

## **Introduction**

The words 'repatriation' and 'restitution' are often used with regards to this controversial topic. 'Repatriation' comes from a Latin transformation of 'patria' meaning 'fatherland'. This means to restore or return human remains or sacred objects to their native lands. On the other hand, 'restitution' concerns the illicit trafficking of antiquities and denotes the return of an object to its owner, based on an analysis of property rights (Bienkowski, 2013).

Museum restitution and repatriation is a very current and complex issue. There has been a great deal of controversy surrounding the demands of certain artefacts to be returned to their countries of origin. Many museums around the world contain works of art and artefacts that were either stolen from their countries of origin during colonial rule or looted during wars. As the largest category of collectors in modern society, museums are at the forefront of public policy-making on the issue of what should be preserved and exhibited in the interest of the public; they are in a truly unique position (Johnston, 1993).

## **Museum Ethics**

Firstly, it is important to consider museum ethics. They regulate how museums should behave. "Museum ethics reflects social context and articulates a contract of trust between the public museum and society. ... reflecting social change and the evolving role of museums in society" (Besterman, 2006, p.435). Most museums try to make their collections as widely accessible as possible. According to the International Council of Museums (ICOM) Statutes, adopted by the 22nd General Assembly in Vienna, Austria, on 24 August 2007, the current definition is: "A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment."

## **Conflicting Values**

Ancient artefacts are symbols of human civilization; most are priceless and cannot be measured in monetary terms. Museums worldwide face the moral dilemma of what to showcase in their collections. The report (Brodie, Doole and Watson, 2000) 'Stealing History: The Illicit Trade in Cultural Material, commissioned by ICOM UK and the Museums Association exposed the scale of the destruction of international archaeological heritage. From the 1980s in particular, indigenous peoples have started to demand a greater voice in how their material culture is presented, challenging the rights of museums to tell stories of their cultures and display cultural objects. For example, the Sami in Scandinavia have suffered from being characterised as 'primitive' and 'inferior' in the past but are now demanding an active role in the representation of their cultural artefacts in museums.

The legitimacy of the entitlement to some ancient artefacts is being questioned. The plundering of archaeological sites may violate the cultural identity of an area. Some artefacts have a sacred significance to living communities and it is offensive to publicly display them. Most repatriation cases derive from colonial or imperial subjugation. Throughout history, powerful nations have plundered valuable objects from countries they conquered and colonised. Many repatriation requests seek to redress past colonial wounds. They also illustrate how the collection practises of the wealthy and powerful continue and the less powerful nations and people are still vulnerable to exploitation.

For example, in 1991 the repatriation of the remains of William Lanne, believed to be the last full-blooded Tasmanian Aboriginal, was not granted. This was on the grounds that Tasmanian Aboriginals were already extinct and so this was an invented tradition with no connection to the claimed human remains.

There is a moral and legal basis for returning artefacts to their native countries. It can be argued that one can only truly appreciate historical artefacts in their places of origin. Viewed in a museum, they simply appear to be detached fragments. These fragments of living culture can only be fully understood and rightly treasured by their native owners.

### **Counter Argument**

Notwithstanding the aforesaid, some objects have become part of the universal heritage of mankind and no longer belong to any one community or nation. It can be argued that keeping the objects in museums is for the good of the greatest number of people as it gives universal access to knowledge, outputs of scientific research and economic productivity.

In addition there are further potential complications regarding restitution. Some examples include:

- Where there are multiple claimants, returning the object will not solve the problem
- Fear of setting a precedent for further returns
- Claimants are sometimes unable to properly house and conserve the objects or the objects are too fragile to be returned
- The collections are needed for research purposes
- The collections are more accessible to a wider audience when in museums

As an example, the British Museum argues that returning the Parthenon Marbles would lead to more returns and start to dismantle the museum and begin the process of cultural vandalism. However, this is contradicted by the fact that when Native American Graves Protection and Repatriation Act (NAGPRA) was enacted in the US in 1990, concerns that museums would be emptied failed to materialise.

## **Mechanisms for Returns**

Bienkowski (2013) argues that the key role of museums is to use their collections in innovative ways to foster understanding between communities and cultures. Legal enforcement is often costly, time-consuming and hostile. There are alternative mechanisms for return, including amongst others:

### **(i) Loans**

This has drawbacks due to lack of communication and understanding. Hawaiian objects in the British Museums were formally loaned to a Hawaiian organisation. The objects were reburied in the original cave that they were taken from and the entrance was sealed. As a result, other claimants opposed the loan. Following a lawsuit in 2005, the collections were returned to the museum in 2006. Twenty five native Hawaiian organisations have now formally laid claim to the artefacts. Therefore, this method only complicated an already complex issue.

### **(ii) Collaborative efforts**

In 1925, Beatrice Blackwood of the Pitt Rivers Museum in Oxford took 33 photos of Kainai people in Southern Alberta, Canada to highlight racial difference and cultural change. In 2001, staff from the museum took copies of the photos back to the reserve and worked with the community to understand their perspectives on the images and their importance today. This created a long-term reciprocal relationship based on the sharing of knowledge and demonstrated the potential for a non-adversarial process that not only respects different cultures but embraces and learns from them.

### (iii) Sharing ceremonial access

Heritage objects have different values to different individuals, communities and institutions. An example is the return of a 16 tonne Willamette Meteorite by the American Museum of Natural History in New York to the Clackamas tribe in Oregon in 2000. To the tribe, the sacred object represented the union of sky, earth and water, whereas the museum placed value on universal access to knowledge and the outputs of scientific research. In resolution, the museum and tribe agreed to share it: the meteorite is still on display in the museum but the tribe has annual access for religious, historical and cultural purposes.

### (iv) Visual repatriation

While this method can be successful, as seen in 1998 when the British Library created a digital version of the Lindisfarne Gospels which could be accessed in Northeast England as well as London, it can be interpreted as a cynical replacement for repatriation. Some may argue that it denies the necessity of real return.

### (v) Voluntary return

Arguably, this is the best method of restitution as it is a non-adversarial process. For example, the Haisla spirit pole, removed to Sweden in 1929, was returned as a gift without legal intervention from the National Museum of Ethnography in Stockholm to the Haisla people in British Columbia, Canada. This led to the development of an ongoing dialogue and relationship.

## **Conclusion**

Perhaps the best solution is for museums to work with indigenous peoples to use collections as a way of promoting cross-cultural awareness. Many museums have become more inclusive in seeking the views of source communities. There is also an increased focus on building relationships with the communities that the artefacts came from. These involve the sharing of information and access to objects through visual or digital means, loans, visits, handling workshops and training to restore indigenous cultural knowledge embodied within the museum artefacts. Source communities have said that this work fits the definition of restitution in many ways.

Legal processes in response to claims of restitution are often long-winded and costly. However museums that respond to requests through open dialogue often create sustainable and respectful relationships with the claimants without legal processes. Ultimately, deliberative democracy is most desirable (Bienkowski, 2013). Deliberation is central to the decision making; it involves the recognition of the right to equal participation and joint decisions, inevitably leading to a wider acceptance and appreciation of different cultures. Therefore, restitution should be seen as a positive rather than a negative process: the process of negotiation can lead to more fruitful collaborations which is crucially, much more meaningful than the possession of objects.

## Reference List

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