

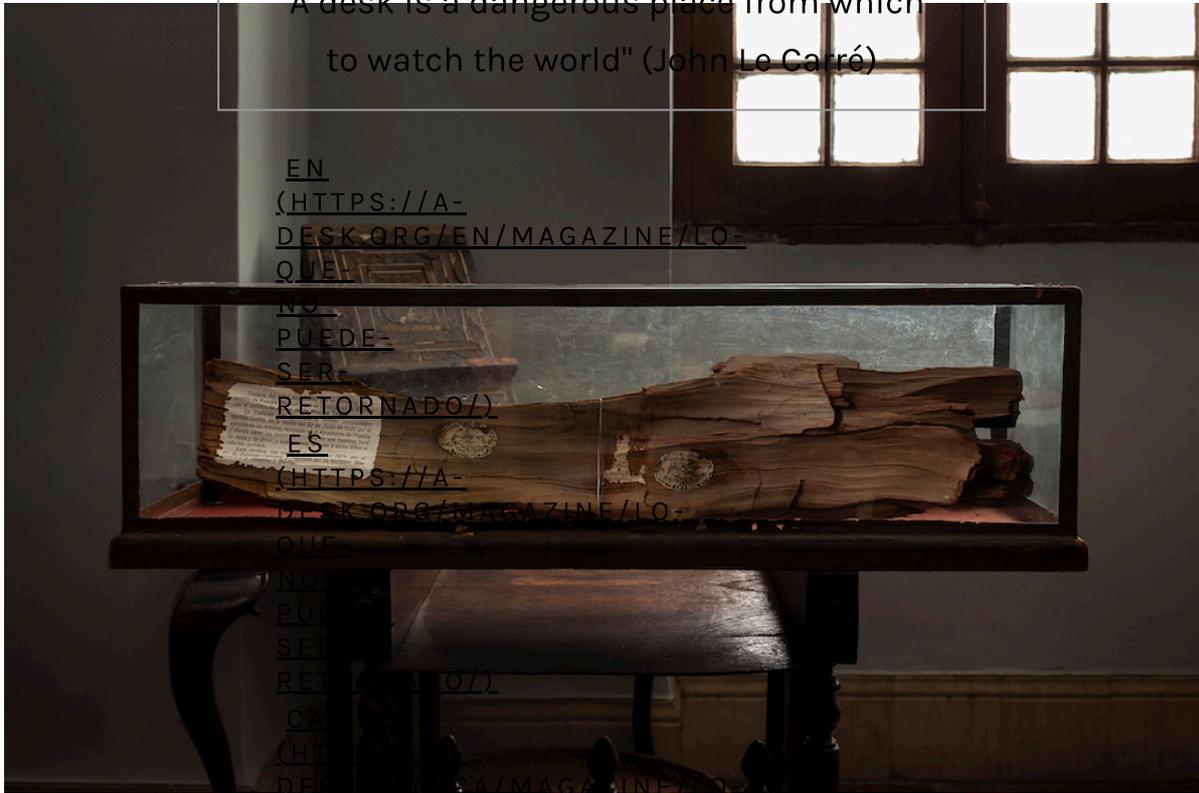
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This month's topic: **REPARATION AND RESTITUTION (HTTPS://A-DESK.ORG/EN/TEMA-DEL-MES/REPARATION-AND-RESTITUTION/)**

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"A desk is a dangerous place from which to watch the world" (John Le Carré)



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THAT WHICH CANNOT BE RETURNED

Yaiza Hernández Velázquez (<https://a-desk.org/en/autor/yaizahernandezvelazquez/>)

The insistent call to return artefacts accumulated through colonial looting and hoarded in Western museums has received unprecedented mainstream attention in recent years.^[1] This is a demand often found alongside another,

SUPPORT A*DESK (HTTPS://WWW.PAYPAL.COM/CGI-BIN/WEBSCR?CMD=_S-XCLICK&HOSTED_BUTTON_ID=GU3G7VFE8Z3X4) – the demand to “decolonise”

A*DESK museums, offering sincere and genuine reparations to the communities from which the artefacts were taken, while the call for the A*DESK of has become consolidated thanks to all those who have believed in the project, all those who have followed

"A DESK IS A DANGEROUS PLACE FROM WHICH TO WATCH THE WORLD" (JOHN LE CARRÉ)

these objects has all too often not been met, it no longer has any credible opponents. Even the infamous “[Declaration on the Value and Importance of Universal Museums](https://ia804708.us.archive.org/33/items/cmapr4492/20030000%20Information%20I)” (<https://ia804708.us.archive.org/33/items/cmapr4492/20030000%20Information%20I>) has been quietly deleted from the webpages of all those 19 museums that launched it in 2002, to the fanfare of their own privilege. Museums, they told us, “...provide a valid and valuable context for objects that were long ago displaced from their original source”. Museums, here, serve as a powerful instrument not of history-preserving, but of oblivion, consigning the violence of colonial dispossession to that comfortable land of the “long ago”.

But even if taking a position on returning loot is made relatively simple, given its belated urgency, the history of this demand is worth exploring. Already in 1815, Napoleon’s defeat at Waterloo gathered several European nations around the idea that the looting of cultural heritage was the sign of a government of vandals, whereas truly civilized nations had to defend their integrity and *genius loci* against a French radicalism that attempted to create a new civilization on the basis of pillaging all previous ones.^[2] Vast amounts of economic and diplomatic resources were then invested in returning looted artefacts to their original locations, although this excluded all those taken from Egypt, most of which (including the Rosetta Stone) ended up at the British Museum. In fact, during the 19th century a number of manuals, decrees and treaties were sanctioned in order to safeguard cultural and scientific heritage: the Lieber Code in 1863, the Brussels Declaration in 1874, The Oxford Manual in 1880, The British War Office’s Manual of Military Law in 1894, the Second Hague Convention in 1899 and others were all signed on the unspoken understanding that they would only apply to Western nations. In the words of the “founding father” of international law, the British jurist Joseph E. Westlake:

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International law... is based on the possession by states of a common and in that sense an equal civilization... Of uncivilized natives international law takes no account. This is true, and it does not mean that all rights are denied to such natives, but that appreciation of their rights is left to the consciences of the state within whose recognised territorial sovereignty they are comprised.^[3] The law here serves what colonial violence had already insisted upon: that colonisers will decide on the rights of the colonised. Hence, there was, from the outset, no contradiction in the “civilised” mind between the legal framework for the protection of scientific and cultural heritage at home and the systematic, relentless and violent looting of the colonies that would define the following century.^[4]

It was not until the 1970s, during the tenure of Amadou-Mahtar M’Bow as director general of UNESCO, that an agenda informed by the struggles for liberation of formerly colonised nations came to interrogate this framework. It is worth remembering some of the diplomatic language that was used at the time. The 1973 declaration on the *Restitution of works of art to countries victims of expropriation* (<https://digitallibrary.un.org/record/190996?ln=en&v=pdf>), states that the General Assembly:

Convinced that the restitution of such works would make good the serious damage suffered by countries as a result of such removal,

1. Affirms that the prompt restitution to a country of its *objets d’art*, monuments, museum pieces, manuscripts and documents by another country, without charge, is calculated to strengthen international cooperation inasmuch as it constitutes just reparation for damage done;

Objets d’art, monuments, museum pieces, manuscripts and documents were offered as just reparation for the damage done: colonialism. Nevertheless, a joint French and German draft amendment insisted on deleting the word “restitution”, a word with a precise meaning in several legal systems that demands injured parties be returned to the positions they occupied before a transaction.^[5] How would it be possible to restitute a colonised people? The argument at the time was not that restitution was impossible, but unnecessary.

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Isn't it fair to suspect, therefore, that all the focus on the return of museum artefacts – the tip of an iceberg of colonial looting, extraction and dispossession – is only a convenient way to cover over more costly demands?^[6] As recently as 2015, the British government announced (on Twitter) that it had finished paying back a £20 million debt incurred by the state in 1835, two years after slavery was made illegal in the British Caribbean, Mauritius and Cape Colony. At the time, those 20 million represented 40% (https://www.ukpublicrevenue.co.uk/piechart_1833_UK_total) of the government's yearly income and they were directed at compensating not the people who had been subjected to slavery, but plantation owners.^[7] This foundational episode of racial capitalism offers a robust counterpoint to the idea that returns and reparations, including the return of museum objects, would be too costly or logistically complicated to be realistic. However, it also appears incommensurable. While the British state could simply determine the approximate value of the enslaved lives they deemed to be property, what would constitute *just reparation* for multiple genocides and epistemicides? For transgenerational trauma? What archives might allow us to estimate that damage?

The debate on the return of museum artefacts, then, is framed by a double set of conditions. On the one hand, the historically unexceptional character of the return of artefacts and of compensations, the long pressing obligation to return and compensate. On the other hand, the absolute and grotesque insufficiency of any return or compensation, which can never amount to just reparations.^[8] The insistence on a material, tangible reparation, in order to move beyond the woolly good intentions, institutional policies or neoliberal anti-racism that nation states, corporations and museum are so fond of producing at little cost to themselves, is understandable.^[9] However, even if a material reparation is non-negotiable, it can never be an end in itself.

Where, then, does the horizon for that demand for the return of artefacts sit today? How can we understand it in relation to that other demand, for decolonisation? Here, it might be worth thinking about the form in which the signifier “decolonising” has come to circulate. While we can understand it with Aníbal Quijano as an “epistemological reconstitution”, as “the liberation of

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requires “the repatriation of land and indigenous land”, it cannot be reduced to A*DESK has been offering since 2002 contents about criticism and contemporary art. A*DESK has become consolidated thanks to all those who have believed in the project, all those who have followed

“a metonym for social justice”.^[11] These two horizons don’t always serve to inform the same struggles, but the debate on the return of museum artefacts might serve to illustrate, at a smaller scale, that these two demands can neither be collapsed, nor advanced on their own.

Would it be enough, for example, if we repatriated museum artefacts only in order for them to populate museums in their countries of origin built and maintained on the basis of a European blueprint? Would it be enough if museums merely reinscribed into history the brutality that inaugurates the “universal rationality” on which all such institutions were founded? The questions then multiply: would it ever be enough merely to transform the symbolic apparatus? But equally, would a return transfer of property be enough, even if judged by all parties to be *quantitatively* adequate? What cannot be returned *qua* property – whether we are speaking of land, or museum artefacts – is the set of social relations, economies, forms of use and cultural practices that are not bound by property.^[12] Hence, we soon find that any exercise in reparation will have to be understood as only one step within a broader project of liberation. No transaction will come close to restitution if it is inscribed and resolved within a regimen of private property, delimited by national borders, settler colonialism, existing international legislation and racial capitalism. A museum truly committed to decolonisation will be one that commits to a world beyond all of these and, by extension, beyond the museum itself.

(Cover image: Adrián Alemán (<https://adrianaaleman.net/dialecticas-criollas/>), *Dialécticas Criollas*, 2020. Display case containing a fragment of bark of the ahuehuete (*Taxodium mucronatum*), known as the Tree of the Sad Night, under which Hernán Cortés supposedly wept when he saw his army defeated by the Mexica army in 1520. Brought to the island of Tenerife in 1874.)

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- 1 Probably informed by the publication of the so-called Sarr-Savoy report (https://www.about-africa.de/images/sonstiges/2018/sarr_savoy_en.pdf) commissioned by the French government and by the global mobilisations of Black Lives Matter.
 - 2 This was the year Quatremère de Quincy published his Moral Considerations on the Destiny of Artworks (<https://rowman.com/ISBN/9781793642196/Quatrem%C3%A8re-de-Quincy's-Moral-Considerations-on-the-Place-and-Purpose-of-Works-of-Art-Introduction-and-Translation>), now the *locus classicus* on the repatriation of artwork.". Three years later, his Lettres écrites de Londres a Rome et adressées a M. Canova (<https://digi.ub.uni-heidelberg.de/diglit/quatremerequincy1818>), will celebrate the display of the Elgin Marbles at the British Museum.
 - 3 John Westlake, *Chapters on the Principle of International Law*, Cambridge University Press, 1894, pp. 102-13 and p. 136. For a detailed analysis of Westlake's role in the construction of the imperial framework of "human rights", see Fidèle Ingiyimbere, *Domesticating Human Rights*, Springer, 2017; for a specific discussion of its role in the looting of cultural artefacts, see Carsten Stahn, *Confronting Colonial Objects*, Oxford University Press, 2023.
 - 4 The extremely violent looting of Benin would take place in 1897, just three years after the publication of the British War Office manual. For a recent detailed study of this ransacking, see Dan Hicks, *The Brutish Museum*, Pluto, 2020.
 - 5 See L.V. Prott (ed.), *Witness to History*, Unesco Publishing, 2009, p. xxii.
 - 6 Ariella Aïsha Azoulay, *The World like a Jewel in the Hand. Unlearning Imperial Plunder II*, 2022.
 - 7 For more on this, see the results of the large research project released in 2014, Catherine Hall and Nicholas made public the results of their large research project Legacies of British Slave Ownership (<https://www.ucl.ac.uk/lbs/>). This was not the only case where plantation owners or shareholders received compensation. Haiti paid 150 million Francs to France in 1825 in what has come to be known as its

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- 8 This is notwithstanding countless attempts at arriving at such an amount. For an illuminating account of the struggles for reparations within the context of Black social movements in the US, see Robin D. G. Kelley, *Freedom Dreams*, London: Penguin Books, 2022, chapter 4.
- 9 I use the expression neoliberal anti-racism in the sense sketched out by Rahul Rao in a university context, see “Neoliberal antiracism and the British university” (<https://www.radicalphilosophy.com/article/neoliberal-antiracism-and-the-british-university>), *Radical Philosophy*, 2.08, Autumn 2020.
- 10 A. Quijano, “Coloniality and Modernity/Rationality”, *Cultural Studies* 21, no. 2–3 (2007), pp. 168–78, p. 176, 177.
- 11 E. Tuck and K. W. Yang, “Decolonization is not a metaphor”, *Decolonization: Indigeneity, Education & Society*, vol. 1, 1, 2012, pp. 1–40, p. 21. An important criticism of this influential article appears in Tapji Garba and Sara Maria Sorentino “Slavery is a Metaphor” *Antipode. A Radical Journal of Geography*, vol. 52, 3, Mayo 2020, pp. 764–782.
- 12 On the problem of understanding as property that which had previously been dispossessed, see Robert Nichols, “Theft is property! The recursive logic of dispossession”, *Political Theory* 46, (1):3–28; for a more extensive analysis of the colonial regime of property, see Brenna Bhandar, *Colonial Lives of Property*, Durham: Duke University Press, 2018.



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+ See all publications of this author (<https://a-desk.org/en/autor/yaizahernandezvelazquez/>)

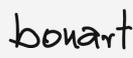
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