “These early Smithsonian life groups were intended to link the prevailing ideas by Smithsonian anthropologists about environmentalism with theories of race and evolution. The implied standard of comparison was always contemporary Western civilization and the ‘primitives’ were carefully defined as developmentally inferior in every category.”²⁶

To accomplish this, the anthropologist at the Smithsonian would arrange the Life Group Dioramas of the different African societies from those furthest North, to those that were furthest south. This placed them in an order that would have the lightest skinned Africans, or the north, literally above the darker skinned Africans of the south. Also, in terms of cultures, those in North Africa more closely resembled the cultures in Europe, hence Europeans saw them as being superior. The exhibits which were developed by William Henry Holmes, would depict Africans conducting everyday affairs meant to show “‘Primitive peoples’ before contact with ‘civilization.’”²⁷ The belief that Africans were a race that was inferior to the peoples of Europe and America was so ingrained into society, that the sculptor who made the statues for the museum even subscribed to them. Holmes

²⁶ Ibid., 706.

²⁷ Ibid., 710.

would say of Ward, the creator of the statues, that his "...genius" in creating the statues, "has presented in an attractive, even a fascinating manner, a people whose status, according to his own story, is at the very bottom of the ladder of civilization, people living in a manner hardly above that of the beasts of prey and excelling the brute in brutality, for the lowest brute does not systematically hunt and kill and feast upon bodies of his own kind."²⁸ Arnoldi also shows that in the African exhibit, anthropologist ignored any type of diversity within specific African cultures. The exhibit would show African cultures as monolithic in their beliefs and traditions.

Through her examination of the Smithsonian's early African exhibits, Arnoldi reveals just how linked anthropology and museum exhibition were at the turn of the twentieth century. Museums were the mouthpiece of science; through their exhibits they were able to disseminate the concepts established by scientist. However, since museums are slow to update their exhibits, for a multitude of reasons, they could tell a story that science no longer prescribed to, without the general public being aware of the discrepancy. During the run of the Smithsonian's early African exhibit, museum visitors more often than not, were not experts of Africa or the societies that lived there. They did not read the journals of scientist and anthropologist and would take the information provided by the museum as fact, even if that information had long since been proved false.

African museums today do not possess many of their own artifacts, and there are many reasons for this. "African Art, African Museums" by Carol Brown, discusses why Museums in Africa do not possess a large number of objects created in Africa, and how that makes them unable to tell their own stories. Brown, when referring to a conversation

²⁸ Ibid., 710–711.

she had with a German academic says, “She stated, that African museums were not representative of their own heritage because they did not show or own the treasures of their past.”²⁹ The main reason for this is the stripping away of artifacts during the European Colonization of Africa. Through colonization African countries not only lost physical objects, they lost their heritage and their ability to shape the narrative of their past. Another reason why African Museums do not possess many African artifacts is because the people who established these museums did not value native art; Brown uses South Africa as an example. According to Brown, at the end of the nineteenth century, when many of the museums were being founded in South Africa. These museums would receive endowments of European art by their European benefactors. This would then start a cycle where European centric art would be more sought after, and those running museums in South Africa would continue to collect other pieces from Europe. It was not until 1960 that many of the leading museums in South Africa would acquire a piece from an African artist. Brown suggests that these attitudes were fostered by the colonial system, which in her words, “saw the ‘mother country’ as superior,” this would reinforce an idea of inferiority for anything native.³⁰

“Aesthetics and Evolution: Benin Art in Europe” by Elazar Barkan, is an article featured in the summer 1997 issue of *African Arts*. In this article Barkan charts the change in European attitudes for the artifacts taken from Benin during the Punitive Expedition. Unlike most articles on African artifacts acquired by museums during colonization, Barkan is almost exclusively focused on things taken from Benin. Barkan makes it clear that the

²⁹ Carol Brown, “African Art, African Museums,” *African Arts* 40, no. 4 (2007), 1.

³⁰ *Ibid.*, 2.

artifacts taken from Benin were done so violently, however, Europeans' fascination for these pieces overshadowed this. When European academics began to analyze these artifacts after their removal from Benin, they made sure to frame the discussion in a way that supported the theories of racial hierarchy. When discussing the artifacts, Europeans would use words like primitive and savage and would steer away from speaking directly on the aesthetics of the pieces, instead focusing on the material culture of the objects. This is because, as Barkan states, "addressing the subjects in aesthetic terms would have been an unacceptable challenge to the belief in the biological determinism of racial hierarchies."³¹ European society however, quickly embrace the objects for their aesthetic value alone, which would pose its own challenge to the perception of Africans and African Art to the West.

Barkan explains that process in which the artifacts were taken out of Benin stripped away the cultural integrity of the pieces. The British forces made no attempt to properly catalog the pieces prior to removal, the expedition was not equipped with the personnel to do so. When the Benin objects arrived in Europe, some European scholars would doubt their authenticity, not believing a savage race could produce such works. Even with all of this, the reception in Europe of the Benin artifacts was resounding. Barkan suggests it was this excitement for the pieces that made the British Museum go against protocol to mount an exhibit featuring objects taken through conquest. Barkan explains, "It was their enthusiasm which led the conservative British Museum to take the unusual step of

³¹ Elazar Barkan, "Aesthetics and Evolution: Benin Art in Europe," *African Arts* 30, no. 3 (1997): 36.

mounting the exhibition, even though the objects had been acquired in conquest just months earlier.”³²

The article “Benin—Kings and Rituals: Court Art from Nigeria” by Barbara Plankensteiner is an overview of a traveling exhibition featuring artwork taken from Benin. Throughout the article Plankensteiner discusses the artifacts that will be featured in the exhibition. The author provides a brief history on the objects as well as their importance in Benin culture. Among the many artifacts taken from Benin during colonization, the bronze plaques are considered to be among the most valued by scholars. Bronze plaques were important to the Edo people of Benin, as the plaques capture their history. According to Plankensteiner, “in Edo, the language spoken in Benin, ‘to remember’ – sa-e-y-ama – means literally ‘to cast a motif in bronze.’”³³ The Kingdom of Benin had no written language, and history was passed along through the oral tradition. The king of Benin, or Oba as he was called, would establish guilds to be the guardians of the oral history, while they did not cast the bronze motifs, they knew how to unlock the stories contained within.³⁴

Plankensteiner also discusses how the artifacts were taken from Benin, by providing a brief history of the conquest of the kingdom through the Punitive Expedition of 1897. According to Plankensteiner, “economic factors led to the destruction of the kingdom of Benin.”³⁵ Many of the treasures of the royal palace, including the bronze motifs would be plundered and ultimately wind up in museums and other institutions throughout the Western world. According to Plankensteiner, the primary function of the bronze

³² Barkan, “Aesthetics and Evolution,” 37.

³³ Barbara Plankensteiner, “Benin: Kings and Rituals: Court Arts from Nigeria,” *African Arts* 40, no. 4 (2007): 76.

³⁴ Ibid., 74–76.

³⁵ Ibid., 77.

plaques and ivory carvings, which she refers to as “court art,” was to “glorify the godlike king and the history of the powerful empire.”³⁶ Plankensteiner believes that ivory carvings served as a replacement for bronze plaques when the plaques fell out of favor.

The scholarship on repatriation focuses largely on the remains of indigenous populations in the Americas and Australia. Although an argument can be made that there is difference between human remains and cultural artifacts, the opinions for and against repatriation remain largely the same. *The Long Way Home: The Meaning and Value of Repatriation* is an anthology of writing regarding the repatriation of Indigenous remains in Australia. The book is edited by Paul Turnbull and Michael Pickering and features a number of papers by historians, anthropologists, and museologist. This book comes on the heels of decades of legislation aimed at providing indigenous peoples’ mechanisms for gaining the repatriation of the remains of their ancestors, many of which are in museums and scientific institutions around the globe. Much of this legislation is an attempt to heal the relationship between indigenous communities and museums. Australia, the focus of this book, has taken its cues from legislation passed in the United States and Canada. The article “Curation and Repatriation of Sacred and Tribal Objects” by Andrew Gulliford, looks at the legislation that came out of the United States. Gulliford shows that through this legislation museums in the US now work closely with Native American communities, not only for repatriation efforts, but to ensure that artifacts being studied and displayed in

³⁶ Ibid., 77.

these institutions are being handled in ways that are acceptable to the Native peoples who are connected to them.

A common theme in repatriation efforts is that of ownership and how definition of ownership changes depending on the society you ask. Repatriation is usually done in either of two ways. One is through legal channels such as courts. The other is via the good will of the institution in possession of the artifact. Laws passed in the United States, Canada, and Australia lay a road map for the repatriation through legal means. These laws determine how a group can decide if they possess legal ownership of artifacts. However, outside of human remains, much of repatriation is left up to the good will of the institution that possess the artifacts. Museums and other institutions are hesitant about returning items, unless a clear chain of legal ownership can be established. The precedent of repatriating artifacts without this, they fear, will open the floodgates, leaving museums empty of much of their collections.

In the article “An Anthropology of Repatriation Contemporary Physical Anthropological and Native American Ontologies of Practices,” Ann Kakaliouras examines the arguments against the repatriation of human remains. More specifically, Kakaliouras looks at the fears of scientist at the thought of losing valuable scientific resources due to repatriation. At the root of these arguments, is the concept of ownership and who can own things like human remains. Kakaliouras lays out the argument as follows, “I explicitly assume that no living culture, religion, interest group, or biological population has any moral or legal right to the exclusive use or regulation of ancient human skeletons since all humans are members of the same species, and ancient skeletons are remnant of unduplicatable evolutionary events which all living and future people have the right to

know about and understand. In other words, human skeletons belong to everyone.”³⁷ She goes on to say, “This position suggests that the information of value embedded in human remains and archaeological artifacts is only accessible to academic specialist; therefore, repatriation would represent not only an irreversible loss to ‘science’ but also create insurmountable obstacles to ‘everyone’s’ understanding of the past.”³⁸

However, as times goes by scientist are becoming more accepting of repatriation of human remains and look to find areas of compromise between science and cultural sensitivity. While Kakaliouras makes this argument, through the reading it seems like this only is true if the society seeking repatriation lies within the country that possess the remains. Kakaliouras also suggest that this shift could be because those opposed to repatriation are simply leaving the field and are no longer producing materials that convey their beliefs.

Kakaliouras also lays out things that need to be looked at when repatriation is being considered. First is how has the refusal or admittance of repatriation affected the scholarship around the object? In essence, has the scholarship and study of objects gone up or down after an object was repatriated. If it was known how repatriation affected the scholarship around an object it would go a long way into justifying the concerns of scientist in regard to repatriation. If we knew the loss of human remains to repatriation truly adversely affected our understanding of humanity and our past than it may be justifiable to refuse the return of the remains. Second, can the return of objects further or add to the study

³⁷ Ann M. Kakaliouras, “An Anthropology of Repatriation: Contemporary Physical Anthropological and Native American Ontologies of Practice,” *Current Anthropology* 53, no. S5 (2012): 211.

³⁸ Ibid., 211.

of the object or the society that produced it? It may be more beneficial to science if objects and remains were repatriated. Placing things back in their original context can show us how they are meant to be used and reveal their importance to the culture that produced them. While, this does not hold as true for human remains, often times when the remains were removed from their original resting place, burial and religious objects were also taken. Lastly, outside of legal ownership, should artifacts remain in places where they can be easily accessed for study and research or returned to places where that may not be possible, and who gets to determine that?

Kakaliouras also examines the development of laws around repatriation, both domestic and international. The Native American Graves Protection and Repatriation Act of 1990 was the first major legislation in America that protected the remains of Native Americans. The NAGPRA act also legislated repatriation, laying out rules and regulations that museums needed to follow when dealing with the remains of Native Americans. California passed its own version of the NAGPRA, that made it easier for state recognized tribes to gain access of the repatriation process. According to Kakaliouras, international agencies, like the Vermillion Accord, have also been more supportive of repatriation claims. Due to all these developments, claims for repatriation are succeeding more and more. She provides the following as an example to this:

in 2005, Peru (in the persons of the former president Alejandro Toledo and his anthropologist spouse, Elaine Karp) requested the return of artifacts and human remains from the monumental Incan site Machu Picchu that are currently in the possession of Yale University. Although the Peabody Museum had initially claimed ownership, documentation was later found that clearly established Peru's title to the artifacts. Yale later reached an agreement with the Peruvian government to share use of the collection.³⁹

³⁹ Ibid., 218

For legal recognition of repatriation efforts, a clear title of ownership is crucial. Most Western courts look for a single owner when deciding repatriation claims, however loan agreements or shared ownership like in the case of Nigeria is not unusual.

Throughout the article Kakaliouras reveals that in many cases artifacts were collected to display the dominance of the colonizer over the colonized. They were then put on display at museums to convey the might and prestige of the mother country and its superiority. Western societies have a tendency to look at cultures from other parts of the world only via the artifacts that represent them. They are not looked at as whole peoples, but specimens in need of further study. Repatriation is changing this dynamic, Western institutions are now forced to see these societies and peoples for what they are currently.

As repatriation becomes more and more a reality, the scholarship around not repatriating as largely died out. However, there are still some scholars that wish to express their feeling as to why they think artifacts should not be repatriated. In most circumstances these writings are by those who work in museums and feel it is their duty to safeguard the objects under their care. They hold museums in the West up as a standard that museums everywhere should strive to emulate. While these museums personnel do not condone looting or even agree with how objects in the past were taken, they feel as though the objects ended up in the right place, the best place. The rationale, while coming from genuine concern for the safety of the artifacts and needs of science, often overlook the hypocrisy that this position forces them to take.

Tiffany Jenkins book, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums...And Why They Should Stay There*, is an interesting take on the debate around repatriation. Jenkins believes unequivocally that the best place for artifacts

is in museums in Europe and America. Jenkin uses a lot of the standard arguments against repatriation when making her point, such as, showing how the local populations did not actually care for the artifacts when they possessed them. Jenkins also puts forward that, for the most part artifacts were not taken illegally. An example she provides is that of the Elgin marbles which were acquired by Lord Elgin, British ambassador to Turkey. During the time that the marbles were removed, Greece was a part of the Ottoman Empire and had been for almost three hundred years. According to Jenkins, the Ottomans provided Elgin with a firman, or permit, to excavate on the Parthenon in hopes of gaining favor with the British. The Ottomans power was weighing and exchanging statues for political support was a small price to pay. Although the firman given to Elgin did not expressly grant him the authority to remove objects from Greece, Jenkins asserts that the Ottomans silence once the objects were removed, is tantamount to approval.

What is of most interest in Jenkins book is that she specifically talks about the Benin Bronzes and why they should remain where they are. Jenkins, like many others, claims that the popularity of the plaques and other artifacts taken from Benin helped to catapult the public's interest in Africa. As a result, scholarship of the cultures and peoples of Africa progressed more rapidly than at any other time. This helped lead to a better understanding of Africa and her people and dispel many of the false and paternalistic ideas that had previously been associated with the continent. While Jenkins makes this point, she almost immediately undermines it by revealing that the British did not take the bronzes for their educational potential and that any knowledge gained from their acquisition was an unintended side effect. Jenkin says, "The sculptures and plaques were taken deliberately to sell in order recoup the military expenses of the campaign. The Foreign and

Commonwealth Office sold them off and they ended up in museums, and brought by collectors.”⁴⁰ Even with this being said, Jenkins does try to approach the subject from a somewhat balanced position and even offers up a quote from Yusuf Abdallah Usman, Director of the National Commission for Museums and Monuments in Nigeria. “Without mincing words, these artworks are heirlooms of the great people of the Benin Kingdom and Nigeria generally. They form part of the history of the people. The gap created by this senseless exploitation is causing our people untold anguish, discomfort and disillusionment.”⁴¹

In her support for artifacts not being repatriated, Jenkins goes into the history of museums to help explain their true function. Jenkins explains that the purpose of museums in the eighteenth and nineteenth centuries was to shape and influence public opinion. Governments were looking for a way to improve the human condition, by bringing knowledge and art to the masses. For Jenkins, museums hold the knowledge of mankind, in a tangible sense. Museums benefit all people and thus artifacts should remain in them because the good of the many outweighs the wants of the few; in essence, science over cultural heritage. Jenkins, like many others who oppose repatriation argue that in many cases the circumstances of objects removal are less important than the scientific advancement of the objects. Jenkins justifies this point of view by going into examples of great scientific advancement that only came about because of the acquisition of artifacts. Napoleon and Egypt are an example that Jenkins comes back to time and again throughout

⁴⁰ Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018): 4.

⁴¹ Ibid., 4.

the book. The artifacts that came out of Egypt during Napoleon's campaign helped ignite an interest in the ancient society that might not have happened otherwise. The artifacts taken from Egypt during this time has vastly increased our knowledge of that civilization as well as ensuring those artifacts will be around to be studied and appreciated for generations to come.

For Jenkins, artifacts are important because they tell us about cultures that no longer exist, they are no longer creating these objects. Artifacts are key to understanding a world that is no longer present, and our ability to study them is the only way to better understand that world. "If we are to understand those cultures and how they lived, then their material cultures – their objects of everyday use, ritual objects, weapons, and items of adornment – is important research material."⁴² This information could be lost forever without the conservation and preservation efforts of museums.

A major theme of this thesis is the idea of the right of conquest and how military actions can result in the legal change in ownership of objects. In order to do this, I looked at the scholarship around looting and its history. The idea of the right of conquest is almost as old as western civilization and can be dated back to the ancient Greeks and even further. Armies have been taken the treasures of the vanquished for millennia and the act was just as controversial then that it is today.

Art As Plunder: The Ancient Origins Of Debate About Cultural Property by Margaret Miles is an examination of the ancient practice of The Right of Conquest. While the right of conquest can be traced back to the days of ancient Greece, opposition to the practice is almost as old. Miles uses the ancient Roman case of Gaius Verres, Governor of

⁴² Ibid. 35.

Sicily, to show how challenges to ownership through looting has ancient roots. The arguments used by Cicero in his prosecution of Verres has set a precedent on the ethics surrounding the ownership of looted art that are still in use today. Miles clearly shows that while there is currently opposition and push back to contemporary claims for repatriation, the practice is not new and is based on over two thousand years of precedent. Like with many books on looting, Miles talks about the exploits of Napoleon and Elgin and how critics of them at the time were comparing them to Verres. Miles shows that the people of Britain and France in the eighteenth and nineteenth centuries knew that looting was wrong.

Miles draws a clear distinction between looting, pillaging, and plundering. These distinctions are important as they provide legitimacy to the action. According to Miles plundering is the act of removing an enemy's property in a time of war. Looting is roughly the same thing; however, the act is more predatory and more akin to stealing. While pillaging is the destruction of property while in the act of plundering. What separates looting from plundering seems to be intent. If you take an enemy's property to inhibit their ability to make war or to feed your army, then that is plundering. However, taking the property of your enemy simply to enrich yourself or to humiliate your enemy is considered looting. Also, whether or not the taking of the property was premeditated would be ground for considering the action looting as oppose to plundering. In essence, starting a war for the expressed purpose of taking your enemy's property could also be considered looting.

As Miles explains, early on in ancient warfare, art was not the target of armies in the field. Art would only be acquired when one side surrenders and offers it up as part of the terms of surrender. Also, religious artifacts were often off limits to armies when they were plundering a city or town. Religious objects were considered sacred and property of

the gods, not men. When an army would conduct looting as opposed to plundering it was usually to send a message and display the might of the state and to glorify the general. Miles offers up two ancient criticisms of the act of plundering given by Polybius, that “art contributes nothing to the power and expansion of the city” and “Seeing art in its new context excites strong jealousy and hatred among the defeated and reminds them of their past calamities (i.e., it does not promote a peaceful settlement)”⁴³

Miles ties the looting and plundering of the eighteenth and nineteenth centuries to the rise of private collecting which in turn gave rise to the antiquities black market. Soon after that ancient treasures became financially valuable and possessing them could raise your social standing. The plundering of artifacts could be a valuable source of income for the average soldier. While the widespread looting of Europe by Napoleon was look down upon and many say the negative effects it could have on the average soldier, the same concerns were not given to the looting in Africa only a couple of decades later.

Lastly, Miles touches upon the idea of the Universal Museum and their benefits to society. British museums and other museums like it, that fall under the universal museum umbrella, offer certain advantages to both the public and the artifacts that other museums do not. Because of its large endowment the British museum is able to offer a level of care and access to its objects that is simply not available to museums in less affluent parts of the world. This care can ensure that the object survives the ages and is available for future generations to study and enjoy. Also, the location of universal museums, in large urban

⁴³ Margaret M. Miles, *Art as Plunder: The Ancient Origins Of Debate About Cultural Property*, 1 edition (Cambridge: Cambridge University Press, 2009): 83.

centers, makes the artifacts available to the widest possible audience at all times. At least those affluent enough to make the journey to these cities across Europe and America.

Loot, by Sharon Waxman is an examination of the practice of the looting of artifacts from the ancient world. For Waxman, repatriation is the latest front in a “battle” between East and West, “At a time when East and West wage pitched battle over fundamental notions of identity (liberator or occupier; terrorist or freedom fighter), antiquities have become yet another weapon in this clash of cultures, another manifestation of the yawning divide .”⁴⁴ Something that Waxman does that is very interesting is that she places the fight over repatriation in terms of national identity. Each side seeks control over the objects of the past because those objects are crucial to the country’s national identity. While some may raise an eyebrow that artifacts from Africa, the Middle East, and Asia can be inextricably linked to the national identity of countries like Britain and France, the idea doesn’t seem as outlandish once you think about it. As Waxman explains, many of the objects that are at the center of the fight over repatriation are those that were taken during the rise of Western Empires. It was a time of rising nationalism, when leaders in Europe hoped to unify the peoples of their countries around a common identity. Artifacts were stripped from overseas possession and brought to the capitals of Europe to display the greatness of these countries and rouse national pride. As for those currently seeking repatriation, they hope the return of the objects would have the same effect to the peoples of their country. But, instead of showing greatness through acquisition, they hope to show it through connecting themselves to past generations.

⁴⁴ Sharon Waxman, *Loot: The Battle Over the Stolen Treasures of the Ancient World* (New York, N.Y.: Henry Holt and Company, 2008): 3.

While Waxman does not take a side on the repatriation issue, she does detail both sides of the argument through interviews and first-hand accounts. Waxman goes to Egypt and talks to Dr. Hawass, during his time as the head of Egypt's Antiquities department. Hawass is an avid and outspoken advocate for the repatriation of Egyptian artifacts from the West and is not afraid to call out museums in the West whom he believes is treating Egypt unfairly. Waxman also travels to France to interview the head of the Louvre who is staunchly against any notion of repatriation. Something interesting that Waxman does, is that she goes around Egypt and looks at the sites that were the looted, she even visits museums and comments on the state of them. As Waxman points out, Egypt does not have the same financial abilities to invest in their museums and as a result they cannot provide the same level of care. This is not to say that the care they can provide is inadequate or lacking. However, as Waxman shows, organization and security are huge concerns in museums around Egypt. The Cairo museum has such an extensive collection of artifacts and such a poor system for tracking and inventorying their collections that looting is still a big concern.

A substantial portion of the book is dedicated to the history of looting. Waxman primarily focuses on the looting of Egypt in the decades after Napoleon's Egyptian campaign. Waxman explains how the antiquities trade in Egypt was established and run by Europeans for the better part of the century, with the locals having little to no say in the fate of their cultural items. The looting of Egypt was an extension of France and Britain's war with each other. Acquiring more and better artifacts was a way to project one country's superiority over the other. Temples would be stripped, statues destroyed, ancient burial places ransacked all in an attempt to best one and other. Waxman does argue that the

average Egyptian, past and present, do not care much about the antiquities that surround them. Furthermore, in some cases present day Egyptians do not see themselves as being one and the same with those who built the pyramids and dug the tombs.

The book, *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, is an anthology of articles about repatriation, mainly arguing against them, edited by James Cuno. The article in this collection touch on a wide array of topics about why artifacts need to remain where they are. In the introduction Cuno details the benefits of the Universal museum while laying out how retentionist property laws will ultimately hurt the study of the ancient world and hinder our ability to understand our past. I will be using two articles from this collection in my thesis as they best sum out a lot of the attitudes held by those oppose repatriation. The two articles I chose are both written by former directors of universal museums. The first is by Neil MacGregor, former director of Britain's National Gallery and the British Museum. The second article was written by Philippe De Montebello, former director of the Metropolitan Museum of Art.

In the article "To Shape the Citizens of 'That Great City, the World'" Neil MacGregor expounds on the benefits of the universal museum and how they have come to shape their world. The levels of funding and financial support received by universal museums has given them the ability to position themselves as the gatekeepers of the past, and for MacGregor, this is how it should be. Speaking of the British Museum, MacGregor proclaims that the museum was established with the idea that by collecting artifacts from all over the world and placing them in a single location, accessible to everyone, truth will

emerge. This truth is the result of the “greater tolerance of others and of difference itself”⁴⁵ that universal museums would bring about. For MacGregor and others like him, universal museums are a way for people to obtain knowledge and an understanding of the world and their place in it. Removing artifacts from these institutions would deprive people of this knowledge.

Universal museums were the product of the thinkers of the Enlightenment era, and as MacGregor explains, their greatest achievement. In fact, universal museums, in a sense are the embodiment of that era. The ideals of the enlightenment can best be seen in the legacy of these institutions; however, the darker side of the enlightenment is why these museums came to possess these artifacts to begin with. While the Enlightenment espoused the benefits of knowledge and the advancement of humans, it was also the time when racialized thinking began to form. The hierarchy of the races and cultures was just as much a product of the enlightenment as the universal museum. While MacGregor talks at length about the positives of that period in time he glosses over the fact that the ideals of the enlightenment were meant for white people in Europe and America.

McGregor goes onto infer that although the British Museum is unwilling to hand the artifacts over to settle repatriation claims, they are more than happy to loan out artifacts on a temporary basis. McGregor provides examples of how the program of loans has benefitted African museums in the past. He also explains that through loans, artifacts are able to travel to museums throughout the world, something that would be impossible if they were removed from the British Museum. A point that MacGregor neglects to mention

⁴⁵ Neil MacGregor, “To Shape the Citizens of ‘That Great City, the World,’” in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012): 39.

is that this same loan program can be in place if the artifacts are repatriated. The implication that is left is that these African museums do not have ability to establish such loan programs, because of a lack of capital or ineptitude.

In the article “And What Do You Purpose Should Be Done with Those Objects” Philippe De Montebello also argues against the repatriation of artifacts. For De Montebello, the idea of repatriation to museums that are not up to the standards of those in the West, goes against the very mission of the museum. This goes beyond merely an argument over safety and preservation, to the museums mission to collect, display, and educate. Removing an object to a museum that cannot perform these tasks to the highest ability is doing a disservice to everyone. Like with MacGregor, De Montebello believes that loans are the best compromise to this issue. For De Montebello a museum should strive to have artifacts from all over the world and not just those of the cultures that reside there.

De Montebello also lays out certain prerequisites that a museum needs in order to be successful. He says that, “Museums are buildings with a physical reality and constraints, and the care of works of art is sometimes best achieved through stability. Installations call for vitrines, platforms, lighting, labels, climate control, and so forth, and of course substantial resources.”⁴⁶ De Montebello lays out these terms as a reason to avoid repatriating objects. There is an implication that these features are not found in museums outside the West and therefore Western Museums are the best place to house artifacts because they can provide a level of care that other parts of the world cannot. This means

⁴⁶ Philippe De Montebello, “And What Do You Purpose Should Be Done with Those Objects,” in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012): 56–57.

that artifacts will be around for a longer period of time, making them accessible for future generation to enjoy and study.

De Montebello also spends a good amount of time discussing the context of artifacts. An argument those in favor of repatriation often make is that museums take objects out of their appropriate context, and that only through repatriation can the proper context be returned. De Montebello rejects this argument and believes that there is no correct context for an artifact. Like all things, the purpose of artifacts changes over time and something that was used to do one thing in antiquity is no longer needed to provide that function today. This changes the context of an artifact well before it is displayed in a museum. Artifacts move and are repurposed countless times over their lifetime, each time their context changes; the museum is simply its latest context.

One of the more shocking claims De Montebello makes is over provenance. While he does not call for outright necessity of black-market acquisitions, he does pontificate about how even artifacts with a murky history should not be overlooked by museums. He claims that purchasing pieces that do not have the cleanest provenance will in fact help keep artifacts out of the black market by ensuring sellers aren't forced to take their wares underground to find a buyer. This line of reasoning is bold, especially in an era when museum officials are being held accountable for the artifacts in their collections. Some have even been prosecuted for unintentionally buying and displaying pieces that were stolen.

De Montebello like a lot of people who argue against repatriation believe that museums are being attacked, and thus have taken a defensive stance in their reasoning. They are unable or unwilling to make a compromise because they feel that any give in their

stance could be detrimental to the institution they hold so dear. These attitudes have created an impasse and an inability for the two sides to come up with an agreement or find common ground.

Chapter 1: Benin: City of Blood

In December 1896 Acting Consul-General, James Robert Phillips set out with a small force to Benin City. According to the January 22, 1897 edition of *The Herald*, Phillip's party consisted of "...Consul-General Phillips, Major Copeland, deputy commissioner and vice consul in Niger the coast protectorate and adjoining native territory; Capt. A. M. Bolsragou, commandant of the Niger coast protectorate forces; Capt. Mailing of the Sixteenth lancers, an officer of the Niger coast protectorate force; F. R. Locke of the consular staff, H. C. Campbell of the consular staff, Dr. R. H. Elliott, medical officer, and Messrs. Powis and Gordon, civilians."⁴⁷ Their mission was to march to Benin City and convince the Oba of Benin to honor the terms of the treaty he had signed years before. The treaty gave the British exclusive trading rights in the areas around Benin. If the Oba seemed obstinate, Phillips was ready to go to whatever lengths necessary to secure British trading rights in the area. On January 4, 1897, just miles outside of Benin City, Phillips and his men were set upon by a force from Benin. The resulting "Benin Massacre" would see Locke and Bolsragou, along with an unnamed handful of Africans as the only members of Phillips's expedition to make it out alive. Phillips and his men were now the martyrs of a doomed expedition that wanted nothing more than to bring the civilizing qualities of trade to the savages.

Phillips did not wait for an answer from his superiors before setting out to Benin City. Whether Phillip's mission was truly one of peace or an attempt to overthrow the Oba, his death and the outrage it garnered were the excuse that the British government needed.

⁴⁷ "A Punitive Expedition," *The Herald*, January 22, 1897, <https://chroniclingamerica.loc.gov/lccn/sn85042461/1897-01-22/ed-1/seq-1/>.

While Phillip's mission ultimately failed to meet its agenda, it did succeed in opening up trade in that part of Africa via the resulting Punitive Expedition of 1897.

History of Benin

Benin has no written language and dating the exact start of the kingdom is an inexact science. The current Oba dates his ancestry to sometime in the thirteenth century. The first dynasty of Benin is referred to as *Ogiso* meaning the sky god.⁴⁸ In Benin's mythology, the Oba is divine in origin being descended from the gods. In place of a written language Benin relies on the oral tradition to convey its history and stories through the generation. Bronze casting, when it began, was a way to assist with transmitting the history of the kingdom. Under the oral tradition Oba Ewuare is credited as being the first king to commission objects made of bronze.⁴⁹ Oba Ewuare, titled the great, began his reign in the 1440s, and under him Benin's territorial expansion began. It was through the added wealth brought by this expansion that Ewuare had the means to commission the first bronze plaques. Another milestone that happened under Ewuare was the arrival of the first Europeans, the Portuguese, to the areas around the Bight of Benin. It is said that under Ewuare, Benin went from a city to a kingdom, but it would be his son Ozolua who took Benin from a kingdom to an empire.⁵⁰

By the sixteenth century the succeeding Obas would commission the Bronze Caster Guild to record significant events and the history of the kingdom; however, they were only to record events that were sanctioned by the Oba. In Benin society, the different guilds held

⁴⁸ Kathryn Wysocki Gunsch, *The Benin Plaques: A 16th Century Imperial Monument*, 1 edition (London New York: Routledge, 2017): 14.

⁴⁹ Ibid., 14–15.

⁵⁰ Ibid., 15–16.

a prestigious place within the kingdom. Being a member of a guild meant wealth for one's ability to transmit the royal version of history with minimal deviations and distortions.⁵¹ The date of bronze casting can be difficult to pin down, with the oral tradition giving one account and science another. Benin historian, Jacob Egharevba places the origins of casting with Oba Oguola sometime in the 13th century. The British official, Earnest Roupell interviewed surviving court officials following the Punitive Expedition. In his findings Roupell reported that the officials he interviewed dated the plaques to the 16th century and the reign of Oba Esigie and his son Orhogbua. His reports went on to say that a European by the name of Ahammangiwa came to Benin during the rule of Esigie and taught the natives how to cast in bronze. A close examination of the plaques reveals that the iconography featured on many of the plaques supports the date given by the officials of the sixteenth century. It does not prove or disprove if a European brought the skill to Benin.⁵²

Around the year 1480, Ozolua was named Oba of Benin, he had seized the throne by killing his nephew, the rightful heir, and his sister-in-law. Under his rule, the kingdom of Benin's territory grew. With the territorial expansion came an increase in wealth, power and influence. If it is true that bronze casting had started by this time, then the increased wealth of the territorial expansion under Ozolua may have also caused an increase in bronze casting. One impact the territorial expansion had was that Benin now controlled coastal lands, meaning an increase in trade. It is believed that Ozolua may have been the first Oba to have met with the Portuguese. While this claim has fallen out of favor, for a time scholars

⁵¹ Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018): 139.

⁵² Gunsch, *The Benin Plaques*, 25–26.

believed that it was during this time of increased contact with the Portuguese that bronze casting really began. Scholars of the nineteenth century couldn't imagine a primitive race, like that of Benin, had the ability to produce sophisticated works of art. This idea reinforced the notion that Europeans brought civilization to Africa, a concept that was prevalent during the time of the 1897 Punitive Expedition.⁵³ During Europe's colonization of Africa a popular argument used to justify Europe's presence on the continent was that the Africans were a people without culture who had been left in a barbaric state. Europe would claim that their presence in Africa was to bring the wonders of the civilized world to this "dark continent." The idea that a people who were so far below Europe on an evolutionary scale, could produce art that rivaled the great masters of Europe, risked overturning everything Europe thought to be true. So, instead of reevaluating their beliefs, they simply attributed the existence of the bronze plaques to other Europeans.

Ozolua's military expansions came at the cost of the support of his military and vassals. Ozolua would be killed by a military coup for engaging in countless wars. Upon the death of Ozolua, Esigie became the new oba of Benin. Esigie would build upon the foundations set by his father, strengthening the kingdom's relationship with the Portuguese and expanding trade. Through his relationship with the Portuguese, Esigie would put down rebellious tribes and kingdoms, securing his power. Images of Portuguese soldiers armed with muskets are prominent on a number of bronze plaques. Esigie, who was forced to use the military might of the kingdom to stabilize his rule, used the plaques to immortalize his victory and convey his power and right to rule. For Esigie, the plaques were a way to legitimize his rule. Esigie would hold military festivals throughout his reign to

⁵³ Ibid., 18.

recontextualize the wars he had to face early in his reign away from the reality that they almost caused the extinction of the kingdom.⁵⁴ The bronzes, showcasing Esigie's victories, along with other religious items, would be prominently featured during this festival.

In 1713 when Oba Akenzua became ruler of Benin, the kingdom was beginning to face hardships. Their centuries old trading partnership with Portugal was over, and their newest trading partner, the Dutch, was also suspending all trade with Benin over unpaid debts by his vassals.⁵⁵ Benin and the oba had lost much of the power that obas like Esigie enjoyed during his rule. This loss of power may have also meant a loss of wealth for the kingdom, resulting in a slowdown if not a complete stoppage of the production of the plaques. By the end of Akenzua's reign, the fortunes of the kingdom must have improved as his son, Eresoyen, was a major patron of the bronze casting guild. During his reign, Eresoyen commissioned the construction of a bronze stool with images that would connect him with Esigie. Much like Esigie used the plaques to sure up his shaking rule, Eresoyen used the stool to associate himself with the great rulers of the past, giving his rule an added sense of legitimacy at a time when the kingdom was facing hardships. Eresoyen would be among the last of the obas to cast in bronze. Throughout the seventeenth and eighteenth centuries the plaques would slowly fall out of favor and other types of carving, ivory and wood, would take its place as the primary medium for recording court events.⁵⁶ By the beginning of the eighteenth century the bronze plaques were no longer on display in the palace courtyard, according to the accounts of European traders who entered the city during that time. It is not known why the plaques were removed from display, one reason could

⁵⁴ Ibid., 41.

⁵⁵ Ibid., 50.

⁵⁶ Ibid., 50.

be because the Oba's palace burned down sometime around 1816 and the palace was rebuilt the plaques were simply stored away instead of being returned to their original place.⁵⁷

Ovonramwen, who would be the last oba of Benin prior to the Punitive Expedition, came to power in 1888. Ovonramwen would be the last precolonial oba of the kingdom and for much of his rule was engaged with a push and pull relationship with the British Trading companies in the Niger. The British had moved into the area in the search for such textiles as palm oil, ivory, and rubber and wanted to procure treaties that would secure their interest in the region. Benin, which had a history of hot and cold relationships with Europeans as trading partners, may have seen the British as just the next in a long line of European trading partners. However, what Benin could not account for was that now, unlike before, the Europeans were carving out spheres of influence to protect their interest from other European countries. Gone were the days that the Europeans and Africans traded on somewhat equal terms; now Europe saw the indigenous population of Africa as source of labor to extract the wealth of the land. The sovereignty of the African kingdoms fell far down on the list of European concerns. In the past when an oba refused to honor the terms of trade set up by countries like Portugal, the Europeans simply moved on to greener pastures and new trading partners. When Ovonramwen refused to honor the treaties of trade thrust upon him by the British, they sought to find a way to remove the obstinate king.

Punitive Expedition and the Acquisition of the Plaques

As British interest in the region grew, conflict between the native Africans and the British traders became inevitable. To the British, the Africans were just an obstacle in their pursuit to maximize their profits. The trading companies that managed British affairs in the

⁵⁷ Ibid., 51.

region had government backing and wouldn't hesitate to threaten the use of force if the locals did not acquiesce to their demands. Conflict developed between the British and Benin due to changing terms on trade in the region. When Benin refused the new terms set by the British, many British officials suggested taking over the kingdom if Benin did not comply. In an 1896 letter to the British Foreign Dispatch Office, quoted in Salome Kiwara-Wilson, "Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories," acting Counsel General James Phillip would seek permission to march on Benin City and depose the oba, if Ovonramwen refused to honor the terms of a treaty.

I therefore ask for His Lordship's permission to visit Benin City in February next, to depose and remove the King of Benin and to 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.... but in order to obviate any danger [of attack] I wish to take up a sufficient armed Force, consisting of 250 troops, two seven pounder guns, 1 Maxim, and 1 Rocket apparatus PS I would add that I have reason to hope that sufficient Ivory may be found in the King's house to pay the expenses in removing the King from his Stool.⁵⁸

Phillip would not wait for an official response to his inquiry, that's how certain he was that this request to unseat a sovereign ruler would be granted. Phillips ill-fated mission would not succeed in reaching its objective. Just miles outside of Benin City, the force consisting of nine Europeans and an attachment of Africans, were ambushed by Benin soldiers; out of the nine Europeans who set out, all but two were killed.

While it is evident from Counsel General Phillips's letter that his reason for going to Benin City was to force the oba to honor the terms of the treaty, the British were able to spin the Benin Massacre as justification for the ousting of Ovonramwen, and the

⁵⁸ Salome Kiwara-Wilson, "Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories," *Intellectual Property Law* 23 (2016): 7.

elimination of the obstacle he represented to their trade networks. Phillips mission would be presented to the public as altruistic, and to honor the oba. A January 22, 1897 article from the *Los Angeles Herald*, a reprint from a story written the previous day in London's *Evening News*, would say this of Counsel General Phillips and his mission, "The king having previously consented that the expedition should visit his capital, the nine officers went unarmed, in order to Impress the king with the peaceful character of this mission, and over 200 native carriers were taken with the party to propel the canoes and carry intended presents for the king.⁵⁹" While the oba may have initially consented to Phillips visit to Benin City, the invitation was quickly withdrawn. Phillips mission would coincide with a religious festival in which outsiders were not allowed to attend. This festival would be given a nefarious twist, further justifying the pending Punitive Expedition. A February edition of *The Herald* would claim that the massacre was the result of Benin trying to keep secret their annual festival, which the newspaper insinuated involved sinister rituals.

A dispatch from Brass, West Africa, says it has been learned there that the origin of the recent massacre by the king of Benin at the British expedition under Consul General J. R. Phillips is found In the fact that the king was performing a ceremony Involving the annual butchery of slaves and that he did not want any white men present at the time. On this account Consul General Phillips and the officers accompanying him were slaughtered without mercy. This annual killing of the slaves Is a custom which prevailed for many years In Benin City. The king of Benin calls it "mailing his father." On account of the custom and other murderous habits of the natives, Benin City has been called the "City of Blood."⁶⁰

Calls for revenge of Phillips and the "Benin Massacre" were being shouted from across the globe. The moniker, "city of blood" was soon affixed to Benin City not just

⁵⁹ "A Punitive Expedition," *The Herald*, January 22, 1897, <https://chroniclingamerica.loc.gov/lccn/sn85042461/1897-01-22/ed-1/seq-1/>.

⁶⁰ "The Benin Massacre," *The Herald*, February 1, 1897, <https://chroniclingamerica.loc.gov/lccn/sn85042461/1897-02-01/ed-1/seq-2/>.

because of the massacre but because of claims of ritual sacrifice and the blood thirsty nature of its king. The *Los Angeles Herald* would write, “The affair is looked upon as deserving a punitive expedition. Benin city is known as the city of blood, on account of its being the seat of the fetich priests of that part of Africa, and because human sacrifices are occurrence, of frequent the remains of sacrificed slaves being seen bleaching in the sun on all sides.”⁶¹

Accounts of the survivors harrowing escape were reprinted in newspapers across Britain and America. Captain A. M. Boisragon, one of the two surviving Europeans, would give his account to the London *Times*; a newspaper out of Baton Rouge would reprint the account in their *Field of Adventure* section. The account would begin with Boisragon retelling the initial ambush story and how he and his fellow companions were shocked that the gun fire was meant to kill them and not to honor their welcome. “At first we could not believe that the firing was meant for anything but a salute, as everything had seemed so peaceful.”⁶² On his way to Benin City, Phillips would send word to Ovonramwen of his pending arrival, and each time the oba would tell Phillips not to come.

At times Boisragon story read like a dime-store adventure novel, showcasing feats of extreme bravery and daring by Boisragon and his companions. “At first all the white men kept on turning to the Benin men, saying ‘Adoc’(the Benin salutation) and ‘Don’t fire. It’s a peaceful palaver.’ Finding that this was no good we took to charging them with sticks, and they invariably ran away.”⁶³ Boisragon would tell of multiple times that he or one of

⁶¹ “A Punitive Expedition,” *The Herald*, January 22, 1897, <https://chroniclingamerica.loc.gov/lccn/sn85042461/1897-01-22/ed-1/seq-1/>.

⁶² A.M. Boisragon, “A White Expedition in Africa Routed by Savages,” *The Opelousas Courier*, June 26, 1897, sec. The Field of Adventure. Thrilling Incidents and Daring Deeds on Land and Sea, <https://chroniclingamerica.loc.gov/lccn//sn83026389/1897-06-26/ed-1/seq-3>.

⁶³ Ibid.

his companions would drive off the attacking Benin force with nothing more than a stick and determination; often times the men would be wounded while conducting these daring feats. “While we were carrying Major Crawford, Dr. Elliot, who was bleeding from a wound in the head, kept on charging into the bush, trying to prevent the Benin men from shooting at us... After a bit I saw a man aiming at us from behind a tree further up the road in the direction we were going... I charged the man. In doing so I was knocked over by a shot in my arm, but as it did not hurt at the time I got up again and charged the Benin man away.”⁶⁴ Boisragon told of how he and another injured comrade, R. F. Locke, would escape the massacre, running for hours through the brush, only to be tracked down by men from Benin. “Immediately after we sat down we heard two men – Benin men, of course – talking to each other not twenty yards away from us, and a few minutes afterwards we heard a party cutting their way through the bush.”⁶⁵

Captain Boisragon and Locke were forced to survive in the jungle for five days with no food; morning dew would be all the water they had. On the fifth day the two men came to a small African village and with the help of African natives, disgruntled vassals of Benin, they once again narrowly escaped detection from the men of Benin. The men would be hurried onto a canoe and made to hide under mats. They were taken to a larger African village where they were finally given water before they slipped into larger canoes and taken to a British possession further down river. At the end of his account Boisragon reveals he was told by a doctor that any delay in their journey would’ve meant the loss of his injured arm. ⁶⁶ “Dr. D’Archy Irvine, who looked after us so well when we got down to New Benin,

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

told me that my arm would have been mortified if it had not been attended to for another day.”⁶⁷

It is up for debate whether or not the oba could read or understand the terms of the initial treaty that he was forced to sign.⁶⁸ The treaty granted very favorable terms to the British over trade in the region. In many of these treaties African kings would sign away all of their rights and land to British companies, making them essentially subjects in their own kingdoms.⁶⁹ Also, having no written language, the oba may not have realized the power that affixing his signature to this document would have. It is doubtful that a ruler would voluntarily subjugate himself to a foreign power so willingly. Even so, the oba had signed a treaty then patently ignored its terms before killing the British agent who was on a “peaceful” mission to negotiate with the king. The British now had the justification to launch a Punitive Expedition and did so in early February 1897.

The forces of the Punitive Expedition would find the Benin Bronzes in a storage room of the oba’s palace. When the British interviewed court officials, they discovered that the plaques had been stored away; however they were still referred to whenever question of proper court etiquette arose.⁷⁰ Although the plaques were no longer on display they still played a vital function for the people of Benin. The fact that the plaques played an important role in the lives of the people of Benin, at least up to the time of the Punitive Expedition, could not be questioned. Unlike in many places, where migration and the

⁶⁷ Ibid.

⁶⁸ Barbara Plankensteiner, “Benin: Kings and Rituals: Court Arts from Nigeria,” *African Arts* 40, no. 4 (2007), 77.

⁶⁹ Ibid. 77.

⁷⁰ Gunsch, *The Benin Plaque*, 28–29.

movement of people, has changed over the years, the people of Benin are the same people who resided there before colonization; thus these artifacts culturally belong to them.

As Phillips suggested in his letter to the British Foreign Dispatch Office, the artifacts taken from Benin after the Punitive Expedition would be sold off, and the proceeds would be used to defray the cost of the expedition.⁷¹ The plaques would ultimately end up in museums all over Europe and America, making it virtually impossible to study them as a unit. However, through them, our knowledge of the kingdom of Benin and the surrounding areas has increased. The Benin plaques have revealed the culture and history of Benin through its images. This is not to say that our knowledge or understanding of Benin would be stunted if the plaques never left the country, just that through leaving, the worlds access to them has increased, giving more scholars the ability to study them.

Ovonramwen and many of his top officials would flee after it became apparent defeat was imminent. They would be rounded up over the proceeding days and many would be executed. Ovonramwen would return to the city months after fleeing and formally surrender to the British. He would be spared execution and was formally exiled from his kingdom with two wives. The British would disband the monarchy of Benin until Ovonramwen son, Eweka, convinced the British to let him rule in their name. The loss of the plaques and the killing of so many court officials destroyed Benin's tradition of oral history and much of the knowledge of Benin's past died with the officials. The guild system was also destroyed by the Punitive Expedition.⁷²

⁷¹ Jenkins, *Keeping Their Marbles*, 141.

⁷² Gunsch, *The Benin Plaque*,. 26.

While the newspapers of the day may claim otherwise, the reason for the British conquest of Benin was not humanitarian or even a mission of revenge; it was economic. For decades Britain was increasing its strangle hold on trade around the Niger coast and Benin, was one of the last obstacle between Britain and a complete monopoly of trade in the area.⁷³ While the British were initially willing to allow Benin to play the middle man in their trade along the riverways around Benin, Ovonramwen's refusal to play the part forced their hand. Under terms laid out in the Berlin Conference, Britain could not simply depose a king and set themselves up as de facto rulers of an area; rather, Britain had to rely on treaties with the African rulers.⁷⁴ The Benin Massacre gave Britain the justification it needed to remove an obstacle from their path as they sought control of trade in the region by ending to the rule of the Oba.

⁷³ Ibid., 77.

⁷⁴ Charles Rivers, ed., *The Scramble for Africa: The History and Legacy of the Colonization of Africa by European Nations during the New Imperialism Era* (CreateSpace Independent Publishing Platform, 2017), 4.

Chapter 2: Colonialism: Philanthropy Plus Five Percent

Before Africa was carved up by Europeans looking to expand their overseas empire, and before millions of Africans would be taken by Europeans across the Atlantic in chains, the Portuguese first sailed down the African coast on their journey to India. Initially, the Portuguese would conduct trade with the locals and begin to explore the coastal regions. Early in Europe's relationship with Africa the two sides interacted as equals, and trading occurred between the countries of the two continents. This would begin to change with the advent of the slave trade and the industrial revolution in Europe. Soon Europeans were setting up forts and trade depots as the slave trade began to take off. Over the course of the following centuries more European countries would make their way to Africa to benefit in the lucrative market that was the selling of humans. During the height of the slave trade, European interest in the continent did not go much beyond the commodity of humans. This would slowly change and the demand for slaves waned and Britain unilaterally outlawed the International Slave Trade. Still, it would take another fifty years from the outlawing of the slave trade before colonization truly began in earnest.⁷⁵

In 1865, Britain gave considerable thought to abandoning all of their possession in West Africa. The Select Committee of the House of Commons, concerned that Britain was in danger of overextending itself, was looking for a way out:

Resolved: That it is the opinion of this Committee. 1. That it is not possible to withdraw the British government, wholly or immediately, from any settlements or engagements on the West African Coast . . . 3. That all further extension of territory or assumption of Government, or new treaties offering any protection to native

⁷⁵ Charles Rivers, ed., *The Scramble for Africa: The History and Legacy of the Colonization of Africa by European Nations during the New Imperialism Era* (CreateSpace Independent Publishing Platform, 2017): 24.

tribes, would be inexpedient; and that the object of our policy should be to encourage in the natives the exercise of those qualities which may render it possible for us more and more to transfer to them the administration of all the Governments, with a view to our ultimate withdrawal from all, except, probably, Sierra Leone.⁷⁶

With its conclusion of its involvement with the slave trade, Britain did not see much point for its continued presence on the continent outside of its interests in their colony in Sierra Leone. However, merchants still had an interest in the continent in the form of trade and wanted the continued protection that Britain's presence in the area provided. The trade in human flesh in Africa would be replaced with the trade of commodities and natural resources. In 1812, The African Committee of Merchants would send a letter to the Lords of the Treasury, voicing their concerns about Britain's intention of pulling out of Africa and abandoning their forts along the coast.

Settlements on the coast of Africa have hitherto been deemed valuable on two grounds; first, as conferring an exclusive right of trade upon the Power possessing them; and secondly, as the only medium through which it can be safely and adventurously carried on. The trade with the Gold Coast principally consists in a traffic of native merchants who travel from the interior, and frequently from very great distances, to exchange their goods for articles of foreign production. As these merchants cannot wait for the ships to arrive, nor the ships for them, it results that resident traders are necessary for their mutual accommodation; and that country will trade to the most advantage which has the greatest number of them established at convenient stations on the coast. For the sake of security, both to their persons and property these trades must necessarily reside in forts. Or under the immediate protection of them....By the abolition of the slave trade, the commerce of Africa was rendered so insignificant that it many have appeared scarcely worth the maintenance of the settlements on the coast.⁷⁷

⁷⁶ M.E. Chamberlain, *The Scramble for Africa (Seminar Studies)*, Third (New York, N.Y.: Routledge., 2013): 110.

⁷⁷ "The African Committee of the Company of Merchants, Letter to the Lords of the Treasury, April 9, 1812," in *Africa and the West: A Documentary History, Vol. 1: From the Slave Trade to Conquest, 1441-1905*, 2nd Edition (Oxford; New York: Oxford University Press, 2010): 139.

The colony of Sierra Leone plays a pivotal role in the development of British thinking in Africa. Sierra Leone would simultaneously reinforce British ideas of the inferiority of Africans while also showing that civilization efforts worked. Sierra Leone was often the target of raids by native tribes of the surrounding area; the attacks reinforced the idea of the Africans as savages; however, the Africans within the colony had adapted to a more western way of life proving that Africans were capable of change. Through Sierra Leone, Britain saw that Africans could be civilized; however, they also could now draw a very clear distinctions between the civilized Africans and the savages.⁷⁸

The disintegrating relationship between Africa and Europe, with the begging of the Atlantic slave trade in earnest, would coincide with the rise of the enlightenment. The enlightenment was a transformative time in European history as Europeans began to change the way they saw the world and their place in it. For many in Europe, the enlightenment was a time when science would displace superstition, and their curiosity of the world would launch the age of explorations. As sailors came back from their journeys to the far-flung regions of the world, they did not do so alone. Artifacts from the world over would trickle into Europe, and museums would be founded to showcase these wonders. The examination of the objects discovered and acquired during the age of exploration helped to fuel enlightenment thinking and our understanding of the world. The age of exploration would ultimately lead to the age of conquest as the discovery of untapped natural resources across the world drove Europeans to compete for control over them and the labor needed to extract them. The technological advancements of this era

⁷⁸ Chamberlain, *The Scramble for Africa*, 20.

would make this conquest possible. Guns, steam power, and medicine would allow Europeans to subjugate the world.⁷⁹

To enlightenment Europe, their domination of the world was not only seen as natural it was destiny. The seventeenth century saw, for the first time in history, a true technological gap between civilizations. The industrial revolution of Europe saw European technology outpace the rest of the world. This was most glaring in weapons. Europe's new technology, like the steamship, allowed them to explore the previously inaccessible parts of Africa. It also allowed for the movement of troops and resources faster and further than before. Advancements in medicine allowed Europeans to combat the diseases that once devastated any European presence outside of the coast: malaria being one of the worst.⁸⁰ From 1819-1836, 1,843 total troops would be stationed in Sierra Leone. During that same period of time, the hospital admittance for sick people would be 5,489, out of that, 890 people would die. Said another way, out of every 1,000 soldiers in Sierra Leone from 1819-1836, 483 would die, a mortality rate of almost fifty percent.⁸¹ Europe could conquer death and tame the wilds of Africa, so to them, it was only natural that they place themselves on top of other peoples. By the middle part of the nineteenth century, Europeans became more reliant on technology to ease the burdens of everyday life, they would begin to link technology with civilization. The more advanced a society's technology, the more civilized they were; the opposite also being true.

⁷⁹ Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018): 17.

⁸⁰ Chamberlain, *The Scramble for Africa*, 27.

⁸¹ William H. Worger, Nancy L. Clark, and Edward A. Alpers, *Africa and the West: A Documentary History, Vol. 1: From the Slave Trade to Conquest, 1441–1905*, 2 edition (Oxford ; New York: Oxford University Press, 2010): 156.

By middle of the nineteenth century, in order to spread their spheres of influence throughout Africa, European countries, represented by chartered companies, would use treaties to gain legal sovereignty over the people and land of Africa. In the case of Britain, these companies would be established through royal charters which granted them a wide purview to conduct their business. African leaders would sign treaties that often took away their sovereignty for items like guns and alliances, and in some cases, items as trivial as shells. In an 1861 treaty between the British and King Docemo of Lagos, the African king relinquished much of his sovereignty in exchange for “the sum of 1,200 (twelve hundred) bags of cowries per annum...”⁸² Cowries were used as a form of currency in Lagos. When Europeans set their sights on Africa they could use the fractured nature of African leadership to their advantage. Playing one society off of another and promising alliances and weapons, gave Europe the foothold it needed. In some cases, items as trivial as alcohol could be used to coerce a signature.⁸³

It was not unheard of for British officials to simply lie to the African leaders about the actual content of the documents they signed. The African leaders were often non-literate and could not speak English, and they relied upon interpreters, provided by the British, to explain the treaties to them. An account of this can most clearly be seen in King Lobengula’s dealings with Charles Helm, around 1890. Lobengula king of Matabele, listed several conditions he wanted included in a treaty before he agreed to sign, and Helm assured him that they would be included. In Charles Rivers edition of *The*

⁸² “Lagos Treaty of Cession, August 12, 1861,” in *Africa and the West: A Documentary History, Vol. 1: From the Slave Trade to Conquest, 1441–1905*, 2nd Edition (Oxford; New York: Oxford University Press, 2010): 193.

⁸³ Charles Rivers, ed., *The Scramble for Africa*, 36–41.

Scramble for Africa: The History and Legacy of the Colonization of Africa by European Nations during the New Imperialism Era, the author lays out the encounter in the following way.

Lobengula then stated several non-negotiable stipulations, the first of which was that all white men entering his kingdom under the terms of this treaty abide by his laws, and the second that no more than 10 individuals cross his borders at a time and for the limited purpose of prospecting for gold. To this, all parties agreed, and a concession document was drafted. The Reverend Helm confirmed to Lobengula that those terms stipulated were included in the written text, after which it was duly signed....The truth of the matter, however, is that Charles Helm lied. The written text of the document contained none of Lobengula's principal clauses, granting instead a wide prerogative to the concession holder to enter and undertake mining and commercial activities in all Lobengula's territories.⁸⁴

Non-white races were considered to be inferior and lying to them was considered normal. Some did not see the point of trying to negotiate with people that were inferior to them and thought these peoples should willingly subjugate themselves to European rule. Colonial official Sir Harry Johnston would proclaim, "One feels at this distance of time that to readers of a new generation this treaty-making in Africa must seem a farce. Great European States would meet at conferences to partition Africa, Asia, Papuasias, Melanesia into spheres of influence between themselves: why should we have bothered to negotiate with Negroes, Arabs, Afghans, Siamese, Malays, or Papuans?"⁸⁵

In the eyes of the British, they had the best interest of the African people at heart and they truly felt that what they were doing would be beneficial for everyone. Europeans would make money while Africans received the privilege of being pulled from a state of savagery. The British government thought that their involvement in Africa was not only good for British international interest, but ideal for the Africans. After all, to the British,

⁸⁴ Ibid., 42–43.

⁸⁵ Ibid., 61.

the Africans were a primitive race that were not far from animals. The British felt that the Africans could not properly take care of themselves and did not know what was in their best interest. This could be seen in the conditions in which they lived, how they dressed, their worship; everything about African society, to the British, reinforced the British idea of cultural superiority. Britain wanted to convey the image of a caring force for good, whose entire purpose in Africa was to benefit the Africans. What they really wanted were the financial and prestigious benefits these areas provided without the large financial investment direct rule would require, this was accomplished by allowing the trading companies to operate. The British people were happy with the situation in Africa when they believed that their presence there was having a positive moral effect on Africans while not costing them a lot in the terms of money and lives of soldiers. A May 3, 1883 letter from Permanent Under Secretary at the Colonial Office to the Foreign Office, lays out the many reasons Britain did not want to administer their territory in Africa directly.

As Lord Granville is well aware the climate of all parts of West Africa is very pestilential, and prejudicial to the life and health of Europeans. Past experience shows that the extension of British occupation would probably lead to wars with the interior tribes and heavy demands upon the British taxpayer. The question of domestic slavery and of fugitive slaves from the inland tribes, which must necessarily arise, would, in Lord Kimberley's opinion, be of themselves sufficient to deter Her Majesty's Government from undertaking such a responsibility as is proposed [the annexation of the Cameroons] if it can possibly be avoided.⁸⁶

By 1899, the trading companies had overextended themselves and were no longer able to properly administer rule to the areas they held. The British government no longer saw the benefit of these companies as Britain's financial obligations continued to increase. When

⁸⁶ "Permanent Under Secretary at the Colonial Office) to the Foreign Office, 3 May 1883," in *The Scramble for Africa (Seminar Studies)*, Third (New York: Routledge, 2013): 113.

it became evident that there was no way around the issue of direct rule, Britain would assert its rule in Africa.⁸⁷

The Berlin Conference

Throughout the nineteenth-century European powers would, through the use of chartered trading companies, continue to increase their spheres of influence. It was not until Leopold's acquisition of the Congo that a form of direct rule would be established in Africa. Leopold's action also had the unintended side effect of ramping up other country's activities in Africa, as each feared the other would begin seizing territory. Leopold would hide his blatant land grab of the Congo as a humanitarian effort to stamp out the slave trade, an excuse that would become standard.⁸⁸ The heightened tensions in Africa and European powers vied for limited territory began to worry world leaders who wished to avoid war. T.V. Lister, the Assistant Under Secretary at the Foreign Office would say this of the French presence in West Africa, "Everybody seems to be agreed that the occupation of any place or river by the French is almost destructive of British trade, and it is therefore of great importance to keep them out of districts which either are or might be favourable to that trade."⁸⁹ Colonial territory was quickly becoming an extension of national identity and pride.

The German Chancellor, Otto Von Bismarck, could see the heightened tension that the competition in Africa was creating. Bismarck believed that Africa was to be an equal opportunity venture for all European powers involved, and to ensure that, he put together

⁸⁷ Chamberlain, *The Scramble for Africa*, 90.

⁸⁸ Ibid., 51.

⁸⁹ "Memorandum by T.V. Lister, 24 October 1883," in *The Scramble for Africa (Seminar Studies)*, Third (New York: Routledge, 2013): 113–114.

the Berlin Conference.⁹⁰ The conference was held between November 1884 to February 1885 and laid the foundation under which the European powers were to operate in Africa. The conference helped to ease tension in Africa as well as alleviate any concerns that any of the powers might have, without the need for an armed conflict. Bismarck also sought to eliminate any future conflict that could arise between the European powers over Africa. He did this by regulating the ways in which new territories could be annexed. Effective occupation was one of the regulations that was placed on the European powers during the conference. What this meant was that in order for a European power to claim territory in any region of Africa they must have a sufficient presence in the colony; this usually meant soldiers and administrators. Also, European powers could not just come in and take land from the African leaders. Any annexation of land would have to be done with the consent of the local ruler by way of a treaty. Lastly, in the case of a war in Europe, colonial possessions would remain neutral.⁹¹

While the Berlin Conference made clear that trade was a primary reason for the presence of Europeans in Africa, it also made sure to highlight the benefits that colonization would have on the Africans. Article VI of the *General Act of the Conference of Berlin*, stated that “All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the slave trade.”⁹² With the Berlin conference in

⁹⁰ Chamberlain, *The Scramble for Africa*, 52.

⁹¹ Charles Rivers, ed., *The Scramble for Africa*, 23.

⁹² “General Act of the Conference of Berlin, Relative To the Development of Trade and Civilization in Africa: The Free Navigation of the Rivers Congo, Niger, Etc: The Suppression of the Slave Trade by Sea and Land; the Occupation of Territory on the

place and the effective occupation clause in effect, European powers now felt the need to ramp up their activity in Africa or risk losing their territory to a rival power.

Justifications of Colonialism

To justify their actions to the people and themselves, European powers cast their actions in Africa in more altruistic terms while simultaneously painting the Africans as a backwards people, no better than animals. Europeans would portray their actions in Africa as a force for good, lifting the Africans out of a state of savagery into the light of civilization. It was understood that African simply did not have the mental capacity to bring about this type of change on their own, this could be seen through the condition in which they were currently living. At every opportunity human sacrifices, cannibalism, and slavery would be brought up as vindication for the action of the colonizers. Graphic descriptions of scenes of brutality, would be shared in the local newspapers. The smell of blood, fields of bodies, and blood-stained objects were just a few of the ways Europeans would describe a village or town they had just conquered.

Henry Roth, described the horrors that he witnessed when he entered Benin City, as part of the Punitive Expedition. Roth would write in his 1903 book *Great Benin: Its Customs, Art and Horror*, “while we cannot avoid feelings of regret that an interesting old town and its old-world institutions should have been destroyed, the horrors which met the Punitive

African Coast, Etc.,” in *Africa and the West: A Documentary History, Vol. 1: From the Slave Trade to Conquest, 1441–1905*, 2nd Edition (Oxford; New York: Oxford University Press, 2010): 238.

Expedition, when it entered the sacred precincts, showed that the little war we waged was justification beyond all expectations.”⁹³

The views that Europeans formed of Africans began to develop during the centuries of the slave trade. It is hard to buy and sell people when you see them as people; the horrors of African chattel slavery could have only persisted if Europeans dehumanized their African captives. These attitudes did not go away with the ending of slavery. Now, instead of seeing the inferior savage Africans as a free labor source, they saw them as a group that needed the benevolence of the West to emerge from their state of savagery. The technological gap that arose between Europe and Africa also added to perceived inferiority Europeans felt towards Africans. Europeans would judge all other societies based upon how well they resembled Europe. The closer a society was to Europe, the more civilized they were.

Even the Christian missionaries would paint the Africans as an inferior race in need of saving and protecting, and this message would be widely accepted by the masses.⁹⁴ The power of the images of Africa painted by the missionaries were powerfully effective in shaping the public opinion about the continent and its people. Missionaries, as servants of God, were beyond reproach and people saw their work in Africa as selfless and often perilous. While the motivations of the European governments and the chartered companies could be called into question, those of the missionaries were clear: to proselytize and save the Africans from an eternity of damnation. “If commerce follows the flag, the flag follows the missionary.” Wrote *The Republican Journal* in 1909. “It is one of the acts of

⁹³ Jenkins, *Keeping Their Marbles*, 140.

⁹⁴ Chamberlain, *The Scramble for Africa*, 24.

history...the missionary has marched before the soldier; the prayer book and the Bible have proved more powerful than the rifle and the machine gun. Commerce, geography, and civilization like owe the missionary a debt which they can never hope to repay.”⁹⁵ When the missionaries returned home, they gave public lectures on what they witnessed in Africa. These lectures would at times include music and be billed as a night out for the family.⁹⁶ The images that the missionaries conveyed of Africa became the images that people would come to most associate with the continent, and those were often ones that reinforced the ideas of racial superiority.

The missionaries did not work to support the colonization mission of their home country; however, much of the work they conducted could not help but to benefit the mother country. British missionaries in Africa were in charge of more than just proselytizing to the natives, they were put in charge of educating them and the education that the missionaries provided was one that reinforced the necessity of colonization. Even when Britain did away with ruling their African empire through chartered companies, they still did not rule the country directly. Instead, in many of their African colonies Britain relied on cultivating a ruling class of locals, through the mission schools, to rule in their stead. If the missionaries hoped to educate the African, they could not cast them as the irredeemable savages that many at that time described them. Instead the missionaries would describe Africans as children in need of a strong hand to guide them forward. They would

⁹⁵ National Endowment for the Humanities, “The Republican Journal. [Volume] (Belfast, Me.) 1829-Current, September 02, 1909, Image 2,” September 2, 1909.

⁹⁶ National Endowment for the Humanities, “The Evening Standard. [Volume] (Ogden City, Utah) 1910–1913, October 11, 1910, Image 4,” October 11, 1910.

argue that the Africans were not at fault for their sinful ways and barbaric lifestyle but were under the sway of evil *ju ju* witchdoctors who lead the poor gullible Africans astray.⁹⁷

At some level Europeans honestly believed that what they were doing was mutually beneficial. They believed that the actions of imperialism would have economic benefits to the mother country while bringing the wonders of Western Civilization to the Africans. Social Darwinism, made those in Europe and the United States believe that they were the superior race and it was their job to shepherd the lesser races into civilization. Europeans saw it as the natural order of the world that they rule those who are lesser than them, to bring them to being as close to equal as those lesser races could come. These ideas were not the ideas of racial extremist on the outskirts of society but, those in government, tasked with the governance of Europe's overseas empires. Lord Cromer, first Counsel General of Egypt, would say this of British rule in Egypt,

Everywhere law reigns supreme. Justice is no longer bought and sold. Nature, instead of being spurned and neglected, has been wooed to bestow her gifts on mankind. She has responded to the appeal. The waters of the Nile are now utilised in an intelligent manner. Means of locomotion have been improved and extended... The sick man can be nursed in a well-managed hospital. The lunatic is no longer treated like a wild beast. The punishment awarded to the worst criminal is no longer barbarous.⁹⁸

It was believed that the Africans, simply could not see the benefits that European rule would bestow upon them and that's why they were so resistant towards it. However, once they understood that colonization was as much for their benefit, in fact primarily for their

⁹⁷ Annie E. Coombes, *Reinventing Africa: Museums, Material Culture and Popular Imagination in Late Victorian and Edwardian England*, Revised edition (New Haven: Yale University Press, 1997): 185–186.

⁹⁸ Evelyn Baring, "Cromer, Modern Egypt, Macmillan, 1908," in *The Scramble for Africa (Seminar Studies)*, Third (New York: Routledge, 2013): 130.

benefit, they would willingly submit to it.⁹⁹ Simply, the ends justified the means, and the Africans would come to accept the European domination once they enjoyed the fruits of colonization.

For the British, their culture was not just superior to that of the “inferior” races, but to all cultures. During the nineteenth century Britain would position itself as the moral leader of the world. It would do this with such actions as unilaterally outlawing the slave trade for all nations and enforcing that decision with their powerful navy. As the British empire continued to stretch out across the globe it began to believe that it was on a mission to bring the British ideals of civilization to the world. The more territory it acquired the more it came to believe it was their right to acquire it, and that its acquisition was a positive for all involved. In Egypt, British rule stabilized a fractured economy and brought wealth to Britain. It had put an end to practices which it deemed barbarous and savage. Within Africa, Britain would use stamping out of Africa’s internal slave trade as an excuse to invade African kingdoms. Since Britain saw itself as the moral leader of the world, it felt that all other societies must follow its lead on where it drew the line of civilization. Stamping out the slave trade allowed them to take over large areas of Africa without risking condemnation from the international community. It would not be long before other European nations followed their example. Cecil Rhodes would say of the British, “we are the finest race in the world and that the more of the world we inhabit, the better it is for the human race.”¹⁰⁰ However, not all agreed with this idea; some thought that England would

⁹⁹ Charles Rivers, ed., *The Scramble for Africa*, 45.

¹⁰⁰ Ibid., 33.

benefit more if they turned their focus and their money inward and invested in themselves and not foreign lands.

When two years ago, the great appeal to the nation was made, we thought it was decided forever that England should renounce the policy of injustice, and cease to undertake the control of half the human race in the name of civilisation in general and Great Britain in particular... Tell those who are so eager to govern Arabs, and Africans, and Afghans, and Japanese at modest stipends of £4,000 or £5,000 a year – ask them to see what can be done in the better government of our own island.... Tell those noisy philanthropists who call heaven and earth to witness of the ‘anarchy’ on the Nile ... tell them to go and do something to prevent anarchy in Ireland...¹⁰¹

However, beliefs like this were lost in the winds of financial gain and international superiority. Far more believed in Rhodes’s idea of “Philanthropy plus Five Percent” to improve the world through the spreading of the British ideals and to make a profit in the process.¹⁰²

The positive ideals of colonizing Africa would ultimately merge with the paternalistic views that were being developed of Africa and its people. Originally the notion of “the Dark Continent” meant something far more benign than the negative connotation that would develop throughout the nineteenth century. Initially the term just meant a continent that was outside of the knowledge of Europeans, a place that they needed to shed the light of understanding upon. Ultimately, these beliefs would merge with other ideas to become a moniker for a place of darkness, savagery, and outside of the light of civilization.¹⁰³

¹⁰¹ Frederic Harrison, “The Crisis in Egypt (Anti-Aggression League Pamphlet, No. 2) 26 June 1882.,” in *The Scramble for Africa (Seminar Studies)*, Third (New York: Routledge, 2013): 106–107.

¹⁰² Charles Rivers, ed., *The Scramble for Africa*, 34.

¹⁰³ Chamberlain, *The Scramble for Africa*, 17.

Europeans in the nineteenth century had a particular way to see the world, brought on by the enlightenment. Anything that deviated from this was different and therefore wrong. For Europeans the study of history happened through written records left by those who came before. If a society did not have writing and thus left no written record, that society had no history and no true culture, since culture was based on what came before. Also, Europeans gauged other societies through the prism of a political power based in a nation state, like those that existed in Europe at the time. The social structure the Europeans found in Africa was so far removed from anything they knew; therefore, they could only see it as barbaric. Instead of learning about it, they sought to replace it with something more familiar to themselves and thus superior.¹⁰⁴

Europeans saw the world as developing in stages, from savagery to barbarism to civilization. People who were described as savages could best be characterized as being in the hunter gather stage. During the barbarism phase, the emergence of agriculture and a more settled society would take the place of the hunter gather lifestyle. The societies that could truly claim to be civilized were those that had sophisticated forms of commerce.¹⁰⁵ Africa fell somewhere between savagery and barbarism. Europeans believed that this was due to the tropical nature of Africa and the idea of tropical abundance. There were simply too many natural resources that were too easily obtained, so there was never a need to develop past the point of savagery. If necessity is the mother of invention, then abundance is its killer. People like Livingston believed that simply by introducing commerce to Africa half the job of civilizing the Africans would be done. “The natives would readily acquire

¹⁰⁴ Ibid., 5.

¹⁰⁵ Ibid., 6.

the habit of saving for a market Give the people the opportunity they will civilise themselves, and that more effectually than can be done by missionary societies.”¹⁰⁶ When Europeans claimed they wanted to bring civilization to Africa, what they really meant was, they wanted to open up new markets for commerce. Africa was seen as an El Dorado to Europeans, it was a place with abundant and unlimited natural resources that were there for the taking. And above that, the Africans themselves were simply wasting the potential of this untapped land. An article from the British newspaper the *Kendal Mercury* from September 1857 paraphrased a speech given weeks earlier by Dr. Livingston’s when it said, “In reference to cotton Dr. Livingston added, that very large quantities of it were cultivated by the natives, and one small district, between the rivers Congo and Loanda, produced 1,300 cloths annually, of cotton grown by the natives...The whole of Angola, if it had been in the hands of Englishmen, for its size, would have produced more cotton and sugar than any part of the southern states of America.”¹⁰⁷

While the British public was never necessarily against colonization, the late nineteenth century would see a shift towards acceptance if not all out support for Britain’s overseas empire. The change in public opinion about imperial expansion was brought on by two things. First, the increased wealth brought into the mother country from Africa saw a middle-class boom. The raw materials brought out of Africa fed the machinery of the middle class. Second, there was a concerted effort by the government and the academic world to paint Europe’s involvement in Africa, not as an economic venture but as a

¹⁰⁶ Dr. David Livingston, “D. Livingstone, Private Journals, 1851–53, Ed. I.,” in *The Scramble for Africa (Seminar Studies)*, Third (New York: Routledge, 2013): 99.

¹⁰⁷ “African Resources,” *Kendal Mercury*, September 26, 1857, The British Newspaper Archive, www.britishnewspaperarchive.co.uk.

humanitarian one.¹⁰⁸ While the media was never an agent for the imperial government, many of the stories ran by newspapers throughout the country, celebrated colonial expansion while describing the negative Africans in derogatory terms. Terms like savage, superstitious, primitive, and barbarous could be found in most articles talking about Africans. Newspapers would often parrot the governments talking points on the importance of shutting down the slave trade and bringing civilization to the Africans.

Inferiority of Africans becomes Scientific

Years of the transatlantic slave trade and the war among African tribes fought to capture slaves to feed to the insatiable European and American slave market had left many African nations in decline. When Europeans would finally make their way off the African coast and penetrated into the interior of the continent, they found these declining societies and attributed their current state on their lack of civilization.¹⁰⁹ Their lack of any discernable technology on par with that of Europe helped to reinforce the idea that this was a land stuck in time, a time which the Europeans had left ages ago. The defects of the African race were thought to come from racial inferiority that could only be overcome through social policies set by Europeans. It was believed that only through the direct intervention of colonization that the Africans could hope to improve their situation; they simply lacked the mental ability to usher in such change on their own. Britain had seen the benefits of their involvement and guidance played out in places like India and Egypt where Western laws and the suppression of traditional forms of worship and justice were put down.¹¹⁰

¹⁰⁸ Chamberlain, *The Scramble for Africa*, 60.

¹⁰⁹ Ibid., 17.

¹¹⁰ Evelyn Baring, "Cromer, Modern Egypt, Macmillan, 1908

The Enlightenment would revolutionize how Europe saw the world, entire school of thought would be cultivated and developed in the eighteenth and nineteenth centuries. Europe was obsessed with the study of the natural world and placing things into categories as a means to understand how everything fit together. Rationalism and humanitarianism had replaced the superstitious thinking of previous generations.¹¹¹ While the Europe of a hundred years previous might not have found the horrors of Africa so heinous, the thought of human sacrifices, public execution and mutilation shocked the sensibilities of the Victorians. It was not even a hundred years since the Terror reigned in France, and America was only a couple hundred years removed from the Salem Witch Trials, where 200 people would be accused of witchcraft and twenty would be executed. In 1944 Scotland, Helen Duncan was imprisoned under Britain's Witchcraft Act of 1735.

Colonization would coincide with the new science of anthropology, and while the fledgling field of anthropology was never an official branch of imperial policy, it often helped support the subjugation of the African continent. Especially in Britain, anthropology and imperialism were in a type of symbiotic relationship, where each depended on the other for survival. The British government would use the findings of the anthropologist to justify their actions, while anthropologist relied on the artifacts coming out of Africa to conduct their studies. Scientists of this era were obsessed with the making sense out of the chaos that was the natural world, for them everything had a place and it was their job to find it. A result of this was the classification of the natural world, and the placing of objects and even people into categories. The concept of race had not always existed in the form it does now, and it was during the enlightenment that ideas of race being linked to skin color became

¹¹¹ Chamberlain, *The Scramble for Africa*, 18.

codified. Categorizing people based on skin color was an easy way for Europeans to group people as skin color was a visible delineation of difference. This can clearly be seen in a quote from H. H. Johnston, British explorer and colonial administrator when he said:

The chief and obvious distinction between the backward and the forward peoples is that the former, with the exception of about 20,000,000 in the Mediterranean basin and the Near East, are of coloured skin; while the latter are white - skinned or, as in the case of the Japanese and the inhabitants of Northern China, nearly white... The White and Yellow peoples have been the unconscious agents of the Power behind Nature in punishing the Negro for his lazy backwardness.... The races that will not work persistently and doggedly are trampled on, and in time displaced, by those who do.¹¹²

However, simply saying a group of people with different, darker, skin color was inferior lacked any type of scientific backing; so, scientist began to develop tests that would confirm their hypothesizes of racial hierarchy. This was primarily done through the measurement of body parts, like skulls.¹¹³

There was an idea that developed in Europe that Africa was a land without History, and thus was a land without culture. Sir Samuel Baker is quoted in M. E. Chamberlain's *The Scramble for Africa*, as saying:

Central Africa ... is without a history. In that savage country... we find no vestiges of the past – no ancient architecture, neither sculpture, nor even a chiselled stone to prove that the Negro savage of this day is inferior to a remote ancestor... We must therefore conclude that the races of man which now inhabit [this region] are unchanged from the prehistoric tribes who were the original inhabitants.¹¹⁴

The idea of Africa not having a history was a way of saying that Africa had no impact on the world and African societies were less than European's because of it. Claiming that

¹¹² H. H. Johnston, "The Backward Peoples and Our Relations with Them," in *The Scramble for Africa (Seminar Studies)*, Third (New York: Routledge, 2013): 100.

¹¹³ Andrew Apter, "Africa, Empire, and Anthropology: A Philological Exploration of Anthropology's Heart Of Darkness," *Annual Review of Anthropology* Volume 28 (1999): 592; Chamberlain, *The Scramble for Africa*, 119.

¹¹⁴ Chamberlain, *The Scramble for Africa*, 4.

Africa had no history was a way of placing Africa on the bottom of the racial hierarchy. To Europeans, Africans were only one step above that of the wild animal. Eighteenth century German Philosopher Georg Wilhelm Friedrich Hegel would say of Africa that it plays no

historical part of the World; it has no movement or development to exhibit. Historical movement in it – that in the northern part – belonged to the Asiatic or European World. ... What we properly understand by Africa, is the Unhistorical, Undeveloped Spirit, still involved in the conditions of mere nature, and which had to be presented here only as one threshold of the World's History.¹¹⁵

The idea of Africa not having a history would last well into the twentieth century. The concept having been repeated so often by scholars and learned peoples that it became an undisputed fact. Historian Hugh Trevor-Roper, as quoted in Ann B. Stahl's, "Africa in the World: (RE)Centering African History Through Archeology," would even utter the sentiment on a 1963 BBC radio broadcast in which he said that Africa did not need to be considered when discussing the world's history because it left no primary sources documenting its past and that "there is only the unrewarding gyrations of barbarous tribes in picturesque but irrelevant corners of the globe."¹¹⁶

Evolutionary theory became the foundation for supporting the findings of anthropologist in the late nineteenth century, and the British public would latch onto these ideas of evolutions as an explanation for the inferiority of the African. The idea of racial evolution reinforced the colonial justification of its civilizing mission. Unlike some other theories of African inferiority, evolution held out the possibility that the African could

¹¹⁵ Ann B. Stahl, "AFRICA IN THE WORLD: (RE)CENTERING AFRICAN HISTORY THROUGH ARCHAEOLOGY," *Journal of Anthropological Research* 70, no. 1 (2014): 5.

¹¹⁶ *Ibid.*, 5–6.

improve under the right circumstances.¹¹⁷ The thinking behind racial evolution was that for some reason the African got left behind while all the other races continued to advance. However, there were flaws in this theory, one of which being the Benin plaques, which, even at the time of their looting, were considered valuable artifacts. The plaques were of such a high quality of craftsmanship that the Europeans were stumped as to how such knowledge could be developed in a place as barbaric as Benin. The sophistication of the plaques conflated with the idea of Africa as not having any culture of history prior to the arrival of Europeans, because how could a society with no culture create works of Art? One way around this was claiming that the people of Benin did not in fact create the plaques, rather, Europeans did. When the plaques finally arrived at the British Museum, they were examined by a Mr. William Gowland, a mining engineer and amateur archaeologist. Gowland, who was tasked with analyzing the metallic make up of the plaques, would say this of their origin, “I hence think they are the work of some of the artisans or armourers, who always formed part of the crews of Portuguese ships of the sixteenth century, or of natives who were taught by them.”¹¹⁸

The Benin plaques would challenge the ideals of beauty that had developed over the course of the Enlightenment era. During the Enlightenment, ancient Greek and Roman artwork became the standard for aesthetic beauty for all art. These societies were seen as the foundation of European civilization and they became the standards for which all of society was based. It was thought that a society that lacked culture could not create aesthetically pleasing works of art and only a society that had reached a sufficient level of

¹¹⁷ Chamberlain, *The Scramble for Africa*, 23.

¹¹⁸ C. H. Read and O. M. Dalton, “Works of Art from Benin City,” *The Journal of the Anthropological Institute of Great Britain and Ireland* Volume 27 (1898): 375.

advancement could create art simply for its beauty. Art from savage cultures had to have a function or purpose. The discovery of the Benin plaques upended this entire theory of evolution seen through material culture. Africans could not at the same time be the lowest form of humanity while creating art that rivaled the peak of European art. The only logical explanation left to the Europeans, was that the plaques were either imported from Egypt or Europe, or that the one of these superior cultures instilled the knowledge into the Africans.¹¹⁹ This thought process had the benefit of reinforcing the colonial justification of forced civilization. The fact that Africans had the ability to learn how to create such sophisticated pieces of art proved that they held the capacity to improve and become civilized, because Europeans had done it once before.

Anthropologist of the nineteenth century would bring their finding to a wider audience through exhibitions museums and other institutions. Through the use of these exhibitions, anthropologist would shape the public's perception of Africa and its inhabitants. Anthropologist would not only put on display the material culture of native peoples, but their bodies as well. Skulls would be placed in prominent positions in ethnographic museums and exhibits to showcase how "primitive" peoples were physically different than Europeans.¹²⁰ Museums throughout Europe and the United States were seen as places of research and knowledge and the public would often believe without question the information they found within. Anthropologist would use museums as a vehicle to peddle their new ideas and theories on things like racial evolution. Material culture would be used to reinforce the concept of racial inferiority through its classification and display

¹¹⁹ Jenkins, *Keeping Their Marbles*, 119.

¹²⁰ Alice L. Conklin, *In The Museum of Man: Race, Anthropology, and Empire in France, 1850-1950* (Ithaca, NY: Cornell University Press, 2013), 34.

within museums. Objects would intentionally be placed to showcase a progression from savage to civilized. Also, anthropologists were careful not to describe things in terms of their aesthetic value, but in terms of function and their attempts at creating art. This separation ensured that African societies would always be on the bottom of the racial hierarchy, attempting to improve themselves.¹²¹

While the discourse and study of Africa was constantly changing as the field of anthropology continued to grow, museum exhibitions often did not change at a rate to keep up with the evolution of the field. The static nature of museum exhibits can result in them being left on display even when the scholarship around the objects on display has changed. This can lead to visitors learning out-of-date information, and since museums can control the narrative of a given culture by the use of their exhibition, this can lead to a misinformed populace who look to the museum as experts. An example of this was the original African exhibit housed at the Smithsonian Natural History Museum. From the creation of the exhibit in 1922 to its dismantling in 1992, the exhibit would only be updated once, in 1967. Throughout the course of the seventy years the exhibit was on display at the museum, the scholarship of Africa had changed immensely.¹²² The exhibit came into existence through items donated by Henry Ward. Many of the donated objects came to the museums with little to no documentation, leaving the curators to fill in blanks of function and purpose with their own hypotheses, which were often saturated with the racial thinking of that time.

¹²¹ Elazar Barkan, "Aesthetics and Evolution: Benin Art in Europe," *African Arts* 30, no. 3 (1997), 36.

¹²² Mary Jo Arnoldi, "From the Diorama to the Dialogic: A Century of Exhibiting Africa at the Smithsonian's Museum of Natural History (Du Diorama Au Dialogue: Un Siècle d'exposition Sur l'Afrique Au Smithsonian Museum of National History)," *Cahiers d'Études Africaines* 39, no. 155–156 (1999): 702.

This early exhibition would tell the story of African inferiority and reinforce the concept of racial hierarchy.

The Smithsonian would create its exhibit using Life Group Dioramas, a concept borrowed from the popular exhibits touring Britain at the time. The dioramas which were developed by William Henry Holmes, would feature life sized depictions of Africans conducting everyday affairs. In Britain these dioramas would be populated with actual living Africans. These exhibits were meant to bring visitors into the dark continent and witness a lifestyle of savagery; Africa before contact with civilization. In fact, what these exhibits often showed was what Europeans thought traditional life in Africa was like, as many of the anthropologist who put on these exhibits had never actually visited Africa. These displays reinforced the importance of civilization by showcasing a strange world far removed from anything Westerners would be used to seeing. The life group dioramas would support the concept of a racial hierarchy, as William Henry Homes says of the creator of the mannequins of the dioramas,

Thus Ward's genius has presented in an attractive, even a fascinating manner, a people whose status, according to his own story, is at the very bottom of the ladder of civilization, people living in a manner hardly above that of the beasts of prey and excelling the brute in brutality, for the lowest brute does not systematically hunt and kill and feast upon bodies of his own kind.¹²³

The Smithsonian's exhibition would accomplish this by arranging the civilizations in the dioramas from north to south, or fairest skin to darkest skin. On top of having lighter skin tones, the civilizations in the north of Africa also most resembled those of European civilizations. As a result, visitors would associate civilization levels with skin color; the

¹²³ Arnoldi, "From the Diorama to the Dialogic", 710–711.

more civilized a group was the lighter their skin tone until you reached Europeans at the top.¹²⁴

The exhibition at the Smithsonian's African exhibition was set up in a way that would convey the beliefs of racial evolution and the Africans' place at the bottom of the racial hierarchy. Objects from different time periods would be placed together in exhibit cases, without proper dating or any way to differentiate which objects were still in use and which weren't. The label texts for the exhibits were often vague and lacked proper details about the people or objects in the exhibit. While this was partly due to the fact that the objects were acquired without proper documentation, it is also safe to assume that these choices were intentional as a way to showcase the inferiority of the African through a visual media, one that was readily accessible and easy to digest.¹²⁵ This can be seen clearly in the exhibit's brochure. The brochure would begin by acknowledging that Africa under colonization was "complex and diverse" no doubt due to the intervention and benefits of Europe's presence in those regions. However, the brochure would go on to say that, 'There is, however, another Africa – where the visitor will find little to remind him of home. This is rural Africa, traditional Africa, most of Africa. Here, where outside influence is only beginning to penetrate, most Africans still follow their traditional cultures, or ways of life, which are little known or understood by the rest of the world.'¹²⁶ To most Westerners the idea of a traditional Africa was a place of barbarism and savagery where human sacrifices and cannibalism were daily occurrences, and they believed this because this was the information that was being fed to them by the anthropologist and colonial officials. The

¹²⁴ Conklin, *In The Museum of Man*, 2.

¹²⁵ Arnoldi, "From the Diorama to the Dialogic", 711–712.

¹²⁶ Ibid., 712.

imagery that this brochure elicited was of a place that was unrecognizable to the civilized eyes of the average museum visitor, a place that was so unlike the places these visitors called home. The brochure also created a dichotomy between the more civilized parts of colonized Africa and the wild savagery of those places that were still untouched by the civilizing hands of Europe.

Little changed by way of accurate information regarding Africa when the exhibition was updated in the 1960s, and by the early 1990s, outrage over the African exhibition had reached a fever pitch. The museum was inundated with criticism over the exhibition from the public and African scholars who saw the exhibition as featuring “Outdated and pejorative nomenclature for societies appeared in label texts and culturally loaded terms,” which “reinforced stereotypes of Africans as primitive, exotic, and savage and contributed to the misinterpretation of cultural practices.”¹²⁷ They argued that the exhibition showed Africans as an unchanging monolithic society with little history outside of their involvement with Europeans. Concerns were raised over the influence that the exhibit would have on visitors who possessed little knowledge of what Africa was really like outside of what they learned at the museum and since the museum presented itself as an authority on the artifacts in its collection it had an obligation to provide accurate and up to date information.¹²⁸

By the time racial evolution became a prominent feature in most ethnographic museums, anthropologist had begun to question its merits. Racial or cultural evolution can be divided into two schools of thought. Pluralistic and unilinear evolution. Pluralistic

¹²⁷ Ibid., 716.

¹²⁸ Ibid., 716–717.

evolution is “the idea that every human society was historically rooted and environmentally conditioned.” Unilinear evolution, “suggested that human social organization ‘evolved’ through a series of stages: animalistic sexual promiscuity was followed by matriarchy, which was in turn followed by patriarchy.”¹²⁹ Most ethnographic museums would subscribe unilinear evolution to African groups. While anthropologist believed in evolution and that thought that everyone was subject to its laws, they also believed that evolution could be controlled and manipulated, or in the case of African colonization, sped up. Under the right circumstances, anthropologist believed that it was possible to manipulate a groups intended evolutionary path and shortcut the process from savagery to civilization.¹³⁰ The racial evolution theories of the nineteenth century can be further broken down as anthropologist began looking to find the origins of human life, and whether humanity was monogenetic or polygenetic. Monogenesis, claimed that all humans were descended from one man and one woman, like in the bible, while polygenesis was the belief that each race was its own species and originated individually. While both of these theories have now been disproven, they were widely held during the height of colonialism. What these two theories boiled down to was the ability of a race to improve and evolve. If all races of people originated from the same original pair then every race possessed the ability to improve their situation and become as civilized as the Europeans. The Europeans own evolution from savagery to civilization proved this. However, if each race was in fact its own species, then that ability for change may not be there. Under this theory Africans may

¹²⁹ Conklin, *In The Museum of Man*, 3.

¹³⁰ Ibid., 45.

have reached their highest evolutionary peak, and no amount of colonization would change that.

One-way anthropologist thought to test this theory was through the science of craniometry. Craniometry wanted to test the belief that skull sizes remain the same even if you take the “primitive” race out of their environment and place them in a more “advanced” society. Racial development is a fixed trait. This idea permanently places Western races on the top of the racial hierarchy and African races on the bottom.¹³¹ Throughout the late nineteenth and early twentieth century, the theory of racial hierarchy would move from the realm of science theory to science “fact”, as more and more scientist began to latch on to it. Anthropologist like Paul Broca would develop tests to prove their faulty theories of racial hierarchy.¹³² When racial hierarchy made the move from theory to “fact” it provided justification to the treatment of Africans and other colonial subjects. With Europeans placed firmly on top of the ladder it became easier to validate the necessity of their ruling the world. Also, the followers of this school of thought, believed that the racial hierarchy was fixed due to their study of skull sizes. When scientist did not get the results, they wanted through cranial measurements to justify racial hierarchy, they began using other features to justify their hypothesis. These men were not extreme in their thinking, they were professionals, learned men; doctors and scientists. One reason for the downfall of racial hierarchy was that it became a favorite of Nazi Germany, which used the science as a pretense for their anti-Semitic views. The Nazi government funded studies and was a proponent of this type of racial classification based on hierarchy. Since these scientific

¹³¹ Ibid., 26.

¹³² Ibid., 26.

arguments were coming from an authority figure or government people were more likely to believe them and become mobilized to commit the terrible atrocities.

It wasn't until the 1950s that an official condemnation of scientific racism was issued. For over half a century science was used to reinforce the racist attitudes that were set up to justify imperialism. Until then, even the most racist and anti-Semitic thoughts on racial hierarchy were trafficked in leading scientific journals and treated as valid. These views, though challenged by other scientist, were seen as fact and treated as such. This condemnation may have largely been a response to the Nazi embracing of it and their use of it to commit such atrocities as the Holocaust. Initially racial science would attempt to establish and defend racial hierarchy based solely on the study of cranial cavities and brain sizes while ignoring things like culture. This allowed scientist to leave out things that did not fit their hypothesis, like the presence of aesthetically pleasing art and the Africans ability to work metals. In other words, the Benin Bronzes.¹³³

When Europeans did come across societal structure and technology that did not conform to their views on evolution and the mental capacity of Africans they gave credit to a mythical white race they believed migrated to Africa, known as the Hamitic people.¹³⁴ These peoples, who were lighter skinned, lived in the mountains of some of the most secluded regions of Africa and refused to reproduce or even associate with the local populations. When African nations finally began to gain their independence from colonial rule, they would try to reclaim a culture that was stripped from them under colonialism. One way in which these newly independent African countries chose to regain a part of their

¹³³ Ibid., 50-54

¹³⁴ Chamberlain, *The Scramble for Africa*, 7.

identity was through the country's name. Ghana and Zimbabwe chose names of ancient African empires to connect to a past taken from them by European imperialist, missionaries, and scientists.

Chapter 3: Right of Conquest: To the Victor Goes the Spoils

To a modern audience, the idea of that one party can gain legal ownership over an item that everyone knows was taken by force is absurd; a theft does not transfer ownership. Then the question of why can countries like Britain claim ownership of the Benin Bronzes when they were not given willingly by the people of Benin arises; in fact they were not given at all. It is even safe to say that the British stole the bronze plaques. However, seen through the prism of the nineteenth century, the acquisition of the plaques, while distasteful, was not outside of the norms of the day or even the law. Britain and the other countries that now hold the plaques in their collection are able to do so because they have a legal title of ownership and the foundation of that title rest on the centuries old practice of the right of conquest. The right of conquest was a controversial idea in the early nineteenth century as Napoleon looted the conquered capitals of Europe; however, no such qualms were raised when Europeans began removing artifacts from their conquered territories in Africa.

History of the Right of Conquest

The right of conquest can be dated back millennia, back to before the Roman empire stretched across Europe. While the ancient Greeks and other civilizations across the ancient world were no strangers to the act of military plunder, the ancient Romans would link the practice to national pride, a theme that would play out throughout history. Ancient armies would use looting as a tool of war. The looting of ancient cities would demoralize the opposing force while granting the looters moral; the treasures could also be used to pay

mercenaries and soldiers, prolonging an army's ability to fight.¹³⁵ Ancient armies would sometimes sack religious temples, places that were seen as off limits, in order to help finance their endeavors. Initially, this plunder would be paid back if the army was victorious, and if they were defeated it would simply be returned. However, as people got used to the idea of sacking formerly taboo places, like temples, they no longer felt the need to return what they took. Looting of temples simply became part of the right of conquest. It was even suggested by Acting Counsel General James Philips that Britain use what they looted from the Oba's palace to fund the punitive expedition. Those very objects were considered sacred to the people of Benin. During the career of Napoleon, the French government would give authorization for the appropriation of artwork from everywhere their army conquered. The Vatican was not even off limits to France's seizure of art from their conquered foes. While the Romans gave ancient justification to military looting, the French established the modern foundation upon which the practice would sit.¹³⁶

With the fall of the King and the ancien régime, the newly minted French Republic would repurpose palaces into institutions where the public could go and look upon the splendor that was now French. These former palaces would be filled with art seized from the former aristocracy and put on view for the public. During the Wars of the Coalition and the subsequent Napoleonic Wars, the looting of European capitals would follow the French army. The French would send these pieces to join the art of the former nobility in adorning the walls of public institutions throughout Paris. The aim of this cultural acquisition was

¹³⁵ Margaret M. Miles, *Art as Plunder: The Ancient Origins Of Debate About Cultural Property*, (Cambridge: Cambridge University Press, 2009), 298.

¹³⁶ Sharon Waxmon, *Loot: The Battle Over the Stolen Treasures of the Ancient World* (New York, N.Y.: Henry Holt and Company, 2008), 67.

not merely greed, but a way for a shaky government to shore up its public support. The people of France would come to see the seized artwork as a physical representation of their nation's glory, and with every priceless piece of art that was shipped back to Paris, the nation's pride grew. For the French army, looting became their reward for victory, and defeated nations would be made to sign over ownership of their art through the treaties thrust upon them by the victorious French. This same mindset would play out during the latter part of the century during the conquest of Africa when Britain believed it was their right as the conqueror to loot Benin city. While it was believed that looting was a legitimate part of war, the French would use the treaties to add a sense of validity to their action. Still, some spoke out against the actions of the French army. French archaeologist Quatremère de Quincy is quoted in *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, as saying, “the absurd and monstrous right of conquest of the ancient Romans... which made men and chattels the property of the strong.”¹³⁷ Responding to an assertion made by Thomas Paine, that a French invasion of England would simply mean the overthrow of the government and not the whole sale plundering of the country, a July 4, 1804 article in the *London Courier and Evening Gazette* said this, “Where is the absurdity of supposing that the French have in view the plunder of this country? We ask this even without referring to the many Addresses to the Consular Government... promising plunder as the reward of the victors.”¹³⁸ While an early nineteenth-century British newspaper is hardly the most objective voice when it comes to

¹³⁷ Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018), 132.

¹³⁸ “The Courier,” *London Courier and Evening Gazette*, July 4, 1804, www.britishnewspaperarchive.co.uk.

actions of Napoleonic France, it does layout France's history of plundering in very stark terms.

Did not the French armies plunder Italy, Germany; have they not sacked every city, despoiled every mansion which has fallen onto their power...Even the most mild and orderly of the French armies, the army of Moreau, in its last campaign, marked its progress by the plunder of the country through which it passed. Bonaparte has drained and impoverished Italy, sometimes by loans and contraptions, till it is reduced to a state of beggary; - the French government has plundered it of all the Pictures, Statues, and Monuments of art, which formed its pride and glory... Hanover has recently been plundered and gutted of everything valuable with the most fierce rapacity, because it belonged to the British King.¹³⁹

What is most ironic is that Britain would soon participate in many of the actions it denounced of France. It seems that looting and plundering fellow Europeans was a bridge too far, but for Africans, that was a different story.

In 1798, the then General Napoleon Bonaparte led his armies to Egypt and Syria. Accompanying Napoleon's army east would be over 167 scientist and other men of learning known as savants. Among their ranks would be "painters, engineers, geographers, botanists, mathematicians, and historians."¹⁴⁰ Napoleon wanted to unlock the secrets of the ancient and mysteries of the old world and bring its treasures back to France. Unfortunately, Napoleon and the generations of archaeologists that his campaign inspired would destroy almost as much of the ancient world that they saved. Here again Napoleon was taking his cues from the ancient world with his interest in the wonders of Egypt and the near east. Rome would adorn its capitals with the great obelisks of Egypt, many of which still decorate the cities of Rome and Istanbul. Generals and Emperors would prize the treasures of the ancient world as prizes and symbols of their greatness.¹⁴¹ Over the

¹³⁹ Ibid.

¹⁴⁰ Waxmon, *Loot*, 36.

¹⁴¹ Ibid., 103.

course of the next couple of years the British and the French would vie for control of the former Ottoman possession, with Britain finally winning out. The British would justify its control over the country through the right of conquest, the French had defeated the Mamluks and the British had defeated the French.

With the ultimate defeat of Napoleon, the victorious British had a choice on its hands, assert the right of conquest, which would give them the legal authority to plunder France of her wealth, the thing that decades earlier the British feared the French would do to them, or return everything the France had taken to those they had taken it from. Letting France keep its looted possession was not taken into consideration. The Duke of Wellington argued that the people of France would be against restitution not because Paris was the best city for them but because of national pride. The fact that they were acquired by military conquest, these artworks were tied to national honor and glory and the loss of them would be the loss of honor.¹⁴² The British settled on removing the looted art from France; however, many of the objects were not returned to their original location. Instead, these artifacts would find new homes in the newly built museums of Europe.

The Louvre, a former royal palace turned museum during the French Revolution, which held many of the looted items from Napoleon's campaign, would again be the benefactor of the exploits of a Napoleon, this time Napoleon III. The second French Empire under Napoleon III would see the French extend their spheres of influence deeper into Asia. The Louvre was originally established to house the treasures of the deposed King to be enjoyed by the French people. It then housed the treasures taken by the revolutionary armies and finally by those taken by exploits of Napoleon III. The Louvre was meant to

¹⁴² Jenkins, *Keeping Their Marbles*. 135.

showcase the glory and the majesty of the French Republic and since the people of France considered Paris the cultural capital of the world, where better to house the art that represented the culture and sophistication of the world. The expeditions of Napoleon III would bring artifacts from all over the old world into the Louvre. While these artifacts were not taken through military conquest, neither were they always taken with consent of the locals.

While the plundering of an enemy city can help strengthen your forces while weakening a rival's, there is another more psychological reason for committing the act. In ancient times plundered art would be sent to new temples to showcase the grandeur and generosity of Rome. In the 19th century they were sent to museums for much the same reason. Polybius, who was a critic of Rome's policy of displaying looted artwork in public spaces, believed that while this act glorified the victor, it elicited jealousy in the vanquished. When diplomats from those conquered lands made their way to the capital and saw their cultural heritage on display they would grow resentful having to look at a visual representation of their submission. For Polybius, plunder should only be sought if it contributed to the power of state, and not for the glorification of the victor.¹⁴³

By the time of Napoleon, scholars began to differentiate types of art and cultural property as well as assigning how they should be treated during military engagements.¹⁴⁴ Swiss jurist Emmerich de Vattel is quoted as saying "...for whatever cause a country be devastated, these buildings should be spared which are an honour to the human race and which do not add to the strength of the enemy, such as temples, tombs, public buildings

¹⁴³ Miles, *Art as Plunder*. 83–84.

¹⁴⁴ *Ibid.*, 298

and all edifices of remarkable beauty.”¹⁴⁵ Also to be respected was the private property of kings and his subjects; these items were supposed to be seen as off limits to a pillaging army. The French would get around this by including the seizure of art in the terms of surrender. While these standards were applied to the battlefields of Europe, they would not be to those of Africa at the end of the century. The British burned down the Oba’s palace as well as much of Benin City after the Punitive Expedition. They did, however, claim that the fire was accidental, but also necessary in cleansing the city, both literally and metaphorically.¹⁴⁶

Ownership Through Conquest

As previously stated, the idea of the right of conquest goes back millennia and the phrase “to the victor goes the spoils” is credited to Cyrus the Great of Persia.¹⁴⁷ With thousands of years of application, certain norms have developed around the acquisition of plunder. Outside of a formal declared war, plunder is not considered legitimate. However, what can be considered a formal declared war is up for interpretation, and every side may not consider the conflict formal or legitimate. The taking of the opposing side’s property during a formal declared war can be broken down into three categories: plunder, looting, and pillaging. Plunder is the removal of an enemy’s property during a time of war; any property taken this way was considered legitimate. Looting is a more predatory form of plundering. Also looting was on a more individual scale and would be frowned upon officially. Looting would be conducted by the soldiers to enrich themselves, while

¹⁴⁵ Ibid., 300

¹⁴⁶ Kathryn Wysocki Gunsch, *The Benin Plaques: A 16th Century Imperial Monument*, 1st (London New York: Routledge, 2017), 51.

¹⁴⁷ Salome Kiwara-Wilson, “Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories,” *Intellectual Property Law* 23 (2016): 288.

plundering would be an order given by the commander and usually had significant strategic value. Lastly, pillaging was the lowest form of the acts. Pillaging was like plundering, but with a destructive element.¹⁴⁸

Enlightenment Europe would take many of their ideas on restitution and plunder from the ancient world, primarily Cicero's case against Gaius Verres, a Roman Governor of Sicily. Verres, who lived during the first century BCE was a Roman magistrate, and for a time, governor of Sicily. During his time as governor, Verres would use the power of his office to pillage the Sicilian country of its ancient Greek treasures. Verres would later be brought up on charges for the many misdeeds he conducted while governor. The case against Verres provides a clear example of how the ownership of art was viewed in the ancient world. With eighteenth-century Europe's fascination with all things classical, it is no wonder that this case became the foundation for which they would base their concepts on the ownership of art and other cultural heritage.¹⁴⁹

The Ottoman empire of the eighteenth century was a shadow of its former self. The empire that conquered Egypt and Greece and pushed its way into Europe, could no longer hold many of its possession. So when countries like Britain and France expressed interest in the antiquities of some of the Empire's vassal states, in exchange for aide and other concessions, it was an offer too good to ignore.¹⁵⁰ Since the Ottomans had defeated and controlled places like Greece and Egypt, they were considered the rightful rulers of those lands and everything within them, including their artifacts. At no point did Europeans think

¹⁴⁸ Miles, *Art as Plunder*, 15.

¹⁴⁹ Ibid., 302.

¹⁵⁰ Waxmon, *Loot*. 47.

to ask the locals for their permission to excavate and remove artifacts, because they were a defeated people and as such had no rights to the ownership of the resources of that land.

When Napoleon defeated the Mamluks in Egypt, Egypt became a country without a formal government, and under the rights of conquest, Europeans would step in and fill this power vacuum. However, when the English then defeated the French, things in Egypt got even more muddled. While the British were not the de facto rulers of Egypt, the French still had a position of power within the country. The French had installed themselves in many vital roles in the Egyptian government, including the department in charge of antiquities, which was set up by the French. This antiquities department was in charge of handing out permits for excavation projects as well as funding museums and other institutions geared to Egypt's ancient past. The officials at this department would also have the final say in what objects could be taken out of Egypt and which objects needed to stay, and it is this body that many modern museum officials in Europe and America use to justify their museums' ownership of Egyptian artifacts. No native Egyptian was allowed to serve in this agency or attend the newly established institutions.¹⁵¹ Europeans denied access to higher learning to natives. They used the resulting ignorance as justification for exclusion and "civilizing" efforts. For the next century the French would control the antiquities trade in Egypt on an official level, with the Egyptians given almost no voice in the decision-making process over their cultural heritage. The French would even deny permits for excavation to the native Egyptians, because as Auguste Mariette, Frenchman and founder of the Egyptian Department of Antiquities, put it, they were only in it to find treasure, not

¹⁵¹ Ibid., 56.

out of a desire for scientific knowledge.¹⁵² Every artifact that left Egypt prior to Nasser's nationalist revolution in 1952 did so under the authority of a European.

Because the concept of the Right of Conquest is nothing more than looting, legal title is rarely established to transfer ownership of the artifacts from the conquered to the conquerors; this creates a problem for later generations when it comes to provenance. Just because a museum cannot provide a long and detailed provenance that tracks an item from its removal from its original resting place to its purchase by the museum, does not always mean that the artifact was looted. As former Director of the Metropolitan Museum of Art, Philippe de Montebello, stated,

Then there is the claim that if an object has an incomplete provenance, it must surely be looted. In far too many instances, that is probably the case. But there are also chance finds, there are flash floods and earthquakes, building projects as I've said, and yes, lots of old collections. It is not always easy to identify their full provenance, which incidentally is a phenomenon that is not unique to antiquities. Very few Old Masters paintings and sculptures in our collections—those dating from the Renaissance through the baroque periods, just a few hundred years ago—can be traced all the way back to their makers.¹⁵³

However, a provenance with too many holes leads to speculation about the removal and acquisition of the object. For many years the laws and practices around the removal of antiquities were lax and it was not unheard of for officials to look the other way when tomb robbing, and smuggling were occurring. Museums did not always have a problem purchasing artifacts that had an incomplete provenance, knowing that the reason was usually black-market sales. Furthermore, museum officials, like de Montebello, are content resting the legal ownership of objects on the right of conquest, and the authority

¹⁵² Ibid., 57.

¹⁵³ Philippe de Montebello, "And What Do You Purpose Should Be Done with Those Objects," in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012), 64–65.

that it grants to the colonizing force. They will usually couch this rationale in a concern for the protection and safety of ancient artifacts. They feel that it is better for these objects to be safely stored in museums where they provide a benefit to all of humanity than to be sold to a private buyer who could improperly store these artifacts, which would risk losing them forever.¹⁵⁴ De Montebello continues,

The U.K. and German museums now require for any purchase, with the exception of minor objects in the United Kingdom, provenance that goes back to 1970, the date of the UNESCO Convention. Our association in the United States (Association of Art Museum Directors, or AAMD) previously used a prohibition for acquisition by purchase or gift of any antiquity that cannot be shown to have been out of its country of origin for at least ten years with no exception. We now accept 1970 as a way to help ensure that no material incentive is provided to potential looters. The AAMD guidelines allow for the possibility of considering the acquisition of truly exceptional antiquities, if it is thought that by rejecting them the loss to humanity's cultural heritage is likely greater than the fiduciary risk taken by the institution—but still applying the 1970 rule . . . The International Council of Museums (ICOM), which includes in its code of professional ethics the following: “in exceptional cases, items without provenance may have such an inherently outstanding contribution to make to knowledge, that it would be in the public interest to preserve them.”¹⁵⁵

De Montebello is not the only museum professional to believe that these types of international laws do more harm than good. James Cuno, former president of the Association of Art Museum Directors would say the following, in a 2009 interview he gave to the website Science News in reference to a question about the UNESCO 1970 treaty: “These export constraints are creating black markets. And like water on a leaky roof. Looted artifacts are finding the path of least resistance to a buyer somewhere...What I can tell you is that they're not coming to museums in the United States and Europe [which

¹⁵⁴ Waxmon, *Loot*. 6–8.

¹⁵⁵ Montebello, “And What Do You Purpose Should Be Done,” 69.

adhere to UNESCO 1970].”¹⁵⁶ Cuno believes that requiring artifacts to remain in the country in which they were found could actually be harmful to the artifact because it has the potential of gathering all the artifacts of a particular society in one place, meaning that one catastrophic event could mean complete loss of that society’s cultural heritage. “Preventing the export of ancient cultural artifacts also greatly concentrates the risk to their survival...an insurance appraiser would tell you: You want to distribute your risk, from catastrophic damage by keeping things in multiple places.” In essence, what Cuno is saying is that refusing repatriation, on a large scale is “...the only reasonable way to protect the legacy of antiquities and promote a global understanding of what they represent.”¹⁵⁷

What both Cuno and de Montebello seem to be implying is that the best place for artifacts is in the West; in fact, if they are allowed to stay where they are society could risk losing these objects forever, either through destruction caused by war or other armed conflict, or through the illegal trade network that good faith measures like the UNESCO treaty of 1970 fostered. While Cuno does mention that New York and Berlin have experienced catastrophic events, he is not calling for artifacts to be removed from those cities and placed in museums in Africa, for their safety. Also, neither of those cities are seeking the repatriation of artifacts that were seized from them illegally or under the force of arms. Cuno, like others, believes that the “practice of partage” is a one-way street, from the generous places like Africa and the Middle East to safety of Europe and America.¹⁵⁸

¹⁵⁶ Janet Raloff, “Treaty on Antiquities Hinder Access for Museums,” Science News, March 28, 2009, www.sciencenews.org.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

It is not surprising that this line of thinking is not shared by those seeking the restitution of their cultural heritage. Dr. Zahi Hawass, the former Egyptian Director of Antiquities, believes that material culture's original ownership should outweigh everything, including legal purchase. Hawass, during his time as Director of Antiquities, oversaw efforts to have some of the most well-known Egyptian artifacts returned from museums abroad. Among these was the bust of Nefertiti, which left Egypt during the time when foreigners controlled the country's antiquities. Egypt sits in a difficult spot when it comes to restitution, as the country still deals with the problem of widespread looting, meaning, even if countries were on board with returning objects back to Egypt, the safety of those objects could not be ensured to a level that most western institutions feel comfortable with.¹⁵⁹ Throughout its modern history, Egypt has faced an epidemic of looting on a major scale, as objects from the ancient kingdom became sought after treasures. Museums like the Louvre possess items whose provenance is far from complete. Here again Museums professional like de Montebello underplay the importance of a complete provenance if that means the safety of the artifact. De Montebello will go a step further, however, and claim that the acquisition of unprovenanced artifacts are only necessary because they protect objects from their fate on the black market, if left in their country of origin, and also because of their potential to science. De Montebello claims that without the procurement of unprovenanced artifacts, many historical breakthroughs would not have happened. "Yet museums also have pioneered much scholarship in ancillary disciplines such as epigraphy, which I mention in order to remind us that the study of

¹⁵⁹ Waxmon, *Loot*. 23.

cylinder seals and cuneiform tablets would not exist were it not for the availability of thousands of unprovenanced antiquities preserved, for the most part, in our museums.”¹⁶⁰

It is important to acknowledge that the Western invasions of older civilizations has led to significant discoveries that has greatly increased our understanding of the world and our past. Without these invasions and armed conflicts, we would not have the wealth of knowledge that we have.¹⁶¹ When France invaded Egypt it took scholars and scientists with the military, because they knew the collecting and cataloging of artifacts would be a big part of their actions in Egypt. One of the major discoveries of Napoleon’s army in Egypt was that of the Rosetta stone. After the defeat of the French forces, the stone was reluctantly handed over to the British under the Treaty of Alexandria in 1801. At no point did anyone think that the rightful owner of the stone was the people of Egypt, because through conquest, Egypt had lost all claims to the ownership of its own land. For the British, the Rosetta Stone was more than a piece of history; it was a symbol of their superiority over their rivals, namely France. The Rosetta Stone like many other artifacts acquired by Britain and other European powers, played a dual role. First it was an advancement in the understanding of our past, a piece of the puzzle of the larger world. Second, it was the physical representation of the might of their empire. It showed their ability to possess objects from other cultures. Scholars also knew the importance of the find and went about ensuring that it could be studied far and wide. They were not certain whether this would be possible if the stone remained in Egypt.¹⁶² When the stone finally arrived in England, the

¹⁶⁰ Montebello, “And What Do You Purpose Should Be Done.” 65.

¹⁶¹ Miles, *Art as Plunder*, 39

¹⁶² Jenkins, *Keeping Their Marbles*, 76.

British would herald it, not because it was an important scholarly find, but because it glorified the nation.

Glory Through Acquisition

Plunder can be seen as the motivating factor for a lot of wars, if not the outright cause of war. Through the acquisition of plunder, a force can extend its ability to keep fighting as well as enrich itself. While armies of the eighteenth century may not have been driven by the promise of riches, plunder could still have a motivating effect when it came to fighting wars; it added to the prestige of the victors. The looting of the ancient world was done on the highest level. It was an official, if undeclared, state policy.¹⁶³ The nineteenth century would see a race between the great powers of Europe as they competed to claim as much of the old world for themselves. France, Britain, and Germany would send explorers out to the far corners of the world to bring home the best artifacts of our ancient past. Glory awaited the country that could boast at having the largest and greatest collections of treasures. These artifacts would be collected to display the dominance of the colonizer over the colonized. This race for artifacts was most evident in North and Sub-Saharan Africa. Around two-thirds of the artifacts taken out of Benin would make their way to the British Museum, while Germany claimed more than half of the objects that made their way into the European markets.¹⁶⁴ These objects would be put on display at museums to convey the might and prestige of the empire as well as their superiority, not only to the Africans but to the other European powers. The increased competition over the collection of artifacts was just an extension of the geopolitics and competition between

¹⁶³ Waxmon, *Loot*, 73.

¹⁶⁴ Elazar Barkan, "Aesthetics and Evolution: Benin Art in Europe," *African Arts* 30, no. 3 (1997): 38–39, <https://doi.org/10.2307/3337497>.

European nations. In essence, these artifacts were nothing more than propaganda for the state.

Driven by curiosity and international competition, the race for artifacts would see the old world stripped of its cultural heritage at an alarming rate. Nationalism was a motivating factor for Europeans in acquiring artifacts. The mid-nineteenth century would see a rise in nationalistic feeling throughout Europe. European nations each wanted to be on the top of the cultural ladder. To do this they would use artifacts of other societies to showcase the might and power of their overseas empire. They also used artifacts to promote their institution, trying to make them the best in the world. A museum is only as good as the artifacts it holds. Europeans would ignore local laws in order to acquire artifacts before other countries. To them this was a competition and national pride was on the line.¹⁶⁵ While today, museums will claim that they acquired the objects in their collection through legal means, often the objects were removed through less than official means, under the cover of darkness and bribery. In their speed to take as much as they can, as fast as they could, the looting of the ancient world by Europeans have left visible scars on many of the objects they claimed to be saving. These scars are a permanent reminder of the greed that accompanied this unsolicited altruism.

The purpose of the museum for the nineteenth-century European was twofold. First, it was a place to hold the wonders that the countries had collected. It was a visual representation of the greatness of empire and by extension the greatness of that culture and its people. Museums, like the Louvre and the British Museum, were the destination of choice for the objects acquired through imperial conquest, objects like the Benin Bronzes.

¹⁶⁵ Waxmon, *Loot*, 72.

Placing objects in the museum provided an opportunity for the average person to travel to the far corners of the empire without having to leave the safety of the mother country. These museums were placed in large metropolitan commercial centers as a way to cater to the largest possible audience. Second, museums were used as a means to control the populace by influencing public opinion. Museums would place things in their “proper” order or the order that the officials wanted their visitors to believe was the proper order, and thus when people visited a museum they saw the world as officials thought it should be.¹⁶⁶

Those seeking restitution, like Dr. Hawass, often know that their attempts are futile, and the likelihood of artifacts being returned are slim. Yet, they still sound the call for restitution to show the world the injustice that they face and to remind Europe of their history of acquisition through conquest. While the British Museum holds the legal title for objects like the Benin Bronzes, it must constantly be reminded that it was only through warfare that it came into possession of these items. This constant agitation by those seeking restitution has the added ability of influencing public opinion. However, they fight an uphill battle as national identity has become linked to many of the objects that they wished returned. The bust of Nefertiti, the Rosetta Stone, and the Benin Bronzes hold places of importance in the museums that house them, and people have come to think of them as permanent fixtures of not only the museum but the country. While European museums may downplay the significance of how these artifacts came into their collections, they are by no means proud of it and will often hide it from their visitors, while carefully curating the

¹⁶⁶ Andrew Gulliford, “Curation and Repatriation of Sacred and Tribal Objects,” *The Public Historian* 14, no. 3 (1992): 32, <https://doi.org/10.2307/3378225>; Jenkins, *Keeping Their Marbles*. 62.

provenance they wish to be known. The reality that a place which heralds the protection and preservation of artifacts, obtained those artifacts through plunder and through the removal practices of the day, repeatedly damaged the artifacts, is often left out.¹⁶⁷

Museums like the Louvre and the British Museum perpetuate the nationalistic ideals of the nineteenth-century world which saw their rise. Once objects are placed in them they become permanently linked to that institution and that country. In a way they become part of its modern cultural heritage, for good or bad, a legacy of empire and colonization.¹⁶⁸ These buildings play into the idea of the greatness of Britain and France that was perpetuated throughout the nineteenth century. Looted art can be used to convey a message, whether to foreign diplomats or subjects, about the power of the empire. Art adds to the majesty and perceived power of an empire by visually showing its grandeur through the domination of others. Through their heavy reliance on ancient precedent, like the writings of Cicero, Europeans would believe in the idea that looting art is morally acceptable if it is for the public good and displayed for all of the public to view and not for private consumption. When art is given to the public the narrative around the purpose of the art can be changed from loot to a display honoring a war. While at the same time believing that looting was a barbaric practice that should be left to the battlefields of old. The way that they were able to unite these two opposite ideas was by only looting those cultures that they believed were inferior to their own. The Middle East and Africa were societies that had not reached the evolutionary heights that Europeans had and the peoples of those parts of the world simply could not take care of or appreciate what they had. So,

¹⁶⁷ Waxmon, *Loot*, 68–69.

¹⁶⁸ *Ibid.*, 68.

for Europeans, the right of conquest was not only a valid practice to inflict on those societies, it was necessary. Felix Roth, medical examiner of the Punitive Expedition, is quoted in *Keeping Their Marbles How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, as giving this statement on his first impression of the objects that Europe would come to treasure:

on a raised platform or altar, running the whole breadth of each, beautiful idols were found. All of them were caked over with human blood, and by giving them a slight tap, crusts of blood would as it were, fly off. Lying about were big bronze heads, dozens in a row, with holes at the top, in which immense ivory tusks were fixed. One can form no idea of the impression it made on us. The whole place reeked of blood.¹⁶⁹

Roth was simultaneously amazed and horrified by the sight that he was confronted with and he, like many others, may have believed that the only way to preserve these artifacts was by removing them.

¹⁶⁹ Jenkins, *Keeping Their Marbles*, 140.

Chapter 4: Restitution: If You have Stolen Property, You Have to Give it Back

A string of announcements around restitution has shocked the museum world in the past few years. First, in December of 2017 in a speech in Burkina Faso, French President Macron revealed his intention to make available for restitution all objects that were taken forcibly during French colonization of Africa. While this announcement does not guarantee the restitution of any item that is currently in the possession of a French museum, it lays the groundwork for restitution claims to be processed in earnest. President Macron's announcement caught much of museum world unaware, and not everyone took it as a sign of progress. Stéphane Martin, president of Quai Branly Museum would say to the *New York Times* in 2018, "Museums must not be held hostage to the painful history of colonization."¹⁷⁰ In the same piece Hartwig Fisher, director of the London Institution had this to say about President Macron's plan, "it's a radical proposal," in which, "everything that took place under the condition of colonialism is eligible for restitution."¹⁷¹ The second piece of news would come in late 2018, when, in accordance with the Benin Dialogue Group, the British Museum agreed to loan an unidentified number of pieces taken during the Punitive Expedition of 1897 to Benin. While most reports on this news centered around the British Museum, a number of museums from across Europe have all agreed to loan, on a rotating basis, artifacts to Benin. However, while this announcement is a step in the right direction, it does come with a number of conditions. The most obvious of these is that the

¹⁷⁰ Farah Nayeri, "Return of African Artifacts Sets a Tricky Precedent for Europe's Museums," *The New York Times*, November 27, 2018, www.nytimes.com/2018/11/27/arts/design/macron-report-restitution-precedent.html.

¹⁷¹ Ibid.

artifacts will be loaned back to Benin; European museums are not relinquishing ownership of any of these objects. Also, the loans will be on a temporary basis. Furthermore, the loans are contingent on the completion of a new Royal museum being built in Benin City to house the artifacts. While many herald this announcement as progress, it is not surprising that others see it as only the first small step in a longer journey. Crusoe Osagie, spokesman of the Governor of Edo would tell *CNN*, “We are grateful these steps are being taken but we hope they are only the first step...If you have stolen property, you have to give it back.”¹⁷² While it is hard to doubt that these announcements are indeed a step in the right direction, the fight for repatriation is far from over, as many in the West remain hesitant to the idea.

Ideas around restitution can be broken down into two categories, cultural nationalism and cultural internationalism. Salome Kiwara-Wilson, author of “Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories” describes them as following:

Cultural nationalism is based on the premise that cultural property belongs at the place or among the descendants of the culture of its origin... cultural nationalism has a tendency to become invidious, to breed rivalry, misunderstanding and conflict, and to divide rather than unite...Cultural nationalism is most favored by countries with rich cultural heritage. These countries often pass laws intended to protect their cultural heritage from looting and the illicit trade in antiquities... Cultural internationalism, conversely, is defined as "the idea that everyone has an interest in the preservation and enjoyment of cultural property wherever it is situated, from whatever cultural or geographic source it derives." Cultural internationalism is thought to be object-oriented, resting on the principles of preservation, truth, and access.'...The internationalism debate is further coupled with an argument that the cultural objects are better protected and preserved in

¹⁷² Kieron Monks, “British Museum to Return Benin Bronzes to Nigeria,” *CNN*, December 14, 2018, <https://www.cnn.com/2018/11/26/africa/africa-uk-benin-bronze-return-intl/index.html>.

western museums, some of which have branded themselves "universal" or encyclopedic museums.¹⁷³

These two ideas are the foundation for the arguments for and against restitution; which is more important, the needs of the many or the needs of the few. When seen in the light of colonization, the fight over artifacts has taken on added meaning as former colonial possession taking steps to reclaim their identity through the material cultural that was stripped from them.¹⁷⁴

Two of the most obvious problems that Nigeria faces in its fight for repatriation is that: one, they do not possess a legal title to the artifacts looted during the Punitive Expedition, and two, even if they did, the statute of limitation has long since passed. The Benin bronzes currently reside in the hands of a third party. They were looted by members of the Punitive Expedition and sold or auctioned off to museums and other institutions around the Western world. A question that must be asked is: since the bronzes were taken more than one hundred years ago would their right of action be extinguished due to time and current ownership? An example of where this argument is currently being played out is with the Elgin Marbles. The Elgin marbles are sections of the Parthenon taken by Thomas Bruce, Earl of Elgin, in 1801. At the time of their excavation, Greece was a part of the Ottoman empire and it was through them that Lord Elgin received official permission in the form of a firman, an official mandate, that, according to Margaret M. Miles, in her book *Art as Plunder: The Ancient Origins Of Debate About Cultural Property*, gave Elgin permission to “contemplate...measure and draw, take moldings...dig in rubbish for

¹⁷³ Salome Kiwara-Wilson, “Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories,” *Intellectual Property Law* 23 (2016), 22.

¹⁷⁴ Sharon Waxmon, *Loot: The Battle Over the Stolen Treasures of the Ancient World* (New York, N.Y.: Henry Holt and Company, 2008): 3.

inscriptions...and [take away pieces of old stone with inscription] or [figures], without interference.”¹⁷⁵ While it is evident that Elgin exceeded the terms of the mandate when he began removing the artifacts from the Acropolis, the Ottoman empire did not seem concerned about this violation and never pressured the British government about it. There are many reasons why this might be: the Ottomans were in decline and needed the support of the British. Also, their grasp on Greece was slipping and by the 1830s, Greece would be an independent state. In essence, the marbles were not taken illegally and since the length of time since their removal is so long ago the statute of limitation has elapsed. Greece does not have many legal remedies for repatriation. As John Merryman is quoted in *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, “Although the original firman provides only slender authority for the removals, subsequent ratification of Elgin’s actions by the Sultan and the passage of time since Greek independence both support the proposition that the British own the marbles. If Greece were to sue the Trustees of the British Museum today for their return, the remedy would be denied unless a quite different version of the facts were found.”¹⁷⁶ While Greece has been seeking the return of the artifacts since its independence from the Ottomans, Britain has remained firm in its refusal of the request. While it is clear that the bronze plaques were made in the Kingdom of Benin, which is now a part of Nigeria, Nigeria nor Benin holds a legal title of ownership for the plaques. The best Nigeria has is oral testimony attesting to the ownership of the plaques. In some courts, like Canada, judges do not give

¹⁷⁵ Margaret M. Miles, *Art as Plunder: The Ancient Origins Of Debate About Cultural Property*, (Cambridge: Cambridge University Press, 2009), 308–309.

¹⁷⁶ Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018), 99.

much weight to oral histories that establish ownership through consecutive generation.¹⁷⁷

Another roadblock faced by Nigeria in the efforts for the full repatriation of the plaques is that it would be hard to find a court that would rule that the plaques were taken illegally, as the right of conquest was a recognized practice. Also, the precedent that such a ruling would have is staggering.

Who owns the Past

The question of repatriation is the question of who owns the past, and who gets to tell the stories of past civilization through the artifacts left behind. Is it the descendants of those who produced the objects or is it the societies who now possess them? Plus, outside of legal ownership, should artifacts remain in places where they can be easily accessed for study and research or returned to places where they originated, even if it hinders their scientific value? And, who gets to determine all of this?¹⁷⁸ All of these questions lie at the bottom of every request for repatriation and finding these answers are not always easy. The rise and fall of the enlightenment saw Europe's fascination of the world grow and with it their quest to unlock the secrets of the past. This started the wholesale excavation of the ancient world and Europe claiming ownership over a vast quantity of treasures of bygone eras. As time has passed, the once subjugated societies now wish to have a voice and claim what they feel has been taken from them. This has taken many forms, such as laws that more closely regulate artifacts that have been excavated and that limit what can be exported, and also an

¹⁷⁷ Kathryn Whitby-Last, "Legal Impediments to the Repatriation of Cultural Objects to Indigenous Peoples," in *The Long Way Home: The Meaning and Values of Repatriation* (New York, N.Y.: Berghahn Books, 2010), 40.

¹⁷⁸ Ann M. Kakaliouras, "An Anthropology of Repatriation: Contemporary Physical Anthropological and Native American Ontologies of Practice," *Current Anthropology* 53, no. S5 (2012): S213. <https://doi.org/10.1086/662331>.

uptick in repatriation claims. Egypt has vigorously asserted its rights over its material culture, through the passage of laws regulating artifact removal and by threatening to take away permits unless objects are returned.¹⁷⁹ Also, as the public becomes more critical over the acquisition methods of the past, museums have had to justify their continued ownership and possession of objects they themselves claim belong to everyone.

To stem this tide, museum workers have begun to challenge the idea of a shared culture between ancient civilizations and modern populations. As James Cuno states in his interview with *Science News*:

The argument seems to be that these people share a “collective genius” – one that might be racial or ethnic or cultural. And that the shared genius is particular to the people, both ancient and modern. But that argument was made by politicians, not by scientists...Take the Roman Empire. It not only emulated Greek culture, but had contact throughout at least North Africa, the Near East, and East Asia all of the way to China. Which means it was a mongrel culture. To now claim a kind of cultural purity exists between it and people inhabiting Italy today is an oxymoron.¹⁸⁰

While what Cuno says may be true, no one questions Italy’s right to control the antiquities found within its borders. In fact, the French believe that once an object enters its museums it becomes part of the museum and the museum’s identity, it becomes part of “French Patrimony” and as such it cannot leave France.¹⁸¹ This law will prove to be an obstacle for President Macron’s plan to repatriate objects to Africa.¹⁸² In a section from the book *Loot: The Battle Over the Stolen Treasures of the Ancient World*, author Sharon Waxmon describes then director of the Louvre, Henri Loyrette’s reaction to repatriation claims.

¹⁷⁹ Waxmon, *Loot*, 58.

¹⁸⁰ Janet Raloff, “Treaty on Antiquities Hinder Access for Museums,” *Science News*, March 28, 2009, www.sciencenews.org.

¹⁸¹ Waxmon, *Loot*, 118.

¹⁸² Farah Nayeri, “Return of African Artifacts Sets a Tricky Precedent for Europe’s Museums,” *The New York Times*, November 27, 2018, www.nytimes.com/2018/11/27/arts/design/macron-report-restitution-precedent.html.

Loyrette explained, any claims against the Louvre regarding objects acquired long ago are “not legitimate.” “I contest this idea very strongly,” he said. “You need to distinguish between claims of things that have been taken illegally in recent years, and things that have been legally in a collection for a century or more. In a legal sense, you cannot judge the practices of the nineteenth century by the lights of today. You have to see things in their historic context.”¹⁸³

Museums are trying hard to distance themselves from the colonial past while not making much effort to make amends for it. Museum professionals like Cuno and Loyrette decry the nationalistic tendencies of the nations’ seeking restitution, while benefitting from their countries own nationalistic past.

While Nationalism was one of the engines that drove colonialism and the acquisition of artifacts, nationalism is now leading the fight for restitution in the form of the idea of a shared cultural property. Cultural property assumes the existence of a cultural identity or patrimony which is the foundation of nationalism. In the past, Europeans have made the connection between cultural property and national identity. After the defeat of Napoleon, the European nations that were subject to his looting argued that the treasures now located in France needed to be returned because they were tied to the national identity of the country and thus its culture. The early nineteenth century was the beginning of the emergence of nationalism; these nationalistic feelings would play a large part in the events that would unfold in Africa, more than half a century later.¹⁸⁴ Nations are now attempting to protect their cultural property through the passages of laws that regulates the antiquities trade.

¹⁸³ Waxmon, *Loot*, 119.

¹⁸⁴ Wilson, “Restituting Colonial Plunder,” 15.

Arguments Against Restitution

The legacy of colonization looms large over Nigeria in its efforts for the repatriation of the Benin Bronzes. The fight over repatriation can also be seen through the lens of a critique on political corruption and government mismanagement. Objects returned to countries where these things are prevalent could mean the loss of the object. Museums would be more willing to engage in repatriation talks if they were sure of the safety of the objects.¹⁸⁵ Often times these instances of political corruption and mismanagement were products of colonization. Nigeria has faced its fair share of issues in the years since receiving independence, like military coups, terrorist insurgencies, and financial hardship. According to the 2018 Fragile States Index, Nigeria holds a rating of 99.9 and sits in the Alert stage, only High Alert, and Very High Alert rate worse, South Sudan sits atop the Fragile State Index with a rating of 113.4. For comparison Finland has the best rating of any country at 17.9 and heads up the Very Sustainable category.¹⁸⁶

With this in mind it is no wonder why museums have been hesitant to simply return objects with no strings attached. Museum professionals throughout Europe and America feel like the West is the safest place for these objects to be. Countries outside of the West, they feel, do not possess the stability or the finances to provide the necessary level of care. Philippe de Montebello wrote in his chapter of *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, that “Museums are buildings with a physical reality and constraints, and the care of the world’s art is sometimes best achieved through stability. Installations call for vitrines, platforms, lighting, labels, climate control, and so forth, and

¹⁸⁵ Jenkins, *Keeping Their Marbles*, 160.

¹⁸⁶ “Fragile States Index 2018 – Annual Report | Fragile States Index,” accessed February 23, 2019, <http://fundforpeace.org/fsi/2018/04/24/fragile-states-index-2018-annual-report/>.

of course substantial resources.”¹⁸⁷ The implication here is that these features are not found in museums outside the West and therefore Western Museums are the best place to house artifacts because they can provide a level of care that other parts of the world cannot. This added level of care means that artifacts will be around for a longer period of time making them accessible for future generation to enjoy and study.

Even in places like Egypt, which relies on the tourism generated by their artifacts, museums are unable to provide an adequate level of care by the Western standard. In Egypt many museums are underfunded and understaffed, and objects can go missing due to the lack of any real inventory system. Sharon Waxmon describes what awaited a *New York Times* reporter when they visited a museum in Egypt; the reporter “found the space covered in cobwebs and packed with floor-to-ceiling crates, along with human remains on shelves, human skulls sitting in crates, tablets and amulets and bowls and jars scattered here and there . . . Upstairs, the guards are few and far between, and they do not protest when visitors walk up to pieces and touch them. On the lawn in front of the museum, a tourist sits on one of the sphinxes for a picture, unbothered by guards who stand nearby.”¹⁸⁸ Egypt holds a rating of 88.7 on the Fragile State Index.¹⁸⁹ Some Egyptian Egyptologists believe that some of Egypt’s most famous artifacts should remain in the West because those institution are able to provide a level of care Egypt cannot.¹⁹⁰ However, Countries like Egypt and Nigeria

¹⁸⁷ Philippe de Montebello, “And What Do You Purpose Should Be Done with Those Objects,” in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012), 42.

¹⁸⁸ Waxmon, *Loot*, 109.

¹⁸⁹ “Fragile States Index 2018 – Annual Report | Fragile States Index,” accessed February 23, 2019, <http://fundforpeace.org/fsi/2018/04/24/fragile-states-index-2018-annual-report/>.

¹⁹⁰ Waxmon, *Loot*, 30

are planning to build new state of the art museums to house repatriated artifacts in an attempt to sway museums in the West to return artifacts.

The threat of terrorism is a constant concern for both side, in the fight over restitution. With terrorist organizations having destroyed artifacts in places like Iraq, museums are hesitant to repatriate items to places that have a serious terrorist threat. The concern over terrorism goes beyond the safety of the artifact, as people can also be at risk over terrorist activity. In 1997 a terrorist group killed a number of tourists in the Egyptian city of Luxor.¹⁹¹ Nigeria has also been plagued with terrorist activity in the last decade in the form of Boko Haram. Western museums pride themselves on the accessibility and safety their locations grant to visitors and scholars. Repatriating artifacts to places where people may be at risk can hinder scientific advancement, as scholars may be reluctant to travel to those locations.

It is believed by some in the West that artifacts were saved from destruction by the colonial forces that took them. It is believed that when Western scholars rediscovered and removed artifacts to the West they were able to conserve them through the preservation efforts of Western institutions. Because of this we are able to enjoy these artifacts today. These artifacts are now spread out throughout the world and as a result they are accessible to millions of people to enjoy and study. A fact that might not be if they were left in their country of origin or repatriated.¹⁹² While this may be true it is also true that Europeans desecrated ancient sites for national pride and profit. They unskillfully removed sections

¹⁹¹ Ibid., 90.

¹⁹² Jenkins, *Keeping Their Marbles*, 117.

of reliefs and other artifacts which were then taken to Western institutions. In some instances, their absence is shockingly glaring.¹⁹³

Thomas Bruce, Earl of Elgin claimed that he had no intention of removing the marbles until he saw the state that the Parthenon was in and was concerned for their continued existence. Tiffany Jenkins quotes Elgin as saying, “[T]he Turkish government attached no importance to them,’ he said of the sculptures, but ‘every traveler coming, added to the general defacement of the statuary in his reach: there are now in London pieces broken off within our day.’ Even worse, ‘the Turks have been continually defacing the heads and in some instances ... they have pounded down the statues to convert them into mortar’”.¹⁹⁴ This idea of needing to save the marbles was not shared by everyone. Some felt that since the marbles were in Greece they therefore belonged to the Ottomans, and the Ottomans could treat them however they liked. In a May 1816 edition of the *London Courier and Evening Gazette* the author, pretending to be different MPs, details some of the reasons why Parliament should not pay thirty-five thousand pounds for the acquisition of the marbles. The author, reminding the reader of Lord Elgin’s reasoning, says, “It has been asserted that they were in a process of destruction; that the Turks fired at them as marks.”¹⁹⁵ Now taking on the persona of an MP by the name of Hammersley he defends the right of the Turks by stating, “the Turks had a right to fire at them, and God forbid we

¹⁹³ Waxmon, *Loot*, 63.

¹⁹⁴ Jenkins, *Keeping Their Marbles*. 94.

¹⁹⁵ “Elgin Marbles.,” *London Courier and Evening Gazette*, May 27, 1816, British Newspaper Archive, <https://www.britishnewspaperarchive.co.uk/viewer/bl/0001476/18160527/007/0002>.

should interfere with the rights of any other people!”¹⁹⁶ He goes on, defending the Ottomans sovereignty over Greece, by laying out a hypothetical:

Suppose that, in this country, the Board of Ordnance should choose to fire at St. Paul’s; suppose, even, that they were to place a couple howitzers on Ludgate-hill, and batter down the great copula – I put extreme cases but would even this justify the Turkish Ambassador in carrying off the rest of that noble edifice...and after shipping it in transports in the river, consigned to the Waivode of Athens? If it would not, what right had Lord Elgin to convey the Parthenon (which I understand to be the St. Paul’s of Athens) to this town? What is sauce for the goose, is, as the poets expresses, sauce for the gander.”¹⁹⁷

What is most ironic is Elgin caused substantial damage to the building and other objects when he removed the marbles. In the same article, now pretending to be a different MP, the author describes the condition of the marbles in the following way,

these statues are in such a state of mutilation that several of them are deficient in the most important and weightiest particulars: the front side of the Ilissus, and the back side of the Theseus are greatly damaged: the torso of Neptune is worse even than the torso of the Belvedere: everybody knows the latter is ten feet from neck to the knees; but the former is broken off at the waist, and wants one of the most graceful, characteristic and prominent rotundities of the human form.¹⁹⁸

To remove the marbles and other statues from their fixtures in the Parthenon, Elgin and his team had to resort to “barbarous”¹⁹⁹ means. In a series of letters between Elgin and Italian painter Giovanni Battista Lusieri, Lusieri describes the measures he was required to take to remove and transport the items from Athens to England. In a September 1801 Letter to Elgin, quoted in, *Keeping their Marbles*, Lusieri says “I have, my Lord, the pleasure of announcing to you the possession of the eighth metope, that one where there is the Centaur carrying off the woman. This piece has caused much trouble in all respects, and I have even

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Jenkins, *Keeping Their Marbles*, 96.

been obliged to be a little barbarous.”²⁰⁰ In transporting the marbles to England, pieces were sawed in half and some even broke, causing some of the destruction described in the *London Courier*.²⁰¹

With such destruction caused by those that were seen as the savior of the artifacts, it is safe to wonder, if people like Lord Elgin did more harm than good. Even with this knowledge at hand, some argue that although the method of extraction wasn’t great, the results more than made up for it. The information we learned from these artifacts opened up the ancient world to a modern audience. With artifacts like the Rosetta Stone and the Assyrian cuneiform tablets, ancient languages were, for the first time in centuries, decipherable.²⁰²

For the Good of Science

The exact number of bronze plaques from Benin that reside in museums outside of Nigeria is estimated to be between eight hundred to over a thousand.²⁰³ With the arrival of these artifacts in the West, interest and scholarship in Africa supposedly skyrocketed. The looting of these objects is said to have led to the adjustment in the attitudes of Europeans towards Africans. These artifacts made Europeans rethink their notion of a primitive African society. Europeans did not think Africans were advanced enough to create such works and for the most part believed that they were made by Europeans or that Europeans taught them the process. In extreme cases Europeans were ready to believe that the plaques were made by mythical civilization because that was more believable than Africans

²⁰⁰ Ibid., 96.

²⁰¹ Waxmon, *Loot*, 48.

²⁰² Jenkins, *Keeping Their Marbles*, 122.

²⁰³ Kathryn Wysocki Gunsch, *The Benin Plaques: A 16th Century Imperial Monument*, 1 edition (London New York: Routledge, 2017), 1.

possessing the technical skill to produce such work. Neil Mac Gregor, former director of the British Museum would say this about the impact that the bronze plaques had on Europe, in his chapter in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*:

These Objects, I think, did more than anything else to change European perceptions of Africa. Europeans could not believe that brassworking of this sophistication could be of African origin. It simply was not possible. Frobenius, for example, the British mathematician, went to great lengths to argue that such plaques were proof that Atlantis must indeed have been just off the west coast of Africa as Plato once proposed, since brass plaques of this sophistication could only have been made by Greeks. When it became clear that they were African, a whole set of stereotypes collapsed; a whole set of hierarchies disintegrated.²⁰⁴

What Mac Gregor and others who believe like him are arguing is for science's universalism to supersede cultural relativism. In other words, placing the greater good of science over one culture's beliefs and practices. They believe that the benefits artifacts have in science does the greatest amount of good for the greatest amount of people, while restitution is only for a small group.²⁰⁵

While those opposed to restitution believe that no one should own artifacts because they belong to everyone, neither are they willing to relinquish the legal titles Western museums have over these same artifacts. They claim that this is because, while in the possession of the West, these artifacts are accessible to the greatest amount of people and

²⁰⁴ Neil MacGregor, "To Shape the Citizens of 'That Great City, the World,'" in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012)P. 51–52.

²⁰⁵ Michael Pickering and Paul Turnbull, eds., *The Long Way Home: The Meaning and Values of Repatriation (Museums and Collections Book 2)* (New York, N.Y.: Berghahn Books, 2010), 4–5.

their value to science and our understanding of our past is greatly increased.²⁰⁶ For them, these artifacts are valuable because they provide a snapshot in time, before European contact with these societies. Europeans forced their version of civilization on other societies, significantly changing their cultures. In becoming more Westernized, these societies were no longer the cultures they had been before, and it is only through the study of these artifacts that we can get a window into that world. In many cases the societies that produced these artifacts no longer exist, at least in the way they did when these artifacts were made. Studying the artifacts allows us to better understand those people. Objects can tell us about cultures without the bias of European travelers.²⁰⁷ What is not said, however, is that these societies no longer exist because Europeans forced them to change through forces like colonization and the Europeanization of these groups. Also, the ability for artifacts to do this is not reliant on their location, these same things would be true if artifacts were repatriated.

Appropriate Context for Art and Artifacts

Those who are against repatriation will argue against the idea put forth by archaeologists that art belongs in its original context.²⁰⁸ They do not subscribe to the notion that when art is taken out of its original environment it loses its context, or that art takes its meaning from the environment in which it was created which includes the culture of the people, as well as the location of the society. As Philippe de Montebello argues:

As for the notion that it is best to keep antiquities in their archaeological context, it seems of dubious merit for several reasons. It is the case, after all, that objects from

²⁰⁶ Ann M. Kakaliouras, "An Anthropology of Repatriation: Contemporary Physical Anthropological and Native American Ontologies of Practice," *Current Anthropology* 53, no. S5 (2012): 211. <https://doi.org/10.1086/662331>.

²⁰⁷ Jenkins, *Keeping Their Marbles*. 35–36.

²⁰⁸ Waxmon, *Loot*, 119.

a particular excavation, once out of the ground – even when stored in the local museum when there is one – are already out of their archaeological context. Their primary clue to the archaeologist – their historical record – is already noted and one hopes promptly published... As important as it may be, the archaeological context is only one of several contexts. It happens of course to have been the last context in the life of an object before it enters a private or public collection... We have to remember that many antiquities found in the ground were, after all, mobile in their lifetime: traded, sold, carried vast distances along caravans throughout Asia, around the Mediterranean, and in Africa. And there has always been a correlation between the movement of objects and the growth and transmission of knowledge. And this argues for the mobility of excavated objects, in the breach of no laws, and resulting in much greater access for far more people; it promises the prospect of new and more broadly shared knowledge, which is in keeping with the principles of the humanistic disciplines of which museums are part.²⁰⁹

However, it is important to note that these circumstances laid out by de Montebello are not always the case. In terms of the Benin bronzes, proper notation was not done by those who took the plaques from Benin. And as a result, to this day no one can be certain of their exact purpose or even how to interpret them properly. Also, while the Benin bronzes never traveled great distances prior to their removal by the British, they had in fact been moved more than once within Benin City. The palace of the Oba, where the artifacts were housed, burned down and was rebuilt in the eighteenth century. On top of this, the plaques were made to be taken down and arranged to tell specific stories. They were not meant to stay in a fixed position or grouping.

De Montebello believes that the context of artifacts is not fixed and there are no correct or incorrect contexts. An object in a museum halfway around the world can tell us just as much about the artifact as it can if it was left in its original context. However, we would then lose the ability to examine these objects with others like them from around the world. De Montebello goes on to state:

²⁰⁹ De Montebello, “And What Do You Purpose Should Be Done with Those Objects,” 59–60.

The ability to see and study works of art in museums is to be able to study the similarities among objects of the same culture as well as the differences among diverse cultures. One need not choose between these contexts. And as a result, one can better understand the uniqueness of each. This makes one wonder about the impassioned arguments put forth by some for keeping all ancient objects as near to their site of excavation as possible, for the purpose not only of satisfying local pride but also and mainly of keeping them in their archeological context so that they are not condemned, as a prominent archaeologist seen it, to quote “their sad life in a museum.”²¹⁰

When art is taken from its original context, no matter the circumstances, and placed in a new context by the art’s new owner, the meaning of the artwork changes. This new meaning gets to be determined by whomever now possesses the art. This is especially true for art that has a stated function in the culture that produced it. Spread out in museums throughout Europe and America, the Benin Bronzes, no longer function in their original context. They now fit into the context that the museum curators made for them.

The Benefits of the Universal/Encyclopedic Museum

A common argument used by those who oppose restitution is that the universal or encyclopedic museum is the best place for all artifacts. According to those proponents, universal museums have the ability to improve peoples’ understanding of the larger world by bringing artifacts from all over the world to a single location. This gives normal people and scholars the ability to study and compare the same type of object produced by different cultures at different stages of human history. Also, universal museums, through their collections has the ability to inspire human discovery. Furthermore, museums advance the human story through the representation of humanity in all of its diversity. In short,

²¹⁰ De Montebello, “And What Do You Purpose Should Be Done with Those Objects,” 59.

universal museums are the legacy of the best ideals of the enlightenment.²¹¹ Or as Neil MacGregor puts it, “The great achievements, I think, of the Enlightenment museums, the encyclopedic museum like the British Museum, was the notion that the context of the museum would allow truths to emerge that could not emerge if the objects were studied only in the context of the objects like them; that is, among only objects from the same culture.”²¹²

Through repatriation artifacts would leave universal museums and be placed in smaller national museums. Universal museums attract people from all over the world, bringing artifacts to the widest audience ever. Removing these artifacts from them means that less people would be able to see them. Museum professionals like MacGregor feel that restitution goes against everything a universal museum stands for. A universal museum’s purpose is to bring its collection to the widest audience possible. Universal museums are located in major metropolitan areas like London, New York and Paris, where people from all over the world visit. Restitution advocates want to remove these objects from these institution and take them to countries without the resources or the international attendance to bring these objects to the widest possible audience.²¹³ According to the Louvre’s website, 2018 saw record breaking crowds, and twenty-five percent increase in visitors from 2017. In 2018 10.2 million people visited the museum and around three quarters of

²¹¹ James Cuno, ed., *Whose Culture?: The Promise of Museums and the Debate over Antiquities* (Princeton, NJ: Princeton University Press, 2012), 37.

²¹² Neil MacGregor, “To Shape the Citizens of ‘That Great City, the World,’” in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012), 42.

²¹³ Waxmon, *Loot*, 120.

those visitors came from outside of Paris.²¹⁴ The problem with this is that universal museum have unilaterally proclaimed themselves as the best possible place for these artifacts to remain. The functions that they provide can be provided anywhere in the world if the conditions were right. Often times, the legacy of colonization is the reason why countries in places like Nigeria cannot provide financial resources to their museums.

To fight the tide of restitution, the heads of several of the world's largest museums came together and wrote the "Declaration on the Importance and Value of the Universal Museums." The document is a synthesis of the concerns of museum directors and scientists around the world who fear that restitution would mean the end of the universal museum. They fear that once the flood gates of restitution start they will not be able to shut them again, and the museum will be stripped of large parts of its collection. The declaration begins by denouncing the illegal antiquities trade, before stating that, "We should, however, recognize that objects acquired in earlier times must be viewed in the light of different sensitivities and values, reflective of that earlier era. The objects and monumental works that were installed decades and even centuries ago in museums throughout Europe and America were acquired under conditions that are not comparable with current ones."²¹⁵ The declaration fails to go into detail about the condition in which these objects were acquired. The declaration makes no mention of colonization or the rights of conquest or gives any context into the means in which the artifacts were acquired. The declaration goes on to say, "Over time, objects so acquired – whether by purchase, gift, or partage – have

²¹⁴ "Welcome to the Musée Du Louvre's Press Room," Louvre, January 3, 2019, <https://presse.louvre.fr/10-2-million-visitors-to-the-louvre-in-2018/>.

²¹⁵ "Declaration on the Importance and Value of Universal Museums," ICOM NEWS, 2004, http://archives.icom.museum/pdf/E_news2004/p4_2004-1.pdf.

become part of the museums that have cared for them, and by extension part of the heritage of the nations which house them.”²¹⁶ Again, the declaration fails to mention objects acquired through conquest and colonization. Lastly the declaration brings up repatriation and the effects that it could have on the universal museum. On repatriation the declaration states:

Calls to repatriate objects that have belonged to museum collections for many years have become an important issue for museums. Although each case has to be judged individually, we should acknowledge that museums serve not just the citizens of one nation but the people of every nation. Museums are agents in the development of culture, whose mission is to foster knowledge by a continuous process of reinterpretation. Each object contributes to that process. To narrow the focus of museums whose collections are diverse and multifaceted would therefore be a dis-service to all visitors.²¹⁷

According to the declaration, repatriation could seriously hinder a museum’s ability to fulfill its purpose and this would be to the detriment of everyone, not just those in the West.

According to museum professionals, the museum is only as good as its collection and the collection goes a long way in defining the museum. Universal museums which have collections of artifacts from all over the world is thus a valuable institution. As Philippe de Montebello says:

That said, it is nevertheless the collection that defines the museum: the better the collection is, the better the museum is and the better it is for all of us. Indeed, maintaining the integrity of collection is key to the value of the museum. Thanks to their high concentration in both primary and study collection, works of art from many civilizations can be studied in depth and most importantly, in a cross-cultural, comparative context. In museums such as the British Museum and the Metropolitan Museum of Art, one can view, for example, classical works of the Augustan period and within a two to three-minute walk, encounter contemporaneous objects produced under the distant Han Empire. This is a most rewarding collapsing of time and distance and can only occur in encyclopedic museums.²¹⁸

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ De Montebello, “And What Do You Purpose Should Be Done with Those Objects,” 57.

This argument against restitution rests on the notion that removing objects from a museum will hurt the integrity of the institution. What makes encyclopedic museums great is their wealth of knowledge and the breadth of artifacts they contain. It is essentially a one stop shop for all your scholarly needs. Taking away artifacts takes away a scholar's ability to thoroughly research a topic. Where it once would take a scholar one visit to a single museums to study a topic, they would now have to go to multiple museums in multiple countries. If we apply this rationale that a museum is only as good as its collection and the quality of museums in places like Africa are lacking, then would not the restitution of these popular pieces, such as the Benin bronzes, help to transform the impoverished museums of Africa?

To keep the collections of universal museums intact and also provide museums in places like Africa with artifacts that could bring in visitors, museum professionals have proposed an alternative to restitution: long-term loans. Through loans the British Museum is able to share its artifacts with the world, ensuring this knowledges is available to millions. As de Montebello explains, "The collection of encyclopedic museums in the large Western capitals, as well as museums in Greece or in Italy or in Egypt – or indeed, Istanbul – are all rich and deep enough that a premium can begin to be placed on long term loans and exchanges to achieve much wider access worldwide, than now exists."²¹⁹ For de Montebello, artifacts "should be made available through well-thought-out programs of loans to all parts of the globe, and pointedly to those nation that do not happen to have the arts of other parts of the world."²²⁰ The British Museum and other Western museums have

²¹⁹ Ibid., 56.

²²⁰ Ibid., 56

positioned themselves as the gatekeepers of the past, and they jealously hold on to that title. By calling themselves universal museums they justify holding on to objects from other cultures. We must ask ourselves why are there so few universal museums outside of Europe and America. While long term loans do help to fill a void, they do not address the underline issue at the heart of many claims for restitution. For those seeking restitution, restitution is not just about physically owning objects that are now housed in museums throughout the West. Restitution is a way to make amends of past wrongs and a way to allow different groups of people to control the narrative of their past.

Arguments For Restitution

Yusuf Abdallah Usman, Director of the National Commission for Museums and Monuments in Nigeria, is quoted by Tiffany Jenkins in her book *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, as saying, “Without mincing words, these artworks are heirlooms of the great people of the Benin Kingdom and Nigeria generally. They form part of the history of the people. The gap created by this senseless exploitation is causing our people untold anguish, discomfort and disillusionment.”²²¹ While museum professionals lay out a scientific reason for denying restitution, those who are seeking it express a more emotional appeal. For the people of Benin, the bronze plaques are not just an object with scientific value, the pieces present a real link to their past; a past which was forcefully taken from them through colonization. The bronze plaques represent a history and culture that the people of Benin wish to recapture and learn more about. This emotional appeal may be the best strategy to

²²¹ Jenkins, *Keeping Their Marbles*, 4.

regain possession of the bronze plaques as public opinion has the best ability to influence museum policy.²²²

When the British occupied Benin city they destroyed the political system on which the kingdom had sat for generations. The destruction of that political structure severed the links the Edo people had with their past and their traditions, as the royal court was the foundation on which many of those things rested. The Oba was who commissioned art and the creation of the bronze plaques. The Oba also established and controlled the different guilds that were in charge with maintaining different aspects of the kingdom's culture, including its history. Benin had no written record, so outside of guilds and the artifacts like the bronze plaques and carved tusks, there is no record of their past. When the guild was destroyed by the British so was the Edo people's ability to interpret the plaques and learn about their past.²²³

When the bronze plaques were seized from Benin, the British did not take the time to properly document their find. While interviews of court officials were conducted by the British later, this did little to help further their understanding of the bronzes or how to interpret them. The lack of documentation could be due to how the plaques were found by the members of the Punitive Expedition, which was on the floor of one of the palace courtyards covered in dust.²²⁴ According to author Kathryn Gunsch in her book *The Benin Plaques: A 16th Century Imperial Monument*, the finding of the plaques, which were lying haphazardly on the floor, may have led the members of the expedition to assume the pieces

²²² Elazar Barkan, "Aesthetics and Evolution: Benin Art in Europe," *African Arts* 30, no. 3 (1997), 41. <https://doi.org/10.2307/3337497>.

²²³ Ibid., 40.

²²⁴ Kathryn Wysocki Gunsch, *The Benin Plaques: A 16th Century Imperial Monument*, (London New York: Routledge, 2017), 77.

were not meant to be viewed as a complete unit. On this premise the plaques were then split up and sold to museums, private buyers, and other institutions around the world. As a result, scholars have been unable to study the Benin plaques as a complete unit, which has hindered our ability to properly understand the plaques in their original context.²²⁵

Cultural Heritage and Material Culture

Cultural heritage can best be described as the tradition that ties people together through multiple generations. Material culture is the culture that is passed down through generations through objects. In many cultures these two concepts are often linked as their heritage is frequently represented in the objects they leave behind, meaning these objects have a cultural significance to a certain group beyond just their aesthetic value. Physical objects have an objective truth about them and for the people who know how to interpret the meaning of the object, they are able to unlock their long-held secrets. Societies use objects to represent themselves and their culture in a medium that can be passed down, unchanged through generations, teaching the skill to unlock the hidden meaning to a select few. This holds true for the Benin Bronzes.²²⁶

The cultural heritage and material culture of an object can go a long way in deciding restitution claims. If the museum decides an object is culturally significant they may be more willing to agree to repatriate the object. While this seems like a basis to judge restitution claims, the problem arises when you realize that the same people or institutions which decide if an artifact has any cultural significance to a particular society are also the same ones determining the restitution claim, and the societies which produce and claim

²²⁵ Ibid. 1-3.

²²⁶ Alice L. Conklin, *In The Museum of Man: Race, Anthropology, and Empire in France, 1850–1950* (Ithaca, NY: Cornell University Press, 2013), 38.

ownership of the objects are not always given a voice when cultural significance is being determined.²²⁷ A case which best represents the pitfalls of museum being able to control what is and isn't culturally significant is the fight over the bust of Nefertiti. Stephen Urice, the director of the Project for Cultural Heritage Law and Policy, claims that the bust was removed from Egypt and taken to Germany under the Egyptian law of the time. What he does not say is that the law was established by the West which controlled the Egyptian government at a time when the antiquities department of the government was controlled by the French. Very few Egyptians had a say in coming up with the policies. When it comes to any cultural significance of the bust to the current inhabitants of Egypt, Urice's views are best explained by Sharon Waxmon in her book *Loot: The Battle Over the Stolen Treasures of the Ancient World*. Waxmon says of her conversation with Urice:

Finally, Urice rejected the idea that Nefertiti was part of Egypt's basic cultural identity. "The cultural connection between Nefertiti's Egypt and contemporary Egypt is attenuated at best," he wrote. "The former was pagan; the latter is predominantly Muslim; the former was a monarchy, the latter is a democratic state; and so on... There is no evidence that the bust is essential for contemporary Egyptians to understand who they are and the values their culture currently holds in esteem."²²⁸

It is hard to imagine that anyone would claim that Julius Cesar or Hadrian are not part of the Italian identity or Plato to Greece, and Boudica to England.

Greece is, however, claiming that the Elgin marbles are a part of their cultural heritage and as such should be returned to them. Greece proclaims that the Parthenon was a political monument and temple meant to convey the wealth and grandeur of Athens to

²²⁷ Kathryn Whitby-Last, "Legal Impediments to the Repatriation of Cultural Objects to Indigenous Peoples," in *The Long Way Home: The Meaning and Values of Repatriation* (New York, N.Y.: Berghahn Books, 2010), 42.

²²⁸ Waxmon, *Loot*, 61.

the rest of the Greek nation states. However, the counter to this is, much like with the Benin bronzes, that no one knows what the exact purpose of the building was for. Also, throughout its long history the Parthenon had many other functions outside of its original context. The structure was converted into a Christian church by Byzantines who added bell towers. During its time as a Byzantine church, Metopes were defaced because they contained pagan imagery. Next the Crusaders rededicated the church to the Virgin Mary and renamed it Metropolitan Church of Athens. In 1458 the Ottomans turned it into a mosque which was used by the garrison stationed in Athens. They painted over mosaics and frescos. During a rebellion by the local Greeks, the Ottomans used the Parthenon to store munition.²²⁹ As stated previously, scholars find the argument over original context far from convincing when it comes to restitution.

Material culture can help nations form a national identity and unite peoples under a shared culture. Artifacts from an ancestral society can be a tangible representation of the bonds that peoples share. When Greece won its independence from the Ottomans, the newly created nation of Greece wanted to use the artifacts and monuments of ancient Greece to solidify its legitimacy by linking the modern nation to ancient Greece. For the Edo people of Benin, the plaques are a vital part of their cultural heritage. Even today the plaques that are still in Nigeria are used by the royal court in important ceremonies.²³⁰ The plaques were originally commissioned in a point in Benin's history that saw territorial expansion as well as infighting and rebellions. The plaques were a form of propaganda, meant to convey an idealized image of Benin to its people at a time when the different Obas

²²⁹ Jenkins, *Keeping Their Marbles*, 90–92.

²³⁰ Barkan, "Aesthetics and Evolution," 76.

were confronting significant forces of change. They did this in ways such as conveying the king's power by showing officials in subservient roles.²³¹ While the histories represented in the plaques was an idealized one, it was one of the only means of conveying this information that the kingdom had. Depending on their arrangement the plaques had the ability to tell multiple stories and depict many events. Plaques were used to contain the kingdom's history, not just a literal retelling of history, but scenes that would be associated with events, people, and places. When put together in a particular order, those in the guild could unlock their message.²³² Benin had no written language and relied on the oral tradition for maintaining and conveying its histories and tradition. The key to unlocking the secrets of the bronze plaques were also held by those guilds which took part in the oral tradition. The sacking of Benin city and the exile and execution of court officials severely broke this system.²³³

Ability to Control the Narrative

In his chapter in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, Neil MacGregor claimed that the bronze plaques were only taken by members of the Punitive Expedition for the benefit of the hostages, that were thought to be held by the Oba and soldiers of the expedition.

The circumstances of the acquisition were, as you all know, hideous. This king of Benin had taken the British legation hostage. A punitive expedition was sent. And it was very brutal. This and other plaques had been installed on the front of the Oba's palace but had been taken down before the British arrived. With the sacking

²³¹ Gunsch, *The Benin Plaque*,. 25

²³² Ibid., 45.

²³³ Ibid., 25–38.

of the Benin capital by the British, they were taken from the Oba and sold in Europe for the benefit of the British hostage and the soldiers.²³⁴

This is a repositioning of the acquisition of the bronzes away from military looting to a more altruistic event that was done for the benefit of those harmed by the aggression of Benin. By controlling the bronzes, the British museum were able to control what they represent, and this reframing of the bronzes started almost as soon as they arrived in Britain. As reported in a July 1897 edition of the *Jarrow Express*, a committee of scientists, which would meet at the British Museum, was formed to determine the age and designers of the bronze plaques. Up until this point it was assumed their “style was Egyptian” or even Assyrian, while others believed that they were created by the “Moors, who were driven out of Europe by the Crusaders and settled in Morocco, when it is supposed that they penetrated through the Western Sudan till they reached Benin City: another theory is that the designs are Phoenician and therefore B.C.”²³⁵ The idea that the artifacts were not created by a native African was reinforced by the fact that, as the newspaper put it, “One native of Benin captured by the British was a maker of bronzes; although skillful he could not turn out anything like some of the plaques, and when questioned could not tell from whom the designs were handed down to the Benin People.”²³⁶ Misrepresentation of the purpose of the Punitive Expedition and the acquisition of the bronze plaques shows how a culture can

²³⁴ Neil MacGregor, “To Shape the Citizens of ‘That Great City, the World,’” in *Whose Culture?: The Promise of Museums and the Debate Over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2012), 51.

²³⁵ “The Relics from Benin City: Scientist Puzzled,” *The Jarrow Express and Tyneside Advertiser*, July 30, 1897, The British Newspaper Archive, Britishnewspaperarchive.co.uk.

²³⁶ Ibid.

control a narrative by possessing artifacts. This narrative can become the truth because it is perpetuated by authority figures.

Museums possess the ability to recontextualize the meaning and significance of objects because societies see them as an impartial expert. However, as we have seen, anthropologists have, in the past, not only been more than willing to parrot official talking points, they have even created experiments that validate their false claims. When it comes to restitution, it stands in the museum's best interest to downplay material heritage and culture, because often times those are the determining factors for restitution claims. The majority of Africa's material cultures lies outside of the continent, and what little they do have, museums in Africa do not always feature it, as Eurocentric standards have often been engrained in those institutions.²³⁷ Even today the West is still struggling to unlock the secrets held within the bronze plaques and while theories are continually put forth, none can say with any certainty which is right. Western knowledge of Benin comes from the artifacts that were looted from the city, the artifacts that they have been unsuccessful in deciphering. Without proper documentation, European scholars got to determine what the artifacts represented. They got to shape the history and control the public's perception of Benin.²³⁸ And for a long time the view of Benin established by the West, was of a bloodthirsty society that conducted gruesome human sacrifices and partook in cannibalism.

While it is often stated that it was Benin bronzes which opened the public's imagination of Africa and help to dispel many of the myths that had been perpetuated for years through research and scientific study, this was not the reason that the artifacts were

²³⁷ Carol Brown, "African Art, African Museums," *African Arts* 40, no. 4 (2007): 1.

²³⁸ Barkan, "Aesthetics and Evolution," 37.

taken. MacGregor himself claims that they were taken for the benefit of the soldiers and any potential hostages. In fact, the British took them for the potential of financial gain and to offset cost of the Punitive Expedition and any scientific advances derived from their acquisition was merely an unintended side effect.²³⁹ The bronze plaques were not just a moment in Benin history; they were a vital part of Benin's culture and legacy. They were a vehicle by which Benin recorded and disseminated its history. Though the medium changed: from bronze to wood and ivory, the purpose was always the same.²⁴⁰

Institutions in the West have positioned themselves as the arbiter for deciding who is and isn't ready to take on the responsibility of caring for artifacts, especially when the artifacts are not from the West. In Europe and America these institutions, which are fighting to protect the artifacts of the past, are dictating terms to the rest of the world of how they should care for the artifacts that represent their material culture. The idea that the West knows better, or in fact is better, than these other parts of the world is saturated with notions of paternalism. This is no different than Europeans telling Africans that they are uncivilized, their ways are barbaric, and that the only way forward is to be more like the West.

With that said it should be noted that attitudes towards restitution are slowly shifting, as seen with President Macron's declaration, and the long-term loans of the bronze plaques, by institutions like the British Museum, to Nigeria. There has been continued emphases placed on working with society that produced the objects to help protect and care of these artifacts. In the case of the Benin bronzes, institutions from the West, that make

²³⁹ Jenkins, *Keeping Their Marbles*, 4.

²⁴⁰ Gunsch, *The Benin Plaques*, 52.

up the Benin Dialogue Group have pledged to provide training and resources to the new Benin Royal museum. Private collectors have even begun returning plaques to Benin to make amends for the actions of the past.²⁴¹

²⁴¹ Kieron Monks, “British Museum to Return Benin Bronzes to Nigeria,” CNN, December 14, 2018, <https://www.cnn.com/2018/11/26/africa/africa-uk-benin-bronze-return-intl/index.html>.

Conclusion

The arguments against repatriation stems from the museum's historic roles in society as a way to convey the power of the state: a propaganda machine. Countries have long used museums and their exhibits to inform public opinion, whether to bring legitimacy to a regime or to bolster public morale at a time of uncertainty; museums have long functioned as a tool for nationalism, reinforcing the notions of cultural superiority and national pride.²⁴² Within the museum the job of the curator was to tell a story with the objects in an exhibit. This was accomplished by positioning the objections in certain ways that conveyed the desired message. The story curators of the late nineteenth and early twentieth century told was one of cultural superiority. Anthropologist would use the artifacts taken from Africa in their exhibits in ways that reinforced the desired message of racial hierarchy. Though museums never functioned as official vehicles to further nationalistic interests, the results were nevertheless the same.²⁴³

While the fight over restitution has made some ground in the past few years, there is still a long way to go. As former colonial possessions try to mend old wounds by asserting their claim for the return of their material culture, institutions throughout the West continue to assert their legal right to ownership. With the fight over restitution becoming front page news, the eyes of the world are now turn to these universal museums as they try

²⁴² Tiffany Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums - And Why They Should Stay There*, Reprint edition (Oxford: Oxford University Press, 2018), 57–68.

²⁴³ Mary Jo Arnoldi, "From the Diorama to the Dialogic: A Century of Exhibiting Africa at the Smithsonian's Museum of Natural History (Du Diorama Au Dialogue: Un Siècle d'exposition Sur l'Afrique Au Smithsonian Museum of National History)," *Cahiers d'Études Africaines* 39, no. 155/156 (1999): 707.

to balance what is best for the museum with the realities of changing public opinion. The old arguments perpetuated by museums are now being looked upon through the critical eye of a public that is sympathetic to the plight of the formerly colonized, and more scrutiny is being placed on those arguments that are rooted in the paternalistic ideas of the colonial past.

With the onset of the enlightenment Europeans began to look upon the world through the lens of science. With this new focus on science, Europeans placed the natural world, including humans, into categories as a way to make sense of a chaotic world. Categories allowed scientist to study groups of things from all over the world and to determine how all of these things fit together. After things were placed into categories the next logical step was the arrangement of the items in said categories into hierarchies.²⁴⁴ In conjunction with this new science of thought, came an industrial revolution that gave Europeans the ability to travel all over the world. The side effects of these travels would be an increase in our understanding of the world and our place in it. However, with these travels also came the “discovery” of untapped natural resources, the literal and figurative fuel of the industrial revolution. And in the way of these vast deposits of resources stood native peoples. Throughout Africa, Europeans would use any excuse necessary to remove that obstacle from their path; the stamping out of the slave trade, and “civilizing” the natives were the most common. In order to justify colonization, Europeans had to perpetuate a myth about themselves and their colonial subjects. A myth that was shaped and reinforced by every aspect of European civilization. From education, to newspapers,

²⁴⁴ Alice L. Conklin, *In The Museum of Man: Race, Anthropology, and Empire in France, 1850-1950* (Ithaca, NY: Cornell University Press, 2013), 23.

entertainment, and government policy Africans were depicted as a race that needed the guidance and altruism of Europeans, if they ever hoped to escape the plight that they then found themselves in. Africans were not seen as being mentally capable of making the decisions required to improve their condition. It would be the nineteenth-century's new science of anthropology that reinforced these ideas of cultural and racial hierarchies, with flawed and deceptive experiments.

As the forces of Europe made their way across the African continent they would take anything of which they saw value or found aesthetically pleasing. The right of conquest was the right of the conquering force to control any and everything that once belonged to the people they conquered. The loot taken as part of the right of conquest could be used as a tool to demoralize the conquered people, while also providing needed capital to help recoup the expenses of war. One of the stated motivation for the sacking of Benin city, given by Acting Consul General Phillips was to take the Benin bronzes to help finance the cost of the expedition.²⁴⁵ Since the act was premeditated, it would be considered looting and not plundering. While the practice of the right of conquest goes back to the classical period, the practice would be widely condemned thanks to Napoleon and his indiscriminate looting of the capitals of Europe. However, the condemnation that was leveled at Napoleon and the French in Europe, would fall silent as Europeans looted Africa. A reason for this could be that Europeans simply did not hold Africans and their material culture in the same regard as they did European material culture. The science used to justify colonization and paint Africans as savages, meant that Europeans did not see them as deserving of the same

²⁴⁵ Salome Kiwara-Wilson, "Restituting Colonial Plunder: The Case for the Benin Bronzes and Ivories," *Intellectual Property Law* 23 (2016): 7.

considerations that they themselves enjoyed. Also, Europeans believed that Africans did not have the mental capacity to appreciate and take care of the artifacts that were being taken to Europe.²⁴⁶ These artifacts would be placed in museums, where Europeans could provide the level of care and admiration that they felt these objects deserved, a level that the native Africans were simply not capable of providing. The British were able to get around the arguments against plundering African art in two ways; first deeming the Africans as less than humans, and second, establishing that the artifacts taken from Africa were not in fact art.

Those who argue against the repatriation of objects often couch those objections in the benefit that the artifacts provide to science. For them, the needs of the many outweighs the wants of the few. They argue that repatriation could mean a setback for science, and in some cases, the loss or destruction of the object from an inadequate level of care and safety.²⁴⁷ Museums outside of the west, they argue, simply do not have the means to properly care for the artifacts to the level that they deem necessary. Many of these arguments seem like echoes of those used to justify colonization and the removal of the artifacts. While it can be of no doubt that museums have the best interest of the objects in their collection in mind, they must also be aware of the impact that the loss of those objects have on the communities seeking their return. With the announcement that objects like the Benin Bronzes will be repatriated, it will be important to note how the scholarship around

²⁴⁶ Conklin, *In The Museum of Man*, 26.

²⁴⁷ Liz Bell, "Museums, Ethics and Human Remains in England: Recent Developments and Implications for the Future," in *The Long Way Home: The Meaning and Values of Repatriation (Museums and Collections Book 2)* (New York, N.Y.: Berghahn Books, 2010): 30.

those objects are affected. Basically, has the scholarship and study of objects gone up or down after an object was repatriated.

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