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British Museum must recognise its own powers in matters of restitution

Case of Ethiopian tabots shows that trustees' hands are not tied when it comes to the disposal of certain items from the collection

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Priests in Addis Ababa carrying covered tabots on their heads during a celebration of the Epiphany © Jean Rebiffé

The British Museum seems to enjoy telling the world about its statutory restrictions. Whenever would-be claimants approach the museum seeking restitution of an object from the collection, the almost mechanical response from the museum is that its trustees are prevented from doing so, even if they wanted to, because of the onerous restrictions on deaccessioning collection items found within the British Museum Act 1963.

This has been part of the response to Greek representatives regarding the Parthenon Sculptures, and, most recently, to the delegation from Rapa Nui (Easter Island) who emotionally pleaded to get the giant carved moai figure back from the museum.

But this spring, a delegation from Ethiopia arrived at the British Museum with a somewhat different sort of request. The country's culture minister was looking to discuss the potential return of 11 tabots currently held at the museum. These are tablets of wood or stone meant to represent the Ten Commandments, sacred to the Christian church of Ethiopia. Though they entered the collection at different times, the tabots had originally been taken during a particularly notorious expedition by British imperial forces at Maqdala against the Abyssinian Empire in East Africa (current-day Ethiopia). These, along with Abyssinian regalia and manuscripts, were brought back to Britain as war loot and entered a number of major British institutions.

Today, the tabots are rightly revered by British Museum authorities. They are apparently kept in a sealed storage room, each one meticulously wrapped in cloth, and museum staff is not allowed to touch or even look at them. On occasion, members of the Ethiopian church have been allowed to perform religious rites with the objects. But the Ethiopian delegation was looking to go further. They suggested that these items be sent back to Ethiopia in order to be properly looked after by the Ethiopian Orthodox Church.

According to Ethiopian belief, tabots should be kept in churches, not in a secular space.

As reported in The Art Newspaper, after the delegation met with British Museum director Hartwig Fischer, a museum spokesperson relayed that Fischer was “going to report to the trustees, and the suggestion of a long-term loan of the tabots may be discussed.”

This may seem like a reasonable response. Long-term loans are often practical solutions to restitution requests, avoiding the legal difficulties of permanent returns, while offering meaningful access to the items in their place of origin, even if for a finite period. Long-term loans make sense in cases where the interest of the museum in retaining custodianship is significant and is necessarily balanced with the interests of communities of origin. That is why the willingness of the British Museum to participate in the Benin Dialogue Group, a consortium of European museums intent on establishing a series of loans of the Benin Bronzes from their collections to Nigeria, is to be applauded.

But in the case of the 11 tabots, a loan will simply not do. These are items of compelling importance to an active church in Ethiopia today. They were taken in particularly opprobrious circumstances during a punitive raid. They are serving no museological or academic purpose within the institution and create an unnecessary obstacle for church officials looking to venerate them.

The British Museum will likely answer that its hands are tied and that the statutory prohibition precludes it from even considering a complete restitution to the Ethiopian Church. But if one reads the British Museum Act 1963 closely, one will see that such stonewalling is untenable.

There is a specific provision that allows the British Museum trustees to give away items from the collection if the trustees deem them to be “unfit” for retention in the collection and that the removal would not be detrimental to the interests of students. Of course, in the case of the tabots, no student has access in the first place, so no detriment exists. As to whether the trustees deem them

“unfit” for the collection will necessarily depend on the circumstances in which they are held. While unfitness for the collection is unlikely to apply to key items like the Parthenon Sculptures or the Benin Bronzes, it most certainly can apply to items like the tabots: of great religious importance and with no measurable value to the museum itself. The trustees should, at their next meeting, take the step—entirely consistent with the language and intention of the British Museum Act 1963—of approving the disposal of these items from the collection for the benefit of the Ethiopian Orthodox Church.

In the past, the trustees have played it safe with the Act’s “unfit” provision. They have always appeared to either disregard or ignore it for fear of becoming vulnerable to an avalanche of restitution claims: the famous “floodgates” argument so familiar to Greek, Turkish and Indigenous ears. If we accept that your items are unfit for our collection, then what is stopping a multitude of other groups lodging similar claims? While the argument might hold true in the case of the majority of museum objects, it most certainly does not in the case of the tabots.

When the Act was passed by Parliament, the MPs debating the provision made reference to “unfit” including forgeries and wrongly identified works. This is indeed comprised in the meaning of the term and nothing would stop the trustees from disposing of, say, a watercolour that has turned out to be a worthless forgery. But “unfit” is broader than this. If Parliament had wanted this power of the trustees to apply only to fakes and forgeries, it would have used those very words in the Act. Instead it opted for the broader and more circumstance-driven phrase “unfit to be retained in the collections”. The trustees should honour Parliament’s decision and use their powers appropriately. In this case that should lead to only one result: the permanent restitution of the tabots to the Ethiopian Church.