Toward the Repatriation of Human Remains as a Postcolonial Museum Practice

The Return of Toi Moko from France to Aotearoa New Zealand

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On 10 January 2022, the French Senate adopted a proposed law on the circulation and return of cultural objects owned by public collections (Sénat 2022). This may be considered the first step toward repatriation legislation. This law needs to be analyzed, voted on, and possibly amended by the National Assembly before it comes back to the Senate and is finally approved. Assuming the law will be finally voted in, this will be a milestone in the process of clarifying the role and the status of human remains in museums collections.

France is one of many countries engaged in the debate over repatriation and restitution. Objects acquired during territorial invasion and colonial occupation are the subject of new provenance research and much discussion among academics, professionals, and communities of origin (Roustan 2016; Tythacott and Arvanitis 2014). The repatriation of objects is not the primary activity of museums and has been considered marginal, quite a political and experimental activity. Nevertheless, the question of whether and how to return items to their communities of origin seems one of the major issues faced by museums today, to such an extent that repatriation is now commonly discussed on an international scale and is integrated into the International Council of Museums (ICOM) Code of Ethics (articles 6.2 and 6.3). So, finally, we can analyze repatriation as an integral part of museum practice.

Yet there is a marked absence of research on the actual practice of repatriation, as opposed to endless debates about its history, legality, international property, and so on. In my recent thesis (Jean 2021), I wanted to explore how the process of the repatriation of human remains has been conducted between France and New Zealand and to consider how it has shaped museum practice including subsequent post-repatriation projects. I argue that repatriation practice in museums today is a result of the postcolonial redefinition of museums that invites more contact between Western institutions and communities of origin. Moreover, the act of returning artifacts is, today, a tool for social inclusion and intercultural dialogue through reconceptualizing the Western imagery of “foreign” communities. I have been involved in the repatriation process since 2008 in the early stage of the negotiation between French museums and Te Papa. Back then, no legal opinions had been written on the status of human remains in museums with the label “musée de France” (Labourdette 2015) or the possibilities of their repatriation if necessary. Every museum had its own understanding of the repatriation debate without the support of any national law or recommendation made by the government. In France, repatriation practice is clearly complicated by particular legal, political, and cultural contexts. Having analyzed the
experience of France–New Zealand repatriation case by case, I am convinced that French authorities now need to create a vade mecum or a national policy to advise museums how to reply to repatriation requests. It is necessary for museums to clarify their own position within these regulatory frameworks in order to respond more effectively to repatriation requests. Giving the same answer to every demand is not the solution but museums need to have clear advice from government and experienced repatriation practitioners on how to give appropriate responses and go about the actual process of returning ancestors.

An interrupted repatriation ceremony at the Natural History Museum in Rouen in 2007 was the result of this internal struggle between museums, local authorities, and ministries in France. Using the opportunity afforded by the arrival of a New Zealand committee at a UNESCO meeting, a repatriation ceremony had been arranged in the city hall of Rouen, capital of Normandy, to see the return of the one ancestral head preserved in the Museum's collection. Unfortunately, the Ministry of Culture in Paris called off the repatriation ceremony because the museum did not apply for the required decommissioning protocol. At each point of the difficult negotiations there were debates and opposition.

On reflection, a national policy would help create and maintain one path to dealing with requests and resolving claims without having to rely only on temporary administration provided by, for example, ministers, senators, or curators. Issues surrounding objects collected during the colonial period—such as the historical collecting practices of museums, human remains made for funeral purposes and later for trade, the legal loophole on human remains in collections, the impact of associated cultural ceremonies on the secular principle of French public institutions, and the definition of Toi moko themselves in French collections—have all been subject to confusion, debates, and multiple changes in approach. We need some common ground in France, some policy to guide and progress practice in line with the growing international consensus on returning cultural property and ancestral remains.

The topic of repatriation is becoming one of the most discussed issues in the European museum sector (Jean 2021). I will not deal here with the modern conflicts or territorial invasions that are creating new challenges for museum policies but rather focus on collections gathered during the European colonial period from other parts of the world, in this case French collecting in the Pacific. For several years, I have been involved professionally in the sensitive process of repatriating Toi moko (Māori preserved heads) between 11 different French public institutions (ten museums and one university) and the Karanga Aotearoa Repatriation Programme (KARP) located at New Zealand's national museum Te Papa in Wellington. Throughout this experience, which was documented and analyzed in my PhD research, I decided that my participant observation, reflecting the evolving topic, had to be flexible, adjustable, and innovative (Jean 2021).

The analysis of repatriation practice requires interdisciplinary research approaches centered on museum studies but also drawing on museum anthropology, Māori/Indigenous studies, and related disciplines. As a Pākehā (person of European descent), and moreover as a foreigner, the careful use of a kaupapa Māori methodological framework was necessary in order to deal with the complex cross-cultural situation in an ethical and culturally aware manner. In a study centered on the return of human remains to Māori communities, who were the primary research stakeholders, I had to recognize Indigenous sovereignty through a framework of tikanga Māori (Māori cultural practice), which enabled me to acknowledge and incorporate Māori values into this research. The topic is also affected by heightened political dimensions. Every person involved in the repatriation process had a personal view of repatriation, and it was hard to formulate and apply a common approach to this complicated and emotional topic.

I admire French and New Zealand repatriation practitioners who wanted to see concrete outputs emerging out of the long-term negotiations and interaction of museums and commu-
nities. For me, being exposed to and influenced by non-European museums was also a good opportunity to learn from different eyes, different approaches, questioning and revising my understanding of museology in the process. This experience has made me more critical of the notion of repatriation understood simply as an act of returning items. I was inspired by the words of Louise Tythacott and Kostas Arvanitis (2014: 8) arguing that restitution “is not only about the loss of objects for museums but can be about important gains in terms of cultural relationships and knowledge.” Repatriation should not be carried out impulsively with mainly political motivations but should provide opportunities to learn, to understand another perspective on history. And, perhaps more importantly, repatriation should also be productive; it should generate collaborative post-repatriation projects. Repatriation is not just about giving things back; you always get something in return. That is why I have considered the repatriation process through the relationships that it generates.

The repatriation of Toi moko from France to New Zealand was an occasion to allow Māori to speak for themselves in a foreign territory without always focusing on past testimonies. Despite the actual national policy applied in New Zealand, the involvement of Indigenous professionals in museums is still in its early stages. In France, the negotiation for the return of Toi moko concluded in 2010 with the enactment of one national law that enabled the return of not all human remains but specifically Toi moko to New Zealand.

Article 1: From the date of entry into force of this law, the Maori heads kept by museums of France cease to form part of their collections and are returned to New Zealand. (Law no. 2010-501 2010)

With this law, repatriation became legal. Even if the law refers only to human remains, I believe the French government is now more inclined to make decisions concerning the return of artifacts.

My in-depth field work on repatriation practice has provided further useful lessons about the changing understandings of museum authority and the growing appreciation of programs that return human remains to source communities elsewhere in the world. The establishment of KARP at Te Papa in 2003 and its mandated support by the Ministry for Culture and Heritage are key factors in legitimizing repatriation as museum practice not only nationally but also internationally. At Te Papa, KARP is an integral element of a bicultural museological structure, but in France, it operates as an ambassador of Māori cultural heritage. The value of the study therefore lies in the way in which repatriation is revealed not as a temporary action but as an essential and permanent part of museum practice that has long-term effects. The repatriation ceremonies, by “making things real” according to one French museum professional, presage a mutual understanding that led to further collaborations in terms of museum policy and practice, such as exhibition exchanges, collaboration on provenance research, sharing different curatorial and conservation protocols, adopting appropriate care and management of collections, and inviting contemporary artists to display artworks in the museum galleries (interview with the author, 9 September 2019).

In participating in repatriation processes European museums are thus engaging in a transparent and democratic process and engaging with communities in marked contrast to the conventional practice of catering mainly to a social elite. The postcolonial problematic raises important questions about identity, integration, representation, and multiculturalism. With the exhibition Maori: Leurs trésors ont une âme staged at the Quai Branly Museum between 2011 and 2012, the French professionals handed over control to Māori curators and researchers working in partnership with tribes. This collaborative museology avoids the problem of representing one culture through another’s eyes and instead creates different perspectives (Gagné and Roustan
“These reappropriations show how much action on material things redraws their political contours,” writes Mélanie Roustan, “between the memory of peoples and the history of nations” (2016: 167). Roustan wrote an article about Indigeneity in French museums and reflected on this fear of the French colonial past and its consequences for the relationships created between France and former colonial territories:

A quick overview of the museums reveals great voids on the most painful questions in recent history, relating to France’s relations with its former colonies and their independence. There is thus a lack of contemporary museum treatment, whether historical, ethnographic, or artistic, of the colonial and post-colonial legacies of former French Indochina and Algeria. (168)

Therefore, I would argue that further research on repatriation practice along the lines of my study can address these concerns about decolonization and Indigenous engagement. It seems to me that this research shows a new museology is emerging, one that is better attuned to these challenges, and that shapes and is shaped by an underlying process of mutual learning and dialogue. The lack of knowledge and communication between museums on this vexed topic has been an obstacle to getting clear and rapid answers to questions associated with repatriation requests. This has led to engagement with individual museums with or without support from each other.

Despite the differences in international laws, policies, and codes of ethics in the many countries in which it works, the role of KARP is to adapt to each situation and work out how to succeed in the negotiations given the local circumstances. Because KARP is dealing with so many different institutions and different ways of doing things, the program also has a diplomatic responsibility to introduce current Māori claims and work out how to apply tikanga not only in museums but also in everyday situations, using the museum environment as a door to te ao Māori (the Māori world). As an intern in 2009, my first mission was to translate and learn from the policy used at KARP in order to create contact with French-speaking institutions all around the world that might preserve Māori ancestral remains. Nearly three hundred letters were sent as a first step in these global negotiations. After several years of collaboration, I became a contracted researcher for the same program both in France and New Zealand undertaking provenance research and getting a better understanding of the involvement of French explorers, settlers, whalers, or collectors in the trade of Toi moko and consequently learning more about the early French colonial interest in New Zealand. As the contact progressed between French and New Zealand museums, I became an intermediary being involved not only in different research missions in Rouen, Paris, Montpellier, and Le Havre but also in the conception of collaborative exhibitions such as E tu Ake: Māori Standing Strong—translated into French as Maori: Leurs trésors ont une âme (Jean 2013)—or Tattooists, Tattooed, both presented at the Quai Branly Museum, respectively, in 2011 and 2015. I have also been involved in the creation of permanent exhibition entitled Océanie that highlight the collaboration between the museum of Rouen and Te Papa after the actual repatriation of one Toi moko in 2011. This intermediary and interdisciplinary position led me to work also in the diplomatic sphere with French senators, New Zealand and French Embassies and Iwi or Māori tribal representatives, as a go-between or facilitator maintaining links between French museums and their New Zealand equivalents and Māori communities.

As a repatriation practitioner and intermediary between these two countries, I have had the opportunity to learn from Aotearoa and then have had to quickly turn around and teach French museums about Māori claims. This has allowed me to contribute personally to the diplomatic
and cultural projects undertaken in the return of Toi moko to their land of origin. I believe this has had some effect and mutual influence on both countries through the engagement of their museums in repatriation. French museums needed to take part in the process of repatriation in order to learn about Indigenous culture, to see that these objects they were dealing with were human beings and not simply artifacts, to clarify their role in modern international politics concerning colonial collections, and to engage with foreign authorities. Repatriation is one opportunity, among others, to collaborate and stop hiding behind old principles that, today, represent only a minority of citizens of Western countries. The results of this are not simply “ethical” and temporary. The balance of power between museums in former colonial powers and museums in formerly colonized countries is evening out as populations grow closer through communications and networks, as illustrated by French and Māori engaging in ceremonies and post-repatriation projects.

In the past 15 years, French political representatives and museum professionals have begun to clarify the status and the role of human remains in collections of museums labeled “musées de France” (Cadot 2009; Cornu 2009). With the creation of a vade mecum overseen by Michel Van Praët in 2018, French museums have now a document helping them understand the responsibilities to look after such remains and assisting museums in the process of answering future repatriation requests (interview with the author, 18 September 201). Thanks to the contact made with Māori and Te Papa, French authorities (museums and politicians) had the opportunity to learn from other institutions, other policies, and other perspectives.

After all these years of contact, negotiation, and the completion of so many claims, there are still many debates in both countries and a great need for more research in order to progress this issue. Despite some progress, much remains to be done.

In France I would recommend the following:

- Create one scientific committee dedicated especially to repatriation requests. The committee should comprise French professionals and fill empty chairs on a case-by-case basis with scientists and representatives from the communities of origin. In this way, the committee will easily be able to relay all the information needed to appropriate authorities and create a better network at national and international levels.
- Establish a national repatriation policy in accordance with French Democratic Republic principles that adapts to protocols applied by the local community.
- Take time to hear arguments from each community of origin and local authority. Avoid the same mistake of answering too rapidly either positively or negatively.
- On the issue of repatriation, museums should not only consult the theory but also put this into practice by seeking advice from foreign authorities and international committees such as ICOM.
- Allay the common institutional fears about regularly inviting researchers from overseas to get access to the collection. As I have seen throughout this research, making decisions by incorporating different perspectives allows the creation of a contemporary museology based on inclusion, cultural diplomacy, and collaboration.
- Establish a better balance of power between Indigenous and Western researchers that can work on collections. Achieve a better balance in the learning process, for all visitors, through museum collections and exhibitions. Incorporate contemporary Indigenous knowledge in the heritage value assigned to museum collections.
In New Zealand I would put forward the following recommendations:

- Make sure that KARP focuses its efforts on domestic repatriation and not only on returning all Toi moko internationally to Te Papa. Leaving the human remains at Te Papa for years without giving updates to the museums who held them formerly seemed not to be the best way of maintaining relationships.
- Otherwise, create a scientific committee comprising highly regarded specialists of tā moko (tattoo), heritage, tikanga, and archeological and archival research in order to achieve domestic research and ceremonies. This committee could be the same as Repatriation Advisory Panel but with members dedicated to this mission of domestic networks and repatriation.
- Decide on the creation and the location of a national cemetery for unknown ancestors.
- Maintain relationships by carrying out research on each Toi moko and increasing knowledge about taonga still preserved in French museums—doing this research not only with the most influential museums like the Quai Branly Museum but also with local museums. Some of them have already participated in repatriation, such as Rouen, Lille, Dunkerque, Sens, Marseille, and Lyon, and are still waiting for news.

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**REFERENCES**


