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# Returning The Benin Bronzes

## A Case Study of the Horniman's restitution

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## PREFACE

I was invited to contribute this book as part of the Pivot series for Palgrave in January 2023. The series consists of short books about current practice, published much more rapidly than full-length monographs, so they can capture issues while they are still being discussed. It was suggested that I write about the Horniman's research and consultation process and its ultimate decision to sign over its Benin objects to Nigerian ownership, and that I might further explore how the museum sector could learn from this example, and how the sector might change its approach to colonial history.

This book therefore consists of the combination of a detailed case study of a process that unfolded over a period of less than a year, with a consideration of the academic, social and political context in which the process took place. Whilst change had been in the air in relation to restitution of cultural property for at least a decade or so, in 2020–22 we seemed to reach a tipping point when suddenly a big, pent-up shift took place. The catalyst for this change was undoubtedly the murder of George Floyd in May 2020 and the subsequent extraordinary resurgence of the Black Lives Matter movement which caused every responsible citizen and organisation to confront continuing structural racism and their part in it. Whilst the momentum of BLM has lessened now, the slow pace of museum processes means that movement around restitution and repatriation has continued, and looks to continue for the foreseeable future.

Ultimately, I hope this short volume shows that, tackled in the right way, restitution can be an entirely positive experience, and can usher in a new series of relationships with colleagues and audiences both locally and around the world.

Whilst I have attempted to set out the process we went through as objectively as possible, the opinions and conclusions are my own alone, and do not represent the formal position of the Horniman and its board. Any errors are also my own responsibility.

London, UK

Nick Merriman

## ACKNOWLEDGEMENTS

As might be expected with an intensive process over a year or so, the return of the Horniman's Benin items involved a great number of people, whose work and advice contributed to the outcome.

The decision, of course, was made by the Horniman's trustee board, led by its Chair, Eve Salomon CBE, including its trustee-led Restitution Sub-committee. I would like to thank all of them for their careful and wise discussions, and particularly Eve for her consummate steering of the process. I am also grateful to the incoming Chair, Michael Salter-Church, for leading the restitution ceremony at the Horniman in November 2023 with such great skill.

Many Horniman staff helped with the process, and there is not space here to thank them all. I would particularly like to thank Johanna Zetterstrom-Sharp for her excellent work in researching the complex documentation relating to our Benin holdings and for summarising the historical context of the looting and the acquisitions. She also led on the consultations with the Nigerian community and Horniman members. J.C. Niala had left before the request for the return arrived, but she had laid a huge amount of groundwork through leading the 'Rethinking Relationships' and Community Action Research projects, as well as providing sessions for board and staff on decolonising practice and current thinking about our African collections.

Amongst our collections management staff who had to develop all the transfer of title, loan and image agreements, along with export and CITES licences, I'd like to thank Natasha Logan, Sarah Sinka and Adrian Holloway. Lizzie Hensman did a great job researching archives to

investigate the nature of Frederick Horniman's legacy, and Jonathan Whitson-Cloud provided essential digital information about our holdings. Korantema Anyimadu has provided useful updates on collaborations with Nigerian communities, as has Lucy Maycock. Pius Osemwegie in our Security Team has been an inspiration with his enthusiasm for Benin City and Edo. Sarah Byrne undertook helpful research into the history of the Horniman's return of Aboriginal ancestral remains.

Externally, I would like to thank Laura van Broekhoven, Director of the Pitt Rivers Museum at the University of Oxford, and Nicholas Thomas, Director of the Museum of Archaeology and Anthropology at the University of Cambridge, for their collaboration and advice while we were all working through the Benin returns process. John Giblin at National Museums Scotland and Chris Wingfield at the University of East Anglia provided external validation of the research on our collections, for which I am most grateful.

Our lawyers at Bates Wells, Erica Crump and Molly Carew-Jones, provided excellent advice throughout and we enjoyed working with them on this issue.

I'm particularly grateful to Helen Whitehouse at Department for Culture, Media and Sport (DCMS), who provided clear and dispassionate advice in response to our questions, and was particularly helpful with liaison with the Charity Commission.



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## CHAPTER 1

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# A Tipping Point in Restitution Claims

**Abstract** Whilst the idea of ‘restitution’ has been around as a legal concept for many centuries, its use in relation to cultural property is much more recent. The issue of the return of the Benin ‘bronzes’ has recently grown in prominence, culminating in a series of proactive claims made by the Nigerian state in early 2022, including to the Horniman. This chapter offers an overview of the background and history of restitution, and what may have led to the current tipping point.

**Keywords** Restitution • Benin Bronzes • Looted objects

Whilst the idea of ‘restitution’ for ‘unjust enrichment’ has been around as a legal concept for many centuries, its use in relation to cultural property is much more recent. Although looting of cultural objects was known as a common occurrence in the course of war since ancient times (Miles 2008), the principal example of looted objects being returned to their countries of origin in more modern times took place after Napoleon’s defeat in 1815. After the Congress of Vienna, large numbers of artworks looted over an 18 year period by French troops, many of them housed in the Louvre, were returned, including the bronze horses from St Mark in Venice (themselves looted from Constantinople in 1204) and elements from the papal collection (ibid.). In 1838 the newly independent state of