

The Martinez Report: the end of the inalienability of French museum collections?

Yves-Bernard Debie — Friday 19 May 2023 — All the versions of this article: English , français



It is necessary to read the report entitled «Patrimoine partagé : universalité, restitutions et circulation des œuvres d'art» [1] written by the honorary president-director of the Louvre, Jean-Luc Martinez, which, as our friend Vincent Noce rightly writes in *La Gazette Drouot*, "signifies the evolution of minds since this debate inflamed the world of museums and

Bertholet Flémal (1614-1675)

Conversion of Saint Paul, ca. 1670

Painting regularly claimed by Belgium

Oil on canvas - 463 x 266 cm

Toulouse, Musée des Augustins

Photo: Daniel Martin

👁 See the image in its page

the art market", so much so that "*its measured tone contrasts with the postures of the supporters of massive and automatic repatriations*".

Finally! And one can

understand the enthusiasm and relief of readers who love heritage when they read the first pages of the report. We shared these feelings.

There is no longer any question, as in the Sarr-Savoy report, of envisaging colonisation as a period of offence that irremediably taints any collection of ethnographic or cultural objects - which have become, in the eyes of the Western world, universal works of art - with a redhibitory defect requiring all museums to return them, whatever their provenance and even if the country of origin has not asked for anything.

The work that has been done is to be commended: the legal references are the right ones, as are the legal concerns, which we have raised many times, even if we do not necessarily agree with the analysis of the taking of war or the dangerous marriage between the notions of illegality and illegitimacy. Africa is no longer treated as if it were a single country and the report rightly points out the divergent positions of the various African states, nicely described as "polyphony", as well as the gap that exists with the demands of the African diasporas, which do not represent the opinion of their countries of origin. Finally, the risk of a spread to antiquities collections is clearly identified. Thank

you!

Have we finally been heard? Yes, at least to a large extent, if one considers only the first 57 pages of the report or if, as the bad pupils do, one was content with reading only a summary...

Unfortunately, the disappointment is as great as the hopes raised.

It was forgetting that the former president of the Louvre was on a commissioned mission and that the order received had less to do with the establishment of a real doctrine than with the legitimisation of recent and future government action in the field of cultural property.

For conscientious readers, and there are probably not many of us, the final straw comes on page 58. After stating the criteria for "restituability", a barbaric word if ever there was one, which, according to the Ministry of Culture's press release, are supposed to "*prepare the outlines of a framework law on the restitution to their country of origin of cultural property belonging to French public collections*" and "*propose a doctrine and a method for examining and processing restitution requests*", we can read:

"These nine criteria would be mentioned in the framework law and would be indicative, with the final decision resting with the political authorities..." (p. 58)

In other words, where museum collections were inalienable, they would become restitutable on a simple political decision, the criteria being indicative... Obviously, care would be taken to surround the process with diplomatic cover, bilateral or even multilateral commissions if the property was of interest to

competing modern states, and a decree by the Conseil d'État, but the final decision, the only one that counts, would be political!

At this stage of the reading of the report, to take the measure of the extent of the disaster, it is undoubtedly time to reread page 53 where, under the pretext of not being limited to the colonial context, the author recommends "*a framework law whose scope would be universal*".

The historical error of Ouagadougou, which saw a president, speaking in the first person, decide alone on the need for "*temporary or definitive restorations of African heritage in Africa*", in defiance of the French Museum and its universal ambition, thus continues. Any attempt at rationalisation comes up against this "fait du Prince" and the need to legitimise it. The question of the place of art and cultural goods in our globalised 21st century deserved better than this debate which boils down to who should be given what back. It was a doctrine of sharing and transmission of knowledge that needed to be developed. Based on the extraordinary success of museums such as the Quai Branly - Jacques Chirac, it was necessary to consider the possibility of broadening the experience in order to allow ever wider access to these works that bear witness to our humanity, but to do so, it was necessary to free ourselves from the theme of restitutions.

In the end, the principle of the inalienability of public collections, which has already been undermined by exceptional

laws, will be buried with the framework law that is to be adopted, thus leaving the door open to foreign policy arrangements.

As for the rearguard of French museum heritage, it will undoubtedly die in this all too unequal battle with a Prince who has tasted a new power, but it will not surrender so easily.

— *Yves-Bernard Debie*

Footnotes

[1] "Shared Heritage: Universality, restitutions and circulation of works of art".

Keywords

Art claims and restitutions - Inaliénability and deaccessioning -
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