

CHAPTER 3

Problematizing the Encyclopedic Museum: The Benin Bronzes and Ivories in Historical Context

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European colonial expansion during the nineteenth century was accompanied by the large-scale acquisition and appropriation of cultural property from colonized territories for study and display in museums and art galleries. In 1897, in the newly occupied Benin City, in what was to become Nigeria, a British military expedition seized and subsequently sold more than 3,000 bronze and ivory artworks of ceremonial importance. This chapter employs the British invasion and plunder of Benin as a lens through which to examine the ways in which cultural discourse from the nineteenth through to the twenty-first centuries has shut down meaningful discussion about colonial misappropriations of cultural property. Despite the defeat of Napoleon in 1815 and the solidification of international opinion and later law against imperial spoliation—specifically, the seizure of artworks from around Europe by the French revolutionary and Napoleonic armies for curation and display at the Louvre—the changed norms of military conduct did nothing to stop the British at Benin, whose actions drew legitimacy from an international law that disempowered colonized people. The injustice of colonization and plunder was compounded in 1960 by Britain's failure to return the plundered material to Nigeria when the country achieved independence. The different historical strands in this chapter help to contextualize and critique early twenty-first century constructions of cultural internationalism and the encyclopedic museum, and to highlight the continuing discursive hold of those constructions on international understanding and policy in regard to the ownership of spoliated cultural property.

THE INVASION OF BENIN AND THE SACK OF BENIN CITY

In 1987, Liverpool Museum purchased a sixteenth-century copper-alloy (bronze) equestrian figure from a descendant of John Henry Swainson (Fig. 3.1), who had been a Liverpool trader active in the late nineteenth century on the Niger coast area of what is today Nigeria (Kingdon and van der Bersselaar 2008: 103). Swainson was presented with the figure as a gift by Oba Ovonramwen in 1892 when he visited the Oba in his capital of Benin City as part of a British diplomatic mission. The figure is unusual in that it was obtained peacefully and legitimately, unlike most of the Benin bronzes and ivories found in museums and private collections today, which were seized during the sack of Benin City by the British so-called punitive expedition of 1897. The figure is symbolic of a long-standing commercial relationship between the city of Liverpool and West Africa that was instrumental in causing the British invasion of Benin City. The diplomatic occasion celebrated by Oba Ovonramwen's gift to Swainson provided the pretext for the invasion.

During the nineteenth century, Liverpool, on the west coast of England, was a major commercial conduit of the British Empire (Haggerty et al. 2008). It had been the largest slaving port in Europe until the British and US governments outlawed the trans-Atlantic slave trade in 1807. In the aftermath of the slave trade, Liverpool merchants, with their intimate knowledge of the physical and political geographies of West Africa, were well placed to develop alternative "legitimate" trades. Foremost among them was the trade in oil palm (*Elaeis guineensis*) derivatives. Palm oil and palm kernel oil were increasingly in demand in Europe through the early decades of the nineteenth century, where they were important for machine lubrication, the production of candles for lighting, the manufacture of soap and, after 1870, margarine. By the second half of the nineteenth century, the organization of the palm oil trade was well established. African intermediaries or brokers arranged the transport of oil and kernels from producers inland to British merchants established in "factories" on the coast. The merchants then arranged shipment back to Britain. Demand and prices were starting to fall, however, as the Long Depression of 1873–1896 took hold and, more particularly, as mineral oils and new technologies such as electricity became more widely available (Hopkins 1968: 586; Lynn 1997: 117). To maintain a consistent level of profitability in those reduced circumstances, British merchants were under pressure either to develop new commercial strategies aimed at reducing costs or increasing the quantities of oil palm products traded, or to diversify and begin trading other raw materials. The commercial potential of rubber, for example, was beginning to be understood. Because the organization of the palm



FIGURE 3.1. Bronze equestrian figure presented to Liverpool trader John Henry Swainson by Oba Ovonramwen in 1892. Reproduced by permission of the Liverpool World Museum.

oil trade within West Africa remained largely in African hands, commercial development of the African interior for the financial benefit of British companies required an extension of political control. Thus, the financial security of British palm oil traders in coastal West Africa came to depend upon the British government's use of military force to establish colonial territories inland that secured access to raw materials, allowed development of markets for manufactured goods, and ensured that profits accrued to British merchants, the British government, and its colonial administrations. In pursuit of those ends, on June 5, 1885, the British government declared the Oil Rivers Protectorate over the eastern Niger delta.

Six years later, in 1891, Henry Gallwey was appointed first permanent vice-consul for the Benin River area, which was then outside the British colonial jurisdiction of the Oil Rivers Protectorate. Gallwey was a firm believer in the necessity of establishing direct trade links to oil producing areas, thereby increasing profitability by cutting out intermediary brokers. Oba Ovonramwen's control over trade with Benin stood as an obstacle to that goal. On March 23, 1892, Gallwey traveled to Benin City to negotiate with the Oba, accompanied by John Swainson, a British consular agent, and an interpreter. On March 26, Oba Ovonramwen seemingly agreed to a treaty with the British, and Gallwey left the following day (Igbafe 1979: 41; Ryder 1969: 66–71). The treaty comprised nine articles, whereby the Oba ceded sovereignty to Britain. Article 6 established that "[t]he subjects and citizens of all countries may freely carry on trade in every part of the territories of the King, party hereto, and may have houses and factories therein." To what extent Oba Ovonramwen understood the contents of the treaty and their import for his autonomy and Benin's independence is open to question. The Oba was fearful of British intentions and desirous of peace. His gift to Swainson of the bronze horse-rider seems confirmation of his gratitude that war had been averted. The treaty negotiations between Gallwey and Oba Ovonramwen had proceeded in three languages through the mediation of two interpreters, with neither the interpreters nor the Oba expert in the legal and diplomatic concepts and phraseologies of empire. The Oba refused to touch the pen that was used to sign an X in lieu of his name (Igbafe 1970: 387–88, 1979: 43–44; Ryder 1969: 271). On the British side, the commercial interest and intent of the treaty were made clear in a cover letter sent by the Consul-General of the Oil Rivers Protectorate Claude Macdonald to the Foreign Office with a copy of the treaty. It emphasized the rich natural resources of the Benin area that would now be accessible (Igbafe 1979: 44). Macdonald seems to have been under no illusions about the likely acquiescence of the Oba, expressing his hope that the power of the Oba would be broken in order to open Benin for "commerce and

civilization" (Igbofe 1979: 44), an implicit admission of his belief that the Oba had not understood the terms of the document to which he had allowed the affixing of an X.

On May 13, 1893, the borders of the Oil Rivers Protectorate were extended northward and eastward, incorporating the Kingdom of Benin within what became the Niger Coast Protectorate (Ryder 1969: 278; Coombes 1994: 9). Nevertheless, Oba Ovonramwen persisted in exercising his autonomy by imposing what were, in British eyes, restrictive trade practices. He continued to close markets in his territories, tax or demand tribute from African brokers, and claim a monopoly on the trade of oil palm kernels, which were the most profitable product of his country (Igbofe 1979: 47). As early as November 1894, Deputy Consul-General Ralph Moor of the Niger Coast Protectorate made plans to establish an armed presence in Benin (Ryder 1969: 279). On September 30, 1895, John Swainson's Liverpool employer James Pinnock sent a letter to Macdonald complaining about the Oba closing down trade, and recommending that he be deposed (Coombes 1994: 30; Igbofe 1979: 50–51). In similar fashion, the four major companies trading on the Benin River (three British and one German, including James Pinnock and the large and influential Liverpool conglomerate known as the African Association) wrote to the vice-consul of the Benin district expressing a similar set of grievances (Igbofe 1979: 51). Back in London, the Foreign Office, too, was keen that British rule should be enforced throughout the Niger Coast Protectorate to develop trade (Igbofe 1979: 52). British prestige was also important. If Oba Ovonramwen continued to pursue a sovereign policy in seeming defiance of British wishes, it might undermine the security of other British colonies in the region (Igbofe 1970: 397). The by-then Consul-General Moor replied to British merchants that he was planning an expeditionary force in January or February 1897 to remove the Oba from power (Igbofe 1979: 53).

On October 15, 1896, James Phillips assumed responsibility as acting consul-general while Moor was on leave. The following month, he requested permission from the Foreign Office to use force against the Oba, emphasizing that "the revenues of this protectorate are suffering . . . we want the increased revenue which would result, badly" (Phillips, quoted in Igbofe 1979: 56). He set out from Sapele for Benin on January 2, 1897, without waiting for a reply. (When the reply did arrive—too late—on January 9, 1897, the decision was that the expedition should be deferred [Igbofe 1979: 56; Ryder 1969: 285].) Phillips's party included nine other British (including representatives of the Glasgow trading company Miller Brothers and Liverpool's African Association) and more than 200 African porters (Igbofe 1979: 57). On the evening of January 4, after leaving Ughoton,

the expedition was ambushed by armed Benin soldiers seemingly against the wishes of Ovonramwen (Roth 1903: iv; Ryder 1969: 288). All members of the expedition were killed except for a few Africans and two British participants (Igbofe 1979: 58).

The British government's response to the ambush was immediate. The Foreign Office ordered Moor back to the Niger Coast Protectorate, where Gallwey was standing in as acting consul-general. Moor arranged for the assembly of a military force numbering 1,500 British and African troops and a similar number of porters supported by nine ships of the Royal Navy, all under the command of Rear Admiral Rawson. On February 10, 1897, a three-pronged attack on Benin was launched. After heavy fighting, Benin City was taken at about 2 pm on February 18, though Oba Ovonramwen, his chiefs, and many of his subjects had fled the city only hours before (Igbofe 1979: 70; Roth 1903: ii–xi; Ryder 1969: 290). The occupying troops found extensive evidence of animal and human sacrifice (Igbofe 1979: 70–71; Roth 1903: ix–xii). After two days of looting and burning, the city was abandoned to flames on February 21 (Igbofe 1979: 72; Ryder 1969: 290). Sporadic fighting continued until Oba Ovonramwen and ten of his chiefs surrendered to the British on August 5, 1897 (Ryder 1969: 291). In the trial that followed, six chiefs were found guilty of the murder of Phillips and his expedition personnel, and two were executed by firing squad on September 4, 1897 (Ryder 1969: 293). Ovonramwen himself was sent into exile (Ryder 1969: 294).

The British occupying forces found the bronze heads and carved tusks for which Benin is now famous sitting in ritual ("juju") compounds associated with blood and sacrificial remains. In storehouses "buried in the dirt of ages," they uncovered a large number of figure-decorated bronze plaques, together with more ivory tusks and bronze castings (Bacon 1897: 87, 91). Troops seized more than 3,000 centuries-old artworks and transported them back to London, where they were sold to help defray the costs of the military expedition. Consequently, they were dispersed throughout collections and museums worldwide. Several hundred pieces were bought by the British Museum and, by 1898, about forty pieces had been acquired by the Free Public Museum of Liverpool (later Liverpool Museum) as purchases or gifts from private individuals (Forbes 1898; NML 2010: 37). In 1973, it was reported that material from Benin was to be found in five Nigerian museums, one African museum outside Nigeria, one Australian museum, thirty North American museums, and sixty-one European ones (Dark 1973: 78–81).

The February 1897 occupation of Benin secured physical control of the Niger Coast Protectorate for the British and allowed them to develop the territory for trade and reorganize agricultural production toward cash crops for

export (Shokpeka and Nwaokocha 2009). Within a few months, a rubber industry had been established, and in June 1897, Moor wrote to the Liverpool Chamber of Commerce asking for investment to improve the area for the purpose of increasing trade (Igbofe 1979: 74). The fall of Benin also opened the road for further British commercial and political penetration inland. In 1900, the Niger Coast Protectorate was merged with the territories of the Royal Niger Company to form the Protectorate of Southern Nigeria, which, with the addition of Lagos Colony in 1906, became the Colony and Protectorate of Southern Nigeria. In 1914, this entity was merged with the Northern Nigeria Protectorate to form the colony of Nigeria.

THE DISCOURSE OF EMPIRE

For many Victorian liberals, commercial development was inseparable from Christian (Protestant) morality as a driver of sociocultural improvement (Hyam 2010: 23–25). In 1857, for example, the explorer David Livingstone pronounced his belief that the “two pioneers of civilization—Christianity and commerce—should ever be inseparable.” Consul-General Macdonald concurred when he wrote his desire to open Benin for “commerce and civilization.” Public justification in Britain for the colonization of Benin centered on the practice of human sacrifice, the alleged depravity of its inhabitants, and the consequent Christian duty of the British Empire to eradicate such practices and exert a civilizing influence. Press reports made much of the evidence of sacrifice but had little to say about the commercial goals of colonization (Coombes 1994: 10–17). Thus, for the British, the commercial development of Benin was viewed as part and parcel of the civilizing process, a necessary and appropriate preventive response to the practice of human sacrifice. This discursive claim legitimized the material goals of British imperial policy while preventing any consideration of the physical and political effects of colonization on Africans or reflection upon the morality of empire. The imperial discourse of “commerce and civilization” rendered such thoughts unthinkable (Said 1993: 26).

In the blood and smoke of February 1897, the Benin bronzes and ivories were not considered to be great works of art according to the then-recognized European standard (Coombes 1994: 16–27). Alan Boisragon, for example, a survivor of the Phillips expedition, wrote in 1898 of the “hideous bronze heads” discovered by the 1897 military occupation (Boisragon 1898: 186). Reginald Bacon, who was present at the sack of Benin City, reported a more approving assessment of the “handsomely-carved ivory tusks placed on top of very antique bronze heads” (Bacon 1897: 87), but also described their place of installation in a sacrificial “juju”

compound, not a context evocative of art or science for the late Victorian reader. Gallwey, too, was appreciative of the "beautifully carved" ivory tusks and the "many pieces of brass of clever workmanship" but, again, could only discuss them in relation to their ritual context of "fetish shrines" (Gallwey 1893: 130). The artworks were received uneasily by a British public preconditioned to consider art as a mark of civilization and thus skeptical of any claims of artistic merit for the Benin pieces.

A more positive assessment of the aesthetic qualities of the Benin bronzes and ivories was only possible after their placement in European museums, a context that literally and figuratively cleansed them of unsavory associations and readied them for positive reassessment by ethnographers and art historians during the twentieth century (Barkan 1997; Coombes 1994: 22–62; Osadolor and Otoide 2008: 410–12; Plankensteiner 2007). However, the reconsidered artistic merit of the Benin objects and their encapsulation within museum vitrines situated them firmly within the cultural domain. They were made available for an introspective European dialogue about the nature of art, but failed to stimulate reflection upon the injustices of colonization. The effect of this cultural quarantine is considered further below in relation to ideas of cultural nationalism and internationalism and the claims for an encyclopedic museum. For the moment, it is enough to recognize that in the nineteenth century, this cultural discourse excluded considerations of history and politics, thereby insulating the bronzes and ivories from any discussion of the circumstances of their acquisition and their ongoing possession and display by museums outside Nigeria. But before turning to critique the idea of an encyclopedic museum, it is helpful to step back in time and revisit an earlier debate about the seizures of cultural property—namely, by French forces during the Revolutionary and Napoleonic wars.

A HISTORICAL PRECEDENT: THE MUSÉE NAPOLEON

The seizure and subsequent sale of the Benin bronzes and ivories does not seem to have attracted any critical comment in contemporary accounts or reporting. Yet, in retrospect, this is surprising because the 1897 seizure took place at a time when international legal opinion was solidifying around the idea that works of science and art should be protected from plunder during wartime. As early as 1815, Britain had insisted that artworks taken by French revolutionary and Napoleonic armies from Europe's museums and collections (destined for display in the Musée Napoléon at the Louvre) should be returned to their rightful owners; and a succession of military codes and legal conventions during the late nineteenth century had established the principle that during wartime, artworks should not be the target of military action or plunder. The legitimacy of the Benin

seizures must be judged against these material precedents and the developing international norms of military constraint.

On August 10, 1793, the Louvre opened as the *Muséum Français*, on the first anniversary of the abolition of the French monarchy. It served as a depository for artworks that had been seized from the church, royalty, and aristocracy during the revolution (McClellan 1994: 95–99). The *Muséum Français* was intended to be a public museum, a venue where the confiscated artworks could supply enjoyment for and edification of the newly liberated and enfranchised citizenry (Bazin 1967: 169–72; Gould 1965: 13–35). It was a short step from the idea of art being the property of a liberated French citizenry to the idea of liberating art for the benefit of that citizenry (McClellan 1994: 116). In 1794, through its Committee of Public Instruction, the governing National Convention ordered French armies in Belgium to seize “monuments of interest to the arts and sciences” for display at the Louvre (McClellan 1994: 114; Sandholtz 2007: 49–50). Napoleon I’s campaigns in Italy from 1796 to 1799 were accompanied by the targeted and systematic removal of important paintings and antiquities from royal and church collections. The seizures were legitimized in a series of peace treaties: with the Duke of Parma in 1796, with Venice in May 1797, and in the Treaty of Tolentino in February 1797 with the Vatican (Sandholtz 2007: 50).

In January 1797, the Louvre was renamed the *Musée central des arts* and made ready to receive the artistic heritage of Italy. The first convoy of material entered Paris quietly, but the second convoy, in July 1798, arrived as a triumphal procession (Bazin 1967: 174; Gould 1965: 46–64; Miles 2008: 321–24; Sandholtz 2007: 51–52). By the early 1800s, the Louvre possessed the best collection of paintings and antiquities in the world, so much so that during an interval of peace starting in 1802, British tourists were eager to cross the channel in order to visit there (Gould 1965: 75). In 1803, the Louvre was renamed the *Musée Napoléon*, in honor of Napoleon who crowned himself Emperor on December 2, 1804. The spoliation continued when parts of Italy were incorporated as *départements* of France and during the German campaigns starting in 1806 (Sandholtz 2007: 51).

At one time or another, various justifications were offered for this policy of targeted plunder and Parisian accumulation (Gilks 2013: 117–23; Sandholtz 2007: 53–55; Vrdoljak 2006: 24–25). First, there was the argument developed from Johann Winckelmann that the finest art could only be produced in conditions of political freedom. From this perspective, the French armies had a duty to liberate artworks from what were seen to be despotic regimes and deliver them for safekeeping to the capital of the free French republic. Second, there was the naturalizing consideration that, as the political capital of Europe, Paris should

also be its cultural capital. Third, it was believed that the accumulation of exceptional artworks in Paris would inspire and promote French manufacturing and scholarship. Finally, there was the more primordial opinion that "spoils of war" should be the appropriate reward of martial prowess. Nevertheless, and despite these justifications, even within France, official policy was not without its critics (Gilks 2013: 127–29). In 1796, archaeologist, architect, and art critic Antoine C. Quatremère de Quincy addressed a series of open letters to his friend General Miranda (Sandholtz 2007: 56), in which he formalized arguments against the plunder of "arts and sciences." He emphasized the importance of an artwork's original context for its appreciation and understanding, and promoted the idea that cultural objects are the property of all nations, not just one—the "universal republic of the arts and sciences" (Quatremère de Quincy 2009: 20 [1796]).

On June 18, 1815, Napoleon was finally defeated at Waterloo, and on June 22, the allied armies led by the British Wellington and Prussian Blücher occupied Paris. On July 11, Prussian and Austrian troops started removing works that had been taken by force from Germany (Miles 2008: 331; Sandholtz 2007: 60–61). The situation regarding works from Italy obtained by treaty, however, was not so clear-cut (Sandholtz 2007: 61–62). In favor of retention, the French could and did claim that the transfers had proceeded according to treaty agreement and were therefore legitimate. The simple retort was that the treaties had been signed under duress, and they were open to disavowal. The British prince regent (the future George IV) caused another complication when he intimated that some French artworks might be moved to a museum or gallery in Britain (Miles 2008: 331; Sandholtz 2007: 63). This step forced the British Foreign Secretary Castlereagh to reply that the British government should not want to participate in the "plunder of Europe" and should instead be desirous of ensuring that justice be done (Sandholtz 2007: 64–65). The Duke of Wellington entered the debate by means of a letter to Castlereagh (September 23, 1815) arguing that the allied powers should have no part in supporting an argument for retention that he believed was, in French eyes, aimed at retaining trophies of war as a memorial of military victories. The allies, he insisted, "could not do otherwise than restore them to the countries from which, contrary to the practice of civilized warfare, they had been torn during the disastrous period of the French revolution and the tyranny of Buonaparte" (Wellington 1815, reproduced in Miles 2008: 370–75). The letter was subsequently published in *The Times* on October 14, 1815.

By September 1815, representatives of Britain, Prussia, and Austria had agreed that all artworks seized by the French Revolutionary and Napoleonic armies should be returned to their places of origin, that the coerced treaties that had provided cover for the seizures should not be upheld, and that no allied

power should seize any artwork that was the rightful property of France. In late September 1815, Prussian troops began overseeing the removal of artworks from French museums and arranging their transport home. The removals were not popular with the French public, and the allied soldiery was forced to face off against the angry and emotional Parisian citizenry (Miles 2008: 334–41; Sandholz 2007: 66–67; Vrdoljak 2006: 26–29). Wellington was booed at the opera. In France, a sense of injustice about the overturning of what were seen to be legitimate treaty arrangements sometimes persisted. In 1967, the then-recently retired Louvre curator Germain Bazin opined that “restitution was effected somewhat illegally” (in the case of Italy in particular) because it was done in secret” (1967: 186). Nevertheless, nearly half of the spoliated material remained in France and was never returned (McClellan 1994: 200).

THE LEGAL CONTEXT OF THE BENIN SEIZURE AND OF TWENTY-FIRST-CENTURY OWNERSHIP RIGHTS

The opinions of Castlereagh and Wellington were shaped by an emerging current of European thought that was shocked by and disapproving of the plunder of artworks or other cultural property in wartime (Gillis 2013: 142–43; O’Keefe 2006: 15–16; Sandholz 2007: 71). Quarenghi de Quincy, for example, had written that “in civilized Europe, everything belonging to the culture of the arts and sciences is above the rights of war and victory” (quoted in O’Keefe 2006: 16). Legal theorists began to consider and discuss a set of international rules that would regulate the conduct of war by, among other things, restricting plunder to public property (the property of the warring state) and protecting private property. Cultural objects and institutions were also to be protected as cultural property. The first material expression of this new international concern about the conduct of war was found in the Instructions for the Government of the Armies of the United States in the Field of 1863, drawn up by Francis Lieber for use by the Union army during the American Civil War. The Lieber Instructions had a profound effect on European legal thinking about the protection of cultural property during wartime, and the 1870–71 Franco-Prussian War precipitated a series of international declarations and codifications that further developed the Lieber Instructions. A July 1874 meeting of European nations in Brussels convened by Czar Alexander II of Russia proposed a draft convention known since as the International Declaration concerning the Laws and Customs of War (Brussels Declaration). Picking up the Brussels baton, the Institute of International Law appointed a committee to consider and develop the Brussels Declaration, concluding in September 1880 with the Oxford Manual of the Laws of War

on Land. Article 53 stated: "The property of municipalities, and that of institutions devoted to religion, charity, education, art and science, cannot be seized." These codes were not legally binding, but their principles exerted a normative effect. They reflected the growing international concern to limit the wanton depredations of war and increasingly were being incorporated into military rule-books. So, Chapter 14.33 of the British War Office's 1894 Manual of Military Law stated that:

[t]he seizure of scientific objects, pictures, sculptures, and other works of art or science belonging to the public has derived some sanction from the repeated practice of civilized nations; but would seem incompatible with the admitted restriction of the rights of war to depriving the enemy of such things only as enable him to make resistance, and can only be justified as a measure of retaliation.

This 1894 edition of the British Manual would have been current at the time of the 1897 invasion of Benin. On the face of it, then, the plunder of Benin appears contrary both to what was then current jurisprudence with regard to the conduct of war and to military law with regard to plunder during wartime. The British military plunder of the Qing Summer Palace outside Beijing in 1860 (Hevia 2003: 74–118), for example, had been officially condoned at the time as a deserving reward for martial endeavor, much as the French had claimed at the beginning of the century. By the 1890s, however, such practice, as the 1894 Manual stated, was considered to be something that belonged in the past, no longer to be tolerated. But the Benin seizures happened nonetheless and were considered unremarkable. To understand this apparent separation of military theory and practice, it is necessary to consider how the emerging norms of military conduct and restraint were marginalized by the discursive closure and legal recognition of the European "civilizing mission."

By the closing decades of the nineteenth century, international law was falling under the influence of "scientific" theories of sociocultural progress, which echoed liberal conceptions of commerce and civilization, and was becoming increasingly positivist in its formulation. It was becoming an exercise in science rather than in morality (Vrdoljak 2006: 47–51). One result was the exclusion of non-Europeans from its authority and protection. In 1894, for example, the leading British jurist John Westlake wrote:

[O]f uncivilized natives international law takes no account. This is true, and it does not mean that all rights are denied to such natives, but that appreciation of their rights is left to the conscience of the state within whose recognized territorial sovereignty they are comprised (Westlake 1894, quoted in Vrdoljak 2006: 49).

A useful pretext for European seizures of the territories and resources of colonized peoples, this legal disempowerment of non-Europeans is also evident in the rules of war as they had developed by the late nineteenth century. In 1894, the British War Office's *Manual of Military Law* set out that the customs of war, which included a prohibition on pillage, applied only to "warfare between civilized nations" (chapter 14.9). "War, properly, so called" it opined, was considered "an armed contest between independent nations, and can only be made by the sovereign power of a state." In British minds, of course, Benin was not considered to be a civilized nation, and in any case, its sovereignty had been extinguished in 1892, when an unknown hand had scratched away independence with an "X." That is why the odd term "punitive expedition" is often chosen to describe the British action, rather than the more accurately descriptive "military invasion" or "belligerent aggression." While invasions are launched against sovereign nations, punitive expeditions are used to pacify recalcitrant subjects. Whether or not after 1892 Oba Ovonoramen considered himself a British subject is an interesting question; most likely he did not. In any event, whatever posterity now makes of the substance and legitimacy of the 1892 treaty, at the time the Oba clearly felt able to continue acting in a free and independent manner. His actions ultimately compelled Britain to dispatch a military expedition to enforce what it considered to be its legitimate rule—legitimacy, that is, at least insofar as Britain made the law and enforced it. Benin found itself subject to British colonial law, which successfully repelled the protective agency of military law and which offered no protection whatsoever to works of art. Thus, the seizure of the Benin artworks was a material and symbolic expression of British imperial power and of the chauvinist body of international law that enabled and justified it. Twenty-first-century assertions of legitimate ownership are derived from this law and must be judged against its content.

Empires come and empires go, though often times there is a reckoning. Many of Napoleon's plundered artworks were returned to their dispossessed owners after the final collapse of his empire in 1815. Nazi loot, too, has, when possible, been helped on its way home. In 1945, US and British occupying forces in Germany took pains to ensure the safe return to rightful owners of artworks seized or otherwise forcibly acquired by the Nazi regime (Nicholas 1995; Sandholz 2007: 127–66), an exercise headed up by the celebrated "Monuments Men" (Edsel 2014). Since World War II, however, demands from newly decolonized countries outside Europe for the repatriation of plundered cultural property have often been ignored or successfully resisted (Prot 2009). When Nigeria gained independence from British rule in 1960, for example, the Napoleonic and Nazi precedents of recovery and return were ignored, and the Benin artworks

remained undisturbed in collections and museums worldwide. There were no Monuments Men on hand to pursue and recover Nigerian cultural property. Nigeria has been forced to buy back pieces on the open market (Shyllon 2009: 161–63).

It is an open question why artworks stolen by imperial powers are returned when the dispossessed owners are European, as in the Napoleonic and Nazi cases, but not when they are non-European, as in the case of Benin. Dispersal and private ownership are no answers, as the example of Nazi-appropriated art shows. The struggle to locate and recover artworks stolen by the Nazis is ongoing through the courts, guided by the 1998 Washington Conference Principles on Nazi-Confiscated Art, and reflecting an international consensus that “cultural property wrongfully taken from its rightful owners should be returned” (Kaye 2009: 352). But this consensus does not apply to Nigeria or to other former colonies, an injustice that compounds the earlier injustice of plunder. The continuing refusal of the international community to engage in a constructive fashion with requests for the return of Benin artworks suggests that even in the twenty-first century, the dead hand of nineteenth-century colonial discourse and law is still palpably complicit in the affairs of Nigeria. The failure to return the bronzes and ivories to Nigeria is a refusal to accord to Nigeria rights of ownership recognized by the allied powers in Paris in 1815 and Germany in 1945. It is a denial of Nigeria’s sovereign equality on the international stage.

CULTURAL INTERNATIONALISM AND THE ENCYCLOPEDIA MUSEUM

In a series of papers, John Merryman has elaborated his idea of “cultural internationalism” (Merryman 1986, 1996, 2006, 2009). He takes his lead from the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which states in its preamble that “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world” (Merryman 1986: 836). He counterposes cultural internationalism to “cultural nationalism,” an idea he derives from a statement in the preamble of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property that “cultural property constitutes one of the basic elements of civilization and national culture” (Merryman 1986: 843).

Merryman argues that cultural internationalism is a good thing because it promotes the free circulation of artworks. In so doing, it enables a broad international public spread over many countries to enjoy viewing artworks, no matter

what the geographical or cultural origin of the pieces in question (Merryman 2006: 12). Furthermore, the wide circulation of artworks spreads the burden of curation, thus promoting their protection and survival (Merryman 1986: 846, 1996: 4). Merryman characterizes cultural internationalism as a "cosmopolitan" way of thinking (1986: 846). Cultural nationalism, which attributes a national interest in artworks, is, in contrast, a bad thing (Merryman 1986: 832). By aiming to prevent the movement of artworks out of their countries of origin, it is "retentionist," promoting retention over the interest in protection (Merryman 1986: 844, 866). This leads to what he terms "destructive retention" or "covetous neglect," when countries do not have the necessary human or material resources to curate artworks in their possession nor to document them or make them available for scholarly study or public viewing (Merryman 1986: 846–47). (A similar argument was made in 1794 to justify the French plunder of artworks [Gills 2013: 119].) Merryman also finds problematic the idea that cultural objects can be tied up with constructions of cultural or national identity (1996: 4), and that claims of cultural, spiritual, or racial affinity with the producers might be translated into an ownership claim (Cuno 2008: xxxi).

Merryman's promotion of what he calls "cultural internationalism" privileges the interest of the object, and—he claims—the interest of the international community. He envisages an "object-oriented" policy of preservation, truth, and access, a policy that would prioritize the protection of objects from damage or decay, promote the utilization of objects for education and learning, and ensure the availability of objects for public viewing (2009: 187–88). He very signally fails to engage with the political and historical contexts that have enabled or caused the movement of artworks. Yet those historical contexts can be highly emotive in relation to questions of self-determination, including the right of a nation to control the disposition of its own cultural heritage. Imperial seizures of cultural property such as the Benin bronzes and ivories were direct attacks on sovereignty. It should not be surprising that the recovery of cultural property becomes a national policy goal when it is the material substance and symbol of colonization. Merryman's dismissal of cultural nationalism as a throwback to nineteenth-century romantic conceptions of nationhood—what he terms Romantic Byronism—misconstrues the problem (1986: 850, 1996: 15).

In 1991, the Edo state of southwestern Nigeria was constituted, with Benin City as its capital and with an active cultural and artistic heritage that is descended directly from the nineteenth-century kingdom of Benin (Nevadomsky and Osemwari 2007). Merryman's admonitions about the inappropriateness of Romantic Byronism do not apply in these circumstances. The Benin bronzes and ivories seized by the British are an integral part of a living tradition and in the

twenty-first century remain fundamental to the cultural identity of the Edo people. In these circumstances, even Merryman would no doubt agree that they should be returned to Benin City (Merryman 2009: 193). Nigeria itself, however, is a federal state and cannot lay claim to the Benin bronzes and ivories on cultural grounds alone. But the national identities of post-colonial states such as Nigeria are not, as Merryman claims, founded upon romantic claims of cultural essence or continuity. They are constructed around the historical experience of colonization (Hobsbawm 1990: 138). For Nigeria, the 1897 sack of Benin City was central to that experience. Thus, a refusal to return bronzes and ivories to Nigeria is not only a denial of sovereign equality; it is a denial of history.

Merryman's idea of cultural internationalism was influential in the 1990s revival of the concept of the "encyclopedic museum" (Cuno 2008: xix). Encyclopedic museums are claimed to contain, curate, and display objects from many different cultures separated in time and space and juxtaposed in such a way as to allow an appreciation of the cultural diversity and hybridity of humankind (Cuno 2008: xix, 2014). Thus, it is argued that an encyclopedic museum promotes tolerance and understanding of other and perhaps alien cultures, and stands as a bulwark against ignorance, superstition, and fear of the "Other." The cultural internationalism of the encyclopedic museum is an open system of ideas standing in enlightened opposition to the closed and backward-looking world of nationalist ideologies (Cuno 2008: xxxi, 2014).

The concept of the encyclopedic museum draws inspiration and claims legitimacy from the Enlightenment project of the *Encyclopédie*, which, starting in 1751 and under the collaborative editorship of Denis Diderot and Jean le Rond d'Alembert, aimed to assemble and organize a systematic taxonomy of all human knowledge (Cuno 2009: 37). In 2009, the then-director of the British Museum Neil MacGregor wrote about the "idea of the world under one roof" (2009: 39), casting the museum as the architectural counterpart of the *Encyclopédie* and arguing too for museums as an embodiment of Enlightenment ideals of reason and tolerance. For an earlier museum curator, though, and a French one at that, the "political ideology of Revolutionary and Napoleonic France was encyclopedic and European in its aims" (Bazin 1967: 183). The Louvre, in its incarnation as the Musée Napoléon, with its internationalizing collection of spoliated art, was the archetypal encyclopedic museum. For the first time, Italian masterpieces, formerly accessible for viewing only by an aristocratic elite engaged upon the Grand Tour, were made available for the general public (Gillks 2013: 121). The importance for scholarship of collecting natural history specimens was also appreciated (Gillks 2013: 119–20). But the encyclopedism of revolutionary and Napoleonic France was in its museum instantiation viewed as an oppressive and

inequitable ideology that caused the political disapproval and legal prohibition of spoliation in the decades following 1815 by Quatremère de Quincy's "universal republic of the arts and sciences"—the international community. It is at best misguided and at worst disingenuous to justify the existence of encyclopedic museums with an argument for cultural internationalism that elaborates upon a definition in the 1954 Hague Convention, without considering the convention's precedents. The 1954 Hague Convention was the end product of a process of international law-making aimed at protecting cultural property during wartime, a line that can be traced back by way of the 1907 Hague Convention with Respect to the Laws and Customs of War on Land, and through instruments and codes such as the 1880 Oxford Manual and the 1863 Lieber Instructions, to the decisive rejection by the international community in 1815 of the first encyclopedic museum, the *Musée Napoléon*.

But what is really at stake here, once more, is the nature of discourse. The justification for the encyclopedic museum constructs a cultural field around issues of art and access. In so doing, it excludes arguments or viewpoints derived from a more historical understanding of events. In its mystifying effect, substituting culture for history, advancing art before politics, it imitates, if not intentionally or reflexively, the imperial discourse of late nineteenth-century Britain with its confusion of civilization and commerce. Kenneth Coutts-Smith characterized this twentieth-century rendering of the "extra-historicity of art" as an exercise in "cultural colonialism" (Coutts-Smith 1991 [1976]: 14–15), something far removed from the discursive masquerade of cultural internationalism.

CONCLUSION

The sack of Benin City was just one episode in the British late nineteenth-century project of imperial expansion into Africa. The theoretical fusion of Christianity, civilization, and commerce created a powerful justificatory discourse of social and cultural improvement that opened up the continent for European colonization, settlement, and trade. Forced through by missionaries, merchants, and marines, "civilization" arrived in Africa from the barrel of a gun. The Benin bronzes and ivories were a notable, though not the only, casualty. The ownership rights of encyclopedic museums and other collections holding Benin artworks are highly problematic, anchored as they are in a legal regime of imperial aggrandizement and colonial deprivation that would not be countenanced today, maintained in apparent defiance of relevant precedents and long-established norms and laws of cultural property protection, and justified by a specious discourse of object-centered cultural internationalism. A more equitable consideration of the significance of the artworks for

the history and international standing of Nigeria is obstructed by the cultural confines of a discourse that favors the interests of the objects and their current possessors over those of the dispossessed owners.

In 2005, the Liverpool Museum changed its name to World Museum Liverpool, in so doing proclaiming its encyclopedic ambitions. In 2013, there were bronzes and ivories on handsome display there (Fig. 3.2), with Swainson's horse-rider rightfully awarded pride of place, and a sympathetic text describing the commercial motivations of British colonization. Large images of a Benin head were also to be seen advertising the museum in Liverpool's new city center for shopping and leisure development (Fig. 3.3), representing another episode, per-

FIGURE 3.2. Benin bronzes and ivories on display in Liverpool World Museum, March 2016. Photograph by Camilla Briault.



FIGURE 3.3. Benin bronze head advertising Liverpool World Museum, Liverpool city center, September 2015. Photograph by Camilla Briault.



haps, in the collective biography of the Benin bronzes and ivories, from ceremonial objects to commodities to museum-consecrated artworks to visitor attractions. These images are also a testament to their continuing importance for British culture and commerce, and to the ongoing disempowerment of the Edo people and of Nigeria.

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