

Master Thesis

France and the repatriation of cultural objects

Evaluating individual preferences for French cultural policy with respect to repatriation.

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Abstract

In the past couple years, due to the decision of President Emmanuel Macron to return African cultural property to African States, the repatriation of cultural objects to their countries of origin has become a hot topic in France. The geographical repatriation of cultural heritage is a complex issue, entangled with history, culture, politics and law. This study focuses on the issues of human rights, multiculturalism, cultural identity or recognition related to the repatriation of cultural heritage as well as on the international legal regimes protecting cultural property. A wide literature has addressed the subject of repatriation and of its various aspects. Nevertheless, despite the studies on that subject and the organization of symposia on the value of repatriation, there is still research on what people (citizens of a State, members of nation or cultural group...) believe and expect from repatriation. By using self-administered questionnaires, this quantitative study attempts to investigate French citizens' opinion on what considerations should be taken into account when returning cultural objects to their countries of origin.

Keywords: Cultural property; heritage ownership; looted artefact; cultural property disputes; return; restitution; repatriation; relocated art; protection of cultural heritage; international relationships; ethics; cultural diplomacy; soft power.

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Abbreviations

ADR	Alternative Dispute Resolutions
App.	Appendix
Art.	Article
BC	Before Christ
BNF	Bibliothèque Nationale de France (France)
CGPPP	Code Général de la Propriété des Personnes Publiques (France)
Cf.	Confer
CP	Code du Patrimoine (France)
DIVUM (2002)	Declaration on the Importance and Value of Universal Museums (2002)
EEC	European Economic Community
EU	European Union
ICOM	International Council of Museums
ICOMOS	International Council on Monuments and Sites
MNR	Musées Nationaux de Récupération (France)
NAGPRA	The Native American Graves Protection and Repatriation Act (Public Law 101-601; 25 U.S.C. 3001-3013; November 16, 1990)
PACA	Provence-Alpes-Côte d'Azur
PCA	Principal Component Analysis
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
US	The United States
USSR	Union of the Soviet Socialist Republics
UK	The United Kingdom
WWII	The Second World War
Lieber Code	Instructions for the Government of Armies of the United States in the Field (April 24, 1863)
Brussels Declaration	Project of an International Declaration concerning the Laws and Customs of War (Brussels, August 27, 1874)
The 1899 Hague Convention (II)	Convention (II) with respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague, July 29, 1899)
The 1907 Hague Convention (IV)	Convention (IV) Respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague, October 18, 1907)
The 1954 Hague Convention	Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, May 14, 1954)
The 1970 UNESCO	Convention on the Means of Prohibiting and Preventing

Convention

The 1986 UNESCO
Guideline

The 1995 UNIDROIT
Convention

the Illicit Import, Export and Transfer of Ownership of
Cultural Property (Paris, November 14, 1970)

Guideline for the Use of the 'Standard Form concerning
Requests for Return or Restitution

Convention on Stolen or Illegally Exported Cultural
Object (Rome, June 24, 1995)

Terminology

‘Cultural heritage’; ‘cultural property’ and ‘cultural objects’ are three expressions often used interchangeably to refer to items of cultural value.

Since the 20th century, the three expressions have been used within the text of the various international conventions with respect to heritage protection. Both the 1954 Hague Convention and the 1970 UNESCO Conventions are referring to ‘cultural property’ while the 1995 UNIDROIT Convention uses ‘cultural objects’. Other conventions – such as the 1972 UNESCO Convention with respect to the Protection of World Cultural and Natural Heritage, the 2001 UNESCO Convention regarding the Protection of Underwater Cultural Heritage, the 2003 UNESCO Convention respecting the Safeguarding of the Intangible Cultural Heritage or the 2003 UNESCO Convention for the Intentional Destruction of Cultural Heritage – are using ‘cultural heritage’.

Even though those three expressions are often perceived as equivalent, their meaning are slightly different from one another. According to Prott & O’Keefe (1992), ‘cultural property’ and ‘cultural heritage’ do not have the same connotation. ‘Cultural property’ connotes ownership – hence the right to alienate and exclude others – and ‘cultural heritage’, the interconnection between an artefact and people who cherish and care for it. Thus, some argue that ‘cultural heritage’ is a notion superior to the one of ‘cultural property’ as it includes a duty to protect heritage for the enjoyment of present and future generations. Blake (2000, at 83) agrees, stating that the scope of cultural heritage is broader than the one of cultural property as it expresses a “form of inheritance to be kept in safekeeping and handed down to future generations”.

The expression ‘cultural objects’ as used in the 1995 UNIDROIT Convention is more neutral than the other two.

For Frigo (2004), the problem posed by the use of one expression instead of another is not only a matter of connotation and value. It is also a problem of semantics. International conventions are redacted in various languages and the different language version of the expressions considered have different meanings. Most of the time, ‘cultural property’ is translated as ‘biens culturels’, ‘beni culturali’, ‘bienes culturales’, ‘kulturgut’... which does not refer to ownership. Similarly, ‘cultural heritage’ is translated as ‘patrimoine culturel’, ‘patrimonio culturale’, ‘patrimonio cultural’... In addition, those translated expressions express domestic legal concepts. In France, the Code du Patrimoine (French Heritage law) is referring to the protection of ‘biens culturels’ (and not ‘propriété Culturelle’) which are part of the ‘patrimoine culturel’. The 1954 Hague

Convention, which is using the expression 'cultural property', is also defining it as part of cultural heritage – the tangible part (Art. 1):

“For the purposes of the present Convention, the term 'cultural property' shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centers containing monuments'.”

In this study, only tangible heritage will be dealt with.

'Return'; 'restitution'; 'recovery' and 'repatriation' are also confusing words which need to be defined.

'Return' and 'recovery' are both neutral, value-free terms but their focus is not the same. 'Return' is dealing with the action of the requested State or institution whereas 'recovery' focuses on the interest of the requesting party (Prott, 2009). Unlike the first two terms, 'restitution' is controversial. It is a legal term with precise legal meaning in any legal systems but with various significance across these systems. The English Oxford Dictionary is providing several definitions of 'restitution'. One is “restoring a thing to its proper owner”; another, “reparation of an injury”. Those definitions are inconsistent with current practice in which the focus is placed on justice rather than on ownership and on legitimacy rather than on legality. Though it is controversial, with no unique, set definition, 'restitution' is still used in UN's and UNESCO's official documents.

Moreover, ‘restitution’ has also various acceptations depending on the authors using it. Barkan’s (2009) definition of ‘restitution’ is broader than the one used in official texts. For him, it refers to all attempts to rectify historical injustices. It includes return of confiscated, stolen or seized belongings; reparation with material compensations for which cannot be returned (human lives; destructions...); apology with the admittance of wrongdoings and recognition of their effects. Therefore, restitution is synonym of making amends. It is a legal but also a cultural concept. Kowalski (2009, at 163) explores legal meanings of ‘restitution’. Originating in Roman private law, ‘restitution’ meant restoration of the previous state (*‘restitutio in integrum’*). Nowadays, ‘restitution’ depends on the given legal system and on the time of origin. In 1978, the General Conference of UNESCO made a definite distinction between ‘return’ and ‘restitution’. The *Guideline for the Use of the ‘Standard Form concerning Requests for Return or Restitution’* (1986) states that ‘restitution’ should be used in case of illicit appropriation, which depends on national legislation in accordance with the 1970 UNESCO Convention. ‘Return’ should apply to:

“cases where cultural objects left their countries of origin prior to the crystallization of national and international law on the protection of cultural property. Such transfers of ownership were often made from a colonized territory to the territory of the colonial power or from a territory under foreign occupation. In many cases, they were the result of an exchange, gift, or sale and did not therefore infringe on any laws existing at the time. In some cases, however, the legitimacy of the transfer can be questioned. Among the many variants of such a process is the removal of objects from a colonial territory by people who were not nationals of the colonial power.¹ There may have also been cases of political or economic dependence which made it possible to effect transfer of ownership from one territory to another which would not be envisaged today.”²

¹ In France, there have been precedents of restitution cases. Cultural objects claimed by foreign governments that met the requirements stated in the 1970 UNESCO Convention were returned to their countries of origins. For instance, Nigeria asked in 2000 for the restitution of three Nok sculptures acquired for the future Musée du Quai Branly in 1998. The sculptures were bought from dealers and were illegally excavated. Moreover, the exportation of Nok sculptures has been prohibited by Nigeria. Fulfilling the conditions of the Convention, the sculptures were immediately given back to Nigeria – who loaned them to France. There are fewer cases of return of cultural objects in France. They are more problematic since they are not covered by any existing legislation and since the French government rejected almost all claims until 2018.

² UNESCO (1986), at 11.

‘Retrieval’, ‘recovery’ and ‘recuperation’ are all linked to the requester’s point of view and are terms usually used by States and institutions which, after suffering major losses, have been setting up programs to identify, locate and request cultural items (Prott, 2009).

‘Repatriation’ can be applied to the return of cultural objects between two States or two institutions from two different countries. It can also refer to the return of cultural objects intra-State when indigenous communities retrieve their cultural items (Prott, 2009). Within the US, the NAGPRA, act adopted in 1990, permits Native American tribes to recuperate the remains of their ancestors which are conserved in American institutions. For Kowalski (2009), ‘repatriation’ aims to protect cultural heritage integrity in case of cession of territory or break up of a State.

The thesis will use ‘return’ and ‘restitution’ as defined by the 1986 UNESCO Guideline and ‘repatriation’ and ‘recovery’ as defined by Prott (2009).

I. Introduction

1. Research background

In the few months before and after his election in May 2017, French President Emmanuel Macron has radically broken with the position taken by prior governments for decades on the matter of colonization and restitution of cultural objects to African States. In February 2017, Macron qualified colonization as a crime against humanity and an act of barbarity during a campaign interview with the Algerian television network Echourouk News. Going further, he pledged during the discourse of Ouagadougou in November 2017 to seek solutions for the return of African cultural heritage to African States within 5 years as the African heritage should not be kept prisoner within European museums. He therefore commissioned two experts, Felwine Sarr and Bénédicte Savoy – to study how it could be done in March 2018. The report, published in November 2018,³ advocates the return of all cultural objects conserved in French public museums taken out of African colonies without the consent of their former owners and listed 26 objects that should be returned immediately to Benin. These recommendations have raised controversies and intensified the debate over cultural heritage disputes and the repatriation of colonial-era artefacts which have already existed for several years in Europe. Following the publication of the report, more than 80 scholars studying art history, history and ethnology requested the German government to create an institute in Berlin dedicated to research museum policy dealing with colonial-era artefacts within public collections and to redefine a sustainable basis for relationships with former colonies worldwide, based on a new view of colonial history.⁴

In their report, Sarr & Savoy (2018a) condemn the appropriation of African cultural objects during the colonial-era because of its violence. Looting, destruction or theft of cultural property, notably in times of armed conflict, is an ancient phenomenon that can be traced back to Antiquity and of which the Napoleonic wars are a prime example. Nonetheless, it is not until the aftermath of Second World War (WWII) and of the collapse of the colonial empires in the 1960's that the protection of cultural objects from misappropriation became an important international concern. Over the past decades, many States have asked for the repatriation of their cultural property. Greece is claiming the Parthenon marbles, known as the Elgin marbles, to the UK; Egypt is asking for the return of the bust of Nefertiti from the German government; Nigeria requests the repatriation of the Benin bronzes from the UK... Since the 1970's and in

³ See Sarr & Savoy (2018a).

⁴ Hickley (2018, December 14).

the wake of the repatriation claims, many declarations and recommendations or communiqués published by international conferences – such as the Declaration of the Intergovernmental Conference on Cultural Policies in Africa (1975) – have declared that cultural heritage, as part of cultural identity, is making the link between past, present and future. Hence, according to those texts, cultural property must be returned to countries of origin and there should be no time limitations regarding the claims.⁵ Those arguing in favor of the restitution of cultural property assert it was illegally taken out of their countries of origin and cultural objects, deprived of their original context, have been damaged.

Though many urge for the return of cultural objects to their countries of origin, this stance is far from being consensual. The opposition has been coming from some Western museums and institutions, like the 18 museums; including the Metropolitan, the Louvre, the British Museum, or the Ethnologic museum of Berlin; who signed the Declaration on the Importance and Value of Universal Museums (DIVUM, 2002) in which they affirm the transcendence of a common human history over national culture and history. Those museums, in which cultural objects coming from all over the world are conserved, affirm being in the service of all people and fostering understanding and tolerance amongst nations. In addition to Universal museums, some scholars have been arguing there is little evidence of a connection between the claimed cultural property and the requesting party. It can be hard to see the link between the bust of Nefertiti, an Egyptian queen from the 18th dynasty who lived in the 14th century BC., and the modern Muslim Arab Egyptian society.

2. Research questions

This thesis investigates long lasting legal, ethical, societal and political problems surrounding cultural heritage, where it should be conserved and for whose benefits. To this end, this study focuses on the specific case of France and how this issue is perceived by French citizens.

The repatriation of cultural heritage and the restitution claims raise several legal issues. When cultural property is requested to be repatriated, it questions the legality of its first appropriation. But how can the legality of the appropriation be determined? Which international or domestic

⁵ There are two types of time limitations regarding restitution claims. First, international and domestic laws with respect to the return of cultural objects are not retroactive and the requested objects must therefore have been misappropriated after the adoption of the laws or conventions by parties. Second, some international conventions such as the 1995 UNIDROIT Convention are limiting the time-scope during which a party -is entitled to claim its property back after discovering where it is conserved (3-year time-scope in the case of the 1995 UNIDROIT Convention).

laws prevail and appreciate the legitimacy of the acquisition? Moreover, as restitution is a complex multidimensional problem, are there non-legal factors that should be taken into account when deciding whether a cultural object should be repatriated? Hence, the first research questions that will be investigated in this thesis are:

Can the original owners or their rightful successors ask for the return of cultural objects plundered, stolen or illegally removed before the adoption of international conventions protecting cultural heritage by using legal provisions supplied by international and domestic laws?

Should the original owners or their rightful successors be entitled to ask for the return of their cultural property, even when it has been acquired prior to the adoption of protecting laws and conventions?

Beyond the legal issues, the recovery of cultural object by their former owners poses philosophical and ethical problems. Why should cultural objects return to their countries of origin? Are there reasons more accepted than others to repatriate cultural objects? What is the link between cultural artefacts and countries? Are there alternative solutions to restitution which can satisfy all parties? Those preliminary inquiries set the foundation for the second research question:

What are the cultural, ethical, philosophical, political and economical considerations underlying the repatriation of cultural property?

3. Research objectives

There is a wide literature on the restitution of cultural heritage and its various dimensions. There have been studies on the theoretical background framing repatriation but also on specific cases of artefacts recovered by their countries of origin. Yet, if scholars, heritage curators and policy makers have expressed themselves on the matter of repatriation, there is still little knowledge and investigation of what citizens think of this matter. In this research, I chose to focus on France for several reasons. France has extensive public cultural collections which have been gathered across centuries with purchases, gifts and bequests but also with seizures and war lootings including from its former colonies. France is thus facing an increasing number of repatriation claims from other governments or indigenous people. Moreover, restitution has become a hot topic in the media since 2018 with the decision of the French government to give

back its heritage to African States and one might wonder whether this decision is built on the French long-lasting utilization of cultural projection and diplomacy to maintain its power and influence.

The main objective of this study is to capture the opinion and perception of French citizens on the repatriation of cultural objects and their agreement, or disagreement, with the government's position and with the legal provisions framing restitution.

In order to investigate what should be the determinants of the repatriation of cultural objects in general and more specifically in France, I used a quantitative approach with self-completed questionnaires to analyze public opinion regarding the return of cultural objects.

4. Structure of the thesis

Following this [introduction](#), the [second](#) chapter explores how cultural objects are part of cultural identity and the recognition sought by States and nations claiming the repatriation of their heritage. The chapter also considers the various attitudes towards cultural heritage regarding to whom it should belong. I also argue that political considerations can be at stake when a requested party agrees to repatriate cultural objects to their countries of origin in order to strengthen or rebuild international relations, thus instrumentalizing cultural heritage for diplomatic use. This chapter is summarizing previous research on the topic as well. The [third](#) chapter investigates the international legal regimes protecting cultural property in the event of armed conflicts and against illicit trafficking with an historical approach. It also considers how these legislations frame the repatriation and restitution processes. As some argue that international legal regimes are insufficient to protect cultural heritage, it is also useful to describe the soft-laws and ethical guidelines adopted by museums, art dealers or scholars. The chapter ends with the repatriation process either through court litigation or Alternative Dispute Resolutions (ADR). The [fourth](#) chapters explores the legal regime protecting public cultural heritage in France and its implications on the repatriation process. I also investigate the political shift operated by Macron with respect to restitution and French international cultural policy and the reasons of this shift. The [fifth](#) chapter considers the methodological choices and explains the data collection process. The [sixth](#) chapter presents and discuss the empirical results. Finally, the [seventh](#) chapter concludes the thesis with some final comments.

II. Literature review

1. Disputes over cultural heritage

a. Culture objects and the construction of cultural identity

Cultural heritage is commonly accepted as an important element of cultural identity. This general statement seems to be confirmed by the many legal documents that include heritage as part of cultural identity, even though both ‘culture’ and ‘identity’ are slippery, not easily defined notions. As the preamble of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict signed in 1954 states it:

“The cultural heritage reflects the life of the community, its history and identity. Its preservation helps to rebuild broken communities re-establish their identities and link their past with the present and future.”

The 1954 Hague Convention is not the only international convention in which such a linkage between cultural heritage and cultural identity is expressed. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property is going even further than the previous one. In the preamble of the 1970 UNESCO Convention, cultural heritage is defined as one of the basic elements upon which civilization and national culture are built and can only be esteemed at its true value with fullest information on its origins, history and original setting.

Cultural heritage has also been interpreted as an element of cultural identity in the political field. After the end of colonial empires, as part of the decolonization process, many of the newborn States have emphasized the importance of cultural heritage for the reconstruction of their identities. In 1969, States belonging to the Organization of African Unity participated in the symposium of the first Pan-African Cultural Festival held in Algiers to discuss the realities of African culture at the time and published their conclusions and recommendations in the Pan-African Cultural Manifesto (1969). The manifesto insists on the fact that even deprived of their rights and freedom during colonization, African peoples never gave up their inner identities which were saved by the safeguard of heritage, both tangible and intangible. The maintained use of local languages greatly contributed to that.

“The preservation of culture has saved Africans from the attempts made to turn them into peoples with no soul nor history. Culture protected them. It is quite obvious that they would henceforth wish to use it to forward their progress and

development, for if culture – a permanent and continuous creation is a definition of personalities and a link between men, it also gives an impetus to progress.”⁶

This conception of cultural heritage as an essential element of the construction of modern nations is also stipulated in the Declaration of the Intergovernmental Conference on Cultural Policies in Africa (1975, at 1) signed in Accra by the African States member of UNESCO and for which “African culture remains a decisive weapon in struggles for liberation and in the continuing fight against colonialism, racism and apartheid.”

It appears that the belonging of cultural heritage to cultural identity is widely accepted. Nonetheless, does the fact that cultural heritage is part of cultural identity involve that the country or cultural group of origin must possess its cultural heritage to define its own cultural identity? Thus, does it entail the restitution or return of cultural heritage to countries or cultural groups of origin?

b. The power of possession

Even though it is commonly agreed that cultural heritage serves to construct cultural identity, there is no consensus on whether physical access – and thus possession - is required for this. The debate on culture appropriation (or deprivation) is often linked to the one on authenticity. The discussion on cultural heritage authenticity can be divided in two distinct aspects.

The first aspect of authenticity of cultural heritage concerns the linkage between cultural heritage and its historical context. According to Coombe (1993), cultural heritage cannot be fully comprehended outside its original cultural context, for any cultural object bearing traces of contact of its original culture with another one loses its authenticity. Such an object would no longer pertain to an anthropological culture but would become an element of a capitalized culture. Furthermore, when the translocation of cultural heritage into a new cultural context is the consequence of acts of violence or theft, cultural objects’ loss of authenticity is even more important. For Arndt (2011), the violence inflicted upon the cultural objects themselves is a second traumatism, as their names, titles, significations and functions are altered or destroyed by the appropriation by another culture than their own.

A significant example of the alteration cultural objects can suffer is the appropriation of cultural heritage by colonial powers in the colonies. Many objects French administration seized in its African colonies ended up in the Musée de l’Homme (Museum of Man) in Paris where they

⁶ Pan-African Cultural Manifesto.(1969), at 3.

were exhibited as ethnographic objects. When the Musée du Quai Branly, a museum of cultures and civilizations, opened in 2006 in Paris, an important part of the collections of the Musée de l'Homme, including the African objects seized during colonization, were transferred there. In the Musée du Quai Branly, they are no longer exhibited as ethnographic objects but as art pieces. Even though the original functions and utilizations of those objects are described, they have been altered.

The second aspect of authenticity of cultural heritage concerns cultural objects themselves. When Walter Benjamin first published his essay *The work of art in the age of mechanical reproduction* in 1935, he studied the impact of new technologies and their utilization for reproduction on the perception we have of art works. In his essay, Benjamin (2008, at III, 21) focused on the differences between 'original' artworks and reproductions. He assessed an important difference of cultural value between originals and reproductions since "even the most perfect reproduction of a work of art is lacking one element: its presence in time and in space, its unique existence at the place where it happens to be". A reproduction is nothing but a replica of an original work of art at a specific moment. When Benjamin wrote his essay in 1935, he focused his work on printing, photography and cinema, which were the technologies available at the time. With 3D printing and high resolution photography, it has become easy to watch the external aspect of a work of art without having to go seeing the original one. Nonetheless, it is impossible to reproduce the changes of condition due to the passage of time, its history or changes of ownership. That uniqueness of the original compared to its reproductions is what Benjamin calls the 'aura' of the work of art. The aura of the object is linked to a specific context and is embedded in the fabric of tradition. Thus, any reproduction is automatically deprived of the aura since the reproduction is autonomous vis-à-vis of the original and is located in a different context. However, some scholars are arguing against the necessity of physical access to cultural heritage for the construction of cultural identity.

Merryman (1986) especially disagrees with Benjamin's idea of a superior cultural value of an original work of art compared to its reproduction. To demonstrate his point of view, he uses the example of the Parthenon Marbles or Elgin Marbles that are conserved in the British Museum and for which Greece has been claiming the return for a long time. In Merryman's view, the curation of the Elgin Marbles in the British Museum instead of in Greece is not a case of cultural deprivation. Since Lord Elgin and then the British Museum have acquired the Parthenon Marbles, the British never attempted to appropriate Greek identity nor did they attempted to disguise or misrepresent the marbles' origins. The Elgin marbles, despite being exhibited in London, are admired as Greek art. Furthermore, thanks to the progress of technology, the

marbles are easily accessible to all with high quality reproductions. For Merryman, the marbles reproductions have less economic value than the originals, but they are of no less cultural value. Though Merryman makes a point saying that cultural objects are accessible to all with reproduction and that the interconnection between cultural heritage and cultural identity does not necessarily entail repatriation of cultural objects, his analysis of the perception of original and reproduction works of art by common people is questionable. The emotions people are feeling are hardly the same in front of an original and of a reproduction. From December 2006 to March 2007, the Zinsou Foundation curated the exhibition “Béhanzin, Roi d’Abomey” (‘Béhanzin, King of Abomey’) during which 30 objects from the royal treasure of Béhanzin and conserved in the Musée du Quai Branly in Paris were loaned by the French government to Benin. These objects were back in Benin for the first time since French army, led by General Dodds, sacked the city of Abomey in 1892. Over the three-month period of the exhibition, 275 000 visitors went to the foundation and guards had to force people out of the exhibition rooms after midnight, for Beninese people were deeply emotionally moved by the exhibition and payed their respect toward the anthropomorphic statues of the Kings of the Kingdom of Dahomey. It is hard to believe that the emotions that people felt would have been the same if they had faced just mere reproductions.⁷

The bond connecting cultural heritage and cultural identity and the impact of cultural appropriation are just some of the many issues involved with the potential return of cultural objects to their countries or cultural groups of origin. It is fundamental for a comprehensive understanding of the issue of restitution to address the topic of cultural property and ownership of cultural heritage.

c. Who owns cultural objects?

Many scholars have pointed out how controversial the expression ‘cultural property’ can be. According to Gerstenblith (1995), the expression carries conflicting values since ‘culture’ has a group-oriented value while ‘property’ refers to the legal rights of an individual to possess something with the possibility to exclude others. This opposition between the group and the individual contained in the expression ‘cultural property’ challenges the classic property constructs. Carpenter, Katyal, & Riley (2009) connect the latter – which are meant to protect the owner’s rights of exclusion and alienation with the notion of ‘personhood’.⁸ They oppose

⁷ See http://fondationzinsou.org/portfolio_page/behanzin-roi-dabomey/

⁸ For more details, see Carpenter et al. (2009), at 1050-1059.

the notion of ‘personhood’ to the new vision of property, emerging with the raise of cultural property claims, namely ‘peoplehood’,⁹ which aims to honor the legitimate cultural property claims of both owners and non-owners. In the ‘peoplehood’ conception of property claims, the cultural group must not be excluded or alienated and non-market values – like the cultural value – are as important as the market value. These notions of ‘personhood’ and ‘peoplehood’ suggest the indeterminacy surrounding cultural property. While some scholars claim that cultural property should be considered as any other types of property, others disagree and emphasize on its specificities. Carpenter et al. (2009) have gathered the opinions and arguments of the various parties on the matter of cultural property in three distinct groups.

The first group conveys “a view from the marketplace of goods”. Scholars and critics pertaining to this group are emphasizing on the property aspect of cultural property. Posner (2007), belonging to this intellectual current, considers the definition of cultural property vague and slippery, which thus raises issues with both domestic and international laws for several reasons. First, some problems linked to cultural property like the illicit trafficking of cultural artefacts or the destruction of cultural heritage during war times have been addressed by various laws, conventions and treaties since the early 20th century.¹⁰ However, Posner (2007) notes that these measures have failed despite all the good willingness demonstrated by creating international regulation and signing treaties. For instance, the black market for antiques has increased and not decreased since the signature of the 1970 UNESCO Convention. The second issue raised by domestic and international laws on cultural property is the dichotomy created by the distinction of cultural property from other types of property. For Posner (2007), the special treatment granted to cultural property is unwarranted. Cultural property is valuable to the extent people care about it, but the same thing can be said about all other properties. Moreover, the most influential argument used to justify the specificity of cultural property is the right of all people to dignity and to possess their own cultural heritage. Yet, Posner (2007) finds that people mistakes storage for possession. When an object is in a museum for the enjoyment of people, it does not necessarily imply possession. Posner does not refute the link between cultural heritage and cultural identity or human rights but disagrees with the systematic connection made with property and possession: the only difference between cultural property and other properties is the scholar and aesthetic values carried by cultural objects. These scholar and aesthetic values

⁹ Ibid., at 1060-1064

¹⁰ For instance, the 1954 Hague Convention was meant to codify the permissible means and behaviors during warfare regarding cultural heritage, prohibiting the plunder, theft or misappropriation of cultural property. Another treaty, the 1970 UNESCO Convention, was signed to combat the illicit trade, import and export of cultural objects.

of cultural objects are not enough to legitimate a specific legislation, since – like Merryman (1986) – he believes that reproductions are sufficient.

The second group defined by Carpenter et al. (2009) is referred to as “a view from the cultural commons” that emphasizes the cultural aspect of cultural property and disagrees with the creation of a legal framework defining and delimiting what is cultural property, for culture transcends legal claims. For Brown (2003), defining culture as a type of property would give its owner (a State, a museum, an individual...) an unwarranted right of exclusion with the rest of the world. Mezey (2007) agrees with Brown (2003) regarding the incompatibility of law and culture. Property is determined by fixed rights while a culture is never fixed, always evolving. Culture and property are antagonistic concepts. Therefore, creating a legislation and fixed rights framing culture as a property deny its intrinsic nature. Moreover, culture has always been nourished by the contacts and exchanges with others and with the acceptance of cultural heritage claims and request for repatriation, cultural fusion and hybridity are put in jeopardy:

“Because property fundamentally concerns the right of owners to exclude others, any cultural property claims, any cultural property claims will stymie the natural, participatory and free movement of culture.”¹¹

The third group defined by Carpenter et al. (2009) is referred to as “a view from cosmopolitanism”, whose most eminent representative is Appiah (2006; 2009). Defenders of cosmopolitanism estimate that cultural heritage must be preserved for the benefits of all mankind and not just for a specific country of cultural group. All cultural heritage was created by and belonged to some cultural group but as time goes by and with the evolutions of culture and globalization, the notion of property and belonging loses sense and the common human culture prevails over the local anthropological culture.

d. Opposing views on the return of cultural property

As seen above, cultural property is a complex notion, which does not generate a consensus; and affects also the debate on restitution. According to Merryman (1986), there are two ways of thinking about culture property: the ways of cultural nationalism and of cultural internationalism. For Merryman objects of artistical, archeological, ethnological or historical interest are part of cultural property. He divides the world between ‘source nations’, for which

¹¹ Mezey (2007), at 2005.

the supply of desirable cultural property is superior to the internal demand and ‘market nations’ for which the internal demand is superior to the supply, encouraging other nations to export their cultural property. In cultural internationalism’s view, like in Appiah’s cosmopolitanism, cultural property is perceived as a component of a common human culture and therefore should belong to all mankind. The spirit of cultural internationalism is best embodied by the 1954 Hague Convention, which is the first universal convention solely dedicated to the protection of cultural property. The preamble of the convention insists on the absence of distinction made between cultural property of local, national or international significance, for every men and women contribute individually in culture and its evolution:

“Being convinced 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.”

Unsurprisingly, all market nations – almost exclusively Western nations – are parties to the 1954 Hague Convention. In opposition to cultural internationalism, cultural nationalism argues that cultural property is part of a national heritage and is embodied by the 1970 UNESCO Convention. An alternative reading of this treaty signed to fight illicit trade of cultural objects is to consider it as a justification for the retention of cultural property by countries of origin. Indeed, despite constituting a legal provision against illicit trade, the convention does not provide any clear, precise definition of what ‘illicit’ is. The Art.3 establishes that are illicit all exchanges of cultural properties in violation of the domestic law of the country where the trade took place. Hence, each State party decides which cultural property can be exported. This situation can easily lead to cultural retention. Many source nations use this legal provision to protect their cultural property and most of them are parties to the 1970 UNESCO Convention. In Nigeria, the trade and export of sculptures from the Nok culture is illicit. Some of the market nations are also using similar legal provisions, notably by prohibiting the removal of art works of significant cultural value from the national territory¹² but some of the market nations chose not to become party to the convention like the United-States or decided to ratify it much later its entry into force like France who became a party in 1997.

¹² For instance, in Italy any cultural property (“beni culturali”) of 50 years and older which is not in the possession of its creator is forbidden to leave the national territory (Codice dei Beni Culturali e del Paesaggio, Capo V, Articolo 65) before their artistic, historic, archeological or ethno-anthropological interest is assessed by competent bodies of the Ministry of Cultural Heritage and Activities (Ministero per i Beni e le Attività Culturali) (Codice dei Beni Culturali e del Paesaggio, Capo I, Articolo 12). Retrieved from <http://www.bnccrm.beniculturali.it/getFile.php?id=466>

There is a fierce opposition between cultural internationalists and cultural nationalists and both viewpoints can be criticized. On the one hand, the unwillingness to compromise showed by the advocates of cultural nationalism and their defense of destructive retention is questionable. Indeed, some nationalists would prefer cultural objects to be neglected and potentially lost rather than having them exported. Moreover, it has been argued that retentive nationalism has more or less encouraged the development of a black market. It coincides with the above-mentioned argument of Posner (2007) regarding the flaws of the cultural property legislation. On the other hand, cultural internationalism has been equated with imperialist and neo-colonialist logic denying the human right of possessing its own culture.

Before continuing with a more in-depth analysis of the various issues concerning cultural nationalism or internationalism, it is worth to distinguish between the terms ‘country’, ‘State’ and ‘nation’ that are often used interchangeably but have different meanings when used in the restitution debate. The historian and political scientist Hugh Seton-Watson makes a clear distinction between the terms ‘State’ and ‘nation’ in his essay *States and Nations: an Enquiry into the Origins of Nations and the Politics of Nationalism* (1977, at 1). A State is a “legal and political organization with the power to require obedience and loyalty from its citizens”. It refers to the political entity at the head of a country, which is a territorial division inhabited by a human collectivity. A nation is defined as “a community of people, whose members are bound together by a sense of solidarity, a common culture, a national consciousness”. A nation can be assimilated to a cultural group. This distinction between State and nation is of particular importance in the discussion on the return of cultural objects. Many of the States asking for the return of their heritage are former colonies. The geographical borders of modern States born after the decolonization seldom have an historical reality: within the modern borders, several distinct nations and cultural groups are often gathered. Thus, some modern States do not claim the repatriation of their cultural heritage (for their own is only fifty-years old) but the cultural heritage of one of the nations or cultural groups living within its borders. Moreover, State borders may not coincide with cultural areas of influence and some nations are spread in several countries. This event challenges the legitimacy of some cultural heritage claims. In that case, to whom the claimed heritage is supposed to be returned? To a State or to the nation?

According to Kymlicka (1995), most States worldwide are multicultural and multinational, with a gathering or federation of various distinct cultures. Usually, this federation is composed of a majority nation and some or many minorities. China with the Han majority is good example of a multinational State. At some point, all majorities attempt to diffuse a single societal culture to promote the integration and a single cultural identity through a common culture. In the

perspective of Kymlicka's analysis, cultural heritage claims by States can be seen as a mean to concretize this societal culture which raises several issues.

As mentioned above and as Cuno (2008, at 405) states it, there is no obvious relationship between a nation and a State and their linkage has no "historical reality". Thus, cultural nationalism, defending the cultural identity of the country of origin, is but a political construct. Nigeria is one of the countries where this problem arises. For several years, the State of Nigeria has asked for the return of the bronze plaques taken from the palace of Benin-City during the British punitive expedition of 1897 and conserved at the British Museum since then. This bronze plaques are part of the cultural heritage of the Edo Kingdom of Benin. This Kingdom of Benin still exists as a chiefdom submitted to the authority of the Nigerian State. At the request of the Oba – title of the King – a cultural association within the chiefdom also claimed the repatriation of the bronze plaques to the British Museum to conserve them in the royal museum next to the royal palace in Benin-City. In this case, which of these two requests is more legitimate? The one from a State composed of over 250 ethnicities with the Edo nation representing less than 1% of the population? Or the one by the nation of origin of the cultural objects? As of now, the British Museum has refused all restitution claims regarding Edo cultural heritage. Furthermore, some scholars are even more critical of the interconnection between culture, State and nation. Heritage and culture are not static but evolve. Therefore, Lowenthal (2005) argues that nobody can ever own the past, for history is never ours. Just as culture is dynamic, nations, tribes and ethnicities are not enduring entities through time. If we go back to the example of Nigeria and of the Kingdom of Benin, can we say that the Kingdom of Benin asking now for the repatriation of its heritage is the same cultural entity or group as the Kingdom of Benin from the 15th century? Since the 15th century, the Kingdom has been submitted to colonial authorities and then to the new-born Nigerian authority and it has been influenced by Christianity and Islam. For Lowenthal (2005), the return of cultural objects to their so-called countries of origin is a logically flawed process.

Nowadays, theory of recognition has gained prominence in social and political studies. For the theorists Fraser & Honneth (2003), recognition is a notion coming from the Hegelian philosophy and designating an ideal reciprocal relation between subjects, in which each sees the other as its equal but also separate. Taylor (1989), who applied the theory of recognition to politics, also connects it to cultural identity since individuals' identity is partly shaped by its recognition or, on the contrary, by its non-recognition. When people or individuals are not

recognized or are misrecognized, it becomes difficult for them to embrace their true-self and to bound with others. Many former colonies or indigenous people, such as Native American tribes, ask for the repatriation of their cultural heritage because they believe that its appropriation by the States that submitted them was a sign of disrespect and non-recognition of their cultural identity, hence making them inferior to others. With the Declaration of Intergovernmental Conference on Cultural Policies of Africa (1975), the African States members of UNESCO claimed the return of their cultural heritage in search of respect and of reaffirmation of their own identity. According to those States, the return of translocated cultural objects should be part of the decolonization process to remediate the attempts by colonial powers to erase their identity. Moreover, for the States and nations claiming the recognition of their identity, seeing the cultural objects they were deprived of displayed in foreign museums is a living memory of colonialism, conquest and mistreatment. Keeping this memory alive can nurture resentment and conflicts (Alfred, 2005), which may end up with what Taylor (1989, at 27-28) calls a “crisis of cultural identity”. In order to solve this crisis, those States and nations need to get back the recognition, respect and dignity they are entitled to.

Contrasting with the position of cultural nationalism defenders and the arguments used in the recognition theory, some museums embraced Kant’s cosmopolitanism and the Enlightenment values, adapting that theory to the restitution of cultural heritage. In their vision, culture and heritage transcend national identity and comprehension. Museums which consider themselves as universal also rely on Kant’s philosophy to justify their position. For MacGregor & Williams (2005, at 59), two of the foremost directors of the British Museum, museums are not to be considered as universal due to the extent and richness of their collections but because they are privileged interpreters of a common human history and of universal cultural values. Universal museums – almost exclusively Western institutions –often host symposia on the value of restituting cultural heritage to its State or nation of origin. Yet, the same museums rejected most repatriation claims because requesting States or nations would not be able to provide a favorable context to the conservation of cultural objects. In 2002, 18 museums, including the Louvre, the Metropolitan, the Hermitage and the Ethnographic Museum of Berlin, signed the Declaration on the Importance and Value of Universal Museums that was published by the British Museum. It recognizes the importance of cultural heritage’s original context. Nonetheless, it underlines that many of the cultural objects conserved in universal museums were acquired decades if not centuries ago and have thus become part of the museums’ heritage and, by extension, part of the heritage of the nations who have preserved them. If the original context of a cultural object is important, the context provided by museum is at least as much important. Furthermore, unlike

States and nations, universal museums are in the service of every people. They contribute to develop culture and to foster knowledge with a continuous process of reinterpretation. Therefore, all museums parties are opposed to restitution. In the Declaration, it is written that all items in universal museums' collections were acquired by "purchase, gift or partage". 'Partage' is a neutral word that can include dubious acquisitions. By using it, universal museums claim their absolute legal title on their collections. It would be anachronistic and meaningless to be inquisitive on the circumstances of acquisition of their collections.

Yet, the legitimacy of universal museums is undermined by several elements. Universal museums are relying on the ideals and values of the Enlightenments. According to MacGregor (2004), the British Museum's universality is embedded into the values of the emerging British society in the 18th century: a governance based on disinterested trusteeship; the commitment to Protestant social ideal and the intellectual liberty. For Curtis (2005), this humanistic approach professed by universal museums is outdated. Curtis also disagrees with the idea that universal museums provide the best context for the reinterpretation process of cultural heritage. Restitution does not diminish a museum nor its capacities. On the contrary, it can give a new perspective, a new insight on the returned cultural property. In addition, the position of universal museums has been compromised by using their universal status to pose themselves against restitution (O'Neil, 2004). Indeed, MacGregor, director of the British Museum in 2002, asked his counterparts in the main Western museums to sign the Declaration at a time when Greece was increasing its pressure on the United Kingdom to get the Elgin Marbles back. In O'Neil's (2004) perspective, universal museums are adopting a white, male, imperial and national superiority approach in most cases and are merely global in a geographical sense. Singh (2009, at 125) agrees that there is no real universal ideal yet. Universal museums are Western institutions that – outside West – are rather perceived as "terrifying places with insatiable appetites" and therefore the idea of universal museums promoting tolerance and understanding is risible. Yet, Singh (2009) is not fundamentally against universal museums *per se*. They have been an important cultural phenomenon and the imperialist milieu in which they emerged is unlikely to happen again.

In 1979, the UNESCO commissioned the ICOM – the International Council of Museums – to assess the potential solutions for returning cultural property taken in times of colonial or foreign occupation to countries of origin. The study used a cultural nationalist approach. The report was favorable to restitution as cultural heritage is an important component of national identity and all people have the right to access their own. Nonetheless, it concluded that the policy allowing repatriation must not end up in the disappearance of major institutions, including

universal museums, which played a crucial role in science and in the dissemination of culture. Following the principle of ‘coherence’, restitution should only concern objects representing essential socio-cultural values, and which are thus indispensable for people to comprehend their own culture.

2. Cultural objects as diplomatic instruments

Disputes over cultural heritage are multi-dimensional. The restitution claims of cultural property are involving legal, ethical and political aspects. They are affected by the use of civil or criminal, domestic or international laws, as well as by human rights, economic interests,¹³ history and international relationships. If these aspects are not fully considered during restitution negotiations, then the process may not be conclusive (Moser, 2002). Thus, Shehade & Fouseki (2016) emphasize the importance of the political dimensions. Relationships between the States concerned by a restitution claim can either facilitate or jeopardize the settlement of an agreement. Russia and Germany are a great example of political tensions due to their quarrel over cultural objects. After WWII, the Red Army retrieved about 2.5 million objects from Germany and took them back to USSR. Some of these cultural objects were returned between 1955 and 1960. Yet, many of them remained in USSR. In 1995, the Hermitage set up the exhibition “Hidden treasures revealed” – which included several paintings taken from German collectors in 1945. The exhibition caused a political clash between Germany and Russia as the two countries had different interpretations of the facts. For Germany, the paintings belonged to their former German owners or their beneficial owners while for Russia, those artworks represented a legitimate reparation for the Nazi destructions during the war. According to Bleiker (1999), this conflict was not resolved because of its supranational dimension. There is no ultimate arbiter with the ability to supervise international disputes. In the absence of an international mediator with sanctioning powers, some States are using sanctions as leverage to win their case and get the cultural objects they requested back. This power-based settlement of

¹³ Tangible cultural heritage presents all characteristics of capital assets with economic value. According to Throsby (1999, at 8), an item of tangible heritage – such as a heritage building or a cultural object – has an economic value due to its very physical existence. This economic value, given by the value of its materials, is likely to be enhanced by its cultural value. A cultural good like a painting may have a marginal physical value but can still have an important economic value, derived from its cultural worth. Moreover, cultural heritage is considered as a powerful driver for growth and development worldwide. Tourism has become a major economic activity and cultural tourism plays a significant role in economic growth, regional development and revitalization of local economies. In 2005, tourism accounted for 11.5% of the EU’s GDP and generated 24.3 million jobs. See ICOMOS (2011).; Europa Nostra (2006).

States may ask for the restitution of their cultural heritage for it is part of their cultural identity, but they may also do so because retrieving their cultural goods might enable them to become more important tourist destinations.

heritage disputes can end up with the return of cultural objects, but it can also harm the relationship between the States concerned. In 2009, France gave back to Egypt 5 fragments of fresco acquired by the Louvre between 2000 and 2003. In fact, after 2008, doubts were cast on the legitimacy of the export of the 5 fragments and it turned out that they were illegally exported after the ratification of the 1970 UNESCO Convention. The Egyptian Culture Minister threatened to stop archeological cooperation with the Louvre if the frescos were not restituted to Egypt, as it happened shortly after.¹⁴

Finally, the disputes over cultural heritage are affected by the parties involved in the process. The outcome depends on the domestic rules of the States and of their internationalist or nationalist approach (Shehade & Fouseki, 2016).

a. What is cultural diplomacy?

Restitution claims are entangled with political considerations. The decision to return cultural property to its country of origin could be related to cultural diplomacy, whose definition lacks clarity on the practices it involves, its importance and functioning. Hence, ‘cultural diplomacy’, ‘public diplomacy’ and ‘soft power’ are often used interchangeably. Cummings (2003, at 1) defines cultural diplomacy as “the exchange of ideas, information, art and other aspects of culture among nations and their people to foster mutual understanding”. According to Bound, Briggs, Holden, & Jones (2007), cultural diplomacy is an ancient practice that can be traced back to the first human settlements, and which has facilitated flows of cultures, languages and religions. It is a common tenet that cultural diplomacy is meant to establish and strengthen relationships between countries; this is what Ang, Isar, & Mar (2015, at 365) call an “interest-driven governmental practice”, which differs from cultural relations – an “ideal driven practice” mostly involving non-state actors – and public diplomacy, is a “citizen-driven practice” targeting national or global publics instead of governments. The concept of soft power was forged by Joseph Nye (1990; 2004) to describe the shifting nature of American power at the end of the Cold War in a new atomized multi-polar world. In presence of diminishing economic and military powers, the US had to look for co-optative or soft powers to influence others’ preferences by attraction rather than by coercion. There has been a renewal of interest for cultural diplomacy after 9/11 as it could be used as critical platform for contacts and negotiations with international relationships at jeopardy.

¹⁴La France va restituer cinq fresques du Louvre revendiquées par l’Egypte. (2009, October 9).

Many studies focus specifically on heritage and museum diplomacy and its effects on international relationships. Winter (2015) differentiates cultural diplomacy and heritage diplomacy. The former concerns the export of a specific cultural form as part of soft power mechanisms, while the latter also involves multi-cultural exchanges based on past shared culture.

b. Heritage and museum diplomacy

Museums, as windows on the past and on a country's culture, contribute to national identity (Wang, 2018). Hence, they can play an important role in diplomacy and in the past few years, there has been an increase of cross-cultural museums' exchanges as diplomatic tools (Cai, 2013).

According to Shehade & Fouseki (2013), museums are valuable diplomatic tools in various situations. They may be used to build or strengthen relationships between countries prior to other negotiations has a token of political goodwill. Falkoff (2007, at 278) makes a link with the return of cultural property, stating that "repatriation may be seen as an expression of respect, potentially leading to improved international relations between the source nation and the nation in which the object is located". In 2013, the international agreement on Iran's nuclear program was concluded despite the decades of poor relations between Iran and the US. Prior to the negotiations, a silver chalice seized by Customs and Borders protection in 2003 was returned to Iran which had requested its repatriation for 10 years. Heritage and museums can also foster cultural cooperation or serve as incentives to conclude agreements in other fields, like economics. After President François Mitterrand gave back to South Korea one of the 297 royal manuscripts conserved in the National Library in Paris (BNF) in 1993, Alstom won the market for the installation of rails for high speed trains across the country. One can speculate about the impact the manuscript's return had on the decision of the South Korean government.

Yet, if museums can prove themselves to be powerful allies in the game of diplomacy, they can also be responsible for putting international relationships at jeopardy by refusing to play a political role. When Greece increased its political pressure on the British government in the early 2000 to get the Elgin Marbles back, MacGregor (2004) stated that Greece's claim over the return of the marbles was flawed in logic. According to him, the Greek government was requesting their repatriation as they are a major symbol of the European democracy while Athens was a slave-owner city and an imperialist maritime power which constructed the Parthenon by asking other Greek City-States to pay tributes for organizing the defense against

Persian Empire. Therefore, the request lacked credibility and was motivated by political motivations: the construction of a new national identity by the government after the collapse of Greek military junta. This assertion by MacGregor, who was director of the British Museum at the time, endangered the relationship between Greece and the United Kingdom. Museums may declare they have an apolitical stance, but their final decisions have political consequences whether intended or not. The signature of the Declaration on the Importance and Value of Universal Museums (2002), in which museums parties posed themselves against restitution was perceived as another symbol of the misrecognition and disrespect of non-Western cultures. Finally, the diplomatic use of museums and cultural heritage has been controversial. Some scholars consider that it relegates arts and culture to a form of governmental propaganda deprived of independence and criticality (Cai, 2013). For Mirrlees (2006), the instrumentalization of culture is a new form of cultural imperialism promoting unequal relationships between Western and post-colonial States.

III. International legal regimes protecting cultural objects

Plunder and destruction of cultural objects during armed conflicts are not modern phenomena. Historical records of cultural objects being looted or damaged in times of war can be traced back to Antiquity. The adage “to the victor go the spoils” had been a guiding principal for victorious belligerents for centuries and it is not until the 19th century that destruction and looting of cultural objects in the event of armed conflict began to be legally codified.

Stating that the threat to cultural objects originates from two different sources, Nafziger (2008) distinguishes two separate legal frameworks aiming at protecting and preserving them. The first legal regime is meant to tackle with the destruction and lootings of cultural property in times of war while the second regime deals with States’ ability to cooperation with each other to prevent and sanction the illicit trafficking of cultural objects.

1. Protection of cultural objects in the event of armed conflicts

From Antiquity to the 18th century, it was commonly accepted that in the event of armed conflicts both immovable and movable properties went to the victor. Cultural and sacred objects were included in the spoils belonging to the winner.

During the Renaissance, artworks began to be considered as unique, making their loss permanent. Despite this first recognition of importance, cultural objects were not protected from plunder and destruction by any domestic law nor international treaty. Yet, some political thinkers and jurists addressed the issue of the rules of war and of the behavior of military, notably towards non-combatants and non-military targets. The Polish lawyer and political writer Jakub Przymusiński was one of the first to propose prohibiting the pillage of objects of worship and outstanding works of art in his famous essay published in 1553, *Leges Seu Statuta ac Privilegia Regni Poloniae*, on Polish law. Similarly, one of the most eminent jurists of the 17th century, Hugo Grotius suggested a codification of war and of the rightful behaviors. In his essay from 1625, *The Rights of War and Peace*, Grotius (2005) made a distinction between just and unjust wars based on the causes and conduct of the conflicts. According to him, a war is never justifiable but when it serves right. Therefore, he proposed that in case of unjust wars, all things were to be returned to their former lawful owners by those who plundered or held the looted artefacts at the end of the conflict. He also believed that all items that are not necessary to support war efforts should be left undamaged and unseized.

In spite of the willingness of some intellectuals and jurists, the various proposals to legislate the protection of cultural objects in the event of armed conflict remained a dead letter until the 19th century.

At the beginning of the 19th century, the Napoleonic Wars determined an unprecedented level of transfer of artworks and cultural objects from Italy, Russia, Egypt, Prussia, Spain and the Netherlands towards France. After defeating his opponents, Napoleon I imposed onerous economic penalties upon defeated enemies under coercive treaties – such as the Treaty of Pressburg signed on December 27th 1805 by French and Austrian Empires – with artworks taken as partial payments. In 1815, after the ultimate defeat of Napoleon I, a request for the return to countries of origin of the artworks brought to France was made at the Treaty of Paris. This proposal was rejected at first, for accepting it would mean the dispersion of the objects gathered with French victories. It was only when the return of artworks was conditioned to their availability to all within countries of origin that the clause was accepted. The discussion initiated at the Treaty of Paris showed that cultural property was a matter of human rights.

In the second half of the 19th century emerged a consensus regarding the need to protect non-military targets in times of war and the first national and international rules of war were redacted. In 1862, Francis Lieber, a professor at Columbia University, was asked to redact a code of conduct for armed forces by President Abraham Lincoln. In April 24th 1863 was published the General Orders n°100, latter known as the Lieber Code, signed by the President and first formal guideline redacted by a sovereign State for the conduct of its army. As codified in the Lieber Code, a distinction is made between private plunder and institutionalized looting; only public property can be subject to seizure by military forces (Art. 31). Moreover, cultural property – including classical artworks, libraries, scientific collections and precious instruments – are to be secured against all avoidable injuries (Art. 35). Nonetheless, if cultural properties can be removed without injury, the conquering State can order them to be seized for its benefit (Art. 36). Hence, this legislation aimed at protecting cultural objects but did not prohibit plunder *per se*.

Later in the 19th century, there were several attempts of international treaties on the laws and customs of war, one of which was the Brussels Declaration, adopted by 15 European States on August 27th 1874 but never ratified, for it would have been binding. Those attempts set the foundations for the First Hague Peace conference (1899). This international meeting, organized at the initiative of Tsar Nicholas II of Russia, gathered 26 States and resulted in the adoption of 3 International Conventions. The convention known as the 1899 Hague Convention (II) included provisions for the protection of cultural objects in times of war. It notably forbids

destroying or seizing enemy's property unless it is imperatively required by the necessities of war (Art. 23(g)). It also requires taking all measures necessary to spare edifices devoted to art, science, religion, charity or medical care which are not used for military purposes (Art.27). Finally, it prohibited plunder, even in case of military assault (Art. 28). The 1899 Hague Peace Conference was followed in 1907 by the Second Hague Peace Conference involving 43 States. The 3 Conventions of the Conference of 1899 were revisited, and 10 additional Conventions were redacted. The 1899 Hague Convention (II), which became the 1907 Hague Convention (IV) was the least modified and the provisions for the protection of cultural properties remained identical.

The need for protecting cultural property from armed conflicts became even more imperative in the aftermath of the two World Wars during which the provisions laid down in the 1899 and 1907 Hague Conventions were widely ignored. After WWII, some studies on the institutionalized lootings perpetrated by the Nazis on a massive scale estimated that they amounted \$2 to 2.5 billion (Gillespie, 2011). In addition to the unprecedented level of pillage, many cultural objects and properties were destroyed during the war. The German troops were responsible for the destruction of 427 Soviet museums among which the wealthiest cultural institutions of Leningrad, Stalingrad, Smolensk, Novgorod and Poltava (The International Military Tribunal, 1947). In China, Japan's military forces wiped 2.500 libraries and 92 institutions of higher learning out. Given the extent of the disaster, seventeen countries – including the UK, the US, the USSR and the French National Committee – gathered in London in January 1943 to combat and defeat the systematic plundering by Axis powers within the territories which had been overrun or brought under enemy's control. The Inter-Allied Declaration Against Acts of Dispossession Committed in Territories Under Enemy Occupation or Control (hereinafter the London Declaration), released on January 5th 1943, declared the right of all parties to invalidate any transfers of, or dealings with property, rights and interests whatsoever committed in territories which had been under the control or occupation of governments with which they were at war.

After the end of WWII in 1945, war criminals were prosecuted at the Nuremberg and Tokyo courts. American, British, French and Soviet jurists ensured that Nazi criminals were also prosecuted for the damages inflicted upon cultural properties, considering that the plundering and destruction of museums, collections, libraries and archives were part of Nazi government's plan to amplify German cultural superiority by diminishing if not annihilating other cultures. They alleged that the behavior of German military forces was breaching the customs and laws of war as redacted in the 1907 Hague Conventions and notably Art. 56 that prohibits the seizure,

damage or destruction of cultural properties. The Nuremberg Tribunal ruled that “plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity” are qualified as war crimes (Art. 6).

Additional progress has been made when property was officially recognized as a fundamental right with the Universal Declaration of Human Rights (1948) stating that “no-one shall be arbitrarily deprived of his property.” (Art. 17). An additional consequence of WWII was the willingness to create a new specific legal framework dedicated only to the protection of cultural objects in times of war. The 1954 Hague Convention was adopted to codify the rules protecting cultural objects with which States parties occupying another country must comply. Two principles are formulated in the preamble of the Convention. First, a damage caused to anyone’s cultural property is to be considered as a damage to all mankind. Second, cultural heritage should be placed under an international protection. They are considered as the foundation of modern international heritage law. The obligations created by 1954 Hague Convention to safeguard cultural properties (Art. 2 & 4) are the following: cultural property cannot be used for military or any purposes likely to expose them to destruction or damage in the event of an armed conflict; States parties have the duty to train their military forces to respect the Convention’s principles and its provisions (Art. 7); States parties occupying another country have the duty to assist local authorities to safeguard and preserve cultural property and to take all necessary measures to ensure its preservation in case the said local authorities are unable to do so (Prott & O’Keefe, 2011). A binding protocol has been adopted at the same time as the Convention. This protocol, known as the First Protocol to the 1954 Hague Convention requires States parties to take various actions to prevent the exportation of cultural objects from the territories they occupy. In addition, if the occupying State fails to prevent all exportations to its own territory, the authorities must seize the illegally translocated cultural objects, put them under their custody and return them to the country of origin when the conflict ends. Nonetheless, some considers the First Protocol of little effect. According to Lijnzaad (2010), at the time of the redaction of the Convention, there was at first no intention of creating a separate instrument with practical provisions on the return of cultural objects illegally removed from countries during times of war. But some countries were opposed to the incorporation of those measures in the main body of the Convention, for they would be binding. Therefore, the decision was taken to redact a side protocol to which States members of the Convention were not forced to become a party. Moreover, some critics stated that there has been no evidence nor example of any States parties to the First Protocol taking measures whatsoever to shut down trades, transfers or movements of cultural objects in areas of armed conflicts (Boylan, 1993). These

critics are supported by several elements. It was only on September 18th 2013, for the first time, that cultural objects were returned pursuant to the First Protocol when four 16th century icons were given back to Cyprus by the Netherlands. These icons were taken out of the island following the invasion of Cyprus by Turkey and were discovered years later in a private collection in the Netherlands. In addition, the provisions laid down in both the Convention's main body and the First Protocol failed to prevent the plunder and destruction of cultural objects in Bosnia and Croatia with the Yugoslav Wars (1991-2001), in Kuwait and Iraq with the First Gulf War (1990-1991) or in Afghanistan with the Civil Wars (1989-1996).

The Second Protocol to the 1954 Hague Convention was thus adopted on March 26th 1999 to update the legal protection of cultural heritage. To strengthen the Convention and of the First Protocol, new provisions were created. The Second Protocol notably provides a definition of what is 'military necessity' and introduces the principle of 'enhanced protection'. To ensure the good compliance with the Convention and Protocols, additional penalties sanctioning serious violations were incorporated. Moreover, a monitoring body for the implementation of the protocol – the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict – was created.

The 1954 Hague Convention and its two Protocols have considerably enhanced the legal protection of cultural property in areas of conflicts and are part of customary international law.

2. Protection of cultural objects against illegal trafficking

According to Liu (2016), the legal regime protecting cultural heritage in other contexts than war is made of three elements operating at three different scales. First, there are international conventions – the 1970 UNESCO Convention and the 1995 UNIDROIT Convention. Second, there are regional or bilateral laws and agreements. The European Council and the EU are a noteworthy example of regional legislation and agreements protecting cultural property from illegal trafficking. Third, cultural objects are protected from illegal trafficking by domestic custom controls and by national prosecution – which is partly based upon foreign and international laws.

The 1970 UNESCO Convention was redacted to fight against the spate of robberies and illegal exports of cultural objects in the 1960's by establishing a system of control of imports and exports. According to Manganaro (2017), the 1970 UNESCO Convention and its provisions have raised problems of interpretation regarding the recovery of cultural property. Article 11 of the Convention states that:

“The export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.”

On the one hand, some consider that with this article, the Convention recognizes any transfers of ownership or exports under compulsion as illicit, thus making them null and void. On the other hand, others deem the illicitness of the transfers or exports to be dependent on the legal regime implementing it. The control of imports and exports incorporated in the Convention has also been criticized for the risks it causes to international trade. Abramson & Huttler (1973) see the Convention’s attempt to control exports of private cultural property as being meaningless since export *per se* does not damage cultural objects’ contextual value nor does it deprive living cultures of objects of ritual or ceremonial importance. Another important issue related to the Convention is the broad normative definition that is made of ‘cultural property’. In the 1970 UNESCO Convention, it is up to each State party to specify with domestic laws which cultural objects are of national importance and are banned from export. This right of States parties to declare their national cultural heritage inalienable has been called the “blank-check” provision by Merryman (1986, at 844). The 1954 Hague Convention and its Protocols are therefore often considered as more effective in terms of the means and resources made available than the 1970 UNESCO Convention regarding the return of cultural property to countries of origin. To remedy the Convention’s weaknesses and failures, the UNESCO commissioned in 1984 the UNIDROIT - the International Institute for the Unification of Private Law – to redact a new set of international private laws aimed at preventing and fighting the illicit trafficking of cultural property. The final text of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was adopted on June 24th 1995, giving every country the right to possess at least an adequate representative collection of its own national heritage. Though the 1995 UNIDROIT Convention is using the same categories of cultural objects as the 1970 UNESCO Convention, it does not require States Parties to designate the cultural objects of significant importance and subject to a specific legal protection. Moreover, stolen or illegally exported cultural objects are to be returned without making any distinction between public or private property nor between acquisitions in good or bad faith (Art. 3(1)). Nevertheless, *bona fide* purchasers of stolen artefacts are entitled to a fair and reasonable compensation if they can prove they exercised “due diligence” upon acquisition (Art. 4(4)). Another difference between the two Conventions regards that stolen cultural objects can be claimed by States or private parties in the case of the 1995 UNIDROIT Convention while the 1970 UNESCO Convention only makes restitution

claims possible through diplomatic channels. But for illegally exported cultural objects, only States are entitled to claim their property back, for the requests are based on the breach of public laws. The requesting State must act within time limits and demonstrate that the export has jeopardized either the physical preservation, the cultural context, the preservation of scientific or historic information or the traditional or ritual use of the object by an indigenous community or to demonstrate the object's significant cultural importance (Art. 5(3)).

The 1995 UNIDROIT Convention was meant to remedy the 1970 UNESCO Convention's weaknesses. Yet, the ratification of the Convention by so few States – 46 contracting States as of 2019 compared with 137 States parties for the 1970 UNESCO Convention – is a sign of its practical failure.

3. Soft-laws and ethics principles reinforcing the protection of cultural objects

In addition to the legal regime protecting cultural property and enabling its return to countries of origin, ethical principles and soft laws regarding the acquisition of cultural objects and their repatriation have been sought by many intellectuals.

As seen above, traditional legal regimes are often ignored or flawed, thus failing in sufficiently protecting cultural heritage. Norms, procedures, ethical standards on the acquisition of cultural objects set by international organizations such as the UNESCO or the ICOM would confer cultural property an additional protection (Casini, 2011). The surge for ethical guidelines is also highlighted by the fact that cultural heritage conveys emotional and symbolic meanings which cannot be fully described nor captured in legal terms, and the protection of cultural heritage would be better accommodated by a set of positive laws instead of normative ones (Chechi, 2014).

Some progress has been made to that end. Following the 1970 UNESCO Convention, many museums and art dealers have embraced ethical guidelines setting standards for the acquisition of cultural objects. Though guidelines are not binding, some of them have nonetheless proven to be effective. The most famous text is the ICOM's Code of Ethics for Museums (2017) requiring museums parties not to purchase cultural objects without full provenance history, even when it is legal to do so. Similarly, with the International Code of Ethics for Dealers in Cultural Property (1999) professional traders commit not to import, export or transfer cultural objects when there is a reasonable doubt they have been stolen, illegally alienated or unlawfully excavated and exported.

Soft laws dealing with the protection of cultural property also include the principle of ‘due diligence’ which applies in two cases. First, purchasers of cultural objects have the obligation to verify the veracity of the information supplied on their provenance and to gather additional data about their history and past ownership. Second, victims of theft or spoliation have the obligation to report it to law enforcement agencies and to make a diligent search for their property. The various UN General Assembly’s and UNESCO’s resolutions on the return of cultural property are complementing the soft-law framework. The UNESCO is also the primary institution helping States to claim the restitution of their national cultural property.

4. Legal hurdles surrounding restitution claims and alternative dispute resolution means

In spite of the existence of international legal regimes enabling the repatriation of looted or illegally exported cultural objects, States and private parties claiming the return of their property are confronted to many legal hurdles.

First, there are uncertainties on which legal courts are competent to deal with which problems. Several courts may have jurisdiction to rule cases of restitution: courts within the country where the looting or illegal export took place or courts within the country where the claimed objects are being hold. As of now, this conflict of jurisdiction has not been harmonized at an international level even though most of the time the applicable law is the law from the country where the objects are located, following the principle of *lex rei sitae*.¹⁵ It can sometimes be a matter of international law when the concerned objects are still in transit. The question of the competent jurisdiction is crucial in cases of restitution since it often determines the outcome of the claim (Manganaro, 2017). Several variables depend on the court seized to rule the case. It can change the limitation period during which a restitution claim is possible. It affects the opportunity to use the ‘good faith’ defense. In countries under Anglo-Saxon law, the *nemo dat quod non habet* (no one gives what they do not have) rule states that the purchase of a possession from someone who has no ownership right to it denies the purchaser any ownership title while in countries with Civil law, possession gives titles of ownership.¹⁶ The judgement is also

¹⁵ *Lex rei sitae* is a legal doctrine of property law and of international private law. It is Latin for "the law where the property is situated". The law governing the transfer of title to property is dependent upon, and varies with, the *lex rei sitae*.

¹⁶ The US and the UK are two examples of countries using Anglo-Saxon law, while France is using Civil law.

impacted by the international conventions to which the country where the court is located is party.

Second, claimants have to demonstrate the veracity of their allegation. In cases of looted artefacts, the ‘burden of proof’ implies claimants to demonstrate that they or their ancestors were the lawful owners of the objects until they were looted and that the actual holders of the objects did not acquire them in good faith, which is extremely difficult.

Despite the difficulties of court litigation, claimants can still choose to go through the legal procedure since the final judgement can formally grant them ownership and that the decision can be enforced by judicial means. Yet, litigation is not always possible for several reasons, such as: expired time limitation to make a claim, lack of evidence to prove ownership, non-retroactivity of international conventions, considerable human and economic expenses, rigidity of the legal system. Therefore, over the past decades, most disputes over looted heritage have been settled outside legal courts using Alternative Dispute Resolutions (ADR) during which a mediator assists litigants reaching a mutually satisfactory agreement. The four instruments used by ADR are negotiation, mediation, conciliation (non-binding) and arbitration (binding). Many States have created non-judicial bodies to handle Nazi looted art cases – the Spoliation Advisory Panel in the UK, the Commission Pour l’Indemnisation des Victimes de Spoliations in France... – to handle the victims’ claims. ADR are more flexible than court litigation and several solutions can be considered: financial compensation for the beneficial owners of the victims of spoliation; recognition of the dispossessed owner’s original ownership title and the misappropriation in times of war; sale to a third party and division of the proceeds of the sale between parties; co-ownership... Yet, as for the litigation, there are shortcomings in ADR procedures: litigants may be reluctant to submit to the process and the non-judicial bodies have no sanctioning powers; the launch of an arbitration or a conciliation does not guarantee to reach a final agreement (Manganaro, [2017](#)).

IV. France's position on disputes over cultural heritage

1. French legislation protecting cultural objects

French legal regime protecting public cultural property is articulated around three key notions: inalienability ('inaliénabilité'); imprescriptibility ('imprescriptibilité'); unseizability ('insaisissabilité'). Inalienability of French public domain – which includes public cultural property – finds its sources in the Edit de Moulins (1566) relative to royal estate. This text, which is no longer an active legislation, fixed the inalienability of the State's public domain. Nowadays, the Code du Patrimoine or CP (French Heritage law) and the Code Général de la Propriété des Personnes Publiques or CGPPP (French legal provisions relative to the ownership of public entities) include the public museums' collections inalienability (Art. L451-5 of the CP; Art. L3111-1 of the CGPPP), imprescriptibility (Art. L2311-1 of the CGPPP) and unseizability (Art. L3111-1 of the CGPPP).

Furthermore, France is a country of Civil law, which means that possession gives title of ownership.

In addition to domestic laws, cultural property in France is protected by the various international conventions to which the State is party. France ratified all Hague Conventions (1899, 1907 and 1954) and the 1954 Protocols. It is also a party to the 1970 UNESCO Convention, although it was ratified only in 1997. As of 2019, France is not a party to the 1995 UNIDROIT Convention. Moreover, as a member of the European Union, France has adopted several measures and instruments protecting cultural property at a European level. The EU and the Council of Europe have enacted regulations and directives to prevent illicit trafficking of cultural objects and to enable the restitution of wrongfully removed objects since the creation of the Internal Market, with the abolition of the internal borders, jeopardized the prevention of illicit trafficking. Those measures notably foster Member States' reciprocal recognition of domestic provisions designed to fight the illicit trade in antiquities (Directive 93/7).¹⁷ Judicial authorities of the Member State where cultural objects have been unlawfully imported are compelled to return them to the requesting Member State (Directive 2014/60).¹⁸

¹⁷ Council directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of an EU country adopted on March 15th 1993.

¹⁸ Directive 2014/60/EU of the European parliament on the return of cultural objects unlawfully removed from the territory of a member State and amending regulation adopted on May 15th 2014.

2. Restitution of cultural objects in France

For decades prior to Emmanuel Macron's election as President in May 2017, the government had been taking a strong stand against the return of cultural objects held in French public collections. Most of the times, recovery claims of cultural objects by foreign governments were dismissed pursuant to the inalienability, imprescriptibility and unseizability of public property. In 2016, Patrice Talon, President of the Republic of Benin requested the return of the royal statues and objects looted during the sacking of Abomey by French military in 1892. Jean-Marc Ayrault and Audrey Azoulay – respectively Foreign and Culture Ministers at the time – replied officially on December 12th 2016 by saying that in accordance with current legislation, the requested objects cannot be returned to Benin.¹⁹

Nonetheless, some cultural objects were successfully repatriated in spite of the legal regime protecting public cultural property. Those returns were made possible in two different ways. One possibility to bypass both Heritage and Public laws is to pass an exception law with provisions applying to a specific public cultural property. Before the promulgation of an exception law, the restitution claim has to be examined by the Commission Scientifique Nationale des Collections (the national scientific commission in charge of public collections) which decides whether the requested cultural object can be decommissioned ('déclassé') (Art. L115-1 of the CP; Art. L2112-1 of the CGPPP). A decommissioned property no longer pertains to the Public Domain. It is therefore deprived of the inalienable, imprescriptible and unseizable character of public property. Exception laws have been used twice in France to enable the repatriation of cultural properties to their countries of origin. Saartje Baartman (1789-1815), known as the 'Hottentot Venus', was a South-African who was enslaved and exhibited in human zoos across Europe for her unusual morphology. After her death in Paris, her skeleton and organs were dissected and conserved in various Parisian museums. Her remains were on display in the gallery of physical anthropology in the Musée de l'Homme until 1974 when it was decided to store them in the reserves of the museum. The restitution of her remains was claimed on various occasions since the 1940's, notably after the end of Apartheid in 1994. Nonetheless, the claims remained unanswered until 2002, when the law n° 2002-323 passed on March 6th 2002 decommissioned the skeleton from its status of public cultural heritage which was returned to South Africa in May of the same year.²⁰ An exception law was also passed to

¹⁹ Jean-Marc Ayrault wrote that « Conformément à la législation en vigueur, [ces biens] sont soumis aux principes d'inaliénabilité, d'imprescriptibilité et d'insaisissabilité. En conséquence, leur restitution n'est pas possible. ». See Dagen (2017, December 7).

²⁰ *Loi n° 2002-323 relative à la restitution par la France de la dépouille mortelle de Saartje Baartman à l'Afrique du Sud* adopted on March 6th 2002.

enable the restitution of all Maori heads that were conserved in French public collections to New-Zealand. The debate over the Maori heads' restitution started in 2007 when the municipality of Rouen, without the State's agreement, declared its intention to give back the heads conserved in the Natural History Museum of the city to New-Zealand. On May 18th 2010, the exception law n°2010-501 decommissioned all Maori heads which were return to New-Zealand.²¹

Another possibility that has been used to enable restitution of public cultural property is to bypass Heritage and Public laws by stating that the claimed cultural objects did not belong to public collections even if they are conserved in public museums. Most objects concerned by this are the Nazi looted artefacts which have been placed under the custody of the *Musées Nationaux de Récupération* (MNR) until their rightful owners (or beneficial owners) are identified. Gifts and bequests to national collections can also be restituted using this strategy. In 2015, four golden plaques incised with stylized birds were returned to China. Those plaques had been exported out of China before the ratification of the 1970 UNESCO Convention and were given by a private collector to the *Musée Guimet* in Paris. Twenty years later, Chinese and French experts concluded that the provenance of the plaques was dubious. Despite the dubious origins of the plaques, their direct restitution to China was not possible for two reasons: the 1970 UNESCO Convention is not retroactive, and the decommissioning of gifts or bequests is not possible (Art. L451-7 of the CP). Hence, the government cancelled the gift years after the plaques entered the *Musée Guimet*, considering that they never belonged to the museum's public collections. The private collector, after getting them back, offered them to China.

An additional solution has been found to give back cultural objects to their countries of origin thought it is not, strictly speaking, a restitution. In 1991, the South-Korean Government claimed the restitution of the 297 royal manuscripts taken by the French Navy in 1866 during a punitive expedition and kept in the French National Library (BNF) ever since. In 1993, President François Mitterrand gave back one of the 297 manuscripts to South Korea during a public ceremony in Seoul as a gesture of goodwill from France without the agreement of the Parliament nor of the BNF's curators. Only in 2010 the process was relaunched. During the G20 Meeting that was held in Seoul in November 2010, President Nicolas Sarkozy agreed to give the remaining manuscripts back to South Korea. All the 297 manuscripts – including the one conserved in Seoul since 1993 – are loaned to South-Korea and the loan is renewable every

²¹ *Loi n° 2010-501 du 18 mai 2010 visant à autoriser la restitution par la France des têtes Maories à la Nouvelle-Zélande et relative à la gestion des collections (1)* adopted on May 18th 2010.

5 years. Therefore, legally speaking the manuscripts are still owned by France but are kept in Seoul.²²

3. A shift of French cultural policy under Emmanuel Macron's presidency?

a. A new official position on cultural property restitution

A political shift occurred with the election of Emmanuel Macron. During the Ouagadougou discourse on November 28th 2017,²³ the French President broke with decades of practices and official lines regarding French national heritage and public museums. In his speech, he affirmed his willingness to find solutions enabling short or long-term restitutions of cultural objects coming from French former colonies to Africa within 5 years. To that end, the government commissioned Felwine Sarr and Bénédicte Savoy to research potential solutions in March 2018. Even before the release of the report, some critics made a parallel with the Pandora box, considering that the project of Emmanuel Macron would empty national museums not only in France but in all Western countries with colonial collections. It would also jeopardize the universalism of the most important Western museums. Despite those critics, many people, including museums directors had great expectations for this report. Stéphane Martin, head of the Musée du Quai Branly where most of public African arts collections are conserved, was supportive of the project, since African arts are a unique case. Africa is the only continent with almost no heritage left.²⁴ It is estimated that 90 to 95% of African heritage is held outside of Africa.

The final report by Felwine Sarr and Bénédicte Savoy was published in November 2018. They concluded that African cultural objects taken out of Africa before 1960 (date of most African independences) as war and punitive expedition lootings, ethnological and scientific missions' collects, or misappropriation must be restituted to their countries of origin. To that end, they propose the creation of an *ad hoc* procedure based on bilateral agreements. The procedure would be launched by the official restitution claim by an African State. A bilateral agreement would be redacted with the following provisions: the completion of an inventory of all cultural objects originating from the requesting State kept in French public collections; the

²² For more details, see Cox, D. (2011).

²³ See <https://www.elysee.fr/emmanuel-macron/2017/11/28/discours-demmanuel-macron-a-luniversite-de-ouagadougou>

²⁴ See Dagen (2017, December 7).

establishment of a list of all objects claimed by the requesting State; the creation of renewable triennial research programs aiming at determining the provenance of the objects on the list and the creation of a joint committee of experts from France and the requesting States to examine the case of all claimed objects. A committee would then be designated to monitor the implementation of above-mentioned provisions. According to authors of the report, a derogation from the heritage and public law would go together with the use of bilateral agreements (the supranational level overtaking the national one). Their analysis is based on an example in the medical field of derogation from the common law for the benefit of a third-party country (Art. L411-1-2 of the Code de la Santé Publique (Public Health Code)).

Yet, this final report appears to be quite controversial and disappointing for many. Several issues have been raised. Some scholars and museum directors have criticized the lack of perspectives on the matter of restitution. Jean-François Charnier, former Scientific Director of the Louvre Abu Dhabi, has adopted a cautious stand towards the report because of its anti-Western culturalist view. According to him, colonization was a complex period, involving war, violence and plunder, but it cannot be reduced to that.²⁵ Therefore, the report instead of presenting a unilateral anti-colonial approach, should have rather been written using a multilateral view taking into account all aspects involved by restitution. For Stéphane Martin, head of the Musée du Quai Branly, the report describes French public museums as tokens of the suffering caused by colonialism.²⁶ Moreover, the report is focusing on thefts, plunders and war lootings while direct orders by European merchants with African artists and craftsmen had been attested since the 16th century. Hence, at least part of the African cultural objects held in France were acquired with consensual transactions.

The report has also worried art dealers since Sarr and Savoy advocate the ratification of the 1995 UNIDROIT Convention by France. As the Convention does not make any distinction between private and public property, unlike the 1970 UNESCO Convention, its ratification would force art dealers to return all illegally exported cultural objects they acquire.

Finally, the report has been subject to critics, for many of its propositions are in contravention with both the Heritage and the Public Property Laws.²⁷ The report considers that the criterion to decide whether to return cultural property should be the consent of both parties when cultural objects were acquired. Therefore, all cultural objects taken out of African colonies before 1960 whatsoever – war lootings, ethnographic or scientific collects, illicit exports – are to be returned

²⁵ See Noce (2018, November 27).

²⁶ See Noce (2018, November 29).

²⁷ Tripet & Bertilott (2018, December 10).

to the countries of origin unless there are testimonies explicitly proving that their acquisition was consensual. This poses two issues. First, by considering that all objects acquired before 1960 should be restituted, the report questions the lawfulness of the war lootings before 1899 and the ratification of the First Hague Conventions.²⁸ Second, by declaring that all objects were illegally acquired unless consent is proved, the principle of burden of proof is reversed, which is inconsistent with the practice in French legislation. Moreover, the report supports the return of cultural objects that were given or bequeathed to public collections. Yet, cultural objects included in public collections by gifts and bequests cannot be decommissioned and thus cannot be taken out Public Domain (Art. L451-7 of the CP). In addition, gifts and bequests by private collectors to public collections are often accompanied by binding clauses and the restitution of those objects would contravene them. Sarr and Savoy advocate that the *ad hoc* procedure would derogate from the French Civil Code to override all gifts, bequests and their clauses, no matter how long ago they were made, if they were acquired without consent – or presumed to be – and their restitution has been claimed. The report does not provide any explication on how the intended *ad hoc* procedure would bypass the Heritage and Civil Laws. Furthermore, the Commission Scientifique Nationale des Collections is not mentioned in the report's proposal. Its articulation with the joint commission in charge of the cases of restitution is thus unknown. Finally, the scheduling of restitutions drafted in the report will be extremely difficult to respect. The report plans the first returns to take place between November 2018 and November 2019. Yet, the *ad hoc* procedure is founded on bilateral agreements to be submitted to the ratification by the Parliament in some cases and for the ratification to take place, a new law authorizing it has to be passed. The procedure, which was meant to create a fast process of restitution, appears to be long and complicated.

Emmanuel Macron also distanced himself from the most controversial measures advocated by Sarr and Savoy.²⁹ The report provides its own definition of 'restitution': to reconstitute aims "to *re-institute* the cultural item to the legitimate owner for his legal use and enjoyment, as well as the other prerogatives that the items confers (*usus, fructus, and abusus*)."³⁰ The definition chosen by Sarr and Savoy goes further than the one used in the Code du Patrimoine which simply states that 'restitution' is the return of goods illegally exported from a State's territory to that territory (Art. L112-1 of the CP). By adopting this definition, the report considers that only definitive restitution is an adequate solution. Nonetheless, after the publication of the

²⁸ The 1899 Hague Conventions are not retroactive.

²⁹ See Noce (2018, November 29).

³⁰ See Sarr & Savoy (2018b), at 29.

report, the French President has commissioned Foreign and Culture Ministers to structure the process by considering all types of circulation of cultural objects: exhibitions, exchanges, short- and long-term restitutions, loans, cooperation... Macron also chose not to include cultural objects collected during ethnographic and scientific missions in the scheduled restitutions as of now.

b. The diplomatic use of arts and culture

According to Ahearne (2018), France was a pioneer for the establishment of an apparatus for its international cultural projection. In the 19th century, France had already developed an unparalleled array of cultural diplomacy tools. These tools have been including the Alliance Française network and the implementation of schools in foreign countries since the end of the 19th century; the development of university exchanges or the expansion of cultural institutes. As early as 1940, General de Gaulle was utterly aware of France's weaknesses, since French military *puissance* was declining and its economics was waning. In the aftermath of WWII, he called for a new emphasis on cultural diplomacy in which arts and culture would appear as softer instruments of international leverage to other contemporary leaders compared to hard powers (Frank, 2012; Larkin, 1991). To that end, the Direction Générales des Relations Culturelles (General Directorate for Cultural Relations) was created in 1945 within the Ministry of Foreign Affairs. As of 1968, the department was absorbing nearly 50% of the Foreign Affairs budget to sustain the French cultural projection ('rayonnement').³¹ According to some historians, this long-term strategy paid off. For instance, France was able to propose Paris as the natural home for UNESCO in 1946 (Maurel, 2010; Singh, 2011) and was allocated a permanent place on the UN Security Council (Chaubet & Martin, 2011).

The end of the Cold war paved the way for a multilateral world order. There were many more independent States than after the Second world war with the collapse of colonial empires in the 1960's and of USSR. It had therefore become harder to get attention and recognition from other countries and former main powers had more difficulties to justify their apparent privileged position. France was no longer a great power. According to former President Valéry Giscard d'Estaing, France still had its aspiration towards grandeur but was no longer as powerful as it once was. The country was henceforward a 'grande puissance moyenne' (a great middle power). To strengthen the recognition and the leverage of France, successive Presidents of the Republic have kept using French culture and heritage. An important element has been the maintenance

³¹ See Vaisse (2009), at Chap. 9.

of the importance of French language with the development of Francophonie. Cultural heritage has also been used to ease France's relationship with other States. In 1993, François Mitterrand gave back one out of 297 royal Korean archive manuscripts to South Korea when Alstom was negotiating with Seoul to win the public contract for the installation of high-speed train rails across the country. Emmanuel Macron, just as his predecessors, is using culture to strengthen France international projection. He signed a contract with Saudi Arabia in March 2018 providing France to develop Al-Ula region as an area of international tourism. The project, potentially worth tens of billions of euros, would be conducted with over 20 French cultural, scientific and educational institutions. The contract also implies exhibitions in Paris of Saudi cultural objects and joint research programs.³² Macron is willing to increase movements of cultural objects across borders to reinforce cooperation. During the Franco-Britannic summit of January 18th 2018, he shared his intention to lend the Bayeux Tapestry to the United-Kingdom by 2022 as a symbolic gesture demonstrating the maintenance of the bilateral relationship between the two countries despite the Brexit procedure.³³

In the same perspective, the commissioning of a report on the restitution of African cultural objects to their countries of origin can also be seen as strategy used by the State to rebuild or reinforce its relationships with modern African States as France's influence in Africa has greatly diminished since the 1990's.

French African policy is inseparable from its founder, the General de Gaulle. Africa was the only continent where France could act to reestablish itself as a great power after WWII and two decolonization wars.³⁴ This French African policy was known as the *Françafrique* – the special relationship binding France to modern African States with the establishment of the 'pré carré' (privileged zone of influence in former French colonies). *Françafrique* included maintenance of the zone franc; defense agreements; military, scientific and cultural cooperation; permanently stationed troops and annual Franco-African summits.

In 1990, French policy towards Africa was paralyzed by a debate on which approach adopt: the continuity with the traditional unilateral policy or a modernist multilateral policy (Bourmaud, 1996; 2011). France lost influence on African countries. After that, Presidents Jacques Chirac and Nicolas Sarkozy – with a renewed interest in Africa – pledged to break with traditional clientelist politics with the continent. Yet, it is not until 2012 and the presidency of François Hollande that changes occurred. According to Chafer (2014), in the 2010's *Françafrique* is no

³² See Noce (2018, May 10).

³³ See Dagen & Pietralunga (2018, April 11).

³⁴ Algeria and Indochina

longer a relevant framework for understanding contemporary French Policy. With François Hollande, French African policy shifted from unilateralism to multilateralism, building relationships with African States beyond the 'pré carré' and seeking the support of regional organizations. For Glaser (2014), Françafrique has become an Africa-France relationship with the African leaders pulling the strings.

Macron, as his predecessor, is seeking to strengthen France's relationship with strategic modern African States by making economic and cultural deals. In March 2018, President Macron and his Beninese counterpart, Patrice Talon, agreed on different projects which include the construction of an academic hospital in Abomey-Calvi, improvements of tourism in Benin or the support of academic and educative programs. The agreement also concerns the return of cultural objects from the Dahomey Kingdom to Benin as a gesture of goodwill. Following the publication of the report commissioned by the Elysée on November 23rd 2018, Macron has announced the future restitution of 26 objects taken during the sacking of Abomey in 1892 by General Dodds' troops in 1892. Amongst the 26 objects, the anthropozoomorph statues of Dahomey kings and a royal throne.³⁵

³⁵ See Hershkovitch (2018, November 28).

V. Research Methodology

1. Why France?

France is one of the countries with the largest public collections in the world. The Louvre, one of the 18 museums which signed the Declaration on the Importance and Value of Universal Museums in 2002, welcomes 10 million visitors who come to admire its extensive collections per year. What makes the renown of France is its cultural heritage.

Those public collections have been gathered over the centuries with purchases, gifts and bequests but also with war lootings, plunders, seizure, scientific and ethnologic missions.

Until 2018, there was no room for a debate over the repatriation of cultural objects conserved in French public collections, because successive governments had been strongly opposed to restitution apart from some rare exceptions and the French legislation protects cultural heritage and public domain locks the restitution process. As of 2019, the discussion on whether Western States should return cultural objects – notably those taken during the colonial-era – has intensified following Macron’s political shift. It could result in the modification of the domestic legal regime in order to allow and facilitate the repatriation process. It is therefore worthwhile to investigate French citizens’ opinion on repatriation and the reasons underlying the process.

2. Research design and methods

The research questions investigated in this thesis with a focus on French situation are formulated as:

Should the original owners or their rightful successors be entitled to ask for the return of their cultural property, even when it has been acquired prior to the adoption of protecting laws and conventions?

What are the cultural, ethical, philosophical, political and economic considerations underlying the repatriation of cultural property and what French citizens think these considerations should be?

As the objective of this thesis is to collect and measure opinions of French citizens on heritage disputes and the position France should adopt regarding cultural property restitution, a quantitative research was conducted using self-completed questionnaires administered online and randomly sampling French citizens. The main objective was to have a global overview of French public opinion on repatriation and France’s position on it. Therefore, quantitative

questionnaires were particularly suited in this context. As the questionnaire was meant for interrogating French citizens, it was developed and presented in French.

3. Questionnaire development

The questionnaire (Cf. [App. 1.](#)) included four parts. The first part focused on respondents' relationship towards museums. This part aimed to determine whether respondents' behavior within museums is a factor influencing their opinion on the repatriation of cultural objects. It notably sought to measure the importance respondents grant to the origins and provenance of museums' collections by using a 5-point intensity scale (Never/Always).

The second part of the questionnaire focused on the general debate over restitution of cultural objects. It included groups of statements to measure whether respondents distinguish cultural objects that should be repatriated while others should not, depending on various criteria: type of cultural objects; context of appropriation; time of appropriation; countries involved in the restitution process.

The third part of the questionnaire was dedicated to France's position over cultural heritage disputes and respondents' opinion on it. Questions aimed to measure if respondents would change the legal regime prohibiting the return of cultural objects in France and what would be the reasons to return them to their countries of origin by using 5-point intensity scale (Not important at all/Extremely important). Moreover, they had to give their opinion on the instrumentalization of restitution for diplomatic purposes.

Restitution is a complex multidimensional subject and most of the time, people are only partially informed on the subject. In order to get thoughtful responses, additional information was provided in association to some questions – especially on legal regimes – to give respondents a complete overview of the subject.

Finally, some personal information was collected in the fourth part. Respondents were notably asked whether they have ever worked in the cultural field and/or in the public sector, which could be factors influencing their attitude towards the restitution of cultural objects.

4. Data collection and analysis

In order to carry out efficient research, the sample had to be diversified and large enough for the analyses to be statistically significant. Otherwise, the conclusions would be inconclusive. Therefore, a random-sampling method was used and the questionnaire was administered online with a self-completion Google Form and sent to respondents by mailing. It was sent to 955

people. The questionnaire was opened for submission for two weeks in March 2019, from the 17th to the 31st.

Using R language, data were scanned, cleaned and analyzed (Cf. [App.2.](#)). Three cases were identified and dropped as the respondents were not French citizens. There were no missing data as respondents could not submit the questionnaire until all required questions were completed. The final sample consisted of 256 questionnaires completed with a response rate of 26,8%.

This study seeks to measure and understand the preferences of respondents with respect to the repatriation of cultural heritage and what elements should be considered when planning the return of cultural objects. In addition, this study aims to fathom what factors are influencing respondents' opinion on the matter.

To analyze respondents' opinion on cultural property restitution, a Principal Component Analysis (PCA) was used.

PCA allows the analysis and visualization of a set of data describing individuals with multiple quantitative variables. When 3 variables or more are included, it can be extremely difficult to get a multidimensional overview of a data set. PCA is a method which extracts the most important information contained within the data and synthesizes them in a reduced number of new variables – the principal components – by linearly combining original variables.

Using PCA on the data set enables the identification of homogeneous groups of observation or, in the contrary, atypical observations.

VI. Results and discussion

1. Respondents' profile

Table 1 shows the characteristics of respondents. Among the 256 respondents, 67,6% were females and 30,9% were males. The largest portion of survey respondents were aged 18-24 (30,5%), followed by those aged 25-34 (23,8%), 35-49 and 50-64 (18% each). The percentage of educated people was extremely important with 52,7% of respondents with a master's degree or equivalent and 10,2% with a PhD. 36,3% of respondents worked or are currently working in the public sector and 37,9% of them worked or are currently working in the cultural field³⁶.

Finally, 28,9% of respondents are living in the Parisian region and 30,1% in the PACA region (South-Est of France) while 35,9% are residing in other French regions and 5,1% abroad.

Despite the random-sampling method, the respondents' profile has several biases. First, there are many more women in the sample (67,6%) compared to the proportion female/male in the French population (51,6% women as of January 2019).³⁷ Second, the education level of the sample is higher than the one of French population. 90,6% of the sample has at least a bachelor or equivalent. As of 2015, the proportion of French having at least followed two years of higher education after graduating from high school was comprised between 11,1% (females between 55-64) and 31,3% (females between 25-34).³⁸ Third, 36,3% worked or is currently working in the public sector and 37,9% worked or has been working in the cultural field while the public sector employed 19,9% of the active working force as of 2016³⁹ and the cultural field only employed 2.4% of the working population in 2015.⁴⁰ Hence, the sample is not representative of French population and the conclusions this study will draw from the data could not be generalized to French citizens as a whole. Nonetheless, having a higher representation of educated people and workers from the public sector and/or cultural field will enable us to assess if these elements are factors influencing respondents' opinion on the restitution of cultural goods.

³⁶ Occupational categories included in the cultural field were precised in the question. Cultural field is comprised of performing arts, visual and applied arts, heritage, libraries, edition, audiovisual and education.

³⁷ 2018 Demographic profile of the French population. Retrieved from <https://www.insee.fr/fr/statistiques/1892086?sommaire=1912926>

³⁸ Insee Références (2016), at 193.

³⁹ Ministère de l'Action et des Comptes Publics. (2018), at 2.

⁴⁰ Picard (2018), at 7.

Table 1: Profile of Respondents. N = 256

Variable	Frequency	Percentage
<i>Gender</i>		
Male	79	30,9%
Female	173	67,6%
Prefer not to precise	4	1,6%
<i>Age</i>		
Under 18	0	0%
18-24	78	30,5%
25-34	61	23,8%
35-49	46	18,0%
50-64	46	18,0%
65 and older	25	9,8%
<i>Nationality</i>		
French	256	100%
Other	0	0%
<i>Residence</i>		
Île-de-France (Parisian region)	74	28,9%
PACA (South-Est of France)	77	30,1%
Other French regions	92	35,9%
Abroad	13	5,1%
<i>Education</i>		
No diploma	4	1,6%
High School diploma or equivalent	20	7,8%
Bachelor's degree or equivalent	71	27,7%
Master's degree or equivalent	135	52,7%
PhD	26	10,2%
<i>Is working or worked for public sector</i>		
Yes	93	36,3%
No	163	63,7%
<i>Is working or worked in cultural field</i>		
Yes	97	37,9%
No	159	62,1%

2. Hypotheses on the influence of socio-demographic factors

The fourth part of the questionnaire – in which personal information were gathered – was meant to see whether socio-demographic factors are of influence when it comes to the opinion on the repatriation of cultural objects. Therefore, we make the following hypotheses regarding the impact of the various factors on respondents' opinion.

H1: Older respondents, particularly those who were born before the collapse of the French colonial empire (circa 1960), were raised with a different mentality and are less likely to be favorable to the return of cultural objects to their countries of origins. On the contrary, younger respondents were raised in a multipolar world and are more likely to adopt a multicultural perspective and to be more favorable to the repatriation of cultural heritage.

H2: Respondents with a lower level of education do not feel concerned by the provenance of the cultural property conserved in public collections and therefore do not think that it should be returned to countries of origins. With a higher education, people consider that some cultural objects were acquired more or less legally, in unfair if not shameful contexts, which justify their return to their countries of origins. Finally, educated people interested in the topic realize that each return claim has its own specificities and that there are arguments admissible both for and against the return of cultural objects.

H3a: People working or having worked in the public sector might be less favorable to the return of cultural objects than those who have not.

H3b: People working or having worked for the Ministry of Culture are less favorable to the repatriation of cultural heritage than other respondents, including those working for other ministries.

This hypothesis cannot be tested due to the size of the sample. There are not enough respondents working for the Ministry of Culture for the results to be statistically significant.

H4a: People working or having worked in the cultural sector might be less favorable to the return of cultural objects for any political or diplomatic reasons than those who have not.

H4b: People working or having worked in the conservation and protection of heritage are less favorable to the repatriation of cultural heritage than other respondents, including those working in other cultural occupational categories.

As for H3b, this hypothesis cannot be tested due to the size of the sample. There are not enough respondents in each of the cultural occupational categories to get statistically significant results.

3. Descriptive analysis

a. General statements on the repatriation of cultural objects

The second part of the questionnaire was on the repatriation of cultural objects without focusing on any specific country. To begin, respondents were asked if they were favorable to the restitution of cultural objects to their countries of origin on a case-by-case basis or averse to it in any case. Prior to this question, no information nor definition of ‘restitution’ were given to respondents. 68,8% pronounced themselves favorable to restitution on a case-by-case basis while 9,4% declared being opposed to it. 21,9% did not know whether they were favorable (Cf. [App. 3.d.](#)). However, despite being predominantly favorable to restitution, 47,7% consider they only know a little about the subject and 25,8% that they know nothing (Cf. [App. 3.e.](#)). Respondents without knowledge on restitution are in majority favorable to it (56,1%) while only 3% of them are opposed to it. In the contrary, half people opposed to restitution are well informed.

Respondents were asked to give their opinion on various statements regarding cultural objects. In line with the argument used by universal museums (DIVUM, 2002) and cultural internationalists (Merryman, 1986), 80,5% consider that cultural objects belong to a common universal human history while 11,3% disagree and 8,2% do not know. In the international legal regimes, most conventions and treaties – such as the 1970 UNESCO Convention – which protect cultural objects and create legal provision enabling the return of cultural heritage only concern public property. Yet, 73,4% believe cultural objects that were acquired illegally before WWII and are kept in private collections should be concerned by restitution. It even goes up to 90,7% of respondents for cultural objects illegally acquired in present era. Similarly, 87,5% assert cultural objects sold by art dealers should also be encompassed (Cf. [App. 3.f.](#)). This is not possible in France for objects illegally exported and owned by private collectors or dealers as the country is not party to the 1995 UNIDROIT Convention.

The issue of the origin and context of acquisition of cultural objects is relevant in order to decide whether they should be repatriated. It was addressed by asking respondents to choose which contexts should be encompassed by restitution. Only 29,7% consider that all cultural objects might be returned to their countries of origin no matter when they were acquired, while for cultural objects illegally acquired after WWII, it is 68% of respondents. It goes up to 75% for cultural objects illegally acquired after the 1970 UNESCO Convention. Thus, it appears that the period of acquisition is a factor to be considered when deciding the repatriation of cultural property. Furthermore, 75,4% do not think that cultural objects acquired during scientific and ethnologic missions or archeological excavation should be returned to their countries of origin.

This position is in accordance with the decision of the French government not to return cultural objects acquired in those particular contexts despite the recommendation of Sarr and Savoy. 55,1% of respondents believe cultural objects seized as war lootings prior to the international prohibition of plunder should be repatriated (Cf. [App. 3.h.](#)). The 26 objects Macron has decided to give back to Benin in December 2018, which were looted in 1892 during the military expedition of General Dodds in Abomey, can in fact be considered as part of that situation. The context of acquisition is hence another factor that has to be taken into account for restitution. Nonetheless, considering that war lootings prior to the interdiction of pillage should be restituted is problematic. Should it concern all looted objects conserved in public collections? Or should it concern objects looted prior to the interdiction but after a given era, as the period of acquisition matter, as said above? If so, how to decide when to stop?

The second part of the questionnaire ended with two specific cases of repatriation claims – the Elgin marbles claimed by Greece to the UK and the bust of Nefertiti requested by Egypt to Germany. Respondents were provided details on the context and period of acquisition for each case. They were asked if the Elgin marbles and the bust of Nefertiti should be returned to Greece and Egypt. This question aimed to measure if people are more inclined to give back cultural objects to their former owners when it is not their country and its public collections that are concerned by the restitution claim. The results show that 37,5% believe Elgin marbles should be recovered by Greece and 37,9% consider that the bust of Nefertiti should be returned to Egypt. Nonetheless, almost equivalent percentages (35,4% in the first case and 34,4% in the second case) do not have an opinion on whether cultural objects should be repatriated. It seems that for other countries than France people are less inclined to take a decision or to pronounce themselves. One explanation would be the reduced information respondents have on those cases and on the countries involved compared to situations in which France is implicated (Cf. [App. 3.i.](#)).

b. Restitution in France

The third part of the questionnaire focused on the restitution of cultural objects in the French case. It began with the definition provided by the Code du Patrimoine of what restitution is. Respondents were also informed that restitution is not legal in France but with the adoption of laws specific to the decommissioning and repatriation of one particular object.

To start with, respondents were asked for which types of cultural objects restitution should be legalized on a case-by-case basis. 76,2% assert there should be a specific legal framework for human remains (mummies, anatomic preparations, bone fragments...). It is often argued that

as all people are entitled the same human dignity (Declaration of Human Rights, 1948, Art. 1), human remains should not be turned into heritage. Museums are regularly debating the question in symposia.⁴¹ Nonetheless, there are only few examples of countries in which there is a legal regime allowing the restitution of human remains. The US with the NAGPRA adopted in 1990 – which permits the repatriation of Native Americans’ remains to their tribes – is an example. Similarly, 85,5% considers that objects of worship from living cultural groups or nations should be repatriated. A link can be made with the literature on the importance of the context in which cultural objects are kept. Coombe (1993) asserts cultural objects lose their authenticity and become incomplete outside their original context. Sacred objects for a tribe or a nation become national treasures with a different context in another country. Differently from human remains and sacred objects, everyday objects should be repatriated for only 35,2% of respondents (Cf. App. 3.j.). A possible explanation of this difference between everyday objects and human remains or sacred objects is that unlike the latter, conservation of everyday objects does neither infringe human dignity nor suppose the misrecognition and disrespect of their people, or countries of origin (Taylor, 1989).

Regarding the utilization of restitution as an element of French cultural diplomacy, respondents were asked whether they are favorable to it. They were also asked to scale the importance of various reasons and motives for which cultural objects should be returned to their countries of origin. There are more respondents averse to a diplomatic use of restitution (37,9%) than respondents favorable to it (27%). Moreover, 35,2% did not know whether it should be used for diplomacy (Cf. App. 3.i.). This opposition to cultural diplomacy parallels the studies criticizing the diplomatic use of cultural heritage because it would relegate arts and culture to mere propaganda medium. It can be perceived as a new form of imperialism maintaining

⁴¹ For instance, the Musée du Quai Branly hosted an international symposium in February 2008 titled “From anatomic collections to objects of worship: conservation and exhibition of human remains in museums”. The objectives of the symposium were to discuss whether human remains conserved in museums are human beings or scientific subjects; to which property regime human remains depend; whether human remains have a place within museums’ collections. According to some, human remains – as human beings – have to be treated with respect and dignity and cannot thus be considered as part of heritage. In France, if human remains are not considered as part of cultural heritage, they are not submitted to the principle of inalienability and can be repatriated. In 2007, the municipality of Rouen decided to return the Maori Heads conserved in the local Museum of Natural History without asking for their decommissioning as required by the Code du Patrimoine, asserting that according to the bioethical law from July 29th 1994 (Art. 16-1 of the Code Civil), the human body and its components cannot be subject to property law. However, the Administrative Appeals Court of Rouen stated that this article was meant to prohibit mercantile use of human remains while their integration within a museum collection has a scientific and not a commercial vocation. This decision filled a legislative gap: in France, human remains can be integrated to heritage and are therefore submitted to the inalienability of the Public Domain.

For more details, see the legislative report n°482 (2008-2009) by Philippe Richert commissioned by the Senate on the law proposal regarding the authorization of the return of the Maori Heads conserved in France to New-Zealand. Retrieved from http://www.senat.fr/rap/108-482/108-482_mono.html

inequal relationships between Western and post-colonial States (Mirrlees, 2006). Agreeing with the argument used by cultural nationalists (Merryman, 1986), many consider important (rather important for 35,2%; very important for 39,5%) to repatriate cultural objects because they are part of the cultural identity of their countries of origin that should hence own them. Moreover, for 47,3% of respondents it is rather important (23% that it is very important) to seek to repair the past when returning cultural property and that present generations make amends for the past, acting out of the guilt to amend what they consider to be their predecessors' mistakes (Cf. Fig.1.).

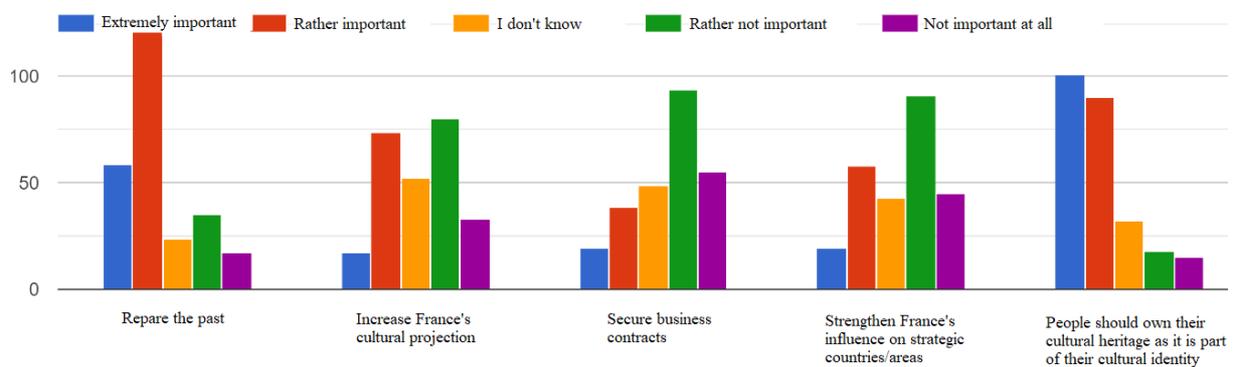


Fig. 1. Motivation and objectives of the repatriation of cultural objects

On the contrary, returning cultural objects to secure commercial contracts it not perceived as a legitimate motive by many respondents (rather unimportant for 36,7%; not important at all for 21,5%). Similarly, 52,7% of respondents consider reinforcing France's influence on strategic areas to be a rather unimportant or a non-important at all motive. Yet, 22,7% see it as rather important. Regarding France's cultural projection, opinions are divided (Cf. App.3.m.). It seems restitution should not be part of a political agenda, or at least to a lesser extent. Nonetheless, restitution and cultural heritage disputes are almost always affected by the political scene as the relationship between requesting and requested States can facilitate or jeopardize the settlement and as most cases are handled through negotiating process, which involves both diplomacy and politics (Shehade & Fouseki, 2016).

As restitution is still not legal, despite the willingness of the government to return some cultural objects to their countries of origin, respondents were asked to select alternatives solutions or provisional measures that could be used instead. A percentage of 79,7% believe that museums must display the details of the origins and context of acquisition of cultural objects when those details are known. In many cases however, those details are blurred or unavailable, as many cultural objects that could be concerned by repatriation were acquired by museums as gifts or

bequests. For post-colonial States and their nations, seeing relocated cultural property in foreign museums can be perceived as a living memory of colonialism, disrespect and misrecognition, hence nourishing resentment (Alfred, 2005).⁴² In contrast, 77% of respondents believe that France could temporarily loan cultural objects to their countries of origin on a regular basis. There are already a few examples of such loans, like the exhibition of the royal treasures of Dahomey Kingdom in Cotonou in 2007. But they remain scarce. Nonetheless, this alternative solution is in contradiction with the recommendation made by Sarr & Savoy (2018a) who prefer permanent restitution to temporary loans. According to them, with loans, Western museums are granted the monopoly on the control of the objects' mobility and the power to decide about their relevance. Another alternative is to consult the people of origin of cultural objects (or their representatives) on how to conserve and display those objects when their culture is still alive. This alternative is chosen by 67,6%. France has already complied with the wishes of a living culture regarding the conservation of cultural objects in the past. Since the 1980's, the Museum Te Papa Tongarewa, acting on the behalf of the government of New-Zealand, has been asking to all museums conserving Maori remains in their collections not to publicly display them but to keep them within the collections' reserves. France acceded to this request. But as for restitution, France did not take the initiative to contact tribes, nations or cultural groups to ask them how they want their cultural heritage to be displayed. The initiative must come from the requester. Finally, 45,7% assert that France could propose to purchase the cultural objects to the States who are claiming their return in order to keep them in French museums (Cf. App. 3.k.). This solution would represent a Pareto optimum solution, since requesting countries may have greater needs for money than for cultural objects and France could keep its museums' collections intact. Nonetheless, agreeing to purchase the objects could be perceived as the acknowledgement that the first acquisition was not legitimate. It could also be seen as an exploitation of the relative poverty of some countries to spoil them from their heritage. Legally this transfer would be valid, but some could have reserves about the opportunity.

Finally, respondents were asked if their opinion on restitution evolved after completing the questionnaire. This question aims to see if reflecting on the subject and receiving more information makes a difference on people's opinion. 44,5% are still favorable to restitution and only 5.5% are opposed to it. When people's opinion evolved, it is principally a positive

⁴² For instance, the royal objects (statues and thrones) of Dahomey kingdom that are currently conserved in the Musée du Quai Branly are labeled "Don Général Dodds" (donation of General Dodds). General Amédée Dodds was the leader of the French armies who ransacked the royal city of Abbomey and the royal treasures were taken as war loots during the expedition. Therefore, labeling the acquisition as a gift can be ill-perceived by Beninese.

evolution: 22,3% are more favorable than before while 1,2% are less favorable. However, there are still 26,6% who are uncertain about restitution (Cf. [App. 3.n.](#)).

Restitution is a complex, multidimensional issue and no aspect involved can be ignored. The decision to return cultural objects to their countries of origin depends on many elements: period and context of acquisition, legal regimes, type of object, type of property (public/private), reasons to repatriate the objects, economic interests.⁴³ Thus, the restitution process can hardly be generalized. Restitution claims have to be studied on a case-by-case basis to study all details of acquisition and assess the various aspects at stake.

⁴³ As seen above, cultural objects having an economic value – enhanced by their cultural importance –, requesting parties can have economic interests when claiming their return. Requested parties also have economic interests involved with restitution claims. As for requesting parties, they may be using cultural heritage as a driver for economic growth and development. Therefore, if they have to repatriate part of the cultural property they conserve, they might become less attractive for tourism. Moreover, restitution is not a free process: the claims have to be studied by qualified experts, it might require passing laws or decrees, the cultural objects have to be transported back to their countries of origin...

c. Influence of socio-demographic factors on respondents' opinion of restitution

In order to study whether socio-demographic factors (Cf. [App. 3.o-t.](#)) are influencing respondents' opinion on the repatriation of cultural objects, the Pearson correlations between the main variables have been calculated (Cf. [App. 4.](#)).

Table 2 lists the definition of the dependent and explanatory variables.

Table 2: Summary of the explanatory variables and expected effects

Variable	Type	Description
Dependent variables		
<i>Q1</i>	<i>O</i>	Frequency of visits to museums in the past 12 months. Never; 1 to 3 times; 4 to 5 times; 6 times or more
<i>Q2a</i>	<i>O</i>	How frequently respondents read artworks' description when visiting museums? Never; Seldom; Occasionally; Often; Always
<i>Q2b</i>	<i>O</i>	How frequently respondents pay attention to artworks' origins when visiting museums? Never; Seldom; Occasionally; Often; Always
<i>Q2c</i>	<i>O</i>	How frequently respondents read artworks' description when visiting museums? Never; Seldom; Occasionally; Often; Always
<i>Q3</i>	<i>B</i>	Is the origin of cultural objects displayed in museums important? No; Yes
<i>Q4</i>	<i>O</i>	Are you favorable to the restitution of cultural objects? No; I don't know; Yes, on a case-by-case basis
<i>Q5</i>	<i>O</i>	Are you informed on the topic of restitution? No; A little; Yes
<i>Q6a</i>	<i>O</i>	Do cultural objects belong to a universal human history? No; I don't know; Yes
<i>Q6b</i>	<i>O</i>	Should cultural objects displayed in public areas be concerned by repatriation? No; I don't know; Yes
<i>Q6c</i>	<i>O</i>	Should cultural objects illegally acquired in present period and conserved in private collections be concerned by restitution? No; I don't know; Yes
<i>Q6d</i>	<i>O</i>	Should cultural objects illegally acquired before WWII and conserved in private collections be concerned by restitution? No; I don't know; Yes
<i>Q6e</i>	<i>O</i>	Should cultural objects illegally acquired and sold by art dealers be concerned by restitution? No; I don't know; Yes
<i>Q7a</i>	<i>O</i>	Were cultural objects acquired in colonies saved by Western countries? Never; Seldom; I don't know; Often; Always
<i>Q7b</i>	<i>O</i>	Were cultural objects retrieved from colonies acquired legally but not ethically? Never; Seldom; I don't know; Often; Always
<i>Q7c</i>	<i>O</i>	Are cultural objects retrieved from colonies conserved in better conditions in the West? Never; Seldom; I don't know; Often; Always
<i>Q7d</i>	<i>O</i>	Is the return of cultural objects requested by peoples different from those who crafted them? Never; Seldom; I don't know; Often; Always
<i>Q8a</i>	<i>B</i>	Should cultural objects illegally acquired after the adoption of the 1970 UNESCO Convention be repatriated? No; Yes
<i>Q8b</i>	<i>B</i>	Should cultural objects illegally acquired after WWII be repatriated? No; Yes
<i>Q8c</i>	<i>B</i>	Should all cultural objects be concerned by repatriation, regardless of their period of acquisition? No; Yes
<i>Q8d</i>	<i>B</i>	Should cultural objects acquired during scientific missions/archeologic excavations be concerned by repatriation? No; Yes
<i>Q8e</i>	<i>B</i>	Should cultural objects acquired as war loots before the international prohibition of plunder be repatriated? No; Yes
<i>Q8f</i>	<i>B</i>	Should cultural objects seized by colonial administration to erase local cultures be repatriated? No; Yes
<i>Q9a</i>	<i>O</i>	Should the Elgin marbles be restituted? No; I don't know; Yes
<i>Q9b</i>	<i>O</i>	Should the bust of Nefertiti be restituted? No; I don't know; yes
<i>Q11b</i>	<i>B</i>	Should sacred objects/objects of worship be restituted? No; Yes

Table 2 continued

<i>Q11c</i>	<i>B</i>	Should everyday objects be restituted? No; Yes
<i>Q11d</i>	<i>B</i>	Should human remains be restituted? No; Yes
<i>Q11e</i>	<i>B</i>	Restitution should not apply to any type of objects. No; Yes
<i>Q12a</i>	<i>B</i>	Should museums display the details of objects' origin and acquisition when they are known? No; Yes
<i>Q12b</i>	<i>B</i>	Should people of origin be consulted on how to display the cultural objects that belong to their cultural identity when their culture is still alive? No; Yes
<i>Q12c</i>	<i>B</i>	Should cultural objects regularly loan for temporary exhibitions in their countries of origin? No; Yes
<i>Q12d</i>	<i>B</i>	Should France offer to purchase the cultural objects whose repatriation has been requested to keep them in French collections? No; Yes
<i>Q13</i>	<i>B</i>	Are you aware of French government's restitution projects? No; Yes
<i>Q14</i>	<i>O</i>	Are you favorable to the diplomatic use of the repatriation of cultural objects? Averse; I don't know; Favorable
<i>Q15a</i>	<i>O</i>	Is repairing the past an important motive to repatriate cultural objects? Not important at all; Rather not important; I don't know; Rather important; Extremely important
<i>Q15b</i>	<i>O</i>	Is increasing France's cultural projection an important motive to repatriate cultural objects? Not important at all; Rather not important; I don't know; Rather important; Extremely important
<i>Q15c</i>	<i>O</i>	Is securing commercial contracts an important motive to repatriate cultural objects? Not important at all; Rather not important; I don't know; Rather important; Extremely important
<i>Q15d</i>	<i>O</i>	Is strengthening France's influence over strategic areas an important motive to repatriate cultural objects? Not important at all; Rather not important; I don't know; Rather important; Extremely important
<i>Q15e</i>	<i>O</i>	Is repairing the past an important motive to repatriate cultural objects? Not important at all; Rather not important; I don't know; Rather important; Extremely important
<i>Q16</i>	<i>O</i>	Has your opinion on restitution changed after completing this questionnaire? Still averse to restitution; Less favorable to restitution; Uncertain; More favorable to restitution; Still favorable to restitution
Explanatory variables		
<i>Gender</i>	<i>N</i>	Prefer not to precise; Male; Female
<i>Age</i>	<i>O</i>	Age categories. 18-25; 26-35; 36-50; 51-65; 65 and more
<i>Res.</i>	<i>O</i>	Area of residence. Abroad; Other French regions; PACA; Parisian region
<i>Edu.</i>	<i>O</i>	Level of education. No diploma; High school diploma or equivalent; Bachelor's degree or equivalent; master's degree or equivalent; PhD or equivalent
<i>Sect.Pub.</i>	<i>B</i>	Did you worked or are you currently working in the public sector? No; Yes
<i>Sect.Cult.</i>	<i>B</i>	Did you worked or are you currently working in the cultural sector? No; Yes

B binary variable; **N** nominal variable; **O** ordered variable.

Age is the socio-demographic factor with the most important influence over respondents' opinion. First, it appears that older respondents are in general more informed than the younger on the topic of restitution. This result is partly expected, since the debate over restitution is raised each time France is repatriating cultural objects. Restitution has become a hot topic in the media (newspapers, magazines, television...) after the commissioning of the report on the restitution of African cultural heritage by Emmanuel Macron in 2018. However, we have to consider that there were important media coverage also in occasion of the repatriation of Saartje Baartman in 2002 and the Korean royal archives in 1993. Second, *Age* is strongly correlated to the variables *Q6a*, *Q7a* and *Q7c* which suggests that older respondents reckon that cultural objects retrieved from colonies were saved by the West where they are conserved in better conditions (Cf. Fig.2.-4.).

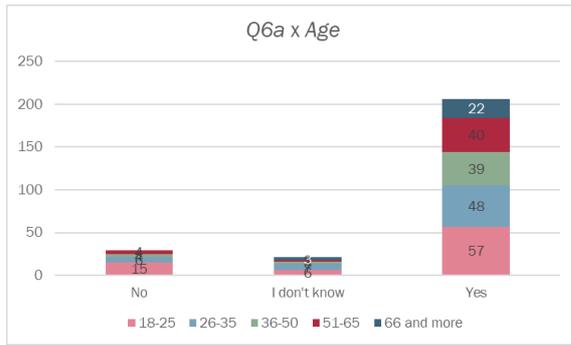


Fig.2. Cultural objects belong to a common universal history crossed with age repartition

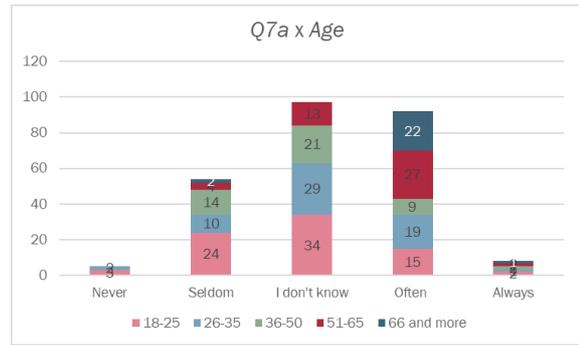


Fig.3. Cultural objects retrieved from the colonies were saved by the West crossed with age repartition

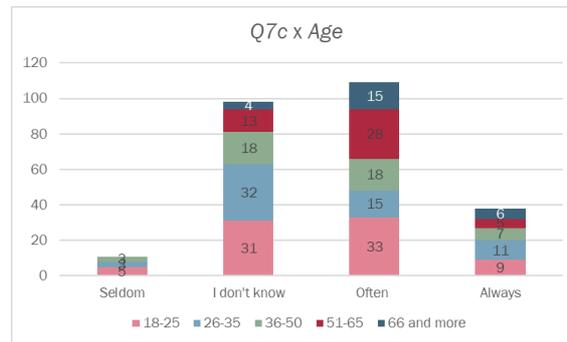


Fig.4. Cultural objects retrieved from the colonies are conserved in better conditions in the West crossed with age repartition

Third, the strong correlation between *Age* and *Q14* assumes that age influences respondents' approval of the instrumentalization of culture for diplomatic purposes. Older respondents are proportionally more favorable to a diplomatic use of cultural heritage and many deem appropriate to restitute cultural objects to strengthen France's cultural projection and influence on strategic areas (Cf. Fig.5.).

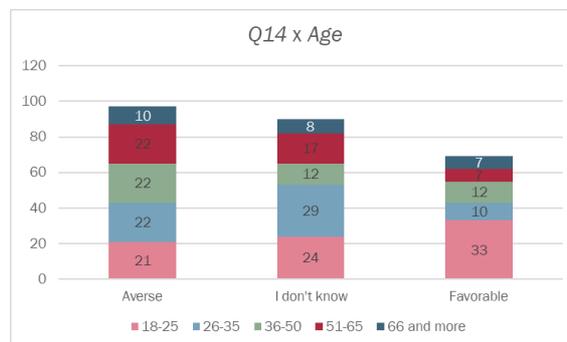


Fig.5. Opinion on the diplomatic use of restitution crossed with age repartition

Nonetheless, there are no correlations between *Age* and *Q4* or *Q16*. Younger respondents are not more favorable to the return of cultural objects than older ones even though the correlations

mentioned above show that various generations do not think of cultural objects and of their return with the same perspective. Therefore, **H1** is invalidated.

Unsurprisingly, *Edu.* is strongly correlated to the frequency of visits to museums (*Q1*), as the more educated are going more often to the museum. Furthermore, the more educated respondents are, the more they are informed on the topic of repatriation (*Q5*) (Cf. Fig.6.) and on the restitution projects of the French government (*Q13*) (Cf. Fig.7.). Nonetheless, education is not a factor with a significant influence on respondents’ opinion on restitution and **H2** is not substantiated.

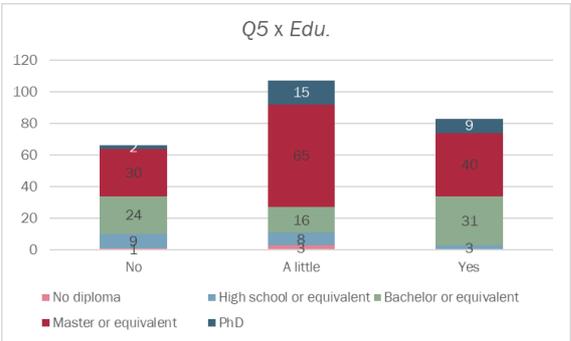


Fig.6. Being informed on the topic of restitution crossed with levels of education

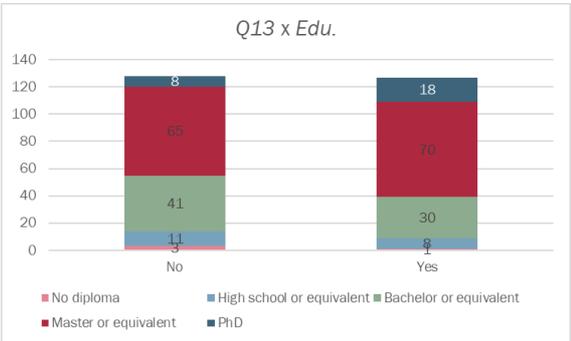


Fig.7. Being informed of the French government’s restitution projects crossed with levels of education

The *Sect. Pub.* (public sector) is strongly correlated to variables related to respondents’ relationship with museums. Respondents who worked/are currently working for the public sector are likely to go more often to museums than others (*Q1*) and they pay more attention to the details on the cultural objects displayed in museums (*Q2a*). Similarly, those respondents are more informed about repatriation (*Q5*) (Cf. Fig.8.). All those results can be explained by a sample-bias, since most respondents working in the public sector are employed by the Ministry of Culture. Working in the public sector is not a factor of influence and **H3a** is not corroborated.

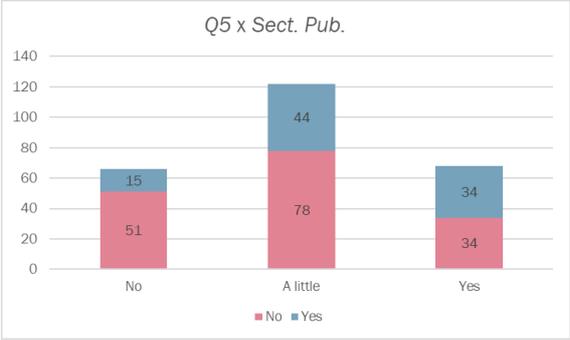


Fig.8. Being informed on the topic of restitution crossed with working in the public sector

Consistently with common wisdom, *Sect. Cult.* (cultural sector) is correlated to the relation to museums and the knowledge on repatriation (*Q1*, *Q2b* and *Q5*). Working in the cultural field has an influence on the respondents' opinion on what should be the motivations of France to return cultural objects to their countries of origin. *Sect. Cult.* is strongly negatively correlated to variables *Q15c* and *Q15d*, which means that people who worked or are currently working in the cultural field are less likely to consider that securing commercial contracts and increasing France's influence over strategic areas are important motives to repatriate cultural objects (Cf. Fig.9.-10.).

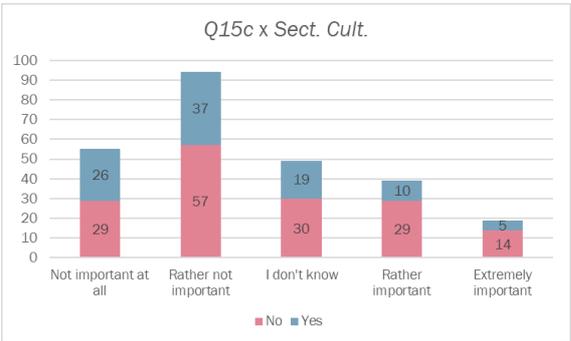


Fig.9. Secure economic contracts crossed with working in the public sector

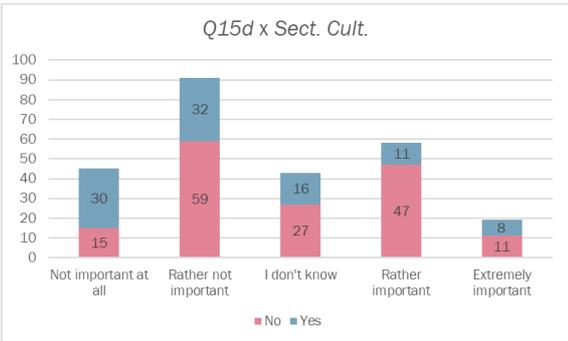


Fig.10. Strengthen French influence over strategic areas crossed with working in the public sector

This suggests that cultural workers either believe in the primacy of culture over politics and diplomacy or are opposed to any instrumentalization of cultural heritage which supports **H4a**. Finally, there is no correlation between *Sect. Cult.* and *Q4*, which suggest that working in the cultural sector does not influence opinion on the return of cultural objects.

Unlike the other socio-demographic factors, *Res.* is not correlated to any variables. There is no difference of attitude of the inhabitants from the Parisian region, PACA or other places of residence. Therefore, the place of residence has no influence on respondents' opinion regarding the repatriation of cultural objects in general or in the case of France, in particular.

d. Patterns of opinion

In order to study whether there are patterns of opinion or groups of variables linked with one another, a matrix of Pearson correlations was calculated and organized with a hierarchical clustering based on the correlation coefficient. The correlation clusters are visible on the correlogram below (Cf. Fig. 11.)

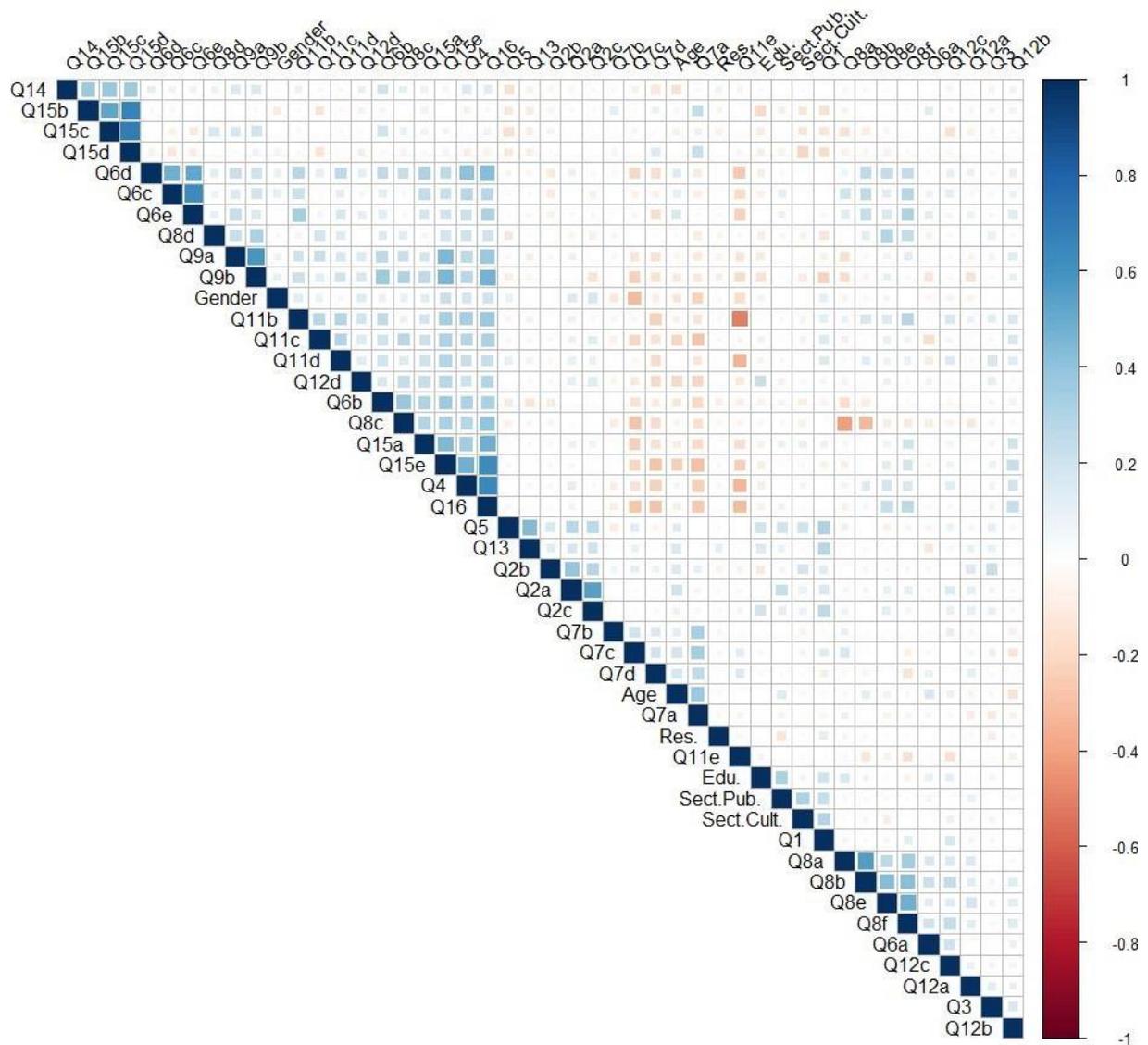


Fig.11. Correlogram of the explanatory variables with a hierarchical clustering

The first cluster concerns variables *Q14*, *Q15b*, *Q15c* and *Q15d*. The importance of the correlations shows that respondents' answers appear to be consistent as those who are against the diplomatic use of cultural heritage (*Q14*) do not deem important to repatriate cultural objects to strengthen France's cultural projection (*Q15b*); to secure commercial contracts (*Q15c*) or to ensure France's influence over strategic areas (*Q15d*).

The second cluster is rather large and encompasses the opinion on restitution (*Q4*; *Q16*); the context of acquisition and its influence over restitution (*Q6b*; *Q6c*; *Q6d*; *Q7e*; *Q8c*; *Q8d*); the type of objects that should be concerned by restitution and concrete examples (*Q9a*; *Q9b*; *Q11b*; *Q11c*; *Q11d*); the reasons for repatriating cultural objects and the potential alternative solutions (*Q12d*; *Q15a*; *Q15e*).

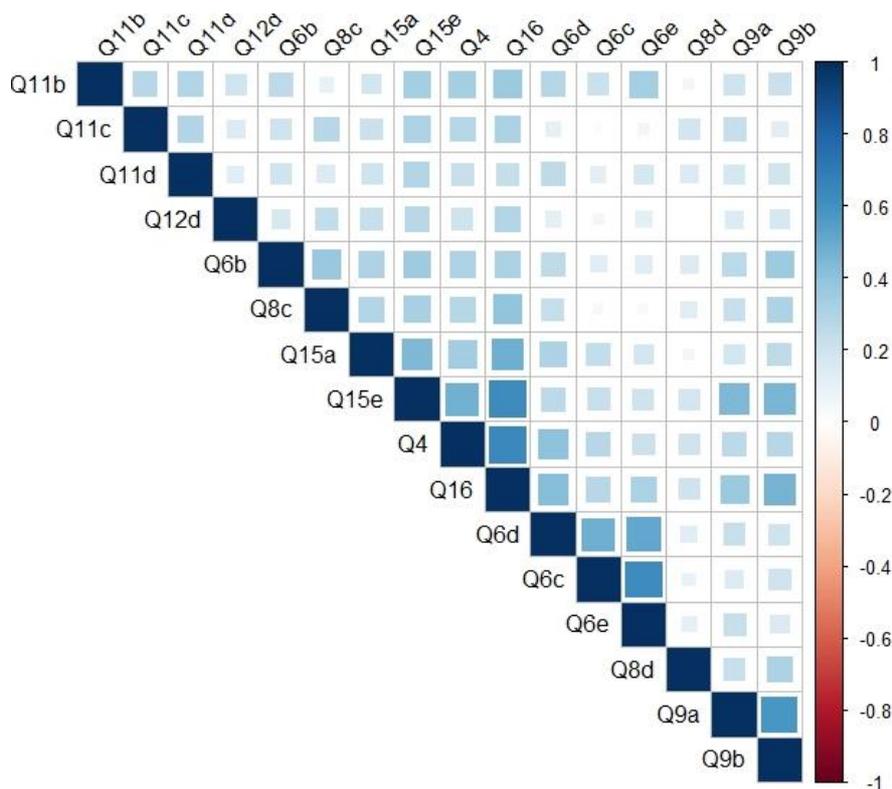


Fig.12. Correlogram of the explanatory variables from the second cluster with a hierarchical clustering

Alike in the first cluster, this second grouping of correlations (Cf. Fig.12.) demonstrates that the data are consistent. The positive correlations between *Q9a*; *Q9b*; *Q15e* and *Q8d* imply that archeological objects which are tokens of a people’s cultural identity -such as the Elgin marbles or the bust of Nefertiti – should be repatriated.

Variables *Q4*; *Q6b*; *Q8c*; *Q15a* and *Q15e* form another sub-group within the second cluster. It suggests that people who are favorable to the restitution of cultural objects – including those displayed in public spaces – are more like to consider that restitution should be done regardless of when they were acquired. In addition, most of them believe repatriation should be motivated by reparation and recognition of others’ cultural identity and ownership rights.

The third cluster of variables refers to the connection between the colonial context of acquisition (*Q7a*; *Q7b*; *Q7c*; *Q7d*) and age, which is mentioned above (Cf. Fig.3.-4.).

The last cluster encompasses variables linked with the period of acquisition and the legalization of restitution (*Q8a*, *Q8b*; *Q8e*; *Q8f*). Respondents who are favorable to the repatriation of cultural objects illegally acquired after the adoption of the 1970 UNESCO Convention are also more likely to be supportive of the repatriation of cultural objects illegally acquired before WWII; of war lootings prior to the adoption of the 1899 Hague Conventions and of cultural objects seized by colonial administrations.

e. Principal Component Analysis

The use of a Principal Component Analysis on the explanatory variables aimed to synthesize the data with a multidimensional overview. That would enable the identification of homogeneous or atypical observations.

The PCA was conducted with the 47 explanatory variables that were selected in the correlogram (Cf. Fig. 11.).

The cumulative contribution to information of the first 5 dimensions is only of 37,2% and it requires 24 dimensions to explain 81,2% of the variance (Cf. Fig. 13.). Yet, to be considered useful a PCA is supposed to explain over 80% of the variance in 2 to 4 dimensions.

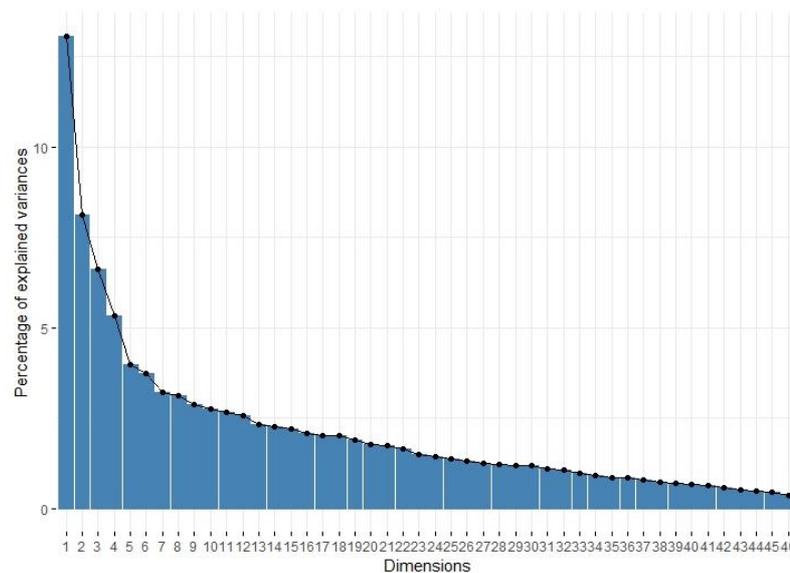


Fig. 13. Percentage of explained variance by each dimension of the PCA

It appears that the data cannot be synthesized in a few dimensions without losing too many information. This is due to the complexity of the subject and of the many aspects it encompasses.

4. Limitations and future research

This study is limited by several elements. First, the sample being biased, it is not representative of French population and the results cannot be generalized to French population. Second, the subject is extremely complex, and the variables provided by the questionnaire do not enable an acceptable synthesis and visualization of the data.

Yet, the descriptive analysis of the sample provides some information not only on respondents' opinion but also on which questions contribute to the analysis and which one are missing. Therefore, this study can be considered as a first attempt to analyze quantitatively the topic of restitution. As one of the conclusions of this study is that the decision of repatriating cultural

objects should be taken on a case-by-case basis, future research could be built on questionnaire focusing on real French repatriation cases, such as the ones decided by the government in November 2018 and not effective yet. These questionnaires might provide more insight on what people consider to be a justified or an unjustified repatriation. Moreover, the subject being complex and multidimensional, it may be beneficial to conduct a qualitative study in parallel of the quantitative one. Finally, due to time-limitations, this research only investigated the opinion of French citizens. Future research could investigate both French people and people from the States asking for the repatriation of their heritage. It would allow to analyze the variations of motivations and attitude towards restitution between both peoples.

VII. Conclusion

This study aimed to investigate the complex dynamics of the relationship between heritage and ownership and the legal, ethical and cultural issues affecting the return of cultural objects to their countries of origin, with a focus on the situation in France.

The first parts of this thesis illustrate how complex and difficult is the topic of repatriation of cultural objects. From a legal viewpoint, many restitution claims are confronted to legal hurdles as they concern objects that were stolen, seized or illegally exported before the adoption of international and domestic laws protecting cultural heritage. Yet, the willingness to protect cultural identity and the right of people to possess at least part of own heritage that has been expressed in various international official documents over the past decades lends legitimacy to some restitution claims.

As of now, restitution of cultural objects is not legal in France, either for public or private property unless their acquisition infringed one of the international Conventions protecting cultural heritage of which France is party. Despite that, current French government intends to return part of the cultural objects retrieved from colonies to modern African States. This controversial decision, which contrast with the position of all previous governments, can be seen as a new component of France's international cultural policy and diplomacy to rebuild or maintain strong relationships with African States.

The quantitative research conducted in this study sought to investigate what French citizens' would answer to the main research questions:

“What should the cultural, ethical, philosophical, political and economic considerations underlying the repatriation of cultural property be?”

“Should the original owners or their rightful successors be entitled to ask for the return of their cultural property, even when it has been acquired prior the adoption of protecting laws and conventions?”

The research findings of this study show that respondents are in general rather favorable to the repatriation of cultural objects to countries of origin, even though their position on the subject is – as expected – influenced by various socio-demographic factors, namely gender, age, education and working in the public and/or the cultural sector.

According to the results, respondents consider there are several elements that have to be taken into account when envisaging the restitution of cultural objects. Some repatriation claims are more reasonable and persuasive depending on the period and context of acquisition, the type of

objects or the claiming party. Specifically, cultural objects acquired as war looting prior to the prohibition of plunder or seized by colonial administrations; human remains or objects of worship from cultures that are still alive, are cultural objects whose repatriation is more likely to be recommended. In addition, many respondents are favorable not only to the return of cultural objects in public but also in private collections.

An interesting result regards soft-power policies, in the shape of the diplomatic use of cultural heritage. This is quite controversial and a substantial share of the respondents consider there should not be any political nor economical considerations involved in the return of cultural objects. Yet, despite this opposition of the public to museum diplomacy, it is difficult to discard all political considerations. The simple fact of accepting or turning down a repatriation request will have political consequences and will affect the relationship between involved parties.

It is relevant to mention that the modalities “I don’t know” or “I am uncertain” were chosen by many respondents to answer the questions regarding the type of objects or the context of acquisition that should be concerned by restitution. It highlights the complexity of the subject. Repatriation depends on so many variables it is nearly impossible to create a general framework to decide what cultural objects should be concerned. The return of cultural objects has to be carefully examined on a case-by-case basis. Hence, the legalization of repatriation in France would be difficult to implement: restitution should be made possible – without having to pass exception laws – but with a tight control of what objects could be concerned based on the elements mentioned above.

This quantitative research represents a first attempt of quantitative analysis that cannot be confidently generalized to represent the preferences of French citizens, due to mentioned limitations. It offers, however, useful insights for future analysis and for the definition of specific policies. Because of the complexity of the subject, a more extensive investigation will be needed to adequately improve our understanding of the public opinion on the subject.

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Appendices

Appendix 1 : self-completed questionnaire

Les biens culturels en France

Etudiante en économie culturelle, je réalise cette enquête pour mon mémoire. Cela ne vous prendra que quelques minutes. Il n'y a pas de bonnes ou de mauvaises réponses. Je vous invite à répondre le plus spontanément possible.

* Required

Partie 1 : votre rapport au musée

1) Combien de fois êtes-vous allé(e) au musée au cours des 12 derniers mois ? *

Mark only one oval.

- Jamais
 - 1 à 3 fois
 - 4 à 5 fois
 - 6 fois et plus
-

L'origine et le contexte d'acquisition d'une œuvre font référence à l'endroit d'où provient l'œuvre et à la manière dont elle est sortie de son pays (achat, don, pillage, découverte archéologique, ...)

2) Que pensez-vous des propositions suivantes concernant votre comportement lors de vos visites dans les musées ? *

Mark only one oval per row.

	Toujours	Souvent	Occasionnellement	Rarement	Jamais
Vous lisez les textes joints aux œuvres	<input type="radio"/>				
Vous prêtez attention à l'origine des œuvres	<input type="radio"/>				
Vous lisez les textes des expositions	<input type="radio"/>				

3) Selon vous, l'origine des œuvres exposées dans un musée est-elle importante ? *

Mark only one oval.

- Oui
- Non

Partie 2 : le débat sur la restitution des biens culturels

4) Etes-vous favorable à la restitution des biens culturels à leurs pays d'origine ? *

Mark only one oval.

- Oui, il faut envisager la restitution des biens culturels, au cas par cas
- Je ne sais pas
- Non, je ne suis favorable à la restitution des biens culturels dans aucun cas
-

Aujourd'hui, il y a un important débat scientifique et politique dans le monde sur la restitution à leurs pays d'origine des biens culturels conservés dans les musées – et acquis notamment pendant la période coloniale.

5) Etes-vous informé(e) sur le sujet de la restitution des biens culturels à leurs pays d'origine ? *

Mark only one oval.

- Oui
- Un peu
- Non
-

Des œuvres et biens culturels ont augmenté les collections nationales et les propriétés de l'Etat à toutes les époques grâce aux achats, aux cadeaux ou encore aux butins de guerre.

6) Quelle est votre opinion sur les propositions suivantes ? *

Mark only one oval per row.

	Oui	Je ne sais pas	Non
Les biens culturels appartiennent à une histoire universelle de l'Homme	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
La restitution devrait concerner les biens culturels exposés dans les espaces publics (obélisque de la Concorde...)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
La restitution devrait concerner les biens culturels des collections privées acquis illégalement à l'époque actuelle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
La restitution devrait concerner les biens culturels des collections privées acquis illégalement avant la Seconde Guerre mondiale	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
La restitution devrait concerner les biens culturels acquis illégalement et vendus dans les galeries d'art	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7) Que pensez-vous des propositions suivantes sur les biens culturels concernés par la restitution ?

**Mark only one oval per row.*

	Toujours	Souvent	Je ne sais pas	Rarement	Jamais
Les biens culturels acquis dans les colonies ont été sauvés par les pays occidentaux	<input type="radio"/>				
Les biens culturels provenant des colonies ont été acquis de manière légale mais pas morale	<input type="radio"/>				
Ces biens culturels sont conservés dans de meilleures conditions dans les musées occidentaux	<input type="radio"/>				
Ces biens culturels ont été fabriqués par des peuples différents de ceux demandant leur restitution	<input type="radio"/>				

8) La restitution des biens culturels est étudiée au cas par cas. Selon vous, quels biens culturels devraient-êtré concernés par la restitution aux pays d'origine ? Choix multiple *

Check all that apply.

- Les biens culturels acquis illégalement après 1970 et la convention de l'UNESCO contre le trafic des biens culturels
- Les biens culturels acquis illégalement après la Seconde Guerre mondiale
- Tous les biens culturels devraient être concernés par la restitution, quelle que soit leur époque d'acquisition
- Les biens culturels acquis lors de fouilles archéologiques ou de missions scientifiques dans un pays colonisé
- Les biens culturels acquis comme butins de guerre avant l'interdiction internationale du pillage
- Les biens culturels confisqués par l'administration d'un pays colonisé pour effacer les cultures locales

La Grèce et l'Égypte demandent la restitution d'œuvres majeures, les marbres du Parthénon au British Museum à Londres et le buste de Néfertiti au Neues Museum de Berlin. Les marbres du Parthénon ont été acquis en 1801-1802 par Lord Elgin avec l'accord de Constantinople car la Grèce, conquise au XVe siècle, faisait partie de l'Empire Ottoman. Le buste de Néfertiti a été découvert par des archéologues allemands en 1912 et est conservé en Allemagne depuis 1913.

9) Que pensez-vous des propositions suivantes ? *

Mark only one oval per row.

	Oui	Je ne sais pas	Non
Les marbres du Parthénon devraient être restitués	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Le buste de Néfertiti devrait être restitués	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Partie 3 : la restitution des biens culturels en France

Le code du patrimoine définit la restitution comme étant le retour de biens culturels sortis illégitimement du territoire d'un autre Etat. Elle n'est légale en France dans aucun cas à ce jour. Des objets culturels et restes humains conservés en France ont déjà été restitués à leur pays d'origine après le vote de lois spécifiques autorisant leur retour.

Aujourd'hui, il existe une législation spécifique pour la restitution des biens culturels spoliés par les nazis à leurs propriétaires d'origine ou à leurs ayants droit. Les autres cas de restitution ne sont pas légaux.

10) Que pensez-vous de la différence de cadre juridique entre la restitution des spoliations nazies et celles des biens culturels acquis illégalement pendant la colonisation ? *

Mark only one oval.

- Il est normal que la restitution des spoliations nazies soit légale dans tous les cas et pas celle des biens culturels provenant des colonies
- Je ne sais pas
- Il devrait y avoir un cadre juridique dans les deux cas
-

11) La restitution n'est pas légale à ce jour en France. Selon vous, pour quels types de biens culturels faut-il un cadre juridique permettant leur restitution au cas par cas ? Choix multiple *

Check all that apply.

- Les œuvres d'art
- Les objets sacrés / de culte des cultures toujours vivantes Les
- objets de la vie quotidienne
- Les restes humains (ossements, momies...)
- Pour aucun type de biens culturels

12) Pour améliorer les relations de la France avec des pays tiers, pensez-vous que les solutions alternatives suivantes puissent être bénéfiques ? Choix multiple *

Check all that apply.

- Afficher dans les musées les détails sur l'origine et l'entrée d'un bien culturel dans les collections nationales lorsqu'ils sont connus
- Consulter les peuples d'origine (ou leurs représentants) sur la manière d'exposer les biens culturels lorsque leur culture est encore vivante
- Organiser des prêts réguliers des biens culturels à leurs pays d'origine dans le cadre d'expositions temporaires
- Proposer aux pays demandant la restitution d'un bien culturel de le racheter afin qu'il demeure en France.
-

En 2018, le Président de la République a annoncé la restitution prochaine de 26 biens culturels à plusieurs pays d'Afrique bien que la loi n'ait pour le moment pas été modifiée.

13) Etiez-vous au courant de ces projets de restitution décidés par l'Etat ? *

Mark only one oval.

- Oui
- Non

14) Etes-vous pour ou contre l'utilisation de la restitution des biens culturels à leurs pays d'origine en tant qu'outil diplomatique ? *

Mark only one oval.

- Pour
 Je ne sais pas
 Contre

15) Quelles raisons et quels objectifs devraient justifier la restitution d'un bien culturel à son pays d'origine ? Veuillez associer chaque proposition à l'importance que vous lui accordez. *

Mark only one oval per row.

	Très important	Plutôt important	Je ne sais pas	Plutôt pas important	Pas du tout important
Réparer le passé (la France a acquis des biens culturels dans ses colonies de manière légale mais pas morale)	<input type="radio"/>				
Augmenter l'influence culturelle de la France	<input type="radio"/>				
Sécuriser des contrats économiques et commerciaux	<input type="radio"/>				
Renforcer l'influence française dans les pays et zones stratégiques	<input type="radio"/>				
Les biens culturels font partie de l'identité d'un peuple, qui devrait en avoir la propriété	<input type="radio"/>				

16) Après avoir rempli ce questionnaire, que pensez-vous des propositions suivantes ? *

Mark only one oval.

- Je suis toujours favorable à la restitution des biens culturels
 - Mon opinion a évolué et la restitution des biens culturels est envisageable
 - Mon opinion a évolué et je suis moins favorable à la restitution des biens culturels
 - Je suis toujours incertain(e) à propos de la restitution des biens culturels
 - Je suis toujours opposé(e) à la restitution des biens culturels
-

Afin d'analyser au mieux vos réponses, merci de répondre aux questions suivantes. Ces informations seront traitées de manière anonyme et agrégée.

Vous êtes : *

Mark only one oval.

- Un homme
- Une femme
- Je ne souhaite pas le préciser

Age : *

Mark only one oval.

- Moins de 18ans
- 18-25 ans
- 26-35 ans
- 36-50 ans
- 51-65 ans
- Plus de 65ans

Nationalité : *

Mark only one oval.

- Française
- Autre

Région (pour la France) ou pays de naissance si né(e) à l'étranger :

Région (pour la France) ou pays (pour l'étranger) de résidence : *

Niveau d'éducation: (pour les étudiants, veuillez indiquer le plus haut diplôme déjà obtenu) *

Mark only one oval.

- Scolarité jusqu'en 3ème, sans diplôme
- Scolarité jusqu'en Terminale, sans diplôme
- CAP ou BEP
- Baccalauréat
- BTS, DEUG, DUT ou DEUS
- Licence ou Licence professionnelle
- Maîtrise
- Master
- Doctorat
- Other: _____

Travaillez-vous ou avez-vous travaillé dans... ? *

Check all that apply.

- Le secteur public
- Le secteur privé
- Les professions libérales
- Aucun des cas ci-dessus

Si vous travaillez ou avez travaillé dans le secteur public, précisez la structure publique ou le ministère:

Travaillez-vous ou avez-vous déjà travaillé dans le secteur culturel ? (patrimoine et bibliothèques, arts visuels et appliqués, arts du spectacle, édition, audiovisuel, éducation)*

Mark only one oval.

- Oui
- Non

Si vous travaillez ou avez travaillé dans le secteur culturel, précisez dans quel domaine.

Appendix 2: coding of the data for analysis using R studio 1.1.463

```
## a : Ouverture du fichier .Csv :
## b : Changement noms colonnes
## c : modalités non attendues
## d : Suppression de valeurs
## e : Transformation des colonnes
## 2 : Visualisation & Analyse
## a : Visualisation data frame
## b : Graphique simple
## c : Variables d'interêt
## d : Quantitative data frame
## e : Statistiques descriptives
## f : Corrélation

#####
# 0 : Packages #
#####

## Installation des outils nécessaires au traitement et à l'analyse des données du sondage.
## Faire tourner une seule fois pour l'installation des bibliothèques sur la machine.

#install.packages('tidyverse')
#install.packages('corrplot')
#install.packages('DescTools')
#install.packages(c("FactoMineR", "factoextra"))
#install.packages('Hmisc')
## Chargement des librairies pour le fichier en cours.

library(magrittr) # utilisation des pipe : %>%
library(ggplot2) # Création de graphiques
library(dplyr) # Transformation de données / création de variables
library(tidyr) # Gestion de table de données / data frame
library(corrplot) # Matrice de corrélation
library(DescTools) # Statistiques descriptives
library(FactoMineR)
library(factoextra) # Data Mining, ACP, ACM , Anova ...
library(Hmisc) #significance levels, correlation matrices

#####
# 1 : Nettoyage des données #
#####

#####
# a : Ouverture du fichier .Csv #
#####
## Chemin du fichier .csv a changer si besoin : ATTENTION au sens des slashes ('/' OK ||| '\\' KO)
mon_sondage <- read.csv2('C:/Users/tiph2/Desktop/Les biens culturels en France.csv',
  sep=',', encoding = 'UTF-8')

#####
# b : Changement noms colonnes #
#####
colnames(mon_sondage) <- c(
  "Timestamp",
  "Q1_Nb_visites_12mois",
  "Q2a_Lire_texte_joint",
  "Q2b_Attention_origine",
  "Q2c_Lire_textes_exposition",
  "Q3_Importance_origine_oeuvre",
  "Q4_Favorable_restitution",
  "Q5_Informer_restitution",
  "Q6a_Histoire_universelle",
  "Q6b_Espace_public",
  "Q6c_Collection_privee_contemporaine",
  "Q6d_Collection_privee_w2",
  "Q6e_Gallerie_art",
  "Q7a_Sauver_pays_occidentaux",
  "Q7b_Legal_pas_moral",
  "Q7c_Meilleur_conditions_occident",
  "Q7d_Peuple_origine_différent",
  "Q8_Bien_culturel_pour_restitution",
  "Q9a_Parthenon",
  "Q9b_Nefertiti",
  "Q10_Spoliation_nazie",
  "Q11_Cadre_juridique_specifique",
  "Q12_Solution_alternative",
  "Q13_Connaissance_projet_etat",
  "Q14_Outils_diplomatiques",
  "Q15a_Reparer_passe",
  "Q15b_Augementer_influence_culturelle",
  "Q15c_Securiser_contrat",
  "Q15d_Renforcer_influence_strategique",
  "Q15e_Propriete_identite_culturelle",
  "Q16_Opinion_postquestionnaire",
  "Pers_Genre",
```

```

"Pers_Age",
"Pers_Nationalite",
"Pers_Naissance",
"Pers_Residence",
"Pers_Education",
"Pers_Public_prive",
"Pers_Structure_publicque_ministere",
"Pers_Secteur_culturel",
"Pers_Domaine_culturel"
)
#####
# c : modalités non attendues #
#####

## Regroupement de plusieurs modalités :
## - La fonction unique va afficher la liste des valeurs uniques dans la colonne.
## - La propriété Levels va quant à elle retenir les valeurs de la colonne même si celles ci n'y figurent plus
## (ie : cas de changement directe des valeurs, des fonctions comme "fct_collapse" vont modifier Valeurs également).
## - L'avertissement unknown level in f : "poney" signifie qu'aucune réponse "poney" n'a été trouvée afin d'être substituée.

##Modification Q7a (Ne modifie pas la propriété Levels)
mon_sondage$Q7a__Sauver_pays_occidentaux[which(mon_sondage$Q7a__Sauver_pays_occidentaux == "Sans opinion")]
<- "Je ne sais pas"
##Vérifications valeurs uniques Q7a
unique(mon_sondage$Q7a__Sauver_pays_occidentaux)

##Regroupement Pers_Education (Modifie la propriété Levels)
mon_sondage$Pers_Education <- mon_sondage$Pers_Education %>%
  forcats::fct_collapse("Sans diplôme" = c("Scolarité jusqu'en 3ème, sans diplôme",
    "Scolarité jusqu'en Terminale, sans diplôme",
    "Décoratrice"),
    "Bac ou equivalent" = c("CAP ou BEP",
    "Baccalauréat"),
    "Licence ou equivalent" = c("BTS, DEUG, DUT ou DEUS",
    "Étudiant pas encore diplômé.",
    "Licence ou Licence professionnelle"),
    "Master ou equivalent" = c("3 ème année d'école de commerce",
    "Diplôme ingénieur",
    "Ecole de commerce",
    "Grande école",
    "Ingénieur",
    "Ingénieur Études Travaux Publics ",
    "Maîtrise",
    "Master",
    "Master 2 droit des biens culturels"))
mon_sondage$Pers_Education <- mon_sondage$Pers_Education %>%
  forcats::fct_collapse("Sans diplôme" = c("Scolarité jusqu'en 3ème, sans diplôme", "Scolarité jusqu'en
Terminale, sans diplôme"))

##Vérifications valeurs uniques Pers_Education
unique(mon_sondage$Pers_Education)

##Regroupement Pers_Education en sous-catégories plus larges
mon_sondage$Pers_Education_Regroupement <- mon_sondage$Pers_Education %>%
  forcats::fct_collapse("No diploma or high school" = c("Sans diplôme",
    "Bac ou equivalent"),
    "Undergraduate" = c("Licence ou equivalent"),
    "Postgraduate" = c("Master ou equivalent",
    "Doctorat"))

##Regroupement Pers_Structure_publicque_ministere
mon_sondage$Pers_Structure_publicque_ministere <- mon_sondage$Pers_Structure_publicque_ministere %>%
  forcats::fct_collapse("Ministère de la Culture" = c("CMN",
    "CNRS",
    "Conseil départemental, Ministère de la Culture",
    "culture",
    "Culture",
    "ministère de la culture",
    "Ministère de la culture",
    "Ministère de la Culture",
    "ministère intérieur , puis ministère culture",
    "Musée",
    "Musée ",
    "Musée d'archéologie locale",
    "Musée, Exposition municipale"),
    "Autres ministères" = c("Affaires etrangeres",
    "AP-HP ",
    "Bibliothèque universitaire ",
    "collectivité",
    "Cdg de vaucluse",
    "Collectivité",
    "collectivité territoriale",
    "Conseil Départemental",
    "Departement",
    "Département d'ille et vilaine",

```

```

"Dg Trésor ",
"Économie ",
"Éducation",
"Éducation ",
"education nationale",
"Education nationale",
"Education Nationale",
"éducation nationale",
"Éducation Nationale",
"Éducation nationale ",
"ENSEIGNANT",
"enseignement",
"Équipement",
"Finances ",
"fonction publique territoriale",
" Fonction publique territoriale ",
"fontion publique d'etat ministère des Finances",
"France 2",
"Gestion d'eau (Bruxelles)",
"Hopital",
"Hôpital ",
"Hôpitaux Paris",
"Inria",
" Métropole ",
" Métropole de Lyon",
"Ministère de l'agriculture ",
"Ministère de l'Éducation Nationale",
"Ministère de l'éducation. Office HLM",
"Ministere de l'environnement",
"Ministère de l'Équipement (Ecologie), Ministère des Affaires

Etrangères",

"Ministère des affaires sociales ",
"Ministere du logement ",
"Préfecture de Vaucluse ",
"recherche",
"Recherche",
"santé",
" Santé",
"SNCF",
" Télécoms",
"Université",
" Université ",
"Université canadienne",
"Universités ",
"ville de saint Remy"))

##Vérifications valeurs uniques Pers_Structure_publicque_ministere
unique(mon_sondage$Pers__Structure_publicque_ministere)

##Regroupement Pers_Residence
mon_sondage$Pers__Residence <- mon_sondage$Pers__Residence %>%
  forcats::fct_collapse("PACA" = c("13",
    "Bouches-du-Rhône ",
    "Bouches du Rhone",
    "Bouches du Rhône ",
    "Département 83",
    "marseille",
    "Martigues (13)",
    "paca",
    "Paca",
    "PACA",
    "Paca ",
    "PACA ",
    "PACA (Var)",
    "provence",
    "Provence",
    "PROVENCE",
    "provence-alpes-côte d'azur",
    "Provence-Alpes-Côte d'Azur",
    "Provence ",
    "Provence Alpes Côte d'Azur",
    "Provence Alpes côte d'Azur ",
    "Provence Alpes Côte d'Azur ",
    "Provence alpes cotes d'azUr",
    "Provençr 16",
    "Sud",
    "Sud ",
    "Sud PACA",
    "Vaucluse"),
  "Etranger" = c("Allemagne ",
    "Angleterre",
    "Australie",
    "belgique",
    "Canada",
    "États-Unis",
    "Gabon",
    "Italie",
    "Japon",
    "Lituanie ",

```

```

"Portugal ",
"Suisse",
"USA"),
"île-de-France" = c("75",
                    "HAUTS DE SEINE",
                    "Idf",
                    "Idf ",
                    "Ile-de-France",
                    "île-de-France ",
                    "ile de france",
                    "île de france",
                    "île de france",
                    "île de France",
                    "Ile de france ",
                    "Ile de France ",
                    "île de France ",
                    "Ile deFrance",
                    "paris",
                    "Paris",
                    "PARIS",
                    "Paris "),
"Autres régions françaises" = c("35",
                                  "44",
                                  "Auvergne",
                                  "Alpes Maritimes",
                                  "Alsace",
                                  "Alsace ",
                                  "Alsacz",
                                  "Aquitaine",
                                  "Aquitaine ",
                                  "AURA",
                                  "Auvergne-Rhône Alpes",
                                  "Auvergne-Rhône-Alpes",
                                  "Auvergne Rhone Alpes",
                                  "auvergne rhône alpes",
                                  "Auvergne Rhône Alpes",
                                  "Auvergne Rhône Alpes ",
                                  "bourgogne",
                                  "Bre tagne",
                                  "Bretagne",
                                  "BRETAGNE",
                                  "Bretagne ",
                                  "Centre",
                                  "Drôme ",
                                  "Finistère ",
                                  "France",
                                  "FRANCE",
                                  "Grand est ",
                                  "GrandEst",
                                  "Guadeloupe",
                                  "Haut de france",
                                  "Haut de France",
                                  "Haute Loire ",
                                  "Herault",
                                  "Isere",
                                  "Lorraine",
                                  "Lyon",
                                  "Mayenne ",
                                  "Morbihan",
                                  "Nord",
                                  "Normandie",
                                  "Normandie ",
                                  "occitanie",
                                  "Occitanie",
                                  "Occitanie ",
                                  "Pays de la loire",
                                  "Pays de la Loire",
                                  "Pays de la Loire ",
                                  "Pays de loire",
                                  "Poitou-Charente",
                                  "Reunion ",
                                  "Rhône-Alpes",
                                  "Rhône-Alpes",
                                  "Rhône-Alpes ",
                                  "Rhône-Alpes Auvergne",
                                  "Rhône ",
                                  "Rhône alpes",
                                  "Rhône Alpes",
                                  "Rhône alpes",
                                  "Rhône Alpes",
                                  "Rhône Alpes ",
                                  "rhône alpes auvergne"))
mon_sondage$Pers_Residence <- mon_sondage$Pers_Residence %>%
  forcats::fct_collapse("PACA" = c("Provence alpes cotes d'azUr"))

```

```

##Vérifications valeurs uniques Pers_Residence
unique(mon_sondage$Pers_Residence)

##Regroupement Pers_Domaine_culturel
mon_sondage$Pers_Domaine_culturel <- mon_sondage$Pers_Domaine_culturel %>%
  forcats::fct_collapse("Arts visuels, appliqués ou vivants" = c("Architecture",
                                                                "Art contemporain ",
                                                                "Art du spectacle ",
                                                                "arts appliqués",
                                                                "arts du spectacle",
                                                                "Arts du spectacle ",
                                                                "Arts du spectacle et arts visuels",
                                                                "ARTS PLASTIQUES, ARTS APPLIQUÉS, DESIGN,
                                                                GRAPHISME, MUSIQUE",
                                                                "arts vivants ",
                                                                "Audiovisuel",
                                                                "Audiovisuel : jeu vidéo et cinéma",
                                                                "Audiovisuel/Cinéma",
                                                                "Cinéma ",
                                                                "Costumière au théâtre et opéra d'avignon",
                                                                "Expositions personnelles, animation
                                                                locale",
                                                                "mode",
                                                                "Musique",
                                                                "Musique ",
                                                                "Musique classique, galerie d'art
                                                                contemporain",
                                                                "Photographe",
                                                                "photographie / art contemporain",
                                                                "production audiovisuel et théâtre",
                                                                "Production de spectacle",
                                                                "Production musicale ",
                                                                "régisseur salle de spectacle,
                                                                festivals...",
                                                                "Spectacle",
                                                                "Spectacle ",
                                                                "Theatre",
                                                                "théâtre",
                                                                "Je suis photographe "),
                        "Patrimoine" = c("Archives nationales",
                                          "Archéologie, art numérique ",
                                          "Culture",
                                          "Développement touristique - CMN",
                                          "domaine muséal",
                                          "DRAC TOULOUSE",
                                          "Élaboration d'exposition temporaire",
                                          "Gestion des archives - ingénierie documentaire ",
                                          "gestion des collections",
                                          "Installation d'expositions",
                                          "Inventaire collections",
                                          "Médiation culturelle, Education, Histoire des Arts, Spectacle
                                                                Vivant",
                                          "Monuments historiques",
                                          "Monuments Historiques",
                                          "musée",
                                          "Musée",
                                          "Musée ",
                                          "musée + castellologie",
                                          "Musée d'archéologie locale",
                                          "musée, archéologie",
                                          "Patrimoine",
                                          "Patrimoine ",
                                          "Patrimoine bâti",
                                          "Patrimoine et musées ",
                                          "Site archéo",
                                          "Mediateur culturel "),
                        "Autres" = c("Accompagnement entrepreneurial",
                                     "adjointe au maire,déléguee à la culture",
                                     "Animation jeunesse et sports",
                                     "Association culturelle et marché de l art (galerie/maison de ventes aux
                                                                enchères) ",
                                     "Bibliothèque",
                                     "boutique",
                                     "Cooperation internationale",
                                     "Dans une galerie d'art associative, puis une galerie d'art contemporain
                                                                privée",
                                     "Ecole des Beaux-arts",
                                     "Education",
                                     "Éducation ",
                                     "Education Bibliothèque",
                                     "Enseignant",
                                     "Formation ",
                                     "Galerie d'art",
                                     "installation d'une galerie à Montpellier",
                                     "Medias",
                                     "professeur d'art plastique",
                                     "Professeur de littérature comparée (anglaise, Française, Allemande)",

```

```

        "Psychosociologie",
        "Publicité ",
        "Travail de recherche en droit d'auteur et droit des biens culturels +
étudiante en école d'arts plastiques pour , à terme, enseigner les arts plastiques",
        "Université",
        "Vente aux enchères ",
        "ventes aux enchères"))
mon_sondage$Pers__Domaine_culturel <- mon_sondage$Pers__Domaine_culturel %>%
  forcats::fct_collapse("Autres" = c("Galerie d'art"),
    "Arts visuels, appliqués ou vivants" = c("Costumière au théâtre et opéra d'avignon"))

## Traitement d'un cas particulier: réponse longue et hors sujet :
## - Suppression des ".
## - Identification de la réponse et suppression.
mon_sondage$Pers__Domaine_culturel <- gsub("\\.", "", mon_sondage$Pers__Domaine_culturel)
mon_sondage$Pers__Domaine_culturel[which(mon_sondage$Pers__Domaine_culturel == "Attention à la différence
entre un bien acquis illégalement, qui relève du recel (rien à voir avec les pbs de restitution), et les biens
acquis de manière illégitime, notion a contenu variable qui autorise donc toutes les interprétations surtout
plusieurs siècles après, et qui est l'objet du débat actuel sur la restitution. Dommage aussi de ne pas
évoquer les problèmes de conditions de stockage et d'exposition des œuvres dans les pays pauvres et/ou
instables. La restitution n'est pas seulement un problème idéologique mais aussi très pratique.")] <- ""

## Conversion de " " à ""
mon_sondage$Pers__Domaine_culturel[which(mon_sondage$Pers__Domaine_culturel == " ") <- ""

##Vérifications valeurs uniques Pers__Domaine_culturel
unique(mon_sondage$Pers__Domaine_culturel)

#####
# d : Suppression de valeurs #
#####

## 3 des réponses au questionnaire concernent des étrangers.
## Variable vraisemblablement importante mais échantillon largement insuffisant pour être travaillé.

##Suppression des valeurs ne correspondant pas à des personnes de nationalité française.Attention, ne faire
qu'une seule fois chaque ligne.
#mon_sondage <- mon_sondage[-12,] # Nettoyage
#mon_sondage <- mon_sondage[-33,] # Nettoyage
#mon_sondage <- mon_sondage[-229,] # Nettoyage
mon_sondage$Pers__Nationalite %>% table() # Vérification

#####
# e : Transformation des colonnes #
#####

## Passage des QCM en plusieurs colonnes OUI/NON et attribution d'un ordre aux modalités :

mon_sondage2 <- mon_sondage %>%
  dplyr::mutate(

    ## i Ordre des réponses des questions 1 à 7 :
    Q1__Nb_visites_12mois = factor(Q1__Nb_visites_12mois,
      levels=c("Jamais", "1 à 3 fois", "4 à 5 fois", "6 fois et plus")),
    Q2a__Lire_texte_joint = factor(Q2a__Lire_texte_joint,
      levels=c("Jamais", "Rarement", "Occasionnellement", "Souvent", "Toujours")),
    Q2b__Attention_origine = factor(Q2b__Attention_origine,
      levels=c("Jamais", "Rarement", "Occasionnellement", "Souvent",
"Toujours")),
    Q2c__Lire_textes_exposition = factor(Q2c__Lire_textes_exposition,
      levels=c("Jamais", "Rarement", "Occasionnellement", "Souvent",
"Toujours")),
    Q3__Importance_origine_oeuvre = factor(Q3__Importance_origine_oeuvre,
      levels=c("Non", "Oui")),
    # Q4__Favorable_restitution = dplyr::recode(as.character(Q4__Favorable_restitution),
    # "Oui, il faut envisager la restitution des biens culturels,
au cas par cas" = "Oui",
    # "Je ne sais pas" = "Je ne sais pas",
    # "Non, je ne suis favorable à la restitution des biens culturels
dans aucun cas" = "Non"),
    Q4__Favorable_restitution = factor(Q4__Favorable_restitution,
      levels=c("Non, je ne suis favorable à la restitution des biens
culturels dans aucun cas",
"Je ne sais pas",
"Oui, il faut envisager la restitution des biens culturels,
au cas par cas"),
      labels=c("Non", "Je ne sais pas", "Oui")),
    Q5__Informer_restitution = factor(Q5__Informer_restitution,
      levels=c("Non", "Un peu", "Oui")),
    Q6a__Histoire_universelle = factor(Q6a__Histoire_universelle,
      levels=c("Non", "Je ne sais pas", "Oui")),
    Q6b__Espace_public = factor(Q6b__Espace_public,
      levels=c("Non", "Je ne sais pas", "Oui")),
    Q6c__Collection_privée_contemporaine = factor(Q6c__Collection_privée_contemporaine,
      levels=c("Non", "Je ne sais pas", "Oui")),
    Q6d__Collection_privée_ww2 = factor(Q6d__Collection_privée_ww2,

```

```

        levels=c("Non","Je ne sais pas","Oui")),
Q6e_Gallerie_art = factor(Q6e_Gallerie_art,
        levels=c("Non","Je ne sais pas","Oui")),
Q7a_Sauver_pays_occidentaux = factor(Q7a_Sauver_pays_occidentaux,
        levels=c("Jamais","Rarement","Je ne sais pas", "Souvent",
"Toujours")),
Q7b_Legal_pas_moral = factor(Q7b_Legal_pas_moral,
        levels=c("Jamais","Rarement","Je ne sais pas", "Souvent", "Toujours")),
Q7c_Meilleur_conditions_occident = factor(Q7c_Meilleur_conditions_occident,
        levels=c("Jamais","Rarement","Je ne sais pas", "Souvent",
"Toujours")),
Q7d_Peuple_origine_different = factor(Q7d_Peuple_origine_different,
        levels=c("Jamais","Rarement","Je ne sais pas", "Souvent",
"Toujours")),

## ii Décomposition des questions à choix multiples en questions "Yes/No".
# Q8_Bien_culturel_pour_restitution > mettre en non/oui pour chaque modalité
Q8a_illegal_apres_1970 = factor(ifelse(stringr::str_detect(Q8_Bien_culturel_pour_restitution, "Les
biens culturels acquis illégalement après 1970"), "Yes", "No"),
        levels = c("No", "Yes")),
Q8b_illegal_apres_ww2 = factor(ifelse(stringr::str_detect(Q8_Bien_culturel_pour_restitution, "Les
biens culturels acquis illégalement après la Seconde Guerre mondiale"), "Yes", "No"),
        levels = c("No", "Yes")),
Q8c_restitution_pour_tous = factor(ifelse(stringr::str_detect(Q8_Bien_culturel_pour_restitution, "Tous
les biens culturels devraient être concernés par la restitution"), "Yes", "No"),
        levels = c("No", "Yes")),
Q8d_restitution_archeo_mission = factor(ifelse(stringr::str_detect(Q8_Bien_culturel_pour_restitution,
"Les biens culturels acquis lors de fouilles archéologiques ou de missions scientifiques dans un pays
colonisé"), "Yes", "No"),
        levels = c("No", "Yes")),
Q8e_restitution_butins_guerre = factor(ifelse(stringr::str_detect(Q8_Bien_culturel_pour_restitution,
"Les biens culturels acquis comme butins de guerre"), "Yes", "No"),
        levels = c("No", "Yes")),
Q8f_restitution_confiscation_administration =
factor(ifelse(stringr::str_detect(Q8_Bien_culturel_pour_restitution, "Les biens culturels confisqués"),
"Yes", "No"),
        levels = c("No", "Yes")),
Q9a_Parthenon = factor(Q9a_Parthenon,
        levels=c("Non","Je ne sais pas","Oui")),
Q9b_Nefertiti = factor(Q9b_Nefertiti,
        levels=c("Non","Je ne sais pas","Oui")),
# Q10_Spoliation_nazie = dplyr::recode(as.character(Q10_Spoliation_nazie),
#
# "Il devrait y avoir un cadre juridique dans les deux cas" =
"Nazi+Colonies",
#
# "Je ne sais pas" = "Je ne sais pas",
#
# "Il est normal que la restitution des spoliations nazies soit
légale dans tous les cas et pas celle des biens culturels provenant des colonies" = "Nazi"),
Q10_Spoliation_nazie = factor(Q10_Spoliation_nazie,
        levels = c("Il devrait y avoir un cadre juridique dans les deux cas",
"Je ne sais pas",
"Il est normal que la restitution des spoliations nazies soit
légale dans tous les cas et pas celle des biens culturels provenant des colonies"),
        labels = c(
"Je ne sais pas",
"Nazi+Colonies",
"Nazi")),

# Q11_Cadre_juridique_specifique > mettre en non/oui pour chaque modalité
Q11a_oeuvres_art = factor(ifelse(stringr::str_detect(Q11_Cadre_juridique_specifique, "Les ouvres
d'art"), "Yes", "No"),
        levels = c("No", "Yes")),
Q11b_sacres_culte = factor(ifelse(stringr::str_detect(Q11_Cadre_juridique_specifique, 'Les objets
sacrés / de culte des cultures toujours vivantes'), "Yes", "No"),
        levels = c("No", "Yes")),
Q11c_objets_quotidiens = factor(ifelse(stringr::str_detect(Q11_Cadre_juridique_specifique, 'Les objets
de la vie quotidienne'), "Yes", "No"),
        levels = c("No", "Yes")),
Q11d_restes_humains = factor(ifelse(stringr::str_detect(Q11_Cadre_juridique_specifique, "Les restes
humains"), "Yes", "No"),
        levels = c("No", "Yes")),
Q11e_aucun_type = factor(ifelse(stringr::str_detect(Q11_Cadre_juridique_specifique, 'Pour aucun type de
biens culturels'), "Yes", "No"),
        levels = c("No", "Yes")),
# Q12_Solution_alternative > mettre en non/oui pour chaque modalité
Q12a_details_origine = factor(ifelse(stringr::str_detect(Q12_Solution_alternative, "Afficher dans les
musées"), "Yes", "No"),
        levels = c("No", "Yes")),
Q12b_consulter_peuples = factor(ifelse(stringr::str_detect(Q12_Solution_alternative, "Consulter les
peuples"), "Yes", "No"),
        levels = c("No", "Yes")),
Q12c_prets_reguliers = factor(ifelse(stringr::str_detect(Q12_Solution_alternative, "Organiser des prêts
réguliers"), "Yes", "No"),
        levels = c("No", "Yes")),
Q12d_rachat_pareto = factor(ifelse(stringr::str_detect(Q12_Solution_alternative, "Proposer aux pays
demandant la restitution"), "Yes", "No"),
        levels = c("No", "Yes")),
Q13_Connaissance_projet_etat = factor(Q13_Connaissance_projet_etat,
        levels = c("Non", "Oui")),
Q14_Outils_diplomatiques = factor(Q14_Outils_diplomatiques,
        levels = c("Contre", "Je ne sais pas", "Pour")),

```

```

Q15a_Reparer_passe = factor(Q15a_Reparer_passe,
                             levels = c("Pas du tout important", "Plutôt pas important", "Je ne sais pas",
                                           "Plutôt important", "Très important")),
Q15b_Augementer_influence_culturelle = factor(Q15b_Augementer_influence_culturelle,
                                                levels = c("Pas du tout important", "Plutôt pas important",
                                                           "Plutôt important", "Très important")),
"Je ne sais pas",
Q15c_Securiser_contrat = factor(Q15c_Securiser_contrat,
                                 levels = c("Pas du tout important", "Plutôt pas important", "Je ne sais
pas",
                                           "Plutôt important", "Très important")),
Q15d_Renforcer_influence_strategique = factor(Q15d_Renforcer_influence_strategique,
                                                levels = c("Pas du tout important", "Plutôt pas important",
                                                           "Plutôt important", "Très important")),
"Je ne sais pas",
Q15e_Propriete_identite_culturelle = factor(Q15e_Propriete_identite_culturelle,
                                                levels = c("Pas du tout important", "Plutôt pas important",
                                                           "Plutôt important", "Très important")),
"Je ne sais pas",
Q16_Opinion_postquestionnaire = factor(Q16_Opinion_postquestionnaire,
                                         levels = c("Je suis toujours opposé(e) à la restitution des biens
culturels",
                                                    "Mon opinion a évolué et je suis moins favorable à la
restitution des biens culturels",
                                                    "Je suis toujours incertain(e) à propos de la
restitution des biens culturels",
                                                    "Mon opinion a évolué et la restitution des biens
culturels est envisageable",
                                                    "Je suis toujours favorable à la restitution des biens
culturels")),
                                labels=c("Toujours opposé",
                                           "Evolution moins favorable",
                                           "Incertain",
                                           "Evolution plus favorable",
                                           "Toujours favorable")),
Pers_Genre = factor(Pers_Genre, levels=c("Un homme", "Je ne souhaite pas le préciser", "Une femme"),
                    labels = c("H", "Non précisé", "F")),
Pers_Age = factor(Pers_Age, levels = c("18-25 ans", "26-35 ans", "36-50 ans", "51-65 ans", "Plus de 65
ans")),
Pers_Nationalite = factor(Pers_Nationalite, levels = c("Autre", "Française")),
Pers_Naissance = as.character(Pers_Naissance), # A retraiter. Useless
Pers_Residence = factor(Pers_Residence,
                         levels = c("Etranger", "Autres régions françaises", "PACA", "Île-de-France")),
Pers_Education = factor(Pers_Education,
                         levels=c("Sans diplôme", "Bac ou equivalent", "Licence ou equivalent",
                                   "Master ou equivalent", "Doctorat")),
Pers_Education_Regroupement = factor(Pers_Education_Regroupement,
                                       levels= c("No diploma or high school", "Undergraduate",
                                                "Postgraduate")),
Pers_Sect_public = factor(ifelse(stringr::str_detect(Pers_Public_privé, "Le secteur public."), "Oui",
                             "Non"),
                          levels = c("Non", "Oui")),
Pers_Sect_privé = factor(ifelse(stringr::str_detect(Pers_Public_privé, "Le secteur privé"), "Oui",
                             "Non"),
                       levels = c("Non", "Oui")),
Pers_Structure_publice_ministere_culture =
factor(ifelse(stringr::str_detect(Pers_Structure_publice_ministere, "Ministère de la Culture"), "Oui", "Non"),
       levels = c("Non", "Oui")),
Pers_Secteur_culturel = factor(Pers_Secteur_culturel, levels = c("Non", "Oui")),
Pers_Domaine_culturel_arts = factor(ifelse(stringr::str_detect(Pers_Domaine_culturel, "Arts visuels,
appliqués ou vivants"), "Oui", "Non"),
                                   levels = c("Non", "Oui")),
Pers_Domaine_culturel_patrimoine =
factor(ifelse(stringr::str_detect(Pers_Domaine_culturel, "Patrimoine"), "Oui", "Non"),
       levels = c("Non", "Oui")),
Pers_Domaine_culturel_autres =
factor(ifelse(stringr::str_detect(Pers_Domaine_culturel, "Autres"), "Oui", "Non"),
       levels = c("Non", "Oui"))
)

## Visualisation de la question 8 avant retraitement (Réponse / occurrence).
mon_sondage2$Pers_Domaine_culturel %>% table() # Noms d'origines
mon_sondage2$Pers_Domaine_culturel %>% table() # Noms d'origines
## Après construction de la nouvelle variable.
mon_sondage2$Pers_Domaine_culturel_autres %>% table() #
##mon_sondage2$Q8_Bien_culturel_pour_restitution %>% table()

colnames(mon_sondage2) <- c(
  "Timestamp",
  "Q1",
  "Q2a",
  "Q2b",
  "Q2c",
  "Q3",
  "Q4",
  "Q5",
  "Q6a",
  "Q6b",

```

```

"Q6c",
"Q6d",
"Q6e",
"Q7a",
"Q7b",
"Q7c",
"Q7d",
"Q8",
"Q9a",
"Q9b",
"Q10",
"Q11",
"Q12",
"Q13",
"Q14",
"Q15a",
"Q15b",
"Q15c",
"Q15d",
"Q15e",
"Q16",
"Gender",
"Age",
"Pers__Nationalite",
"Pers__Naissance",
"Res.",
"Edu.",
"Pers__Public_prive",
"Pers__Structure_publicque_ministere",
"Sect.Cult.",
"Pers__Domaine_culturel",
"Pers__Education_Regroupement",
"Q8a",
"Q8b",
"Q8c",
"Q8d",
"Q8e",
"Q8f",
"Q11a",
"Q11b",
"Q11c",
"Q11d",
"Q11e",
"Q12a",
"Q12b",
"Q12c",
"Q12d",
"Sect.Pub.",
"Pers__Sect_prive",
"Pers__Structure_publicque_ministere_culture",
"Pers__Domaine_culturel_arts",
"Pers__Domaine_culturel_patrimoine",
"Pers__Domaine_culturel_autres"
)
#####
# 2 : Visualisation & Analyse #
#####

#####
# a : Visualisation data frame #
#####

## Prévisualisation rapide du data frame incluant les colonnes le nombre de valeurs uniques et les différentes
valeurs prises pour chaque lignes.
str(mon_sondage2)
## Comptage des valeurs manquantes dans chaque colonne.
t(plyr::colwise(function(x)sum(is.na(x)))(mon_sondage)) # Regarder le nombre de valeurs manquantes

#####
# b : Graphique simple #
#####

## Création de graphiques pour les variables ayant fait l'objet de regroupements :
variable <- "Pers__Education_Regroupement"
ggplot(data=mon_sondage2, aes(x=!!dplyr::sym(variable), fill=!!dplyr::sym(variable))) +
  geom_bar() + labs(title=variable, subtitle="", y="", x="") +
  geom_text(aes(label = ..count..), stat = "count", position = position_dodge(0.9), vjust = 0)

## Création de graphs multivars :
X <- c(rep(c(levels(mon_sondage2$Q15e)),
          each=nlevels(mon_sondage2$Pers__Age)))
Category <- c(rep(c(levels(mon_sondage2$Pers__Age)),
                 times=nlevels(mon_sondage2$Q15e)))
Frequency<- c()
for (i in 1:length(X)){
  Frequency <- append(Frequency,sum(mon_sondage2$Q15e == X[i]&
                                     mon_sondage2$Pers__Age == Category[i]))
}

```

```

Data      <- data.frame(X, Category, Frequency)

ggplot(Data, aes(x = X, y = Frequency, fill = Category, label = Frequency)) +
  geom_bar(stat = "identity") +
  geom_text(size = 3, position = position_stack(vjust = 0.5))

#####
# c : Variables d'intérêt      #
#####

## Définition des variables d'intérêt pour la suite de l'analyse (ie: variables à étudier)
var_interet <- c(
  "Timestamp",
  "Gender",
  "Age",
  "Res.",
  "Edu.",
  "Sect.Pub.",
  "Sect.Cult.",
  "Q1",
  "Q2a",
  "Q2b",
  "Q2c",
  "Q3",
  "Q4",
  "Q5",
  "Q6a",
  "Q6b",
  "Q6c",
  "Q6d",
  "Q6e",
  "Q7a",
  "Q7b",
  "Q7c",
  "Q7d",
  "#Q8",
  "Q8a",
  "Q8b",
  "Q8c",
  "Q8d",
  "Q8e",
  "Q8f",
  "Q9a",
  "Q9b",
  "#Q10",
  "#Q11",
  "#Q11a",
  "Q11b",
  "Q11c",
  "Q11d",
  "Q11e",
  "#Q12",
  "Q12a",
  "Q12b",
  "Q12c",
  "Q12d",
  "Q13",
  "Q14",
  "Q15a",
  "Q15b",
  "Q15c",
  "Q15d",
  "Q15e",
  "Q16",
  "#Pers_Nationalite",
  "#Pers_Naissance",
  "#Pers_Education",
  "#Pers_Public_prive",
  "#Pers_Structure_publicque_ministere",
  "#Pers_Structure_publicque_ministere_culture",
  "#Pers_Domaine_culturel",
  "#Pers_Domaine_culturel_arts",
  "#Pers_Domaine_culturel_patrimoine",
  "#Pers_Domaine_culturel_autres"
)

#####
# d : Quantitative data frame  #
#####

## Etapes pour données quanti :
## > 1. : Sélectionner les variables d'intérêts.
## > 2. : Remplacer les modalités traduisant l'absence d'avis par des valeurs manquantes.
## > 3. : On passe en valeurs numériques et on soustrait 1 pour avoir une suite de chiffres partant de 0. (x
= x-1).
## > 4. : On standardise pour avoir des valeurs entre 0 et 1. (x = x / max(x)).

```

```

##      >> Standardiser permet d'avoir la même échelle pour chaque variable.
## > 5.a : Remplacer les valeurs manquantes par la moyenne des autres modalités (pour supprimer le biais).
## > 5.b : Remplacer les valeurs manquantes par un élément tiré d'une loi normale ayant la moyenne et la
variance des individus non incertains.
##      >> Valeurs autour de la moyenne (supprimer les biais) et la variance permet de ne pas être
suroptimiste dans les tests statistiques.

## 1/3/4 : garder les proportions
mon_sondage_quanti <- mon_sondage2 %>% dplyr::select(var_interet) %>% dplyr::select_if(is.factor) %>% #
1.
dplyr::mutate_all(function(x) as.numeric(x)-1) %>% #
3.
dplyr::mutate_all(function(x) x / max(x, na.rm=T)) #
4.

## 1/2/3/4/5.a : mon_sondage_quantil
mon_sondage_quantil <- mon_sondage2 %>% dplyr::select(var_interet) %>% dplyr::select_if(is.factor) %>% #
1.
dplyr::mutate_all(function(x) ifelse(x %in% c("Je ne sais pas", "Incertain", "Non précisé"), "", x)) %>% #
2.
dplyr::mutate_all(function(x) as.numeric(x)-1) %>% #
3.
dplyr::mutate_all(function(x) x / max(x, na.rm=T)) %>% #
4.
dplyr::mutate_all(function(x) ifelse(is.na(x), mean(x, na.rm = T), x)) #
5.a

## 1/2/3/4/5.b : mon_sondage_quantil2
mon_sondage_quantil2 <- mon_sondage2 %>% dplyr::select(var_interet) %>% dplyr::select_if(is.factor) %>% #
1.
dplyr::mutate_all(function(x) ifelse(x %in% c("Je ne sais pas", "Incertain", "Non précisé"), "", x)) %>% #
2.
dplyr::mutate_all(function(x) as.numeric(x)-1) %>% #
3.
dplyr::mutate_all(function(x) x / max(x, na.rm=T)) %>% #
4.
dplyr::mutate_all(function(x) ifelse(is.na(x),
rnorm(n=1, mean=mean(x, na.rm = T), sd=sqrt(var(x, na.rm = T))), x)) #
## Attention, le générateur aléatoire change à chaque lancement de code.
## Les résultats changeront donc sensiblement, tout en restant non biaisés et de même variance.

## Data frame données qualitatives.
mon_sondage_quali <- mon_sondage2 %>% dplyr::select(var_interet) %>%
dplyr::mutate_all(as.character) # Traiter en variables qualitatives

#####
# e : Statistiques descriptives #
#####

#####
## Donne la moyenne et les quartiles pour chaque colonne.
mon_sondage_quanti %>% summary()
mon_sondage_quantil %>% summary()
mon_sondage_quantil2 %>% summary()

## Donne la moyenne pour chaque colonne (présentation plus light)
mon_sondage_quanti %>% plyr::colwise(mean)() %>% t()
mon_sondage_quantil %>% plyr::colwise(mean)() %>% t()

#####
# f : Corrélations #
#####

## Corrélations entre variables quantitatives :
mon_sondage_quanti %>% #dplyr::select(Q6a__Histoire_universelle, Q6b__Espace_public,
Q6c__Collection_privée_contemporaine, Q6d__Collection_privée_ww2, Q6e__Galerie_art) %>%
stats::cor() %>%
corrplot::corrplot(type="upper", order="hclust", tl.col="black", tl.srt=45, method="square")

library(Hmisc)
matrice_cor=cor(mon_sondage_quanti)
matrice_cor=round(matrice_cor, 2)
matrice_cor_hmisc=rcorr(as.matrix(mon_sondage_quanti), type="pearson")
matrice_cor_c=matrice_cor_hmisc$r #Corrélations
matrice_cor_p=matrice_cor_hmisc$P #P-values

write.csv(matrice_cor_c, file = "corrélations3.csv")
write.csv(matrice_cor_p, file = "corrélations_p3.csv")

### V de Cramer (Intensité de la relation entre variables qualitatives) :
# # Initialize empty matrix to store coefficients
# empty_m <- matrix(ncol = length(mon_sondage_quali),
# nrow = length(mon_sondage_quali),
# dimnames = list(names(mon_sondage_quali),
# names(mon_sondage_quali)))
# # Function that accepts matrix for coefficients and data and returns a correlation matrix

```

```

# calculate_cramer <- function(m, df) {
#   for (r in seq(nrow(m))){
#     for (c in seq(ncol(m))){
#       m[[r, c]] <- DescTools::CramerV(df[[r]], df[[c]])
#     }
#   }
#   return(m)
# }
# empty_m %>% calculate_cramer(mon_sondage_quali) %>% corrplot::corrplot(type="upper", tl.col="black",
tl.srt=45, method="square")

### ACP / ACM : ###
# Les fonctions suivantes, de factoextra, seront utilisées:
#   get_eigenvalue(res.pca): Extraction des valeurs propres / variances des composantes principales
#   fviz_eig(res.pca): Visualisation des valeurs propres
#   get_pca_ind(res.pca), get_pca_var(res.pca): Extraction des résultats pour les individus et les variables,
respectivement.
#   fviz_pca_ind(res.pca), fviz_pca_var(res.pca): visualisez les résultats des individus et des variables,
respectivement.
#   fviz_pca_biplot(res.pca): Création d'un biplot des individus et des variables.

# L'ACP et l'ACM permettent de synthétiser l'information en un minimum d'axes indépendants.
ma_PCA <- mon_sondage_quantitatif %>%
  FactoMiner::PCA(scale.unit = TRUE, ncp = 5, graph = FALSE) # ncp = 4 car 4 dimensions intéressantes

factoextra::get_eigenvalue(ma_PCA) # Tableau des valeurs singulières (eigenvalues) => Trouver l'apport cumulé
en information
factoextra::fviz_eig(ma_PCA, ncp = length(var_interet)) # Graphiques des valeurs singulières
# factoextra::fviz_pca_var(ma_PCA, col.var = kind_of_columns)
# factoextra::fviz_pca_biplot(ma_PCA, col.var = kind_of_columns)

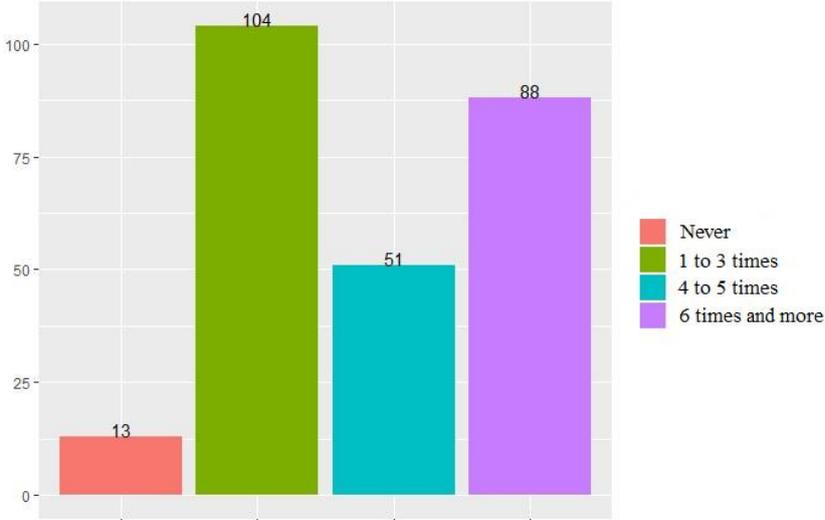
fviz_pca_var(ma_PCA, col.var = "cos2",
             gradient.cols = c("#00AFBB", "#E7B800", "#FC4E07"),
             repel = TRUE)

# Cos carré :
ma_PCA$var$cos2 %>%
  corrplot::corrplot(tl.col="black", tl.srt=45, method="square", is.corr = FALSE)
# Contribution
ma_PCA$var$contrib %>%
  corrplot::corrplot(tl.col="black", tl.srt=45, method="square", is.corr = FALSE)

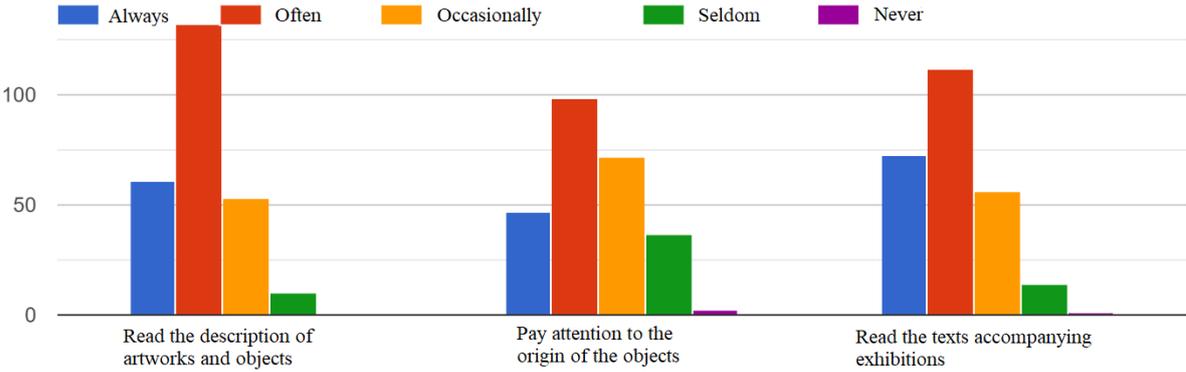
```

Appendix 3: Univariate statistics

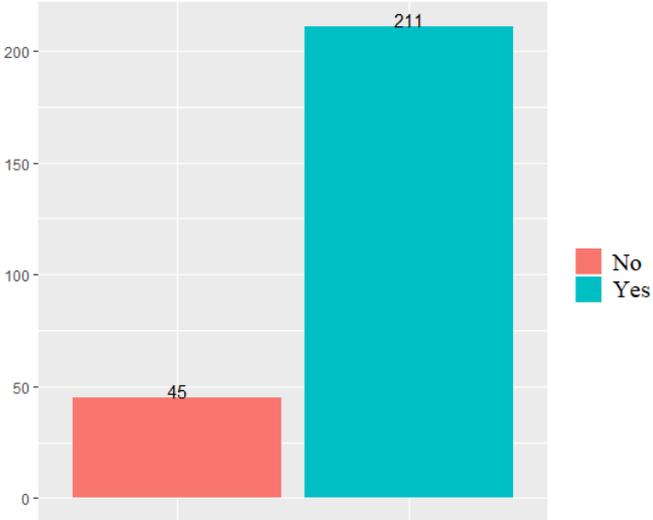
3.a. Number of visits to museums in the last 12 months



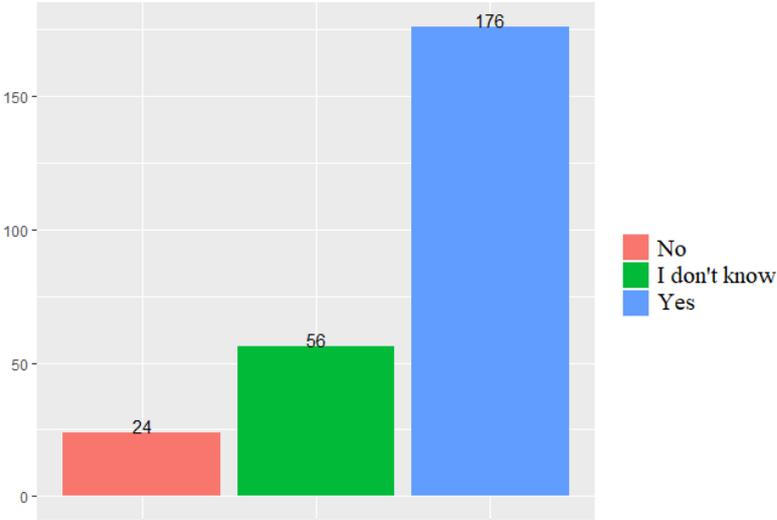
3.b. Behavior when visiting museums



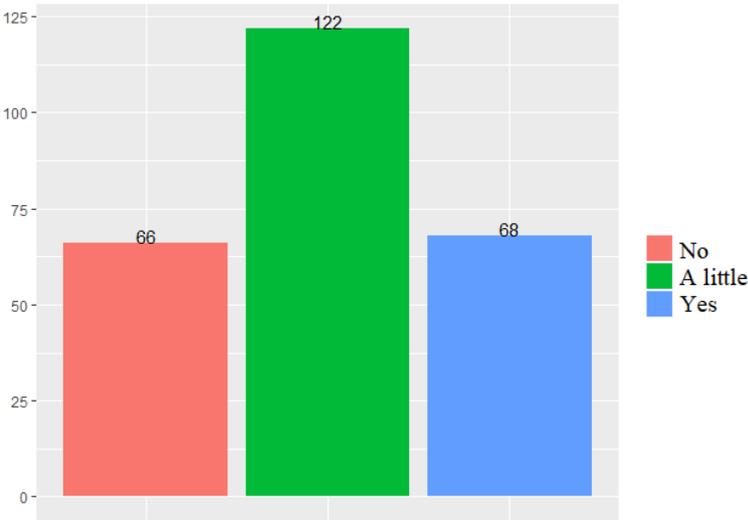
3.c. Is the origin of artworks displayed in a museum important?



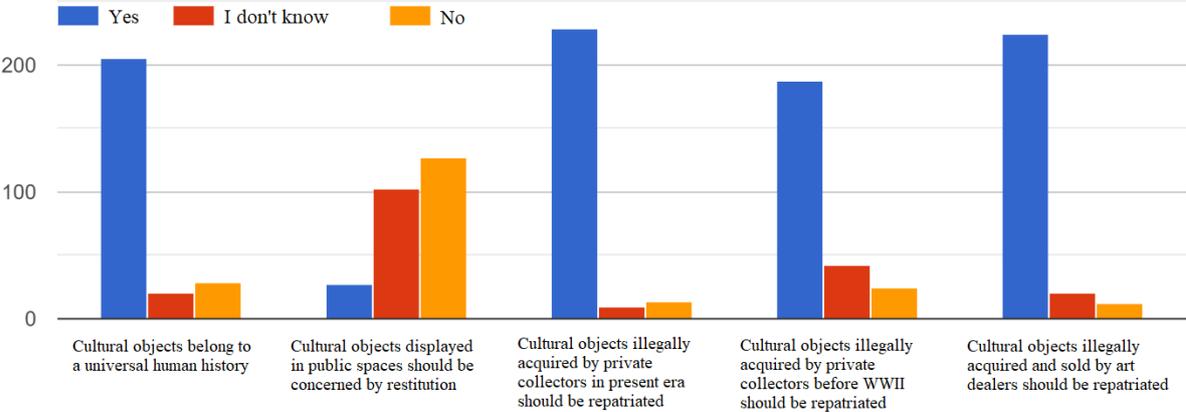
3.d. Favorable to restitution?



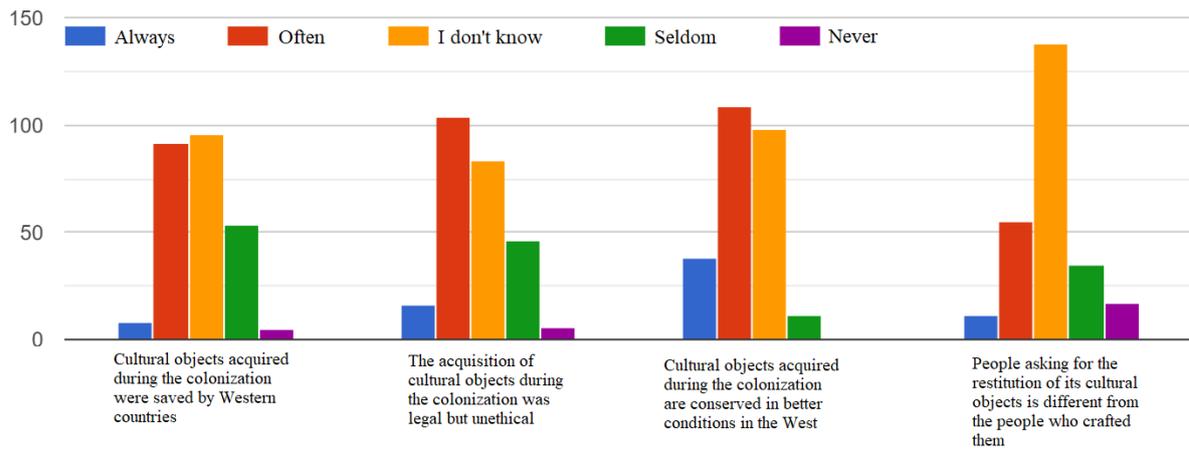
3.e. Informed on the issue of repatriation



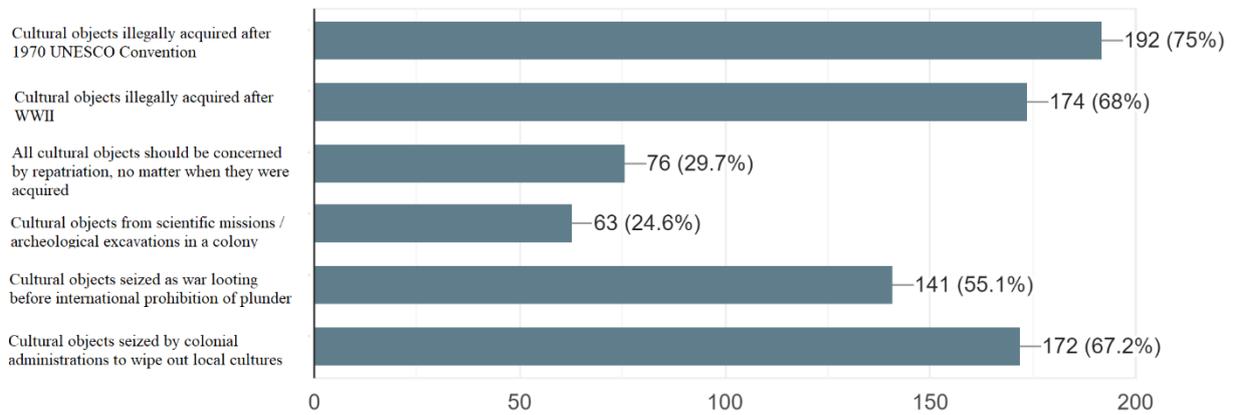
3.f. Opinion on various statements regarding cultural objects



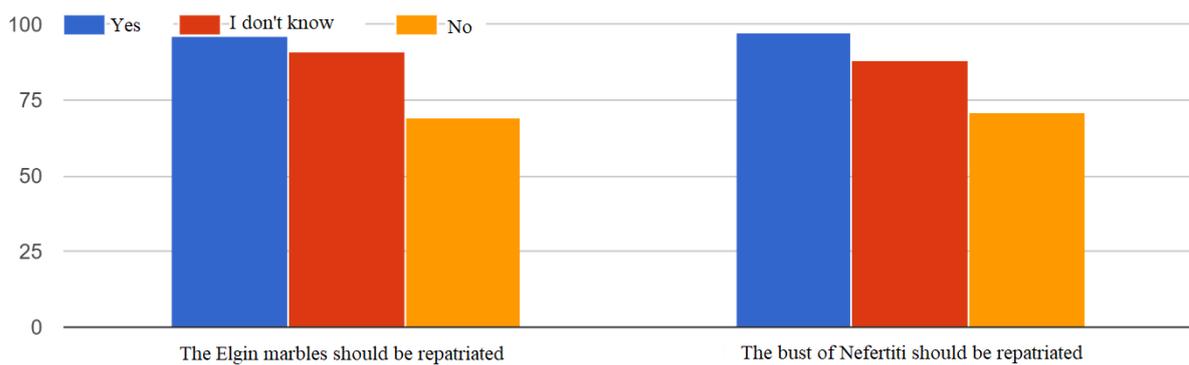
3.g. Opinion on various statements with respect to cultural objects concerned by repatriation



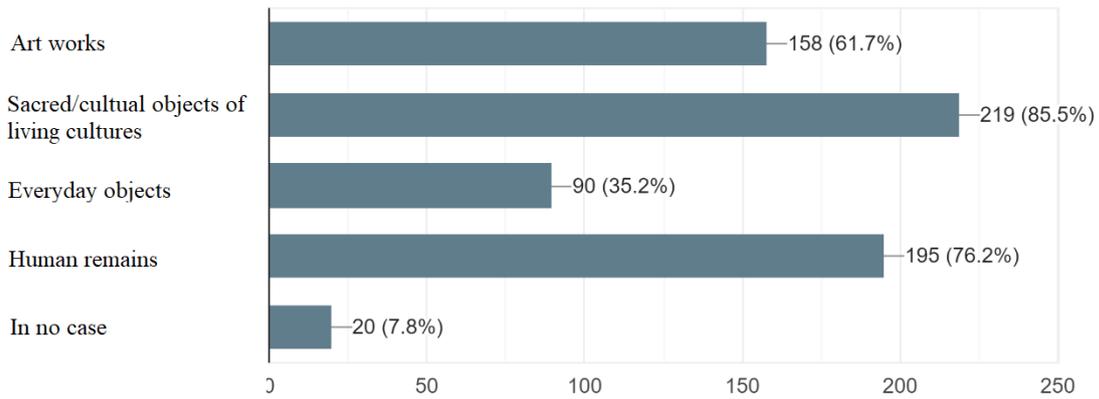
3.h. Context of acquisition and return of cultural objects



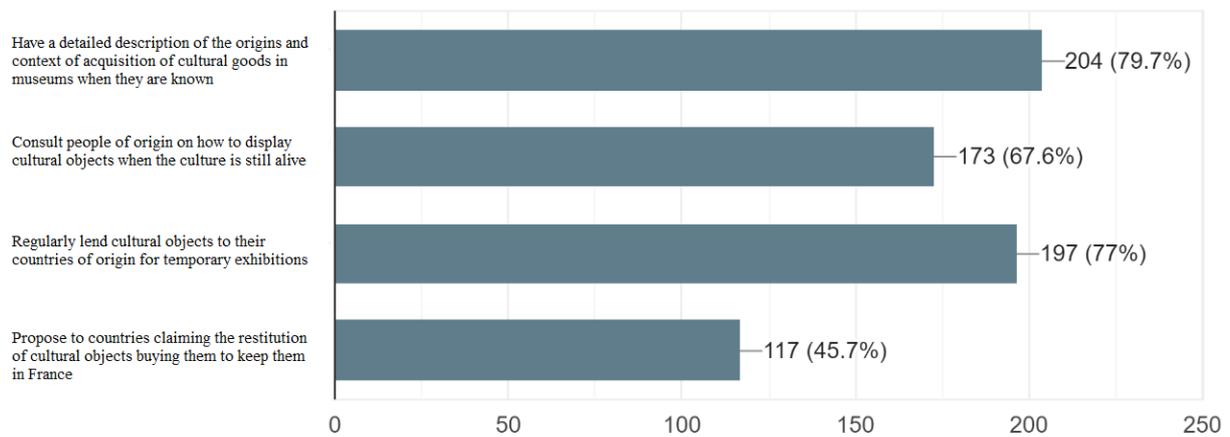
3.i. Restitution of the Elgin marbles and the bust of Nefertiti



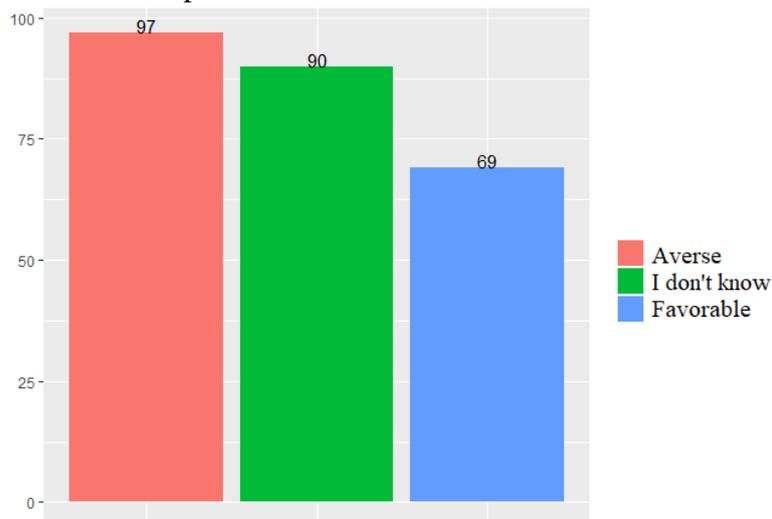
3.j. Types of cultural objects concerned by repatriation



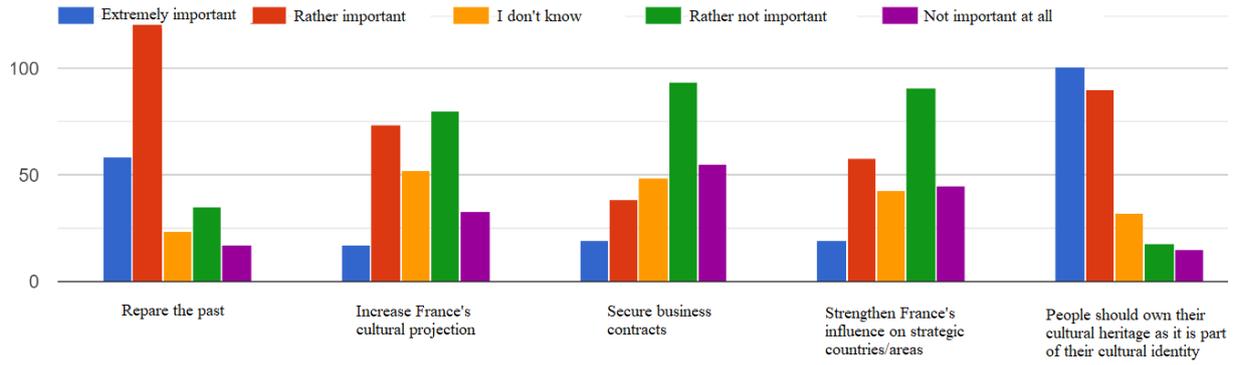
3.k. Alternatives solutions to repatriation



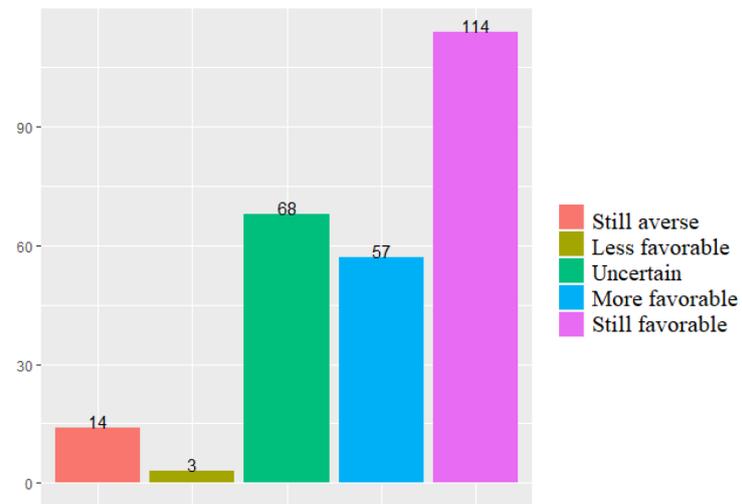
3.l. Averse or favorable to a diplomatic use of restitution



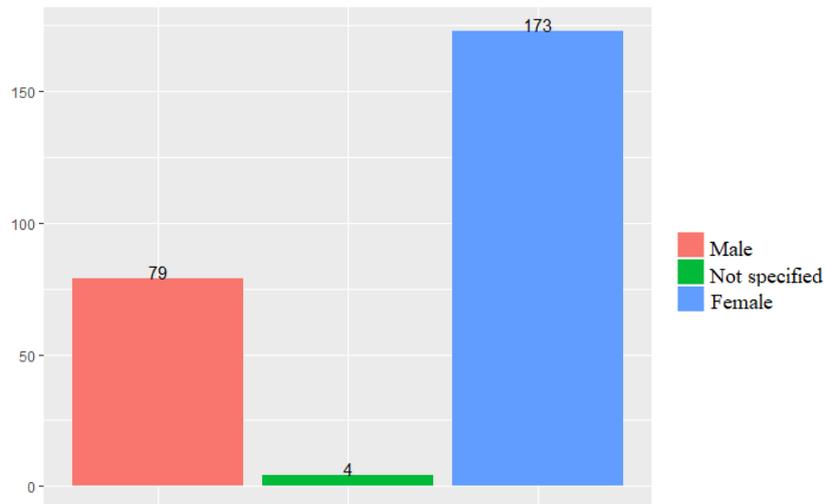
3.m. Motivation and objectives of the repatriation of cultural objects



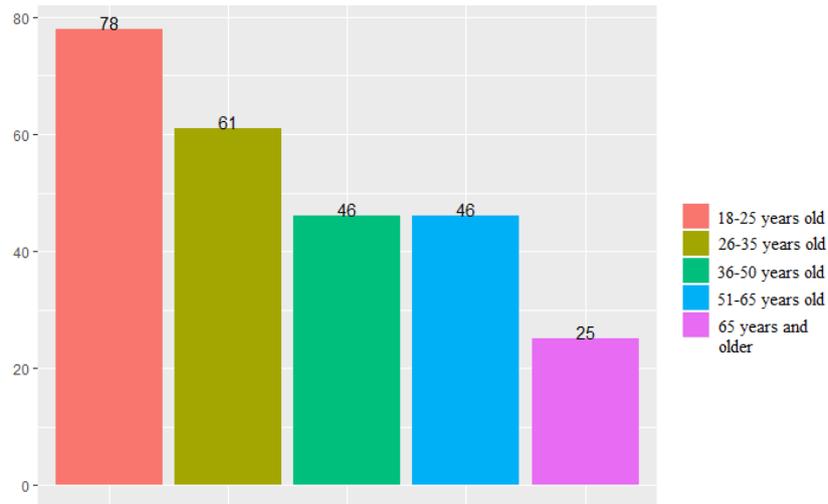
3.n. Opinion on the restitution of cultural property after completing the questionnaire



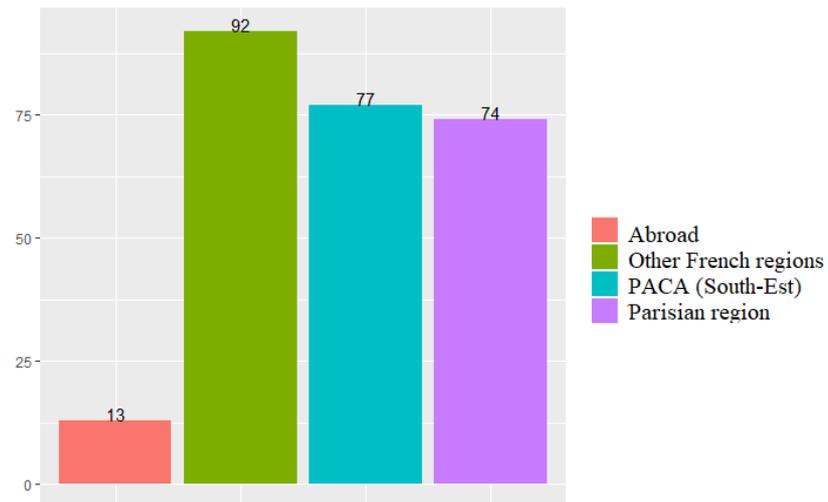
3.o. Gender



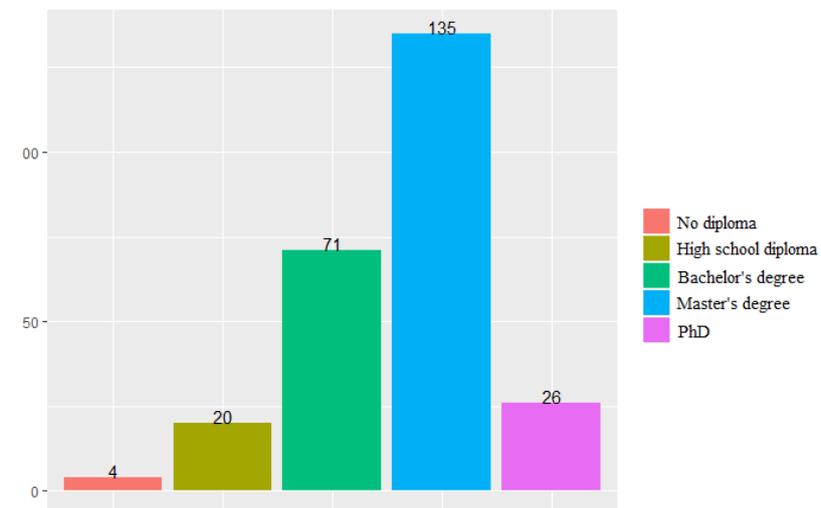
3.p. Age



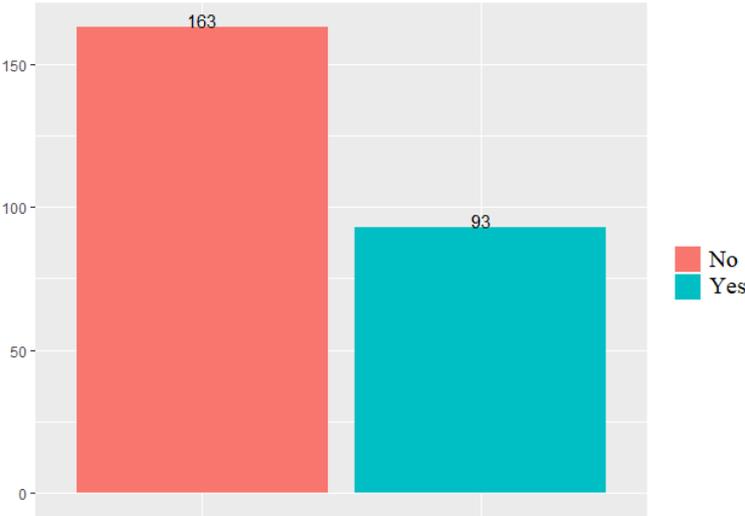
3.q. Place of residence



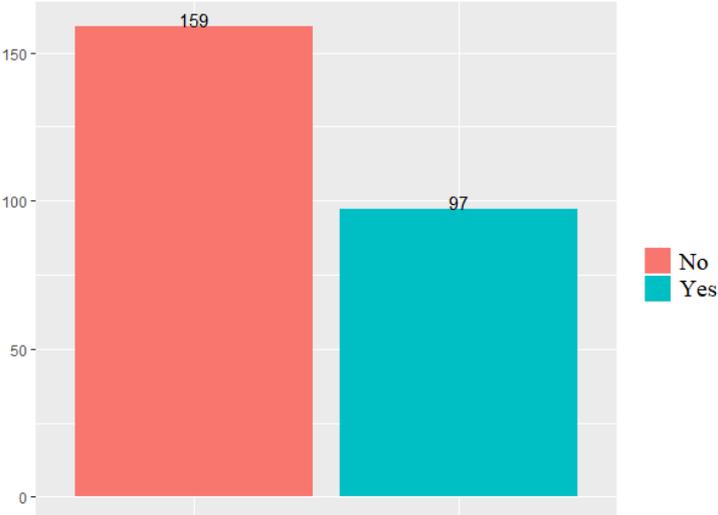
3.r. Education



3.s. Worked or currently working in the public sector



3.t. Worked or currently working in the cultural domain



Appendix 4: Pearson correlation matrices

	Gender	Age	Res.	Edu.	Sect.Pub.	Sect.Cult.	Q1	Q2a	Q2b	Q2c	Q3
Gender	1	-0,13*	0,04	0,08	0,01	0,01	0,11	0,156*	0,02	0,171**	-0,03
Age		1	-0,04	-0,06	0,133*	0,04	-0,03	0,2**	0,154*	0,09	-0,04
Res.			1	0,06	-0,14*	0,02	0,11	-0,03	-0,07	0,04	-0,1
Edu.				1	0,2**	0,1	0,193**	-0,04	-0,11	0,153*	0,08
Sect.Pub.					1	0,314**	0,23**	0,235**	0,05	0,11	-0,01
Sect.Cult.						1	0,292**	0,09	0,18**	0,09	0,07
Q1							1	0,168**	0,12	0,27**	0,05
Q2a								1	0,39**	0,55	0,07
Q2b									1	0,288**	0,227**
Q2c										1	0,1
Q3											1

* Coefficient significant at 5 % level of significance

** Coefficient significant at 1 % level of significance

	Gender	Age	Res.	Edu.	Sect.Pub.	Sect.Cult.	Q4	Q5	Q6a	Q6b	Q6c	Q6d	Q6e	Q7a	Q7b	Q7c	Q7d	Q8a	Q8b	Q8c	Q8d	Q8e	Q8f	Q9a	Q9b
Gender	1	-0,13*	0,043	0,081	0,008	0,012	0,189**	0,084	-0,05	0,087	0,104	0,092	0,019	-0,22**	-0,13*	-0,32**	-0,09	-0,06	0,037	0,094	-0,03	0,053	-0,001	0,08	0,103
Age		1	-0,04	-0,06	0,133*	0,035	0,053	0,149*	0,165**	-0,14*	0,102	0,143*	0,169**	0,36**	0,117	0,181**	0,179**	0,045	0,114	-0,06	0,026	0,062	0,039	-0,06	-0,13*
Res.			1	0,062	-0,14*	0,024	0,04	0,038	-0,004	-0,09	0,013	-0,01	0,03	-0,05	-0,06	-0,05	0,026	0,06	0,036	-0,06	-0,05	-0,02	0,024	-0,07	-0,09
Edu.				1	0,2**	0,099	-0,10	0,187**	0,092	-0,10	-0,09	-0,08	-0,01	-0,06	-0,06	0,106	-0,04	0,154*	0,062	-0,09	-0,09	-0,04	-0,09	-0,14*	-0,17**
Sect.Pub.					1	0,314**	-0,02	0,205**	0,058	0,065	0,114	0,047	0,083	0,066	-0,003	-0,01	-0,04	0,042	0,031	0,042	-0,05	-0,04	0,026	0,002	0,026
Sect.Cult.						1	0,066	0,192**	0,011	-0,1	0,007	-0,01	-0,01	-0,03	-0,08	0,063	-0,02	0,023	0,053	-0,09	-0,07	-0,1	0,014	-0,02	-0,11
Q4							1	0,007	0,008	0,306**	0,277**	0,404**	0,21**	-0,25**	-0,09	-0,16*	-0,23**	-0,07	0,149*	0,286**	0,202**	0,183**	0,176**	0,262**	0,271**
Q5								1	-0,07	-0,12	-0,03	-0,06	0,026	0,01	-0,10	0,13*	-0,06	0,081	0,019	-0,09	-0,13*	-0,09	0,054	-0,04	-0,1
Q6a									1	-0,02	0,088	0,039	0,126*	0,052	0,02	0,043	0,096	0,167**	0,211**	-0,1	-0,08	0,124*	0,202**	-0,02	-0,14*
Q6b										1	0,122	0,256**	0,13*	-0,20**	0,016	-0,15*	-0,11	-0,19**	-0,1	0,379**	0,144*	0,013	-0,04	0,268**	0,357**
Q6c											1	0,483**	0,62	-0,1	0,014	-0,09	-0,09	0,195**	0,256**	0,04	0,081	0,128*	0,283**	0,142*	0,209**
Q6d												1	0,517	-0,12	-0,04	-0,21**	-0,18**	0,079	0,259**	0,231**	0,123*	0,243**	0,248**	0,224**	0,204**
Q6e													1	-0,03	-0,02	-0,05	-0,18**	0,13*	0,24**	0,036	0,109	0,165**	0,301**	0,229**	0,155*
Q7a														1	0,33**	0,334**	0,258**	0,084	-0,03	-0,17**	-0,10	-0,08	-0,06	-0,12*	-0,13*
Q7b															1	0,204**	0,157*	0,104	-0,02	-0,10	0,058	0,018	-0,01	-0,05	0,006
Q7c																1	0,202**	0,169**	0,03	-0,28**	-0,01	-0,01	-0,09	-0,15*	-0,23**
Q7d																	1	0,03	-0,05	-0,2**	-0,02	-0,004	-0,14*	-0,16*	-0,152*
Q8a																		1	0,551	-0,42**	0,016	0,258**	0,346**	-0,17**	-0,19**
Q8b																			1	-0,32**	0,14*	0,424**	0,412**	-0,06	-0,07
Q8c																				1	0,125*	-0,10	-0,11	0,225**	0,301**
Q8d																					1	0,297**	0,245**	0,221**	0,311**
Q8e																						1	0,489	0,06	0,104
Q8f																							1	0,124*	0,047
Q9a																								1	0,588
Q9b																									1

* Coefficient significant at 5 % level of significance

** Coefficient significant at 1 % level of significance

	Gender	Age	Res.	Edu.	Sect.Pub	Sect.Cult	Q11b	Q11c	Q11d	Q11e	Q12a	Q12b	Q12c	Q12d	Q13	Q14	Q15a	Q15b	Q15c	Q15d	Q15e	Q16
Gender	1	-0,13*	0,043	0,081	0,008	0,012	0,128*	0,088	0,054	-0,18**	0,092	-0,07	0,013	0,077	0,145*	0,025	0,028	0,129*	-0,11	-0,01	-0,07	0,222**
Age		1	-0,04	-0,063	0,133*	0,035	-0,08	-0,22**	-0,01	-0,01	-0,03	0,061	-0,16*	0,084	-0,21**	0,166**	-0,17**	-0,11	0,037	-0,08	-0,003	-0,25**
Res.			1	0,062	-0,14*	0,024	0,045	0,031	0,005	0,039	-0,6	0,033	0,044	-0,012	-0,02	0,112	0,071	0,012	-0,05	-0,08	-0,01	-0,05
Edu.				1	0,2**	0,099	0,064	0,072	0,078	0,029	0,023	0,012	-0,02	0,134*	0,171**	0,112	0,067	-0,11	-0,14*	-0,09	-0,07	-0,1
Sect.Pub.					1	0,314**	-0,07	0,022	0,041	-0,01	-0,09	0,099	-0,03	-0,011	0,073	0,089	0,002	0,092	-0,09	-0,02	-0,06	0,024
Sect.Cult						1	0,069	0,066	-0,02	0,013	-0,03	0,034	-0,01	0,083	-0,04	0,024	-0,02	0,101	-0,14*	-0,14*	-0,22**	0,039
Q11b							1	0,279**	0,292**	-0,50	-0,06	0,096	0,166**	0,171**	0,199**	0,078	0,097	0,187**	0,024	-0,04	-0,03	0,331**
Q11c								1	0,297**	-0,06	-0,04	0,026	0,178**	0,053	0,146*	0,049	0,039	0,212**	-0,15*	-0,01	-0,14*	0,307**
Q11d									1	-0,35**	-0,01	0,037	0,122	0,151*	0,127*	0,064	0,05	0,209**	-0,03	0,036	-0,03	0,296**
Q11e										1	-0,02	0,002	-0,08	-0,152*	-0,12	0,029	-0,07	-0,18**	-0,01	-0,03	-0,05	-0,24**
Q12a											1	-0,87	-0,44**	-0,028	0,221**	-0,08	0,041	0,016	0,043	0,044	-0,02	0,021
Q12b												1	0,107	0,093	-0,01	0,097	-0,02	0,013	-0,05	-0,08	0,01	0,013
Q12c													1	0,057	0,049	-0,01	0,062	0,209**	0,062	0,034	0,017	0,233**
Q12d														1	-0,02	0,046	0,053	0,057	0,042	-0,16*	-0,05	0,074
Q13															1	0,039	0,106	0,231**	-0,07	-0,03	-0,09	0,276**
Q14																1	-0,08	-0,05	-0,11	-0,11	-0,09	0,014
Q15a																	1	0,091	0,36**	0,377**	0,358**	0,054
Q15b																		1	0,075	0,074	-0,05	0,446**
Q15c																			1	0,524	0,661	0,001
Q15d																				1	0,692	0,071
Q15e																					1	-0,06
Q16																						1

* Coefficient significant at 5 % level of significance
** Coefficient significant at 1 % level of significance