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Restitutions of Cultural Heritage to Former Colonies: A "soft power" policy or business as usual?

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Master’s in Art Markets

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SOCIOLOGIA
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Abstract

In a speech in Ouagadougou, Burkina Faso, the then recently appointed president Emmanuel Macron promised to return the cultural objects taken during the French colonial period to their countries of origin. An important milestone in the issue of colonialism, the speech and the consequential report commissioned about the matter by the French president, fueled the expansion of the debate surrounding the restitution of cultural objects removed during the colonial period. An interesting point of debate that was raised was the instrumentalization of the restitutions as a "soft power" policy; taking into account the complexity of both the issue of return of items that withdrawals during colonization and the conceptualization of "soft power", this paper looks into the matter to explore if the act of restitution is indeed part of a "soft power" policy or just business as usual.

Keywords: restitutions, "soft power", colonialism, French foreign policy.

Resumo

No seu discurso em Ouagadougou, Burkina Faso, o então recentemente nomeado presidente Emmanuel Macron prometeu devolver os objetos culturais retirados durante o período colonial francês para seus países de origem. Um marco na discussão de colonialismo, o discurso e o consequente relatório encomendado sobre o assunto pelo presidente francês, alimentaram a expansão do debate em torno da restituição de objetos culturais removidos durante o período colonial. Um ponto interessante que foi levantado foi a instrumentalização das restituições como uma política de "soft power". Levando em conta a complexidade tanto da questão do retorno dos itens que foram retirados durante a colonização, quanto da conceitualização de "soft power", este artigo analisa o problema da devolução de objetos culturais, a fim de explorar se o ato de restituição é realmente parte de uma política de "soft power" ou apenas parte da rotina de relacionamento entre Estados.

Palavras-chave: restituições, “soft power”, colonialismo, política externa francesa.

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Introduction

Culture is a complex phenomenon; it involves a web of relations between members and non-members of a society; it is determinant in how we behave, identify ourselves and others, create and foster affections, and disaffections. As a socially constructed phenomenon, "culture" is never static; it evolves, changes, and transforms; it is perhaps the best expression of what humanity is, be it the expression of the positive or negative side of humanity. With such heightened importance, efforts to protect, conserve, and share "culture" in its various spheres, be it material or not, both locally and internationally, have multiplied in the last decades.

A particular theme that has surfaced strongly in recent years is the restitution of cultural objects to their country of origin, especially to former colonies. Though the restitutions of such items to former colonies is not new, in the 1970s, UNESCO, not only created the "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property" – that saw to create a common framework to prohibit and avoid the import, export and transfer of cultural property – but also lead to the organization formally asking colonial powers to return some of the pieces from their ethnographic collections to their countries of origin (Hamm, 2023).

It is only in the last 20 years, however, that a more emphatic process for the return of cultural heritage to former colonized countries, particularly African ones, has appeared. The change in the geopolitical landscape since the end of the Cold War, with the victory of liberal democracy, the inclusion and economic ascension of the "Global South" together with China, the expansion of globalization and the agenda on "Human Rights"; created new forms of governance, norms and values that introduced new expectations and changed the way states behave and relate to each other (Hamm, 2023).

An important milestone in the discussion happened in 2017 when the recently appointed president Emmanuel Macron, in a speech in Ouagadougou, Burkina Faso, promised to return the cultural objects taken during the French colonial period to their countries of origin. The promises of the speech took a more defined shape in the Saar-Savoy report, declaring the intention to repatriate African works of art as well as proposing a modification of the French heritage code. The report gained rapid repercussion and notoriety, having divided opinions both in France and internationally; a topic of debate that arose shortly after the report was published was the instrumentalization of refunds as an instrument of "soft power".

This dissertation is one of the many studies that seek to explore this question, looking to find a possible explanation for the restitution cases that are carried out between former colonial states and colonized countries. The objectives throughout this paper are firstly to reconstruct the political, cultural, and economic context behind the removal from former colonies of their cultural objects. Relying on the concept of "Civilization", articulated dialogically with the creation of the Universal Museums, the main aim of the first chapter is to characterize the withdrawal of cultural objects as part of a political project aiming at producing cultural legitimacy in Europe. Second, a literature review on the theme of restitutions will be conducted, aiming at the creation of a general framework on what has been discussed on the subject.

Lastly, taking into consideration the centrality France assumed in the theme of restitutions as a "soft power" instrument, a case study of French foreign policy will be conducted, aiming to explore if restitutions can indeed be considered an instrument of "soft power". To complement the case study, a reconstruction of the concept of "soft power" will be done, focusing on the context in which it was created, its implications, limitations, and criticisms. The purpose of this reconstruction is to recontextualize a concept that has been much mischaracterized since its first appearance, to reclaim "soft power" within a more comprehensive key, and to give more insights into the French political articulation of restitutions.

Chapter 1. The "civilizing process" and the appropriation of cultural objects from former colonies

La gloire des beaux-arts comme attachée à celle de l'armée que vous commandez.

This epigraph is taken from the orders sent by the *Directoire exécutif* to Napoleon before his first campaign in Italy in 1796. Although the looting of art and antiques during military campaigns has occurred since ancient times, the directive issued to Napoleon symbolizes, however, a new logic behind the appropriation of cultural objects during the military occupation of foreign territories, which develops and deepens with the formation of the Nation-State in parallel with the idea of "civilization".

"Civilization" embraces two spheres of meaning: the more "anthropological" sphere, which alludes to all the features observed in the life of a human group, that is, their social life; and the second meaning, which concerns the idea of "civilization" as progress both materially and morally (Febvre, 1998). For the purpose of this study, it is the second meaning that holds more interest and shall be analyzed. Since it is the judgment value imputed in the idea of "civilization" as progress that gives foundation to the "Civilizing Process", as coined by sociologist Norbert Elias.

The "Civilizing Process" refers to the socio-psychological changes in patterns of behavior in a given society; though Elias focuses most of his study on the European background, similar processes can be observed in other regional contexts. For Elias, during the formation of Modern Europe, a series of new patterns of behavior were introduced, especially by the reinforcement of shame and control over violent emotions, enabling, for the author, the consolidation and expansion of capitalism and the Nation-State. In a general sense, the civilization process solidified during the Enlightenment period, where new patterns of behavior were internalized not only by the nobility but also by the growing intellectual and economic bourgeoisie. It expands to the national level and embraces a social, economic, and political sphere, acquiring a universalist character at the end of the eighteenth and early nineteenth centuries.

It was in the mid-nineteenth century that the European social, economic, and political model, that is, the civilized model, was transferred more emphatically to the African and Asian

colonies, much to address the needs of the Second Industrial Revolution. With the high competition between European countries not being restricted to the economic sphere, the removal of cultural objects from colonized territories to European metropolises accelerated, fueling the national projects of "*capitelles cultureles*", which involved the creation and diffusion of the "Universal Museums" (Charle, 2009).

Before properly addressing the removal of cultural objects from colonies, the reconstruction of the origins of the concept of "civilization" is necessary. Although structured in a linear way, it is important to remember that history and society don't move linearly, and none of the processes discussed in this chapter occurred without resistance or opposition. The creation of new social and political systems, terms, and even museums doesn't occur in a vacuum; they are part of political changes and disputes, and their configurations are not stagnant; they change and adapt according to the political landscape.

The roots of the term "civilization", based entirely on the etymology of the word, trace it back to the ancient Latin word "civil" (Mazlish, 2004), meaning: one who lives in a city, a citizen. But as the word is understood today, it goes back to 18th-century France and evolved from the ideas of "politesse" and "civilité" (Elias, 1994; Febvre, 1998). "Politesse" and "civilité" were born as social markers for European nobility; they marked the specific qualities of behavior, tastes, and customs of the upper classes, contrasting them with the manners of the socially inferior classes (Elias, 1994). In general, it served to distinguish, in matters of behavior, nobility from plebs.

Study on the semantics of the word "civilization" in the French language, points to the birth of the term to fulfil the need of a new word to convert an idea of a person not only polite, but also well versed in philosophical, scientific, artistic and literary culture (Febvre, 1998), a necessity created by the development and expansion of the Enlightenment movement in the 18th century. The context of pre-revolutionary and revolutionary France accounts for much of the contemporary meaning of "civilization". As such, while "civilization" originated from the aristocratic tradition of court society, it is the ideology of the Enlightenment that gives much of the foundations for the concept of "civilization" as we understand it today (Caffentzis, 1995; Elias, 1994; Febvre, 1998; Federici et al., 1995; Mazlish, 2004; Staszak, 2020)

In the French context, the bourgeoisie assimilated the court culture and its customs, both in its social and intellectual sphere and, to a lesser extent, in politics (Elias, 1994). Thus,

there was a dialogue between nobility and bourgeoisie, leading to both influencing each other (Elias, 1994). The patterns of behavior between the two classes started to resemble each other, and marks of differentiation between nobility and bourgeoisie became increasingly evident, of political nature. The rise in political demands of the bourgeoisie, allied with the expansion of the Enlightenment, transformed what was an intellectual movement into a political one, which also led to redefining an identity for a large part of the bourgeoisie.

The pressing necessity of a particular word, that pointed both for the idea of specific patterns of behavior and to a mental/intellectual structure (Febvre, 1998), attest to the need of new forms of identity, one that not only would differentiate from the nobility, but also, in a context of "class fight", vouch to the superiority of the bourgeoisie. The word "civilization", articulated in this new meaning, is thought to have first appeared in *L'Ami des hommes* (1756), by the physiocrat Victor Riqueti de Mirabeau (Elias, 1994; Mazlish, 2004). Mirabeau broadened the term to refer not only to a group of individuals who were well mannered and well versed in philosophical, scientific, artistic, and literary culture, but also virtuous in their social existence (Mazlish, 2004).

Emphasis on the virtuosity of those who are civilized accounts for the centrality that Mirabeau gives to religion as the essential source for civilization. For the physiocrat, religion is primarily responsible for the softening of manners that comes with the repression of violence (Mazlish, 2004). Indeed, the Church was one of the most important institutions for the diffusion of behavior patterns for the lower social strata, much through the transmission of "Christian morality" (Elias, 1994; Mazlish, 2004). It is also on Mirabeau that the idea of "civilization" as a form of social structure appears more emphatic; since the repression of violence allows for the sociability and the polishment of manners, the two centers of civilization as a form of social structure (Mazlish, 2004).

The evolution of "civilization" as a social structure stems from the development of natural science and later the emergence of social sciences (Febvre, 1998; Mazlish, 2004). By the 18th century, the idea of rational and experimental science was beginning to spread, fostering new methods and procedures (Febvre, 1998). Also, the development of the notion of natural evolution and scientific classification, epitomized by Lamarck and Linnaeus, respectively, helped give further rise to the application of natural sciences methodologies to social sciences (Mazlish, 2004). If natural science was moving along the path that led to the

future, with its belief in rationality and method, social science needed to be going in the same direction (Mazlish, 2004).

Adopting the scientific model of natural science fueled the idea that, if there was a classification of species by degree of "development", there would be the same for men and their society (Febvre, 1998; Mazlish, 2004). Nature always evolved towards progress; the same should be observed in man and their society. "Civilization" was, therefore, a final degree of development of humanity, one achieved with the deepening of human knowledge and ascent towards reason (Febvre, 1998; Mazlish, 2004). This progressivist and evolutionist view of civilization gave more strength to the concept as a moral one. If Mirabeau already stated "civilization" as a virtue, the notion of progress as something positive that always leads to a better future reinforces the morality of "civilization".

"Civilization", as noted above, is a product of modernity and, as such, was part of a larger movement of optimism that modernity ushered (Febvre, 1998; Mazlish, 2004); one that justifies itself on the idea of progress and human capability to change and perfect their own realities (Febvre, 1998). Therefore, it is not strange that "civilization" was developed and gained traction during Revolutionary France, a moment when a large portion of the population wanted, and believed, it was possible to better their social and political realities. Within this context, the concept of "civilization", enlarged to cover aspects of institutionalization, normalization, and bureaucratization of social and political life, not just an idea of manners and customs, consecrates as such a new model of political, social, and economic organization that positions itself as superior to that of the *Ancien Règime*.

The end of the Napoleonic Wars at the beginning of the 19th century defined the stabilization of Europe with the formation of the "European Concert"[1] and the rooting of the concept of "civilization". The relative peace on the continent allowed the industrialization and uninterrupted rise of the European nations (Elias, 1994), which led to the development of a secular European identity. If the belief in Christ and the Bible was the basis for continental identity in Europe since medieval times, modernity launched the basis for the secularization of

[1] The European Concert was a system of balance of power established after the Napoleonic Wars with the Congress of Vienna in 1815. It was a conservative system with the aim of maintaining political stability by erasing the most disrupting policies of the French Revolution.

European identity, which slowly started to be much more centered on the concept of civilization than on Christianity[2].

Europe's identity, like many others, was constructed based on alterity, the reflection of the "other", operating within a binarism of oppositions that cancel each other (Staszak, 2020); as such, Europe learned about itself by learning about the differences of the "other" (Elias, 1994; Mazlish, 2004; Staszak, 2020). For centuries, the difference was based on creed, more specifically by the opposition of Christianity with Islamism (GoGwilt, 1995; Mazlish, 2004), the shift in the main piece that shaped European identity, changed the way other cultures and societies were seen and understood. If colonialism in the "New World" was greatly justified by the necessity of Christianization of the native population[3], from the 18th century onwards, the new ideological justification was centered around the need to "bring civilization" to the colonies. "Civilization", held the principles and ideas of the European Enlightenment as the highest degree of progress and development; it was a universalistic measuring rod against which all societies could be compared (Mazlish, 2004).

This implied that non-European societies need to become as close as possible to the European model (Mazlish, 2004). The transposition, in most cases in a violent manner, of the social, political, economic, and bureaucratic forms of Western organization expelled, or at least tried to expel, all native elements contradictory to European civilizational logic. Inherently related to the imposition of the civilized model in the colonies is the development and expansion of colonial capitalism.

The development of the Enlightenment was parallel with the development of a bourgeois "intelligentsia". Many of the principles defended by the Enlightenment concerned the liberalization of both people as well as the economy, such as the defense of private property, decentralization, trade opening, etc., measures that benefited particularly the bourgeois. The Marxist characterization of the state that originates from the revolution as a "Bourgeois State" is central to understanding the imposition of the European civilized model on the colonies.

[2] That is not to say that religion became unimportant; in fact, it was still a crucial element in European identity, but it was "incorporated", as a matter of saying, in the general idea of "civilization"

[3] Focusing solely on the idea of Elias that the civilizing process takes place by the change of the mental frame and consequently of behavior, the Catholic church, in fact, has assumed a prominent role in the civilization process in the Americas. Particularly, by the priority that education had during the Christian missions, the establishment of Christian schools was almost a rule in the period, allowing for the proper introduction of the Christian customs and practices.

"Civilization" implies a very specific type of economic relation, and the "civilizing process" is also the rationalization of intracapitalist relations[4] (Caffentzis, 1995, 1995; Mazlish, 2004).

From a critical point of view, the civilizing process is, therefore, intrinsically capitalist; in fact, one of the main features of "civilization" is the material improvement of society (Mazlish, 2004), one that comes primarily by the expansion of financial and commercial relations, as defended by the liberal movement in the 18th and 19th centuries. Accordingly, the imposition of the civilization model in the colonies was not based solely on an idea of European superiority over the rest of the world. It was the combination of believing that they represent the forefront of history (Mazlish, 2004) – the most advanced level of economic, social, political, and cultural structure – with the pragmatic need to integrate the colonies in the expanding circuit of capitalist relations (Caffentzis, 1995).

Material and technological improvement was one of the primary factors that indicated an "advanced" civilization; among scientific and technological development, the accumulation of wealth signified the civilizational progress of nations. There is, increasingly, the rooting of an alleged national exceptionalism as a manifestation of a Divine mission[5] or by historical destiny, which justified the domination and exploitation of other continents, as well as the advancement and sharpening of nationalist feelings in Europe (Elias, 1994). The fierce economic and imperial competition at the end of the 18th century, all up until the 20th, was not only a struggle for economic hegemony, but for civilizational superiority as well.

Additionally, the universalization of the civilizing processes consecrated a canon of universal culture, which created references to what was common and important for European societies and propelled a sense of cultural legitimacy throughout Europe as a whole in the years after the Revolution (Elias, 1994). Europe had always been the frontrunner of history, with a continuous tradition of rationality, impetus, "high culture" and positive progress. The rivalry,

[4] Variation of the idea of "intra-specific relationships", which describes the relationships between individuals of the same species in Biology. In this case, it would mean the internal dynamics of capitalism itself.

[5] The belief in the predisposition of a Nation by Divine mission is an important element for the Anglo-Saxon context, especially for the Northern American imperial experiences. In The Protestant Ethic and the Spirit of Capitalism, Max Weber (1904) highlights the positive bond between Protestantism and capitalism. In the case of the EUA's context, this bond is embodied in the Doctrine of Manifest Destiny.

in the cultural sphere, was to define which nation would be the heir of this long tradition, which one of them was the legitimate repository of "human civilization"[6].

Within this context of high competition, the European states start to develop policies promoting the cultural potency of their nations. Consequently, to this policy was the development of what Christophe Charle (2009) defines as *capitales culturelles*, cities that, in addition to being political or economic centers, assumed a central role in the production, diffusion, and consecration of culture. The creation of the Universal Museums is essential in the construction and affirmation of European cultural capitals, they were, above all, instruments of political prestige, both national and international (Charle, 2009). The model of the Universal Museum combined the Enlightened desire in institutionalizing and displaying knowledge for the benefit of educating and conservation (Cunno, McClellan, 1999), with the necessity to affirm the legitimacy of one's nation as a cultural authority on the continent.

France was pioneer in the development of a Universal Museum, because such an institution came attached with a deliberate project of a cultural capital (Charle, 2009; McClellan, 1999), where the matter of conservation was central for the French government to justify the appropriation of art during the Napoleonic Wars. During the eighteenth century, it was widely believed that the great European production, specifically that of the Renaissance, was in the process of deteriorating (McClellan, 1999). France used this particular fear of losing essential products of European history to claim that, as the politically and culturally superior nation, they were uniquely qualified to secure the world's treasures for the benefit of mankind (McClellan, 1999). This claim was part of a political inspiration to turn Paris, the capital of art and knowledge, legitimizing, as such, France as the repository of "human civilization"; the appropriation of cultural objects became a matter of taking from the ignorant and giving to the enlightened for the ultimate benefit of all (McClellan, 1999).

"La gloire des beaux-arts comme attachée à celle de l'armée que vous commandez"[7]
(Le Directoire exécutif au Général en chef Bonaparte, Lettre du 7 mai 1796, 18 floréal an IV)
The phrase that we used as an epigraph for this chapter summarizes the beginning of this policy, which sought to promote cultural greatness by the spoliation of art both in Europe as outside

[6] The cultural dispute, as a phenomenon concomitant to the Second Industrial Revolution, develops primarily between the three main economic and technological powers of the period: England, France and Germany.
[7] That directly translates to: "The glory of the fine arts comes attached to that of the army you command."

of it. Justified by the idea of "civilization" the plundering of cultural objects, as a whole, would be seen as a natural right, since, as repositories of high culture, of "civilization", it would be natural for such objects to reside within their borders (McClellan, 1999). The creation of the Universal Museums, served as an institutionalized space to exhibit art and ethnographic objects of the world, confirming one's nation not only as an economic and military power, but as a cultural one as well (Charle, 2009; McClellan, 1999).

As the Napoleonic period ended, however, the concept of the museum as a place of conservation, display, and fostering of national pride persevered and expanded to the rest of Europe. During the 19th century until the beginning of the 20th century, Britain, France, Prussia (later to become Germany), and to a lesser degree Italy, would engage in the creation and competition between their cultural capitals, each affirming its identity through institutions, social practices, and political disputes (Charle, 2009). There's a tension between the Universal Museum as a universalist space of "world" history and culture, with a more particular, nationalist approach that impacts the model of organizing and displaying the collections.

Ordering of art according to school and chronology became the norm of art museums during the 19th century, mostly because of the rise in historicism and the binomial method of classification in natural science (Mazlish, 2004; McClellan, 1999). The idiosyncratic organization by classificatory nature from the second half of the 19th century until the beginning of the 20th century in Europe, aggregated objects according to how they fit into a general collection, following the thought that, like natural science, works of art were susceptible to rational classification (Hallum, 2012; McClellan, 1999).

The adoption of the chronological mode of organization attests the continuum of a universal history of civilization, allowing for the accommodation of national narratives of superiority by suggesting a continuity between past and present and a sustained prosperity of the national culture (McClellan, 1999). Further, it alienated the original context and meaning of the object that entered the museum, generating new aesthetic and art historical significance (McClellan, 1999). The Universal Museum emerge from this tension between a nationalist project and the adoption of a universal historical narrative, which helps to explain why non-Western objects were even introduced in the first place to the collection of the European museum if they were deemed inferior in the totality of their existence. The cultural objects from the colonies contributed to the construction of Europe's national identities, as an opposing "other" and/or as a testimony of earlier stages of "development".

For European society, which constructed its identity by its opposition to the "other" (Staszak, 2020), the detachment of non-Western cultural objects from their original context and their introduction to a chronological model of display allowed them to be institutionally relegated to the position of the "otherness", of inferiority, which also seemed to confirm theories of racial hierarchization. Yet, even if they were "inferior" in aesthetic and technological value, they were nonetheless valuable as representatives of "other" cultures and civilizations; exhibiting such items based on rational classification reinforced the idea of a progressive universal history of humankind, which ultimately attested to the narratives of the nation's civilizational superiority (McClellan, 1999). Besides, with the aspiration of the Universal Museums to be repositories of human knowledge and public instruction, the entry of cultural objects from the colonies was aligned with the Enlightenment desire to acquire new, scientific knowledge (Mazlish, 2004).

The main European capitals became references of the accumulation of institutions and artistic productions; they were not only politically and economically dominant. They managed to attract artists, writers, scientists, and create institutions – academies, museums, theaters, publishers, etc. – that gave them cultural centrality (Charle, 2009). The cultural objects that were taken from the colonies were essential to give credibility to the museums as well as legitimize Paris, London, Rome, and Berlin as cultural capitals of excellence.

After the First and Second World War, faith in progress and "civilization" started to die out, and much of the elements that were central for the intellectual thought of the "West" changed, including the way they related and built relationships with the rest of the world, which altered, as well, the profile of the Universal Museums. By the late twentieth century and beginning of the twenty-first century, in an effort to recognize and correct the degrading and racist treatment that non-Western objects signified in the collections and exhibitions, the Universal Museum, modified its mission as a multicultural space that enables the dissemination of knowledge and can dispel ignorance, superstition, and prejudice (Cuno, 2006). They sought to distance themselves from the narrative of civilizational superiority.

Essentially, the Universal Museum, however, did not change, mostly because they are still central to European national identities. There is a continuum in the attachment of national identity with the image of the Universal Museum as a repository of culture and global knowledge. Particularly, the matter of conservation became even more central for the contemporary Universal Museum; they attest to their own country's capacity to not only

provide access to all, and any, culture but to their ability to safeguard the most important pieces of human knowledge. The competence of the Universal Museum in preserving the culture of humanity legitimates the country as a cultural authority, in the same line that it did during the Napoleonic period. If in the 18th-19th century it justified the plundering of art, now it justifies the refusal to restitution.

The matter of restitution of cultural objects from former colonized countries, as will be explored in the next chapter, receives so much resistance precisely because it challenges this ideal of European countries as cultural authority, competent to hold not only their own culture but also the cultures of others, assuming themselves as the legitimate heirs of all mankind.

Chapter 2. Restitution of Cultural Objects to Former Colonies: A Literature Review

Cultural objects enjoy special status due to their symbolic and historical relevance, both locally and internationally. Efforts to regulate the transit of such objects, especially in the case of war, date back to ancient Greece; both Cicero and Polybius exclude cultural objects from the right of plunder (Campfens, 2021). The codification of a cultural property regime arose in the 17th century through the writings of Hugo Grotius, which took up the ideas of Cicero and Polybius, and the Treaty of Westphalia (1648), commonly seen as the precursor of an emerging ban on the looting of cultural property (Campfens, 2021; Beurden, 2017). It is also by the 17th century that the idea of return or compensation starts to be more commonly found in the various peace treaties concluded in the period (Roodt, 2013). Although provisions for the restitution of cultural property would only occur by the end of the Napoleonic Wars (Beurden, 2017; Campfens, 2021; Cuno, 2006; Silva, 2023).

Restitution is the act of returning something that was lost or stolen to its owner, and it can also mean, in legal terms, compensation for some harm or wrong that somebody has suffered. The term, as such, not only implies a legal obligation, but a moral one. It became more commonly used at the end of the Second World War, when the victims of the Nazi regime, especially the Jewish community, started claiming their looted cultural properties (Beurden, 2017; Campfens, 2021; Roodt, 2013; Scott, 2020). Hence, the protection and restitution of cultural goods develops at the national and international levels in conjunction with the Law of War, since the moments of belligerence between nations facilitate the seizure or destruction of cultural heritage (Campfens, 2021)

Regarding the return of artifacts plundered during the colonial period, existing legal constructions are still flawed and insufficient, as they are influenced by particular interests, historical, economic, and geopolitical factors. Furthermore, for the case of colonial takings, the term “return” is more often used than “restitution”; for the purpose of this study, both terms will be used interchangeably; however, the implicit meanings that the two terms hold need to be addressed. “Return”, introduced in the 1970s to address colonial takings, is preferable to “restitution” as it is seen as a more neutral concept, as it doesn't imply a violation of rights or any binding obligation, whether moral or legal (Campfens, 2021; Beurden, 2017).

Also, the terms “cultural object" and “cultural heritage” need a more defined scope. In this study, rather than use “cultural property”, which implies an exclusive entitlement and imputes a more commercial value to the object (Campfens, 2021; Roodt, 2013), the terms

"cultural object" and "cultural heritage" will be used interchangeably. They indicate an object that represents intangible values that states, individuals, non-state entities, and groups identify with; and, therefore, they have the right to "inherit" them (Campfens, 2021; Christofoletti, 2023; Roodt, 2013). The cultural objects that hold interest in the study concern those that were acquired during the European colonial era, excluding those that were specifically produced for European visitors or were purchased for money (Beurden, 2017).

The main discussion is related to objects taken on military and scientific campaigns, missionary missions, and particular entrepreneurship, whether they have a record of the acquisition or not. The dubious and uncertain provenance of some of the cultural objects taken in the colonial period does not exempt them from the discussion; in fact, it is their vague origin that gives them importance for the discussion and study on the theme of restitution. This chapter will seek to make a comprehensive literature review on the theme of restitution of cultural objects to former colonies. Starting with an overview of the discourse surrounding the topic, followed by the legal framework on the return of cultural objects, then a brief analysis of the political sphere of the matter, examining restitution as diplomacy and soft power.

Evolution of the discourse about restitutions to former colonies

The question of restitution of cultural objects to former colonies began to be debated at the beginning of the 20th century with the independence processes in Africa and Asia (Beurden, 2017; Campfens, 2021; Silva, 2023; Scott, 2020); in this first moment, discussions on the subject were limited to the sphere of bilateral agreements. As pointed out by several authors, in this initial phase the occasional returns occurred only to maintain good relations with the old colonies, as well as to preserve the pre-existing colonial structures (Beurden, 2017; Campfens, 2021; Silva, 2023; Scott, 2020). The current moral tone surrounding restitutions as a way to correct or atone for mistakes made during colonial times is non-existent in this initial moment. The returns that occurred in this period were within agreements of cultural and economic cooperation or as gifts to the new independent governments, a symbolic way of recognizing the political independence of the former colonies (Beurden, 2017; Campfens, 2021; Scott, 2020).

At the level of international governance, the literature on the subject points out that the issue of restitutions to former colonies was only established as an international agenda in the 1970s within the scope of UNESCO (Beurden, 2017; Boehme, 2022; Campfens, 2021;

Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). At this moment, the idea of restitution as a means to “make amends” with the colonial past begins to be part of the dialogue surrounding the return of cultural objects and gradually becomes one of the pillars that sustain the debate. The introduction of the colonial context in the debate is primarily due to the increasing institutionalization of cultural heritage, both domestically and internationally (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). Although the recognition of the differentiated status that cultural objects have precedes by centuries the creation of the ONU, and UNESCO, the normatization about cultural heritage occurs effectively in the late 20th century and early 21th century.

What is observed in the literature is that, because of the fundamental importance that cultural objects have in building and maintaining national and cultural identity (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020), the theme of cultural heritage becomes part of a series of other "umbrella" international agendas, like trade, sustainable development, and human rights (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). As such, the matter of restitution to former colonies starts to be discussed at the multilateral level of international institutions. However, the debate on the subject, both internationally and domestically, was particularly unfavorable to restitution, and it was only in the last 20 years that there has been a more emphatic process for the return of cultural heritage to former colonized countries (Hamm, 2023)

The discourse around the return of cultural objects, as seen before, has been more unfavorable for the former colonies; in the last years, at least at an academic level and in international governance, there appears to have been a particular change in the discourse. The introduction of decolonial, post-colonial, and dependency theories in the mainstream changed the interpretations surrounding the history and nature of colonialism (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade &

Fouseki, 2016; Scott, 2020), and led to a more sympathetic view surrounding requests for restitution of cultural objects taken in the colonial context. As such, some of the most common arguments raised in defense of restitution originate in this moment of diffusion of postcolonial theories; looking into the literature is possible to point as the main arguments: historical reparation, property rights, and self-determination (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020).

Historical reparation, aligned with the very definition of "restitution", assumes that, considering the history of violence, racism, exclusion, forced acculturation, spoliation, etc., former colonizing countries have a historical responsibility to their old colonies, including the return of cultural objects removed within this context (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). The idea of a historical responsibility echoes the Nazi case and the exceptional way in which the issue of art restitution was treated (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020), for some authors the question of the restitution of cultural objects from former colonies should follow, to some extent, the principles instituted in the Nazi context (Beurden, 2017; Boehme, 2022; Campfens, 2021, Kouhossounon, 2019; Silva, 2023).

The idea of a moral obligation, however, is a delicate subject and texts with more resistant positions to restitution, usually, or simply do not touch on the subject (Lewis, 1983) or recognize the pernicious context of colonization, but use the "defense of the universal museum", to circumvent the argument (Cuno, 2006). Shehade & Fouseki (2016) work on an important point on this argument: its concrete effectiveness in the defense of returns. For the authors, the idea of a moral obligation may have some strength, but since it is essentially a moral argument, in most cases, it is not enough.

In regard to the argument of property rights, the literature articulates that the objects were previously in possession of an individual, or a group of individuals, and were taken irregularly from their care; therefore, because of the wrongful character of the acquisition, the objects should be returned to their legitimate "owners" (Beurden, 2017; Boehme, 2022;

Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). Beurden (2017), Roodt (2013) Shehade & Fouseki (2016) and Campfens (2021), point out that property rights are not always the most effective tool for restitution claims, but such issues will be better developed when looking at the legal framework on the matter.

Finally, the principle of the right to self-determination plays a key role in bringing human rights to the forefront of current debates on restitution (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). Its recognition at international governance level seeks to ensure the independence of the peoples in determining their own system of government, economic, and socio-cultural organization. In essence, it means allowing people to create community by fostering cultural, social, government and economic links between individuals themselves and institutions (Beurden, 2017; Campfens, 2021; Christofoletti, 2023). Claim of restitutions would enter, from this perspective, as a way to guarantee the fundamental right of the people to belong to a community, since cultural objects have a fundamental importance in building and maintaining identity (Beurden, 2017; Campfens, 2021; Christofoletti, 2023).

The literature shows that the articulation from a human rights perspective became the predominant narrative in defense of the return of cultural objects to former colonies (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020), because of the universality and the heavy normatization around “human rights” it’s almost a taboo to argue against it. The right a population has to access and relate to their own culture is, actually, never put in question in the texts, even in the ones that don’t particularly defend restitutions (Cuno, 2006; Lewis, 1983).

A positive result of the discussions regarding the restitution of cultural objects removed in the colonial context, is the advance of research on the provenance of objects in the collections of museums (Beurden, 2023; Jiménez, 2024). The requests for return have led to more emphatic studies regarding the provenance of such items, both those claimed and those with dubious history; in addition, it has also led to producing, and generally reinforcing, ethical rules on the acquisition of cultural objects (Beurden, 2023; Campfens, 2021). Nevertheless, Jiménez

(2024) explores that provenance studies eventually just reproduce narratives and stories of the colonizers themselves, since the focus is not the object itself, but its history as colonial booty.

The centrality of the narratives and history of the colonizer is not a problem unique to provenance, but a general issue in the discussion of restitution of colonial objects, one that arises from the introduction of decolonial and post-colonial theories into the debate. As explored by Acharya (2014), post-colonial and decolonial theory presumes that the old colonies essentially played marginal roles in "global history." However, this marginalization overlooks the power of agency, resistance, and participation that the colonies had in history and is somewhat purposeful. Since recognizing that agency might risk undermining some of the central, and rightfully needed, criticisms that were developed by decolonial and post-colonial theories (Acharya, 2014).

This issue is translated into the study of restitutions through, essentially, the lens of the colonizer. As indicated previously, most works on the subject focus almost exclusively on European and North American colonial history and how they deal with their own colonial past (Beurden, 2017; Jiménez, 2024; Scott, 2020). As Jiménez (2024) puts it, the main actor in the process of colonial returns is the former colonizer; the old colonized countries are seen as the beneficiaries, in an essentially passive way.

Regarding the possible constraints for a restitution process to occur, they are usually: issues of conservation and preservation, accessibility, impairment of scientific research and knowledge, insufficient laws, complicated logistics, and a lack of funding for the transport of the objects (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). Such problems were raised already in the debates of 70s and can still be found in most of the recent papers as concerns that need to be addressed properly for any restitutions to former colonized countries to take place (Beurden, 2017; Campfens, 2021; Cuno, 2006; Kouhossounon, 2019; Paquette, 2020; Roodt, 2013; Shehade & Fouseki, 2016).

A particular impairment for the restitutions lies in the defense of the “universal museum” against the return of the cultural objects to the former colonies (Beurden, 2017; Campfens, 2021; Cuno, 2006; Kouhossounon, 2019; Lewis, 1983; Scott, 2020). As pointed out in the previous chapter, the creation of universal museums in the 19th century was connected

with the Enlightenment and the consequential imperialism that came with it. As products of the Enlightenment, the universal museum is a space of knowledge, conservation and research, they are centers of local and foreign culture and represent the robustness and cultural dynamism of the countries that created them (Cuno, 2006; McClellan, 1999). The process of globalization, and its acceleration in the 1980s onward, deepens a sense of cultural pluralism, which reinforces the role of universal museums as multicultural spaces; at the same time, it leads to new ethics in relation to colonial and/or foreign collections (Cuno, 2006). It is not enough to be a space for the display and study of other cultures; in a multicultural context, they need to bring mutual understanding between different cultures (Cuno, 2006).

Ironically, however, the introduction of this new moral imperative reinforced the defensive stance of museums in relation to restitution. As internationalized institutions that value the creation of dialogue between exhibition and public, the concept of "cultural accessibility" is one of the central arguments presented against refunds (Beurden, 2017; Campfens, 2021; Cuno, 2006; Kouhossounon, 2019; Lewis, 1983). Cultural accessibility, parts from the assumption that the European and North American Universal Museums[8], have not only a larger reach in terms of public, but it also presents the idea that the universal museum is the institution that have the necessary expertise to better care for the objects in their collections allowing them to be properly displayed in ways to foster dialogue between different cultures (Beurden, 2017; Campfens, 2021; Cuno, 2006; Kouhossounon, 2019; Lewis, 1983).

For some, this instance on the part of the museums regarding restitution is paternalistic, as it implies that the countries requesting the return of their cultural objects are incapable of managing or taking care of their own heritage (Boehme, 2022; Hamm, 2023; Jiménez, 2024; Scott, 2020). It is also a quite idealized reality; universal museums, especially those that need national funding, have been dealing with budget cuts[9] and maintenance issues in the building that can harm their collections[10]. The huge scandal at the British Museum following the theft

[8] Though the universal museum model was developed in Europe, it was later adopted by the United States. In more recent years, other countries outside the Europe-North America axis, such as the National Museum of China (Beijing, China), the Asian Civilizations Museum (Singapore), and Louvre Abu Dhabi (United Arab Emirates).

[9] See: <https://www.museumsassociation.org/museums-journal/news/2024/06/two-thirds-of-museum-directors-warn-of-funding-shortfalls/#>

[10] See: <https://www.artnews.com/art-news/news/british-museum-makes-emergency-repairs-leaking-roofs-1234697180/>
<https://www.theartnewspaper.com/2025/05/05/louvre-water-leak-cimabue-exhibition>
<https://www.bbc.com/news/articles/ckdg507ek75o>

of 1,500 items[11] also raises questions about whether European and North American museums are truly the safest places for heritage. These issues, however, do not deny that most of these institutions have more than a century of experience in studying, conserving, and successfully safeguarding a large amount of cultural heritage. Still, those problems need to be addressed for a more democratic and open discussion about restitutions.

What can be understood from the literature about the "defense of the Universal Museum" is that the restitution of cultural objects to the former colonies challenges the profile of Universal Museums, as it confronts the ideological and institutional structure of the museum space with the demands and policies of African and Asian countries. At the same time that the universal museum seeks to cover narratives of dissident and subaltern groups, when these groups press and demand concrete actions, there is institutional resistance to meet them (Beurden, 2017; Campfens, 2021; Cuno, 2006; Scott, 2020). The British Museum has no problem in listing and acknowledging the colonial history of its contested objects[12], but its policies and engagement in processes of restitution seem to be almost incompatible with its adoption of more post-colonial narratives.

Among the many factors that could influence a restitution claim, besides institutional resistance, there's a consensus in the literature that political reasons are the main motivator for restitutions to take place (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Paquette, 2020; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). As already highlighted multiple times, cultural objects are central to the creation and development of identity not only for specific groups of people, but also for states. It is comprehensible, therefore, why most discussions and negotiations surrounding restitutions usually involve states. The problem for some authors Beurden, 2017; Campfens, 2021; Cuno, 2006; Lewis, 1983; Paquette, 2020), is that the involvement of statecraft in the matter of restitution tends to dissolve the discussion into one of political character, which will be better developed later in the chapter.

The discussion around the restitution of cultural objects to former colonies is complex, much like any other theme that concerns the history and legacy of colonialism. No text denies

[11] See: <https://www.theguardian.com/culture/2023/dec/12/british-museum-told-to-keep-better-records-after-theft-of-1500-items>
[12] See: <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection>

the importance that such items have to their communities, but most of the issues raised at the beginning of the discussion, especially those regarding conservation, preservation, and impairment of scientific research and knowledge, are still very pressing (Beurden, 2017; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Jiménez, 2024; Kouhossounon, 2019; Paquette, 2020; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). Paquette (2020) acknowledges that some former colonies have developed effective policies for the safeguarding of their national heritage, and the concerns regarding the matter have been sufficiently overcome for returns to take place. Nevertheless, an important aspect of the debate is how achievable they are within the current law.

Legal framework

The consensus in the literature is that the legal framework available for restitutions is highly uneven since the legal framework on cultural heritage is, in general, lacking (Paquette, 2020). At an international level, cultural heritage tends to comprise the promotion and safeguarding of cultural heritage, the condemnation of looting and illicit trade, and, in some cases, formulating a set of provisions for the protection of cultural objects (Campfens, 2021). Most of the matters of cultural heritage, however, fall under soft law instruments, meaning, they are not legally binding, and, therefore, the states that sign the conventions on the subject don't have any legal responsibility to actually follow the norms stated in the agreement (Campfens, 2021; Roodt, 2013).

As pointed out by Roodt (2013), Campfens (2021), Christofoletti (2023), however, is possible to observe a more hard law approach to the subject in bilateral agreements and when the theme of cultural heritage is subject to an agenda of trade and security. In 2015, the UN Security Council banned the trade of looted cultural objects from Syria and Iran as a means to cut the financing of terrorism (Campfens, 2021; Cardoso, 2023); the act, as identified by Campfens (2021), highlights the weaknesses of the regular regime for cultural heritage.

The issue of restitutions is included in the agenda of cultural heritage, since there is no specific regulation for the return of cultural objects. In the case of objects removed in the colonial context, the problem of returning them to their original context is hampered not only by the lack of instruments of hard law, but also by the non-retroactivity of the law (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Paquette, 2020; Roodt, 2013;

Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). Which means that the agreed rules do not have validity in cases preceding the signature of the treaty/agreement. Considering that most laws on cultural heritage were formulated during the 20th century, even if they were more specific and binding, they could not be applied to the restitution of most of the objects removed in the colonial context (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Paquette, 2020; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020).

Domestically, many national laws prohibit that objects considered national cultural heritage be withdrawn from a given country; the inalienability of the heritage is one of the main legal obstacles to restitution (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Cuno, 2006; Hamm, 2023; Jiménez, 2024; Kouhossounon, 2019; Lewis, 1983; Paquette, 2020; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020); it is not unprecedented, however, that the classification of an object is changed so that it is no longer inalienable (Paquette, 2020; Roodt, 2013). The issue of the non-transferable character of the category "national cultural heritage" aims to protect material and immaterial cultural manifestations, however, as pointed out by (Campfens, 2021), the classification gives the impression that states are legitimate "owners" of the cultural objects, once, it leaves it up to states to decide what they designates their cultural heritage (Campfens, 2021), which is either done by listing a limited number of items of national and/or outstanding importance or allocation broad categories of objects in a blanket legislation (Campfens, 2021).

There is no clear criterion for what constitutes a cultural link between the objects; the states tend to use the prerogative of “country of origin,” the length of time the object has been in their current location, its impact on national culture, etc. (Campfens, 2021; Roodt, 2013; Shehade & Fouseki, 2016). For restitutions of cultural objects to former colonies, when the claimants are the states – and they usually are – the typology of “national cultural heritage” creates friction between which one of them is more closely linked to the object, and therefore, the rightful “owners” of it.

Property right based on cultural link is not always sufficient to justify a restitution, as pointed out by Roodt (2013) and Beurden (2017), in the case of a claim by a state in which the groups that produced the object no longer exists or is no longer circumscribed within the national space, even though the object was produced in the past within what would currently be the nation, the argument of property law turns out to be ineffective. Campfens (2021),

complementing the argument, indicates that nationality as a basis for restitutions can come into conflict when communities or individuals do not feel represented by a specific state, or when their culture is specific to them and not the entire territory they are circumscribed. This is a relevant issue when dealing with the indigenous claims and shows a necessity to overcome the state-centered profile around both cultural heritage and restitutions (Campfens, 2021; Jiménez, 2024).

Additionally, the paradigm of universalism is often invoked in property rights claims (Beurden, 2017; Boehme, 2022; Campfens, 2021; Hamm, 2023; Kouhossounon, 2019; Lewis, 1983; Roodt, 2013; Shehade & Fouseki, 2016). The universalist paradigm understands cultural objects as part of human culture, independent of the place of origin or their current location; as such, their property rights suppress the notions of border or nationality; the object is seen as a common element for humanity. In contrast, the nationalist approach views the objects as specific manifestations of a national culture; as such, their property rights should be within the borders of that specific nation, since they are the ones that give meaning and significance to the object. Yet, Shehade & Fouseki (2016) point out that using a universalist vs nationalist approach to restitution cases usually leads to dead ends.

Just as the discussion on restitutions moved forward to a human rights approach, so has the law (Campfens, 2021). Campfens (2021) considers that the property rights prerogative and the cultural heritage regime are time-barred and inadmissible before regular courts of law and are being complemented within a human rights normative. The human regime is more diverse in relation to the degree of normativity and in general, it is a better-established governance than that of cultural heritage, having some of its principles become customary law (Campfens, 2021; Roodt, 2013).

What can be concluded in the literature is that: in a strictly legal form, requests for restitution of objects removed in the colonial context have little legal basis; most international agreements are non-binding and non-retroactive, plus, domestic laws impose legal obstacles to the movement of certain cultural objects; this scenario accounted for the change from a property rights to a human rights approach to fill legal and normative gaps. Even with such restrictions, return processes of objects removed in the colonial period have occurred and continue to occur; the authors, Campfens (2021) and Roodt (2013) point out that the effective problem of the legal framework for restitutions is the asymmetric application of rules, as the same court does not always give consistent decisions in cases of a similar nature. This uneven

enforcement of rules becomes particularly evident in cases concerning the restitution of human remains to their communities, since such cases are generally built upon the same principles, norms, and values (Beurden, 2017; Campfens, 2021). Overall, for the authors, the asymmetric application of rules could attest to the issue of restitutions being, above all, a political matter rather than a purely legal one.

The political sphere in restitutions

Cultural objects have been gifted as goodwill ambassadors between different civilizations since ancient times. It meant to create, foster, and strengthen a friendly and cooperative relationship between different cultures (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Hamm, 2023; Kouhossounon, Paquette, 2020; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). The importance of the return of cultural objects lies both as a symbol of the wish for better understanding and ties between countries, but also as a means to construct new relationship dynamics between them (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Hamm, 2023; Kouhossounon, Paquette, 2020; Silva, 2023; Shehade & Fouseki, 2016; Scott, 2020). As such, it is possible to analyze restitutions as a state-driven policy.

As a state-driven policy, the most common objectives that inform such policy, besides "goodwill ambassador", are: the development, or maintenance, of influence over the region that asked for the restitution, and the building of legitimacy, both at a regional and international level (Beurden, 2017; Boehme, 2022; Campfens, 2021; Cardoso, 2023; Christofoletti, 2023; Hamm, 2023; Kouhossounon, Paquette, 2020; Silva, 2023; Scott, 2020). Usually, these objectives overlap and restitution as public policy turns out to be a myriad of them; as such, the return of certain objects can occur voluntarily and outside of a restricted cultural relationship. Shehade & Fouseki (2016) highlight the use of restitutions when two countries seek diplomatic rapprochement or to resume relations after conflicts; in these cases, the return of the object appears as an expression of respect and legitimizes the proposition of friendship between nations.

As the two authors note, in bilateral requests, however, the political climate between the two states may be of great importance. This seems to be particularly true in the case of the restitution of national treasures from Indonesia by the Dutch government after the independence of the South-East Asian archipelago. As explored by Scott (2020) the

negotiations for the restitution of cultural objects started after independence in mid-1940, but would take more than two decades to complete, since the meetings relating to the matter would be put on hold when the relationship between the two countries foundered in the 1950s and early 1960s. What the Indonesian-Dutch case shows is that, although complicated relationships between countries can propel cases of restitutions, the absence of good relations between countries can also hold back negotiations when the parties don't find common ground; in such cases, the returns could be seen as gestures of surrender or admissions of wrongdoing (Scott, 2020).

For part of the literature, the politicization of the theme of restitutions is problematic; it tends to prioritize political considerations over cultural concerns (Beurden, 2017; Campfens, 2021; Cuno, 2006; Jiménez, 2024; Paquette, 2020; Silva, 2023); leading to the matters of restitutions being less about the objects and more about the political interests of the returning country (Beurden, 2017). As Paquette (2020) explains, when the focus is on politics and not the objects themselves, the restitution rewards, symbolically, the state and politicians, not necessarily the communities that are connected with the object. The politicization of the restitutions of cultural objects, however, should not diminish the claims for it or be grounds to deny such (Shehade & Fouseki, 2016).

For Silvia (2023) this problem is evidenced by the difference in discourse in political and technical/academic field; professionals in the cultural sphere, especially museum professionals, tend to prioritize the object itself favoring cooperation such as: research partnerships, sharing expertise regarding curatorial management of colonial objects, financing conservation activities and restoration of cultural heritage after their repatriation to the countries of origin, etc. Such forms of cooperation, is seen as an alternative and preferable means of dispute resolution (Beurden, 2017; Boehme, 2022; Campfens, 2021; Lewis, 1983; Roodt, 2013; Silva, 2023; Shehade & Fouseki, 2016), since not only most of the claims lack legal backing, it is a solution that can foster dialogue and exchange of knowledge between the parts; Campfens (2021), does attend, though, that cooperation can only be a satisfactory outcome if the relationships are arranged horizontally between parties (Campfens, 2021).

Shehade & Fouseki (2016) and Christofoletti (2023) point out that the politicization of the theme of restitution could potentially bring attention to the issues of cultural heritage internationally, featuring a topic often overlooked in international politics to the center of discussion. As Shehade & Fouseki (2016) explain, culture would no longer be subordinate to

politics but would provide the operating context for politics. In general, nevertheless, the majority of the literature is unfavorable to the politicization of the theme, in particular concerning the instrumentalization of restitutions as soft power (Beurden, 2017; Paquette, 2020; Silva, 2023).

A particular case that is often characterized as a soft power policy is the French restitutions to their former colonies. It is often noted that France seeks to restructure and strengthen its relationship with Africa based on soft power policies, among which is the return of objects removed during the colonial period (Boehme, 2022; Hamm, 2023; Paquette, 2020). The characterization of restitutions as soft power, however, can be a complicated topic to articulate; as such, the next chapter will further develop the concept.

Chapter 3. Reframing soft power

Soft power is a term that has gained popularity in the last twenty years, however, like all widely used concepts, much of its initial characterization has been largely changed and diluted to encompass a variety of facts and phenomenon, and, though the appropriation and transformation of concepts is not unusual, soft power seems to suffer from the "death of the author"[13]. This problem, however, is not entirely due to the misuse on the part of academic or mediatic circles, “soft power” is an extremely inconsistent and dubious concept since its creation by Joseph Nye in 1990 (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024).

There are plenty of theoretical problems with Nye’s soft power, mainly because a lot of the ideas are worked superficially or even in an implicit way. Joseph Nye created the term “soft power” in the book "Bound to Lead: The Changing Nature of American Power" (1990), where the main focus was on refuting the US declinist theory that gained popularity after the crises in the Bretton Woods system and the deceleration of the Cold War and consequently the competition with the Soviet Union (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024). The declinists believed that US power was decreasing with the new international and domestic context, a proposition that Nye opposed.

The critique developed by Nye derives from the author's own intellectual and academic context. Alongside Robert Keohane, Nye was one of the precursors of neoliberal institutionalism theory, which highlights the role of international institutions and regimes in creating and reinforcing a complex setting of interdependence relationships between states. In such a context, cooperation becomes more viable than conflict, reducing reliance on military force. For the author, the declinists would base their assumption uniquely on what he calls ‘hard power’: population, territory, natural resources, the size of the economy, armed forces, among others; dismissing a second characteristic of US relative power position in the international system: its soft power (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024).

[13] Post-structuralist concept developed by Roland Barthes, indicates that a work ceases to belong to its creator from the moment it is written; therefore, the meaning of a text is not determined by the author’s intention, but by the reader, who constructs meaning based on their own references and experiences. Thus, the same text is subject to multiple interpretations.

For Nye, US soft power would be its cultural attractiveness, its democratic institutions and values, and commitment to multilateralism; those features would be responsible for drawing other states into adopting Washington's policy preferences, without the need for military force, legitimating, as such, North American international stance (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010). Soft power, thus, would be the ability of an agent to attract others and shape their preferences in accordance with its needs. Is to get others to do what you want without the use of economic and military might, is the capacity to determine agendas and shape political preferences via non-material resources such as culture, ideologies, and institutions (Ang, Isar, & Mar, 2015; Christofoletti, 2023; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024). The attraction would come from the promotion and binding to certain norms and values deemed as legitimate by others (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024).

Central to Nye's concept of soft power, therefore, is the idea that the mechanism of attraction lies in the existence of social norms that define what it means to be attractive (Lock, 2010). What is implied in the characterization of soft power is that, for Nye, certain values and norms established with the formation of international regimes and institutions would be specific resources to the US power. This connection that Nye proposes is justified by the author's implicit assumption that the US was a hegemonic power; in fact Nye anchored the concept of "soft power" in the idea of "hegemony" by Gramsci (Christofoletti, 2023; Layne, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024).

Many of the principles that underlie the concept of "soft power" can be understood within a Gramscian key of "hegemony". Just as soft power, hegemony happens when there is consensus on certain principles and norms instituted by an actor, which allow him to legitimize his position of supremacy within a group without the need for coercion. Indeed, a state would find less resistance in pursuing its goals if its own power is understood as legitimate by others (Zaharan & Ramos, 2010). The path to hegemony is marked by the capacity of an agent to attract others to adopt their political agendas, not only by coercion, but through ideational ones, developing attraction towards a collective economic, social, and political projects (Zaharan & Ramos, 2010).

Nye considers contemporary international arrangements and institutions as an expression of US hegemony. The assumption is not whole without basis, taking into account

that most contemporary international arrangements were indeed led by the US, they inevitably will have a part of their foundation in American democratic values and interests. Which explains Nye's assessment that binding to multilateralism was desirable, since these institutions were already part of America's soft power. In fact, US foreign policy is central for Nye's articulation of soft power, from the three books that work with the concept: Bound to Lead, published in 1990; The Paradox of the American Power, 2002; and Soft Power, 2004.

Only the last book is entirely dedicated to the development of the concept and its implications; the first two books are primarily an analysis of US power and foreign policy (Zaharan & Ramos, 2010). Interestingly, in "Soft Power" (2004), Nye disassociates the concept from Gramsci's idea of hegemony, no longer mentioning the Italian Marxist, though it is not clear why. It could be a way to broaden the scope of the concept, to conceal the claims of US hegemony, or simply because, by them, Nye no longer understood the US as a hegemonic power as it did at the beginning of the 1990s. In any case, Gramsci's hegemony continues to be one of the foundations of the concept of "soft power" (Christofoletti, 2023; Layne, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024).

The articulation of soft power through the lens of hegemony, however, is done superficially, and assumes the existence of a series of universal principles and values that can be mobilized to legitimize the political agendas of different actors, obscuring the question of power as a relational and contextual element, which does not exist without disputes (Christofoletti, 2023; Layne, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024). Even values considered as "universal", such as human rights, are not absolute and suffer resistance to their legitimization in some parts of the world. In addition, the existence of norms and values could not be mobilized as a soft power resource, since although they are shaped and constrained by agents, they also constrain and shape the practices of agents, since they are central to determining what is considered "attractive" (Lock, 2010; Zaharan & Ramos, 2010).

Another important element in Nye's conceptualization of soft power is public opinion regarding the image of a country. The entrance of public opinion on the idea of "soft power" comes from the injection of business school marketing principles into the American foreign policymaking process (Lock, 2010). For Nye, the effectiveness of soft power could be evaluated by employing the same tools used in measuring the impact of advertising campaigns; a soft power resource could be seen as effective by measuring through polls or focus groups (Lock, 2010). In sum, a resource is effectively a soft power tool if the intended audience forms

a good image of the values, culture and policies of the other country. There's a good reason, however, why this aspect is not so used in studies on soft power.

Firstly, it is a common premise in foreign policy studies that public opinion has little, if any, impact on decision making, since most foreign matters are centralized in the state (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024). Even within democratic regimes, states are autonomous actors, constrained minimally by "civil society", especially in the spheres of military, economics, maintenance of internal order, etc., that are pre-eminently within the state's province (Lock, 2010). As such, it is nearly impossible to establish a demonstrated causal connection between public opinion and state policy (Ang, Isar, & Mar, 2015; Kearn, 2011; Layne, 2010; Lock, 2010; Zaharan & Ramos, 2010; Zanella, Junior, & Silva, 2024). To suggest that having the population, or a specific group, of a country, a good image of another state would lead the government of that country to adopt the preferences or values of the other state is at least misguided if not entirely wrong.

This brief exposition of the concept shows that soft power is a complex matter, full of theoretical debate surrounding its validity; despite conceptual problems, soft power is widely used, from academic to government circles. This high circulation of the concept has diluted from its original form and become more closely related to the idea of "cultural diplomacy" (Ang, Isar, & Mar, 2015; Christofoletti, 2023; Zanella, Junior, & Silva, 2024). Soft power, just as cultural diplomacy, is articulated closely with the notion that culture can be mobilized for political causes. The main difference between the two is that soft power works in attracting others to adopt the preferences and agendas of an actor, by the binding of values and norms, not only by the promotion of culture; the use of culture as a means to foster good relationships between governments is more in line with the idea of cultural diplomacy, than that of soft power (Ang, Isar, & Mar, 2015; Christofoletti, 2023; Zanella, Junior, & Silva, 2024).

The boarding of the concept of soft power, however, helps to elucidate how the institutionalization and promotion of certain cultural aspects, norms, and values, far from being a uniquely US resource, can be mobilized to generate, at least, legitimacy for certain international policies and agents. With a better understanding of what "soft power" entails, it is possible to contextualize the issue of restitution of cultural objects within a broad framework of French foreign policies.

Chapter 4. France's foreign policy: Restitutions as "soft power"?

French foreign policy has been supported by the "politique de la grandeur" strategy since the end of World War II. Characterized by the attempt to maintain international relevance, "la grandeur" was developed by Charles de Gaulle, in a pursuit for international rank and status to compensate for the material losses of the war and lift French morale (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017). Though this strategy is articulated and is more or less prominent, depending on the president, "grandeur" remains the foundation of French foreign policy (Medushevskiy & Shishkina, 2022).

Between the many components of the "grandeur" policy, the promotion of French culture and history, as a legitimacy tool for its global role, and the prerogative of autonomy in decision-making are the main aspects that inform such a strategy (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017). The promotion of culture and history in France's case comes from appealing to the French Revolution and the Enlightenment as normative values not only intrinsic to France, but also to modern democracies and international institutions (Rieker, 2017). By historically structuring the normative foundations of both contemporary institutions and democracy itself in French culture, France justifies its position as a central actor in the international arena, even though it no longer has the material power it had prior to WWII.

The prerogative of autonomy is articulated within this historical narrative and justifies the French adoption of multilateralism and legal regulation as main instruments of power (Medushevskiy & Shishkina, 2022; Rieker, 2017). The French interests would be better ensured, within the norms and values of international institutions, as they would originate in the French Enlightenment, binding to them would seem coherent and legitimate, allowing a greater degree of decision-making autonomy (Medushevskiy & Shishkina, 2022; Rieker, 2017). It is noteworthy how close the strategy of "politique de la grandeur" is to the original idea of Nye's "soft power". Both are guided by the proposition that binding to certain norms, values, and multilateralism allows states to utilize specific international institutions to their advantage.

For Rieker (2017), the "politique de la grandeur" is better understood in Bourdieu's terms of "symbolic power", where the determining force to situate an agent in a hierarchical setting is based more on cultural than economic force. The main point of the "grandeur" was

to assert France's prominent place in an international hierarchy even though there was an expressive decline of material power and relevance; fostering a historical narrative of French culture as fundamental to world order indeed help to, at least, secure a high status for France, even if did not lead to a more central role for world politics (Medushevskiy & Shishkina, 2022; Rieker, 2017). By the lens of *"capittles culturelles"*, De Gaulle's strategy of *"politique de la grandeur"* was able to have the necessary impact in the maintenance of France as a central actor in the international system, mainly because Paris, and consequently, France, was already understood as a legitimate cultural authority.

With the changes in the international system since De Gaulle, the "politique de la grandeur" started to focus less on the projection of French culture and more into the biding of international norms and multilateralism, in order to promote more horizontal relationships between states in the international system (Mitrache & Mișcoiu, 2023); this change is expressive in regards to the Franco-African relations. Despite several attempts to break away from the Françafrique model since the presidency of Nicolas Sarkozy, it is in the presidency of Emmanuel Macron that a greater initiative in renewing relations with Africa, especially with the former French colonies, can be observed (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017).

The Françafrique model was one of the axes of De Gaulle's "*Grandeur*" policy, which aimed to maintain French influence in Africa even after decolonization processes through a series of cooperation treaties between France and African states (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017). Prioritizing the areas of defense, security, and economy – among the most notable measures is the creation of the CFA franc zone and the maintenance of French military bases in Africa – the cooperation on defense and security issues was central to the preservation of French power over, not only its former colonies but in Africa in general, giving France the nickname *gendarme de l'Afrique*[14] (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017).

Although there were already criticisms of the "Françafrique" model by the US and the European Union itself, it is with the Rwandan Genocide that France faces the greatest crisis of legitimacy in relation to its African policies (Cohen, 2022; Krupová & Čech, 2020;

[14] Translated into English: the police of Africa

Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017). To break with the Françafique model has started to be an increasingly central aspect of France's politics in Africa, which sought to establish a more horizontal relationship on the continent and restore the lost legitimacy from the Rwandan Genocide. It is possible to see the adoption of a more normative discourse in relation to Africa from the presidency of Mitterrand onwards, which seeks to renovate the partnership between France and the continent (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017). Sarkozy, in particular, renovated the defense and military agreement with the African countries, aiming to reduce the number of French military forces in the region (Krupová & Čech, 2020).

Further, France has transposed part of their security and defense agenda in Africa to the preoccupations of the UN (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017), as a way to ensure that its interventions have the necessary legitimacy and compliance with its European partners and international law, contesting narratives of French neocolonialism (Rieker, Marius-Mircea Mitrache, and Sergiu Mișcoiu). The appeal to a new and renovated normative imperative to Franco-African relations is also a necessity, with France increasingly being challenged by actors like China and other emerging states (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017).

In the current presidency of Emmanuel Macron, the policies towards Africa are deemed to be more horizontal than those of previous governments (Cohen, 2022; Krupová & Čech, 2020; Mitrache & Mișcoiu, 2023; Rieker, 2017), with a focus on mutual cooperation in the subjects of education, political, and economic development (Krupová & Čech, 2020). For Medushevskiy & Shishkina (2022), Macron's policy toward Africa is less a genuine break from old practices and more a measure to camouflage France's neocolonialism. Be it sincere or not, this attempt to reformulate and break away from colonial relationships propelled a series of symbolic gestures from President Macron to Africa.

Among the many symbolic gestures aimed at fostering reconciliation promoted by the French president, the ones that drew more attention was the commission of two historical reports trying to establish France's responsibilities in the events of the Algerian War (the Stora Report) and the Rwandan genocide (the Duclert Report), as well as the promise of returning some African artifacts currently in French museums to their original countries. After Macron's

speech in Burkina Faso promising the return of cultural objects to their original countries, a report was produced in 2018, known as the Sarr-Savoy Report, in reference to the authors who conducted the research.

The matter of restitution was perhaps the one that gained more international repercussions after the publication of the Sarr-Savoy Report and led to part of the public wonder if the aim of such act was less of a genuine wish to address colonial injustices and more of a "soft power" act to revalorize France's image to the populations of Africa (Boehme, 2022; Hamm, 2023; Paquette, 2020). In line with the literature's conceptualization of soft power which holds that: a country's soft power derives from its culture, in places where it is attractive to others; its political values, when it lives up to them at home and abroad; and its foreign policies, when they are seen as legitimate and having moral authority (Beurden, 2017; Boehme, 2022; Hamm, 2023; Kouhossounon, 2019; Paquette, 2020; Silva, 2023). Restitutions are understood as a form of soft power, as they function as instruments for cultivating political values, establishing moral authority, and legitimizing states engaged in returning cultural objects to their countries of origin as ethical actors (Boehme, 2022; Hamm, 2023; Paquette, 2020; Silva, 2023).

It is not so easy, however, to frame the restitutions as a "soft power" instrument. Firstly, as already explored, a policy can only be deemed "soft power" if it produces a change in preferences and helps to shape agendas. There's no actual evidence, in the French case, that the promise of restitutions has changed any of the preferences or agendas of any African countries. Second, the matter of domestic public opinion is hardly effective in changing the way states relate to one another; the French case is even more interesting in relation to this.

As pointed out in the literature, most African populations have a strong negative image of the country (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017), while governments do not seem to form a consensus regarding French presence in the region (Medushevskiy & Shishkina, 2022), showing that even with a bad domestic view of France, Africa continues to engage politically, economically and culturally with France. Additionally, it is impossible to predict if the restitutions would have the impact that France hopes for, as power is a relational and contextual element. Lastly, after seven years since the publication of the Saar/Savoy report, and less than two years to the end of Macron's presidency, the measures for the return of the cultural objects to African countries remain largely unimplemented and unlikely to go forward with it (Paquette, 2020). Without

the actual implementation of the report, it is infeasible to analyze and confirm if the restitution was indeed a “soft power” policy.

Not without merit, however, the interpretation of the restitutions as a “soft power” policy captures perfectly how France continually ties its foreign policy to the binding and promotion of certain norms, mobilizing them to their favor. It shows, in accordance with the general framework of French foreign policy, that reshaping their relationship with Africa from a more “ethical” key occurs within an extensive policy aimed at maintaining the international relevance of a “once was” powerful nation and finds its justification in a context of high competition with other countries for influence in Africa. Also, by framing restitutions as part of a soft power competition with China (Boehme, 2022; Hamm, 2023; Paquette, 2020), though not necessarily right, it does highlight France’s struggle as it tries to hold its cultural relevance in a context of declining economic and military power (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017).

The competition with China, as assessed by the literature, has surpassed the economic and military sphere and is also cultural (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017). Though restitutions are not part of a soft power competition with China, France's educational project certainly is. If anything can be deemed a soft power instrument, French education and language are most certainly one. France’s universities have a strong power of attraction for African elites, these institutions shape intellectually and ideologically the African elites aligning their values and culture with that of France in addition to producing personal ties between the elites of the two countries; molding, to some extent, the preferences of African governments[15], even if this ends up manifesting in a French clientelism in Africa (Cohen, 2022; Rieker, 2017). In recent years, however, China has been catching up to France in educational matters (Cohen, 2022). With relatively low tuition and the availability of more state-funded scholarships than those available in Western countries, China is the second most popular destination for African students after France. This scenario explains why Macron gave emphasis to educational cooperation with

[15] The academic and intellectual training of African elites in France, intended to sustain alignment and preserve France’s sphere of influence in the region, has not been consistent. While some governments exhibit clear patterns of correlation, others do not. This variability, in turn, helps explain the uneven ways in which African states perceive and engage with France’s presence and cooperation within their territories.

Africa (Cohen, 2022; Krupová & Čech, 2020; Medushevskiy & Shishkina, 2022; Mitrache & Mișcoiu, 2023; Rieker, 2017).

The problem with assigning restitutions as a "soft power" policy is the lack of direct causality between the promotion of restitutions and the formation of agendas and preferences, which becomes even more evident when remembering that much of what Macron defended in his speech did not leave the sphere of mere political discourse. Even if the aspect of renovating France's image to the populations of Africa was taken into account, there's also no evidence that the African populations hold a more positive view of France now than they did after Macron's speech. In fact, the country in which Macron gave his speech, Burkina Faso, has in the last year broken away from France's influence, going as far as to reject French as the official language of the country[16]. The analysis of soft power, however, is accurate in framing France's policies in Africa in the general framework of French foreign policies.

[16] The rejection of the French language occurred from a modification in the country's constitution. It is important to point out, however, that French comes to be framed as a "language of work"; that is, despite not being listed as an official language, it is still used within professional contexts. See: <https://www.dn.pt/arquivo/diario-de-noticias/o-burquina-fasso-e-a-rejeicao-da-oficialidade-do-frances-17520327.html>

Conclusion

Between the eighteenth and nineteenth centuries, France established itself as one of the main *capitales culturelles*. Paris, in particular, consolidated its position beyond a political and economic center, assuming a pivotal role in the production, diffusion, and consecration of culture, thereby influencing both the aesthetic and political landscapes of Europe as a whole (Charle, 2009; McClellan, 1999). From a Bourdieusian perspective, the making of a *capitale culturelle* emerges from the convergence of economic and cultural capital, which, within networks of sociability and dispute, transforms into symbolic capital. This process manifests in the consolidation of the city and, by extension, the nation as a cultural authority.

The Universal Museum, as an instrument of national and international prestige, epitomizes the type of institution that enabled Paris, and other historical cultural capitals, to assert themselves in the global social space. These museums are, fundamentally, manifestations of symbolic power (Charle, 2009). However, the establishment of such centers of symbolic authority depended on the possession of extensive and valuable collections. In the French case, these collections were largely built through the spoliation of art and ethnographic objects, both from other European nations and, more systematically, from colonial territories.

Within the colonial project of the mid-nineteenth and early twentieth centuries, the colonies served not only as sources of economic capital but also as reservoirs of cultural wealth. The incorporation of cultural objects from African colonies was particularly significant to the development of the universal museum model, shaping its institutional and scientific identity. Moreover, African art and aesthetics, alongside other forms categorized as “primitive”, were important inspirations for the modernist vanguards in 19th-century Paris and other cultural capitals. The introduction of cultural objects from Africa and other colonies was one of the many aspects that allowed Paris to affirm itself as a culturally dynamic space.

Recognizing the incorporation of cultural objects from the colonies as fundamental to the aesthetic and scientific development of the metropolis reveals colonization as a two-way process, not merely the imposition of European civilizational logics, aesthetics, and systems upon the colonies. Although power relations were deeply asymmetrical, the colonies also exerted influence on the arts, aesthetics, and sciences of the former metropolises. Yet, much of the literature reduces these cultural objects to mere loot, implicitly denying the capacity of traditional colonial knowledge to inspire and produce new forms of knowledge and aesthetics.

Although much of the literature insists on depoliticizing the issue of restitution, such a stance is unsustainable, as the removal of objects from the colonies was itself a political act. These objects served the construction of national political projects, symbolizing imperial power and civilizational hierarchy. While museums are undeniably spaces of preservation, conservation, and knowledge production, their intellectual mission has never been separated from the projection of national power. On the contrary, the two dimensions are intertwined (Charle, 2009; McClellan, 1999). Consequently, the cultural objects taken from the colonies became integral to the formation of symbolic power in European metropoles. Likewise, contemporary demands for restitution can be read as parallel efforts by former colonies to establish themselves as regional *capitales culturelles*.

Despite notable economic and cultural achievements, many former colonies, especially in Africa, still face challenges in converting economic and cultural capital into symbolic capital. In this light, restitution processes can be understood as continuations of historical competitions between emerging and established cultural capitals, with each striving to assert identity and symbolic standing in the global social space. For the former metropoles, the retention of these objects helps preserve their privileged cultural positions, since such collections are deeply embedded in their narratives of national formation. For the former colonies, reclaiming these objects represents a step toward legitimizing their own cultural heritage and elevating their symbolic presence. Recognizing restitutions as part of national projects of cultural authority does not diminish their legitimacy; all states, to varying degrees, pursue similar strategies.

Additionally, for Paquette (2020), although the Sarr-Savoy Report, advises against the use of restitutions as a "soft power" policy, or any sort of political gain, expressly opposing the politicization of the issue; the inflammatory, and sometimes excessive, language allied with legal scholars being only adjunct to the formation of the report, points to the document being more of a political move than an actual technical report to explore that factual possibility for France to restitute the cultural objects to Africa. Indeed, the report had massive repercussions and introduced a strong public discourse regarding colonial history and the entrance of cultural objects in France, but it may have alienated key actors that could advance the actual process of restitution to Africa (Paquette, 2020).

There is no universally optimal solution to the question of cultural objects displaced during colonial times (Beurden, 2017; Campfens, 2021; Jiménez, 2024; Roodt, 2013). In some

cases, full restitution may be the most appropriate response; in others, collaborative agreements may better serve both parties. When viewed through a decolonial lens, both arrangements can represent meaningful outcomes. The return of contested objects may deliver a sense of justice and serve as a memory policy, allowing communities to reclaim their past and reconstruct collective memory as a foundation for the future. Conversely, cooperation between claiming communities and holding institutions can also advance decolonial aims by fostering dialogue, shared knowledge, and mutual enrichment, particularly by reintegrating native epistemologies into global intellectual production.

In the French context, restitution is less a tool of *soft power* than a reflection of evolving governance norms shaped by the institutionalization of human rights. Under this framework, governance is increasingly understood as a structure for maintaining states grounded, among other factors, in the protection and promotion of human and civil rights. Yet the adoption of these principles is uneven and often contradictory: the gap between rhetoric and practice remains significant. Macron's pledges of restitution exemplify this tension between discourse and implementation.

Recent transformations in the international system, marked by intensifying competition between the United States and China (exacerbated by Donald Trump's reelection), the rise of far-right movements, and the limited impact of the Saar-Savoy report, raise questions about whether restitution will remain a pressing global issue. Ikenberry (2024) notes that foundational norms and institutions of order are being contested and reconfigured, as diverse actors advance competing visions of legitimate global governance. This climate of uncertainty may also foster "creative struggle," particularly in the competition to attract the alignment of the Global South. As a "swing group," Global South states possess the capacity to realign global politics by choosing different coalitional pathways. In a context of heightened rivalry with China, Western powers will likely need to engage in more inclusive, multilateral forms of governance (Ikenberry, 2024). The Global South, in turn, has emerged as a crucial legitimizing actor in international affairs, not due to moral superiority, but because it can act as an arbiter shaping global narratives around legitimacy and acceptable behavior (Ikenberry, 2024).

This context of "creative struggle" thus creates political openings for the Global South to articulate demands regarding the restitution of cultural objects displaced under colonialism. As with all political issues, these claims are informed not only by moral imperatives but also by pragmatic considerations. Historical precedents, such as the Dutch restitution of Indonesian

national treasures in the late twentieth century, motivated less by ethics than by a desire to strengthen ties and prevent Soviet alignment (Scott, 2020), illustrate this dynamic clearly.

Ultimately, the restitution of cultural objects is a multifaceted and inherently contentious issue, situated at the crossroads of history, politics, and morality. Many past cases have unfolded as gestures of goodwill or as bargaining tools in bilateral negotiations (Shehade & Fouseki, 2016). Macron's 2017 speech marked a rare moment when a head of state explicitly linked restitution with justice and reparation, prompting divergent interpretations, some viewing it as a genuine turning point, others as a calculated political maneuver. Regardless, even if restitutions cannot be reduced to *soft power*, they remain inseparable from political logic. Political pragmatism, while it opens space for the return of cultural heritage to be debated, can be deemed unsatisfying to anyone to see such objects reduced to "bargaining chips".

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