

Restitution إسترجاع Restitution

By Mariam ALSalman

Shadows of History: A Restitution Story



In the Name of Return

Restitution is something of great sociological importance, given that it is directed toward atonement for past harm and, more generally, because it is primarily concerned with the resolution of the past based on what has happened.

Restitution does not affect just the lives of the persons usually involved; rather, it has a much broader impact on society as a whole, within which these individuals live. This is because such norms and values, fundamental principles of justice, together with what is considered to be 'right and good' in a society are all influential upon whether restitution is evaluated.

Such values and norms are accepted by individuals as self-evident and are deeply engraved upon the way relations are conducted and decisions delivered within both legal and institutional contexts. Restitution, at a societal level, is a concept that influences the everyday conduct of relationships by the masses of people living within society and, in so doing, it consolidates and reproduces images of the past, fashions visions of a just social order, and affects the level of trust and confidence between historically defined communities. Indeed, while as a whole restitution tends to be oriented toward the solution of past episodes of injustice, of terrible events, and formal duty or obligation, it may be noted that this process may be more or less functional for the wider society involved.

Applying a sociological approach to the study of restitution can provide some understanding of how restitution develops and is negotiated. It may identify some of the key actors involved, such as museum professionals, government officials, and political leaders, and some of the different discourses that are used to support various restitution claims. The rationale for this approach is based on the fact that different actors convey often conflicting narratives and assess the problem and its desired resolution from different perspectives. The restitution of cultural heritage involves a number of stakeholders, and the claimants generally have stronger activism than the defending institutions. The political, social, cultural, and economic aspects, combined with the growing public attention toward these issues and the impact of media, significantly raise the issue of museum restitution of artifacts in the international scenario.

The conflict perspective emphasizes the power dynamics involved in the acquisition of cultural artifacts. Many items in Western museums were acquired during colonial periods, often through coercive means or outright theft. The conflict perspective suggests that the current debate over restitution is a manifestation of ongoing power struggles between former colonizers and colonized nations. It highlights how museums, as institutions of power, have historically marginalized the voices and rights of indigenous peoples and nations.

Additionally, the symbolic interactionism perspective focuses on the meanings and interpretations individuals and communities attach to cultural artifacts. For many communities, these items are not merely historical objects but are imbued with cultural significance, identity, and heritage. Restitution can thus be seen as a way to restore meaning and recognition to communities that have been stripped of their cultural symbols. The process of returning artifacts can also foster dialogue and healing, allowing for new narratives to emerge that acknowledge past injustices.

One of the most prominent case studies in restitution between Vienna and Kenya involves the return of cultural artifacts taken during colonial times. In 2021, the Weltmuseum in Vienna, Austria, agreed to return a set of artifacts to Kenya, including sacred objects and ceremonial items that had been looted in the early 20th century. The artifacts, considered to have immense cultural and spiritual value for numerous Kenyan communities, were part of a larger collection taken to Europe during colonial expeditions. Restitution flowed from growing international pressure and the call by Kenya for the return of items vital to its cultural heritage. An ethical onus rested squarely on the shoulders of Austrian authorities and museum officials: making good the wrongs of the past, returning cultural property to its legitimate owners. In cooperation with Kenyan representatives, Vienna therefore initiated a framework for the return of such artifacts – a first

step toward a more general act of redress against colonial legacies and a respect for the cultural sovereignty of former colonized nations. This case exemplifies the challenges related to logistical coordination and the overcoming of legal hurdles but stands as an example of reconciliation and cultural diplomacy between the two countries.

The Echo of Lost Stories

Throughout history, cultural artifacts have been removed from their places of origin for a variety of reasons, such as theft, exclusive scholarly access, and commercial exploitation. As a result, cultural heritage has been impoverished in some parts of the world, especially in the continent of Africa. Due to social and political changes in recent years, the call for the restitution of such culturally significant objects have been increasing. Nevertheless, significant challenges and controversies surrounding this issue have led to a lack of consensus and debates within the scholarly community and among the general public. In sum, the questions are whether, and under what circumstances, the original location and related people would benefit from the return of looted or long-term possessed artifacts, and in what form such return could possibly be implemented. In order to understand and evaluate a new possible rationale or practice in a more comprehensive way, the investigation of the roles and responsibilities of all relevant actors on a global scale becomes essential.

The Shadows of Ownership

Cultural restitution refers to the return of cultural objects to their place or people of origin. As it is typically understood, it exists fundamentally so that the owners of the cultural artifact can assert ownership through the return of the item (Thompson, J., 2003). However, restitution of cultural artifacts is a tricky subject because it is influenced by historical happenings, worldviews, and legal and ethical standards of those who are repossessing them. The underlying challenge is how to navigate the prickly question of moral and ethical claims related to specific objects. Those rights vary along a scale, from those held by original owners – whose rights to the items may be highly cultural or historical in nature – to claims by modern persons of wealth from outside areas or backgrounds who may now possess these items. This situation turns into questions of justice, heritage, and responsibilities of ownership, where historical context and present dynamics of ownership have to be weighed.

It is further necessary to distinguish ethnic or cultural restitution from legal repatriation. Repatriation refers to the return of identifiable objects of archaeological interest or objects of cultural property as being identifiable as part of the composition and reflection of the cultural or ethnic characteristics of a people (Cohan, 2004). These identified objects often have a complex historical relationship between a foreign colonizing entity and a future independent country. They form an integral part of a country's educational, religious, artistic, and

historic heritage. As a result, they have a symbolic function in maintaining and expressing a group's unique cultural identity. In this essay, the cultural artifacts referred to are those that underwent the legal repatriation process and hold this symbolic function for a country or ethnic group, rather than the plethora of cultural items that have a confused or unknown provenance.

The Ongoing Dilemma

The return of museum collections is becoming increasingly prominent in public debates. While questions of restitution, returning, repatriating, deaccessioning, or rehoming objects and collections have always been important, they have gained a novel immediacy within present political conversations. Frequently, this shift in politics is underpinned by a confluence of contested objects – rooted in colonial and imperial histories of dispossession.

The ongoing debate regarding the repatriation of cultural artifacts from Western museums to their countries of origin has intensified in recent years. This conversation moves beyond a simple dichotomy of "return" versus "retain," encompassing questions of ownership, cultural significance, and the very nature of museums as institutions. This paper utilizes a fictionalized dialogue to explore these complexities through the perspectives of two seasoned museum professionals: Dr. Amina Abebe the curator of African Artifacts at National

Museum of African Heritage, Nairobi, Kenya and Dr. Lucas Moser the Head of Antiques at the Royal Museum of Cultural History, Vienna, Austria.

Restoration's Whisper of Hope

Lucas Moser: Amina, it's wonderful to finally meet you. I've long admired the work you've done in Accra. This repatriation issue is consuming so much energy in the field. We're in the midst of a full-scale reassessment of our collections. I've been particularly wrestling with the Benin Bronzes.

Amina Abebe: The pleasure is all mine, Lucas. And you're right, it's a global conversation that demands our urgent attention. The Benin Bronzes are a potent symbol of this larger issue, a microcosm of the broader injustices of colonial acquisition. While your museum undoubtedly presents them in a sophisticated context, can it ever truly replicate the cultural significance they hold within Benin?

Lucas Moser: That's the crux of the matter, isn't it? Our museum presents these objects as part of a global narrative of human achievement, highlighting their artistic merit and historical context within a broader, universal history. The argument for retaining them hinges on this: their value transcends their

geographic origin, serving as a testament to shared human heritage, accessible to a global audience.

Amina Abebe: But isn't this universalist perspective inherently flawed? Doesn't it implicitly perpetuate a power imbalance that originates in the very methods of acquisition? The Benin Bronzes, like countless other artifacts, were seized through violence and oppression. Their presence in European museums, however meticulously curated, remains a stark reminder of this colonial legacy. To speak of "shared heritage" while ignoring the inherent injustices is to trivialize the profound suffering endured by the communities from which these objects were taken.

Lucas Moser: I understand your point, and I acknowledge the ethical complexities involved in the acquisition of these artifacts. However, the practical realities are considerable. Restitution on a large scale would necessitate a complete restructuring of our collection, not to mention raising questions of provenance and authenticity which are exceptionally challenging to resolve definitively. It would also potentially lead to a significant loss of public access to historically significant objects.

Amina Abebe: I agree that logistical challenges are significant, but these shouldn't overshadow the ethical imperative. We are not advocating for a wholesale emptying of European museums; rather, we propose a collaborative approach that prioritizes restitution where there's clear evidence of unjust acquisition and a demonstrable desire for repatriation from the source community. Furthermore, the technological advancements in digital archiving offer innovative ways to mitigate concerns about public access. High-resolution imaging and virtual reality can provide global access to these artifacts without requiring their physical presence in Europe.

Lucas Moser: I agree that technology can play a crucial role. But the emotional impact of seeing these objects in person, engaging with their materiality, remains irreplaceable. Moreover, the financial burdens on African nations to build the necessary infrastructure and expertise to properly house and conserve such artifacts should not be overlooked. This needs a collaborative effort; funding, training, and technical support must accompany any significant return of artifacts.

Amina Abebe: Precisely! That collaborative element is vital. Restitution should not be seen as a zero-sum game, but as an opportunity for knowledge exchange and mutual benefit. Through partnerships, we can build the capacity to preserve

and interpret these objects within their original cultural context, potentially enriching the narrative and offering unique insights inaccessible in a Western setting. Imagine the collaborative research, the joint exhibitions, the cross-cultural dialogue that could emerge from this shift in perspective.

Lucas Moser: I agree that collaborative partnerships are paramount. We can work together on the challenges involved. There is a clear opportunity for mutual learning and the development of new models of museum practice that are truly inclusive and equitable. Instead of a simple return of objects, we could focus on building long-term partnerships with African museums and fostering collaborative research projects. Perhaps this approach could lead to a more just and sustainable distribution of cultural heritage.

Amina Abebe: This is the kind of forward-looking approach that's necessary. It acknowledges the historical injustices while also seeking a practical and sustainable solution. It's about moving beyond simple ownership claims towards a collaborative exploration of heritage, creating opportunities for reciprocal learning and understanding. This aligns with the core values of museums, promoting education and understanding, while also addressing ethical concerns and social justice. Restitution isn't just about objects; it's about restoring dignity and acknowledging the inherent value of diverse cultural perspective

The Final Reckoning

The fictional conversation between Dr. Moser and Dr. Abebe encapsulates the nuances and complexities of the restitution debate. It moves beyond a simplistic oppositional framework, acknowledging the ethical imperative for redress while also considering the practical challenges involved. The emphasis on collaborative partnerships, technological innovation, and capacity building offers a path forward that prioritizes both justice and the preservation of cultural heritage for all. Restitution, therefore, should not be viewed as a threat to Western museums, but rather as an opportunity to redefine their role in a globalized and increasingly interconnected world. It is a chance to move towards a more equitable and ethically responsible approach to the management and interpretation of cultural artifacts.

The implications of restitution extend beyond the return of physical objects. They raise questions about ownership, authority, and the ethical responsibilities of cultural institutions. Restitution can lead to broader conversations about reparative justice, the recognition of historical wrongs, and the need for systemic changes in how cultural heritage is managed and displayed. The implications of restitution extend beyond the return of physical objects. They raise questions about ownership, authority, and the ethical responsibilities of cultural institutions. Restitution can lead to broader conversations about reparative justice, the

recognition of historical wrongs, and the need for systemic changes in how cultural heritage is managed and displayed.

Participating in the SAWA cultural exchange program, a collaboration between Sharjah and Berlin, offered a unique, immersive experience in the museum industry. As someone from the UAE, this program deepened my understanding of global museum practices, helping me bridge Emirati and international perspectives. Through exposure to Berlin's diverse approaches to curation, education, and visitor engagement, I would gain fresh insights and new techniques to implement in the UAE's museum spaces. This exchange could also foster mutual understanding, allowing me to bring a nuanced, globally-informed approach to future projects in UAE museums.

References

- Brown, A. (2019). *Cultural restitution and the return of artifacts: Understanding ownership and heritage*. Heritage Publishing.
- Cohan, J. A. (2004). An examination of archaeological ethics and the repatriation movement respecting cultural property (part two). *Environs: Envtl, L. & Pol'y J.*, 28, 1.
- Cuno, J. (2008). *Who owns antiquity? Museums and the battle over our ancient heritage*. Princeton University Press.
- Gabriel, M., & Dahl, J. (2012). *Utimut: Past heritage—future partnerships, discussions on repatriation in Greenland*. International Work Group for Indigenous Affairs.
- Hoffman, B. T. (2006). *Art and cultural heritage: Law, policy, and practice*. Cambridge University Press.
- Lowenthal, D. (2015). *The past is a foreign country – Revisited*. Cambridge University Press.
- Prott, L. V. (2009). The international movement of cultural objects: The role of restitution in international cultural heritage. *International Journal of Cultural Property*, 16(3), 365–380. <https://doi.org/10.1017/S0940739109990210>
- Sarr, F., & Savoy, B. (2018). *The restitution of African cultural heritage: Toward a new relational ethics*. French Ministry of Culture.

Simpson, E. (2012). *Repatriation and communities: The complexities of collecting histories*. In G. Carr & R. C. L. Abungu (Eds.), *Safeguarding intangible heritage* (pp. 55-70). Left Coast Press.

Thompson, J. (2003). Cultural property, restitution and value. *Journal of applied philosophy*, 20(3), 251-262.

Vrdoljak, A. F. (2006). *International law, museums and the return of cultural objects*. Cambridge University Press.