Erasmus Mundus Master of Arts
EUROCULTURE

# Master of Arts Thesis
# Euroculture

**University of Göttingen (First semester)**

**University of Uppsala (Second semester)**

**August 2023**

## Imbroglio, flawed procedure or a state scandal?

## Untangling the complexities of the 2020 restitution of human remains from France to Algeria

**Submitted by: Pauline Blache**

First name and surname student: Pauline Blache
Student number first university: 29314505
Student number second university: 109162
Contact details (telephone/email): blachepauline66@gmail.com, +33(0)786858642

**Supervised by:**
Jonatan Kurzwelly, Georg-August-Universität Göttingen
Jacob Hjortsberg, Uppsala Universität

**Göttingen, August 1st, 2023**

**Signature**

Erasmus Mundus Master of Arts
EUROCULTURE

**MA Programme Euroculture**
**Declaration**

I, Pauline Blache hereby declare that this thesis, entitled "Imbroglio, flawed procedure or a state scandal? Untangling the complexities of the 2020 restitution of human remains from France to Algeria", submitted as partial requirement for the MA Programme Euroculture, is my own original work and expressed in my own words. Any use made within this text of works of other authors in any form (e.g., ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the bibliography.

I declare that the written (printed and bound) and the electronic copy of the submitted MA thesis are identical.

I hereby also acknowledge that I was informed about the regulations pertaining to the assessment of the MA thesis Euroculture and about the general completion rules for the Master of Arts Programme Euroculture.

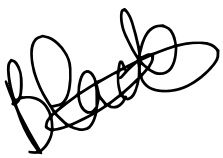
In case the research process involved participants (especially participants from vulnerable communities and populations), please ensure that the following boxes can be ticked before submitting the thesis, or tick the third box, if not applicable to your project:

X I declare that I have obtained the required permission from the relevant ethics committees of the two universities supervising my thesis concerning my research proposal in order to proceed with proposed research involving participants;

X I declare that I have obtained informed consent from these participants and that the consent forms are stored lawfully and in accordance with the rules of the two universities supervising my thesis.

☐ The two items above do not apply to this project.

Signed Pauline Blache



Date July 31, 2022.

Abstract

In July 2020 France returned 24 human remains to Algeria, designating it as a ‘loan’ renewable every five years. These human remains, identified as skulls, by some considered as “war trophies”, were believed to belong to Algerian soldiers and tribal chiefs who fought against the French army’s invasion in the early 19th century. They are today buried in the Carré des Martyrs in Algiers, alongside other prominent figures from Algerian independence and politics. However, a *New York Times* investigation revealed in October 2022, that only 6 out of the 24 skulls had been clearly identified as belonging to resistance soldiers, while the rest were either of uncertain provenance or imprisoned thieves, and three were of soldiers of Algerian origin who had fought in the ranks of the French Army.

This thesis explores the intricate details, perspectives and interpretations that led to this contentious restitution. It argues that, while few people theoretically opposed the restitution, numerous complicated factors made the restitution multilayered and complex, and culminated in the oxymoronic notion of a permanent ‘loan’. The thesis analyses the various reasons behind the conclusions presented by *The New York Times* article. Three major groups significantly influenced the outcome of restitution: civil society, museums, and governments. The central argument revolves around the general taboo that has long existed regarding the crimes committed in the former French colonies, the reluctance of museums and the Ministry of Culture to accept restitutions, and the political exploitation of restitutions of cultural property and human remains for diplomatic, nationalistic and economic purposes.

Keywords: Human remains, restitution, France, Algeria, colonisation, skulls, Provenance Research, political interests, taboo, history.

word count: 28.750 words.

# Table of Contents

# Introduction

This thesis examines the case of the restitution of Algerian human remains that belonged to individuals who were believed to be killed and decapitated by the French army during the initial stages of the colonisation of Algeria in the early 19th century. The restitution process involved 24 skulls and occurred in July 2020 in Algiers, the capital of Algeria. Human remains, particularly those belonging to individuals who were subjected to colonisation, constitute a distinct category within the context of restitution due to their sacred significance and the violence they embody. While there is a seeming general consensus that bones should not be displayed in museums or retained in collections, the reality of restitutions is far more complex. Indeed, restitutions of human remains entail different issues at stake: historical memory, nationalism, politics, political agendas (gaining votes, for example), recognition of crimes and crimes against humanity, coherence of legal frameworks, decolonisation, racism, and even police brutality. This study will delve into these intricacies, mapping out the various stakeholders: the public sphere, museums and government, involved in the restitution process and their respective interests.

Before examining the subject of the Algerian skulls, it is important to explore the historical context of restitutions in order to gain a comprehensive understanding of the origins and background of this particular case.

In 1970, UNESCO published the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. In the global context of decolonisation, this Convention ought to support the cultural policies of African countries that had just become independent. The claim for reparation was found among those cultural policies. The provisions for reparation are included in Articles 7 and 13 of the 1970 treaty[1].

[1] UNESCO, "About 1970 Convention," *UNESCO*, February 12, 2020, https://en.unesco.org/fighttrafficking/1970.

> "For objects inventoried and stolen from a museum, public or religious monument, or a similar institution, article 7 paragraph (b) (ii), provides that States Parties should undertake appropriate measures to seize and return any cultural property stolen and imported. Article 13, states that parties are responsible at the national level in terms of restitution and cooperation."[2]

The Convention was published in response to the rigid stance of former colonial powers and the mounting pressure from its Member states. Indeed, countries such as Ethiopia and Nigeria have been requesting the return of artefacts stolen during the colonial period since the 1960s. The archives of Belgian, German, British, and French museums, as well as Ministries of Foreign Affairs and significant African and European newspapers, record the recollection of these allegations, as well as the deafening silence that greeted them for a long time and occasionally still does.[3]

Alongside, the topic of restitution grew significantly when it was brought to the surface by postcolonial studies. Academics and activists pointed out the number of looted cultural goods of non-European origins today displayed or kept in European collections. As an example, in 2018 French Bénédicte Savoy and Senegalese Felwine Sarr published a report on the restitution of African cultural heritage.[4] This report was commissioned by the French government, after President Macron's statement in 2017 at the University of Ouaga 1 in Ouagadougou, Burkina Faso: "I want the conditions to be in place within five years for the temporary or permanent return of African heritage to Africa."[5] The report focuses solely on Africa's sub-Saharan region. It emphasises the unique nature of the African situation, frequently voiced by experts, that almost all the material heritage of African countries South of the Sahara is preserved outside the African continent[6,7] and

---

[2] Ibid.

[3] Savoy, Bénédicte, and Felwine Sarr. "Rapport Sur La Restitution Du Patrimoine Culturel Africain, Vers Une Nouvelle Éthique Relationnelle," November 2018. https://www.culture.gouv.fr/Espace-documentation/Rapports/La-restitution-du-patrimoine-culturel-africain-vers-une-nouvelle-ethique-relationnelle

[4] Ibid.

[5] Franceinfo. "'Je Veux Que d'Ici Cinq Ans Les Conditions Soient Réunies Pour Des Restitutions Temporaires Ou Définitives Du Patrimoine Africain En Afrique', Emmanuel Macron - Vidéo Dailymotion." *Dailymotion*, November 28, 2017. https://www.dailymotion.com/video/x6aprhh.

[6] Schuldt, Stefanie. "Alles Rechtmäßig Geklaut." *KATAPULT-Magazin*, August 26, 2021. https://katapult-magazin.de/de/artikel/alles-rechtmaessig-geklaut.

[7] Savoy, Sarr, 2018.

presents remedies tailored to this particular scenario. It also considers France's history and specific obligations in this region of the world.

Although the restitution of artefacts is the main focus, the report also mentions human remains. Sovoy and Sarr explain that in Europe "the restitution of human remains seems to have gradually taken hold in the minds of individuals and institutions"[8]. In other words, there seems to be less conflict generated about the restitution of human remains, than when artefacts are involved. Why so? The questions of ethics and human dignity[9] make it a particular item to return to their descendants, compared to cultural goods. This unique character is all the more marked when human remains come from war. They carry a heavier burden of a history of violence particularly when it comes to the wars of colonisation. In this regard, the skulls of Algerians killed by the French army in the 1830s during the colonisation of Algeria by France, and preserved until 2020 in a Parisian museum, make it anything but an insignificant item to return.

Looking at legal frameworks and obligations that countries must comply with gives a better understanding of the progress of restitutions around the world. Margaret Clegg[10] explains that international and national laws regulate the repatriation of human remains, as they do with the return of cultural artefacts. Laws governing the treatment of the deceased and the exhumation or disinterment of skeletal remains are among the earliest laws in general, in terms of the body's treatment after death[11]. The earliest reference is in the Epic of Gilgamesh[12], where it was expected that even the bodies of the enemies should be given suitable death rituals so that their ghosts do not cause harm.[13] Human remains can be separated into four categories[14], depending on their age:

1) the newly dead;
2) the recently dead;

[8] Savoy, Sarr, 2018, p. 13.
[9] Jean-Marc Dreyfus and Élisabeth Anstett, *Human Remains in Society : Curation and Exhibition in the Aftermath of Genocide and Mass-Violence* (Manchester, England: Manchester University Press, 2017).
[10] Much of the discussion of the legal framework is based on Margaret Clegg's Chapter 3 "The Legal Aspect of Human Remains" of her book *Human Remains: Curation, Reburial and Repatriation*. (2020).
[11] Clegg, 2020.
[12] George, Andrew. *Epic of Gilgamesh*. London: Penguin Classics, 1999.
[13] Clegg, 2020.
[14] Ibid.

3) the long dead;
4) the ancient dead.

Generally, human remains are treated in national laws in two different manners, accordingly to their age: the 'recent deaths' (categories 1 and 2) and 'archaeological death' (categories 3 and 4).[15] These two groups are addressed in a separate way, and there is usually a cut-off date to differentiate between the two. Unfortunately, as Clegg explains, this date varies across nations, which can cause difficulty when working with human remains all around the world.[16]

Discussing the diverse laws in different countries lies out of the scope of this thesis.[17] Here I will only discuss France's legislation. As Michel and Charlier explain[18], in France, human remains fall into the archaeological domain when their discovery is more than 10 years after the point of death. If the person died within the last 10 years, then it falls into the French judicial system. Human remains discovered in archaeological contexts have no legal standing. Indeed, Law No. 2001-44 (17 January 2001) mentions 'archaeological heritage' or 'archaeological relics' in generic terms. The phrase 'human remains' is never used. This law considers human remains to be incorporated into the main archaeological statute, and as a consequence, it gives them the same status as an artefact.[19] As a result, they appear to follow the same administrative and legal process, particularly in terms of heritage conservation and artefact ownership. Concerning the use of human remains, the Law no.2002-5 of January 4, 2002, allows the study of human remain when the "aim of the research leads to knowledge and education"[20]. Nevertheless, the Article 16-1-1 of the

[15] Ibid.
[16] Ibid.
[17] For further reading on this topic, I recommend the work of Nicholas Marquez-Grant & Linda Fibiger *Routledge Handbook of Archaeological Human Remains and Legislation: An International Guide to Laws and Practise in the Excavation and Treatment of Archaeological Human Remains* (2011). It examines the many approaches and legal frameworks involved in the excavation, study, and reburial of human skeletal remains. Contributions were made by 62 nations from Europe, Asia, Africa, North America, South America, and Australasia. The handbook analyses several issues: the state of physical anthropology in each country, procedures when human remains are discovered, relevant legislation for excavation, licencing requirements, considerations for churchyards and war graves, distinctions between forensic and archaeological remains, transportation of remains for research, prevalent methods of anthropological analysis, and ethical issues.
[18] Juliette Michel and Philippe Charlier, "France," in *Routledge Handbook of Archaeological Human Remains and Legislation: An International Guide to Laws and Practise in the Excavation and Treatment of Archaeological Human Remains* (Routledge, 2011).
[19] Ibid., p.153.
[20] Ibid., p.158.

'Civil Code' states that this research must always be done with respect to the dead.[21] Moreover, the Decree of September 16, 2004, changes the statue of ownership stated by Law No. 2001-44, as it prevents any private ownership of human remains but allows museums to have them in their collections as part of scientific documentation.[22] This is therefore the key difference in ownership between human remains and artefacts.

What is of particular importance for our considerations here, is that human remains are subject to a special legislation known as the "principle of inalienability". This principle prevents items belonging to the public domain from being removed from collections. In short, once they have entered the collections, it is difficult to remove them, and this principle, therefore, prevents them from being restituted. Although it is, in theory, possible to declassify items that are no longer used, the French Heritage Code reserves this procedure for items that have lost their public interest from the point of view of history, art, science or technology. This principle cannot be used to remove human remains from collections since they are considered relics of the history of humanity and carry a potential scientific value for new research. Legislative intervention is required to derogate from this 'inalienability' statue[23].

These difficulties explain the low number of restitutions of human remains that have taken place to date in France. Only two laws, each the result of an initiative by the Senate, have been passed to permit the restitution of human remains on an occasional basis. Because this legislative procedure is so complex, other means of restitution have been preferred on several occasions, despite their questionable legality.[24] The use of the permanent[25] loan of the 24 skulls to Algeria in 2020, as a matter of urgency, is a good example. This case is mentioned in the new draft bill for the restitution of human remains present in French collection.[26]

[21] Ibid., p.158.
[22] Ibid., p.158.
[23] Report "Essentiel sur la proposition de loi relative à la restitution des restes humains appartenant aux collections publiques" by French Committee on Culture, Education and Communication, 2023.
[24] Ibid.
[25] It is said to be permanent because no one expects the human remains to be brought back to France since they are now buried. However, they were returned under a 5-year agreement, indefinitely renewable. Therefore, it is considered to be a 'permanent loan'.
[26] French Committee on Culture, Education and Communication, 2023.

This list includes the past restitutions of human remains, that were stored in French public collections:

- 2002: Return of the remains of Saartjie Baartman, known as the "Hottentus Venus", to South Africa, through Law no.2002-323 of March 6, 2002.
- 2002: Return of the remains of the Charrua Vaimaca Peru Indian to Uruguay, through administrative procedure.
- 2012: Return of twenty Maori heads to New Zealand, through Law no. 2010-501 of May 18, 2010.
- 2020: Return of twenty-four skulls to Algeria, through a deposit agreement dated June 26, 2020.

Now that the legal framework has been settled, I will present the 2020 restitution in more detail.

## The case of the Algerian skulls

On July 5, 2020, France handed over to Algeria 24 skulls, who were believed to belong to Algerian soldiers who had fallen in the country's colonial battles in the early 19th century. These skulls are not exactly "returned", they fall under the oxymoronic term "permanent loan". They are a loan, because France and Algeria signed a 5-year loan agreement, but it is permanent because France knows that the skulls will forever stay in Algeria, especially since they are now buried. This legal term explains that no law has been passed to 'declassify' the skulls, which means that they are still legally part of French collections.

On 17 October 2022, an investigation by *The New York Times* revealed that the identity of the 24 human remains did not match what had been promised. Indeed, it exposed that only 6 skulls were clearly identified, and some of them are still unidentified. Now buried

in the sacred Carré des Martyrs in the Al-Alia cemetery in Algiers, among the 24 skulls are also resting "three Algerian infantrymen who actually served in the French Army"[27]. This news stunned the globe and shook the French political scene to its core. As an example, Senator Catherine Morin-Desailly said about the 2020 restitution "some call it an imbroglio or a flawed procedure, others call it a state scandal".[28,29]

This serious error in the restitution, in addition to the ironic appellation 'permanent loan', seems to have put France, and more particularly the Museum of Mankind, where the skulls were kept, in an uncomfortable situation.

- Chronology of events:

In 2011, a scandal broke in the international press when Algerian human remains were discovered in French anthropological collections. Renowned Algerian archaeologist and historian, Ali Farid Belkadi, identified 68 skulls of Algerian fighters during his research launched at the Museum of Mankind in Paris, France. These skulls originate from the period of colonisation of Algeria by France. Later during the year, he launched a petition for the return of these skulls to Algeria.[30] It did not receive the attention he desired, and the case appeared to be forgotten until a new petition was launched in 2016. Several French and Algerian academics took the initiative to reignite the scandal,[31] and this time was a success. The debate for the return of the mortal remains to Algeria, as well as the desire to ease Franco-Algerian relations, were at the heart of the 2017 French presidential elections. In an interview with Algerian broadcast Echourouk News in February 2017, presidential candidate Emmanuel Macron denounced the crimes committed under French colonialism as "crimes against humanity."[32] This was a watershed moment in Franco-

---

[27] Constant Méheut, "France Returned 24 Skulls to Algeria. They Weren't What They Seemed.," *The New York Times*, October 17, 2022, sec. World, https://www.nytimes.com/2022/10/17/world/europe/france-algeria-restitution-skulls.html#:~:text=The%20remains%2C%20part%20of%20one.

[28] Sénat, "Séance Du 26 Octobre 2022," *Sénat*, October 26, 2022, https://www.senat.fr/seances/s202210/s20221026/s20221026003.html.

[29] I have decided to use this quote in the thesis' title because it pictures quite well the multi-layered and numerous interpretations that can be given to the restitution, as well as its impact on the various stakeholders. Indeed, it appears that the more we are involved in restitution the more it impacts us.

[30] Mondafrique. "Algérie, Les Crânes de L'oubli." *Mondafrique*, January 27, 2021. https://mondafrique.com/le-rapatriement-des-cranes-algeriens-du-musee-de-lhomme/#:~:text=536%20cranes&text=Ces%20restes%20humains%20sont%20aujourd.

[31] Ibid.

[32] France Info, "Présidentielle 2017 : En Algérie, Macron Qualifie La Colonisation de 'Crime Contre L'humanité' - Vidéo Dailymotion," *Dailymotion*, February 16, 2017, https://www.dailymotion.com/video/x5c28z9.

Algerian relations. Never before in France has any president used this term to refer to French colonialism. Emmanuel Macron was elected President of the Republic a few months later in May 2017. In December of the same year, he made his first formal presidential trip to Algeria, declaring that he was "ready"[33] for Paris to return the Algerian skulls, still part of the French collections. He then stated:

> "I hope that we can improve our relationship with the work of remembrance between our two countries, and that the restitution of the skulls will be decided. I will decide that, I am ready."

In 2018, a Franco-Algerian committee was set up to work on identifying the 68 skulls. 18 months later, in July 2020, 24 skulls were returned to Algeria, in the form of a 5 years-renewable loan, as explained above. Finally, two years later in 2022, *New York Times'* investigative article[34] brought this case back into the spotlight, denouncing that the returned skulls did not all belong to Algerian freedom fighters. This thesis will attempt to shed some light on the current situation, by providing possible explanations regarding the origin of this restitution, the various stakeholders involved, and their personal interests.

### *Research question and relevance of study*

As Sarr and Savoy mentioned in their report[35], **there are, in theory, few people opposed to the restitution, and yet, there are various complicated factors that make the restitution so entangled and led the outcome to this oxymoron term "permanent loan". What are those factors?**

This question illustrates a current problem: the presence of human remains in museums and the way their restitutions are –if planned– handled. The research will allow us to better understand French and Algerian political strategies, their mutual interests and motivations. When reading in the press about this case, one may be surprised, even shocked, to read that France has returned the 'wrong' human remains. At first sight, the

[33] Le Point. "Algérie: Macron 'Prêt' à Rendre Les Crânes d'Insurgés Algériens Du Musée de L'Homme." *Le Point*, December 6, 2017. https://www.lepoint.fr/monde/algerie-macron-pret-a-rendre-les-cranes-d-insurges-algeriens-du-musee-de-l-homme-06-12-2017-2177745_24.php
[34] Méheut, 2022.
[35] Savoy, Sarr, 2018, p.13.

museum of Mankind might appear as the one to blame because it houses the collections. However, this case is much more complex than a possible fault of a museum, as it involves different actors, impacting each other's' decisions and possibilities of actions.

*Outline of thesis*

This thesis untangles the complexity of the case of Algerian skulls. It explores how and why the three stakeholders —the public sphere, museums and governments— act with political inclinations rather than being neutral agents in the restitution narrative. It argues that the mistake made during the restitution was not the result of an isolated action by the government or the museum staff, but rather the consequence of several disordered actions. Each chapter presents in detail the groups' points of view, motivations and scope for effort, the latter depending on the other groups' impacts of actions.

Chapter 1 examines civic society. It begins with an exploration of the shared historical background between France and Algeria, thereby facilitating an understanding of one of the key issues to this case: Algeria's colonisation by France. Subsequently, an investigation is conducted into the persistent taboo surrounding Algeria's colonial history, which remains in French culture and society. Moreover, the diverse counter-arguments that nourish the fear of controversies are presented. Lastly, a detailed analysis of the restitution ceremony enables an assessment of the Algerian sentiment of pride towards the restitution, as well as its exploitation for nationalist purposes.

In Chapter 2 are explored the perspectives and motivations of French museums. The discussion primarily focuses on museums' overall lack of information about the origins of their collections. This predicament can be approached from two perspectives: firstly, the restricted financial resources available for research purposes, and secondly, the limited number of experts working in museums. Additionally, the museums' general apprehension towards ongoing restitution efforts is discussed. There is a concern that such initiatives may trigger a cascade of restitution demands for items that hold significant value for museum collections. Finally, the chapter highlights the contradicting incentives museums should face in the restitution processes. Indeed, what should be an 'incentive' turns out to provoke anxiety surrounding potential involvement in contentious debates resulting from restitution processes.

Chapter 3 provides a concluding analysis of the political standpoint on the case. The general utilisation of restitution as a means to achieve economic and political objectives is discussed. Furthermore, the rushed nature of the restitution process is argued, since it is said to have played a significant role in the 'botched'[36] completion of the restitution. Finally, this chapter addresses the potential solution put forward by members of the French government and museums. In particular, the draft bill on the restitution of human remains is analysed, since it has the potential to bring a definitive and complete resolution of the restitution of Algerian skulls and facilitate future restitutions.

## Literature Review

Before jumping into the analysis of the case study, I have conducted preliminary research regarding the academic work and knowledge that already exist around the topic. This allows the thesis and its readers to get a better understanding of where the case and the research are situated. In this section is introduced the literature on the meanings and values of human remains, on Provenance Research, and the newspapers that reported the situation, which is of relevance for the subject of this thesis.

### Academic work: meaning and values of human remains in collections

*Human Remains: Curation, Reburial and Repatriation* (2020) by Margaret Clegg gives a great and general knowledge on the history of the presence of human remains in museums and all the possibilities to prepare for their repatriation. It sums up the different aspects of the restitutions, including the symbolic and ethical meaning of human remains, their legal situation, the best way to initiate and to handle a restitution of human remains. What was of particular interest to my thesis is her explanation as to why human remains hold such a particular place in collections. She explains[37] "[human remains] are the remains of people like ourselves who were once living and breathing. This gives human remains a distinction not found in other specimens."

[36] Méheut, 2022.
[37] Clegg, 2020, p.68.

The analysis presented by Clegg on how to prepare for the return of human remains, as well as the necessary steps for museums to anticipate such repatriations, has been instrumental in evaluating the efficacy of the 2020 restitution. By establishing this groundwork, the present thesis can explore the aspects that were well-organised, missing, and propose potential improvements.

*The Routledge Companion to Indigenous Repatriation*[38] provides a great understanding of the importance of restitutions of human remains for Indigenous communities. Chapter 45 "Repatriation and the trauma of Native American history" explores how repatriation can be part of addressing historical traumas that perpetuate intergenerationally. The removal of Native American remains is described as part of the trauma produced by colonisation, noting that many bodies were taken from sites of some of the worst episodes in tribal histories. This theory is useful for the thesis, as it can be applied for the case of Algeria. Indeed, the two ceremonies that were organised for the repatriation of the Algerian skulls were heavily addressing historical traumas by celebrating the return of their 'martyrs'[39] and as a part of their national identity.

The concepts of 'capital'[40] and 'commodities' concerning human remains, as developed by Jonatan Kurzwelly and Malin S. Wilckens in "Wert und Verwendung menschlicher Überreste" (2022)[41], provide this thesis with a foundational framework for exploring the use of restitution for personal benefits. Their article describes the various meanings that human remains can carry, including both "positive" and "negative" forms of capital. Moreover, the article highlights how viewing human remains through a materialist and economic lens, as 'commodities' or 'capital' can provoke discomfort. It argues that human remains have been detached from the living's history and employed for diverse

---

[38] Cressida Fforde, C. Timothy McKeown, and Honor Keeler, *The Routledge Companion to Indigenous Repatriation* (Routledge, 2020).

[39] see I. 4. 1. A symbolic restitution.

[40] As defined by Pierre Bourdieu in "The Forms of Capital," in *Handbook of Theory and Research for the Sociology of Education* (Westport, CN: Greenwood Press, 1986), https://ia903102.us.archive.org/13/items/PierreBourdieuTheFormsOfCapital/Bourdieu,%20Pierre,%20The%20Forms%20of%20Capital,%20trans.%20Richard%20Nice,%20chapter%209%20in%20John%20G.%20Richardson%20(ed.),%20Handbook%20of%20Theory%20and%20Research%20for%20the%20Sociology%20of%20Education%20(Greenwood%20Press,%20Westport,%20CN,%201986).pdf.

[41] Jonatan Kurzwelly and Malin S. Wilckens, "Wert Und Verwendung Menschlicher Überreste," *Historische Anthropologie* 30, no. 3 (December 12, 2022): 329–49, doi:https://doi.org/10.7788/hian.2022.30.3.329.

agendas and needs. Depending on different contexts and stakeholders involved, human remains can assume distinct forms of 'capital' and 'value'. Following the definition of 'commodity' stated in the article as "any thing intended for exchange"[42], the thesis discusses the use of the 24 pieces of human remains in the restitution process.[43] Furthermore, the 2020 restitution, as well as the presence of (what is believed to be) Algerian human remains in the collections of the Museum of Mankind, align with the notion of "negative capital" as theorised in the article. This concept refers to aspects that negatively affect the reputation or public image of an institution or nation.

In *Museums and Restitutions, News Practices, New Approaches* (2014)[44] is argued that:

> "despite the increasing importance of the subject for both politics and practices in museums, existing academic publications on the subject have focused largely on legal and political issues[45]."[46]

They explain that, while academic works provide valuable context for ongoing debates, they tend to ignore the complexities museums face when addressing claims and discussions of restitution. The book also expresses the pressing need for a comprehensive understanding of how museums confront the issue. They wrote: "restitution is a highly charged, political subject, entangled within shifting power relations between, and within countries. Museums are and have always been political instruments."[47] Drawing upon this book's insights, the present thesis analyses the behaviour of museum professionals during the 2020 restitution process. Using the book's central argument as a framework, it asserts

---

[42] Arjun Appadurai, "Introduction. Commodities and the Politics of Value", in *The Social Life of Things. Commodities in Cultural Perspective*, Cambridge 1986, 3–63, 9.
[43] See Chapter III on Political stakes.
[44] Kostas Arvanitis and Louise Tythacott, eds., *Museums and Restitution, New Practices, New Approaches* (London: Routledge, 2016), 1–13, doi:https://doi.org/10.4324/9781315596495.
[45] They cite different books that illustrate the legal and political issues in restitutions. *The return of cultural treasures* (Greenfield, 1989) explores the historical, legal, and political complexities related to prominent case studies. Renfrew's *Loot, legitimacy and ownership: the ethical crisis in archaeology* (2000) focuses on archaeology and the illicit trade in antiquities. *Imperialism, art and restitution* (Merryman, 2006) and *International law, museums and the return of cultural objects* (Vrdoljak, 2006) feature contributions from museum professionals, academics, and legal experts, highlighting the legal mechanisms involved in resolving cultural heritage disputes. In addition, *The long way home: the meaning and values of repatriation* (Turnbull and Pickering, 2010) brings together researchers from diverse disciplines in the humanities and social sciences. They critically reflect on the historical, cultural, ethical, and scientific dimensions of repatriation.
[46] Arvanitis, Tythacott, 2014.
[47] Arvanitis, Tythacott, 2014, p.2.

the intrinsic dynamics and interactions between museums and political actors in context of repatriation efforts.

## Provenance Research

It is essential to explore Provence Research as a topic of study while analysing the origins of the Algerian skulls. Provenance Research looks into the history of cultural artefacts or human remains to learn more about their historical trajectory. Experts examine how museum items were gathered, acquired, and even mistreated, offering light on the many meandering paths they took to end up in the museum. It examines the circumstances surrounding changes in possession and ownership, from the production of an object to its inclusion in a collection.[48] Today, Provenance Research appears to be the answer to this "transparency obligation"[49] that is world-wide required by different groups such as activists, academics, politicians and museum professionals.

In her book *Human Remains*, Margaret Clegg[50] explains that the origin of remains "can be determined in two ways: the archival information relating to the remains and information from the bones themselves." According to her, both of these methods used together enable the extraction of the most comprehensive information, while ensuring that archive information is not relied upon in isolation. She explains:

> "At the very least, the remains should be compared to the original donor information or the oldest record of the remains at the institution. This assures that what is discovered in the box corresponds to what is reported in the records. There are several occasions where these records do not match, and the causes for the disparity must be examined. The entire information regarding donations may be kept by the institution, but it may be isolated from the initial basic record produced from this source; for example, the original donation letter is frequently not included in the general record but may be in the institution's archive."

---

[48] Definition given by: Staatliche Museen zu Berlin. "Provenance Research." *Staatliche Museen Zu Berlin*. Accessed June 12, 2023. https://www.smb.museum/en/research/provenance-research/.

[49] Azimi, Roxana. "Comment Chercheurs et Musées Enquêtent Sur l'Origine Des Objets Pillés En Afrique." *Le Monde.fr*, April 29, 2021. https://www.lemonde.fr/afrique/article/2021/04/29/comment-chercheurs-et-musees-enquetent-sur-l-origine-des-objets-pilles-en-afrique_6078543_3212.html.

[50] Clegg, 2020, see Chapter 9: "The Importance of Provenance"

In this same chapter, she introduces the different methods to conduct Provenance Research, namely: archival research, physical examination, ethnographic studies of the country or groups in question, the use of historic resources, the use of DNA, isotope analysis[51].[52]

However, among the different methods to identify human remains, the use of genetic is debatable. In the article "Genetic Similarities Within and Between Human Populations"[53] is argued that individuals from different populations can be genetically more similar than individuals from the same population, since the fraction of human genetic diversity resulting from population differences is low. Hence, genetic analysis can be avoided since there is no valid justification for establishing racial typologies among human.[54]

In *The Work of the Dead, a Cultural History of Mortal Remains* (2016), Thomas W. Laqueur[55] explores the historical practices for caring for the dead, from antiquity to the twentieth century. In particular, he traces the evolution of memorials for the dead, from monumental lists and memorials since the nineteenth century, to the contemporary disturbing feeling that anonymous burials can provoke. Regarding the thesis' case-study, this argument becomes evident in the public sphere in 2022[56], after the revelations made by *The New York Times* affirmed that certain human remains buried in Algeria were not fully identified, leading to an anonymous burial. Moreover, this book is relevant to Provenance Research as it highlights the motivations behind conducting research to identify mortal remains in collections, even when restitution might not be the immediate

[51] She explains that the diet (food and drink habits) can leave "an indelible mark within us that can be used to show where we grew up, where we lived for the last few years. The sort of food in our diet can also show the region we live in."

[52] Unfortunately, I was not able to access the French-Algerian commission's work on the identification of human remains. Therefore, I could not compare the methods described by Clegg with the one(s) used for the Algerian skulls. But this book is important to the thesis, in the sense that it provides information regarding the collection of information regarding the origins of human remains held in museums.

[53] D. J. Witherspoon et al., "Genetic Similarities within and between Human Populations," *Genetics* 176, no. 1 (May 2007): 351–59, doi:https://doi.org/10.1534/genetics.106.067355.

[54] Jonatan Kurzwelly and Malin S. Wilckens, "Calcified Identities: Persisting Essentialism in Academic Collections of Human Remains," *Anthropological Theory* 23, no. 1 (December 1, 2022): 100–122, doi:https://doi.org/10.1177/14634996221133872.

[55] Thomas Walter, *The Work of the Dead : A Cultural History of Mortal Remains* (Princeton, NJ: Princeton University Press, 2016).

[56] I refer to the numerous debates in politics (see the questions asked by Senator Catherine Morin-Desailly in the Senate on October 27, 2002), and in the public sphere (see the tv programme TV5Monde Info 18/10/2022) as well as the newspaper articles (see *Libération*,18/10/2022 and *Jeune Afrique* 21/10/2022).

goal. Understanding the significance of names and commemorations for the deceased can provide deeper insights into the ethical considerations surrounding human remains in museums and the cultural significance attached to their identification.[57]

### Benjamin Stora's report on French colonisation and the Algerian War (1954-1962)

Benjamin Stora is a historian and university professor from France. At the University of Paris 13 and INALCO (National Institute for Oriental Languages and Civilisations in Paris), he teaches contemporary North African history (nineteenth and twentieth centuries), decolonisation conflicts, and the history of North African immigration to Europe. He is a sociology doctorate and a history state doctorate. He founded the Maghreb-Europe Institute, which he has directed since 1991. Benjamin Stora has published over 20 books, all related to Algeria directly or to the region of Maghreb. He is also involved in many television, documentaries and film projects where he worked as historian counsel.[58]

In July 2020, French President Emmanuel Macron commissioned him to write a report of the memory of colonisation and the Algerian War. In these 160 pages, Benjamin Stora addresses a number of issues. Firstly, he discusses the impact of colonisation and the Algerian War on French society. Then he looks at the various speeches made by French heads of state about Algeria, and the various initiatives taken by civil society between the two countries. Finally, he looks at the issue of archives, missing persons, and knowledge and recognition of the colonial fact and the Algerian War.[59]

At the end of the report, he puts forward "recommendations to be implemented for possible memorial reconciliation"[60] between France and Algeria. These proposals include among others[61]:

- Setting up a "Memory and Truth" commission in France to promote joint initiatives between France and Algeria on issues of remembrance;

[57] Walter, 2016.
[58] From Benjamin Stora's biography on University Sorbonne Paris' website; https://benjaminstora.univ-paris13.fr/
[59] Stora, 2021, p.3-4.
[60] Stora, 2021, p.3.
[61] Stora, 2021, p.95-100.

- Commemorate the various symbolic dates of the conflict (the Evian Agreement on 19 March 1962, the tribute to the Harkis on 25 September each year, and the repression of Algerian workers in France on 17 October 1961);

- Restitution of the sword of Emir Abdelkader to Algeria, today still part of the French collections. He was a hero of the resistance to French colonisation in the 19th century;

- To make progress on the issue of archives, with the aim of transferring certain archives from France to Algeria, and also to give researchers in both countries access to French and Algerian archives;

- Reviving the project for a Museum of the History of France and Algeria, planned to be implemented in Montpellier but abandoned in 2014.

This report is useful for a better understanding of the shared Franco-Algerian past, but also into the contemporary political relationship between the two countries. His "recommendations" give a good overall idea of the issues that still need to be looked upon, in order to heal memories and improve relations. This report is a key document for any work on the memories of the Algerian War and its repercussions on French and Algerian society.

### The use of newspapers

Because of the highly topical nature of my case study, I have extensively used newspaper articles as written sources, in addition to my interviews. Indeed, the subject matter is considerably novel, making it difficult to locate relevant literature on the topic.
Undoubtedly, the contributions made by journalist Constant Méheut are intrinsically linked to my work, as he carried out the investigation for *The New York Times*, ultimately exposing the issue surrounding the returned skulls. The first article I used sheds light on

the identities of the 24 Algerian skulls[62] and the second one exposes the massive presence of human remains within the collections of the Museum of Mankind[63]. They both served as key sources in my research. After reading his articles, I reached out to Constant Méheut for an interview. It had the chance to exchange with him regarding his investigative work and its results.

Furthermore, I analysed Algerian newspapers, notably *Jeune Afrique*, which extensively covered the matter concerning Algerian Skulls. The valuable insights provided by the articles helped me shape the direction of my investigation. Additionally, I reached out to Algerian journalist Farid Alilat who wrote about the case and shared his expertise on the subject with me.

As suggested by Farid Alilat in our interview, I also looked at the reception of *The New York Times'* revelations on social media. By analysing Tiktok and Twitter posts using relevant French keywords such as "crânes" [skulls], "restitutions", "Algérie", "France", "scandale", I gained insights into how the general public, at times not well-informed[64], reacted to this case and the emotions it may have stirred. However, the tweets and posts are not quoted in the thesis, as they do not directly answer the research question, but just gave me a general understanding of the reception of the case on both Algerian (French speaking) and French audiences.

In conclusion, the existing body of literature on the restitution of human remains predominantly presents the symbolic and ethical significance of such repatriation for the targeted communities. Many of these remains belong to ancestors who suffered violent deaths, and their bodies were subjected to scientific studies that contributed to race-based classifications. This thesis builds upon this research by applying these theories to the case of Algerian skulls, while also exploring a relatively understudied topic: the use of human remains (and cultural objects) restitutions for political and economic purposes.

Benjamin Stora's report on French colonisation in Algeria and a collection of French and Algerian newspaper articles covering the 2020 restitution serve as primary sources for my

---

[62] Méheut, 2022.

[63] Constant Méheut, "A Paris Museum Has 18,000 Skulls. It's Reluctant to Say Whose.," *The New York Times*, November 28, 2022, sec. Arts, https://www.nytimes.com/2022/11/28/arts/design/france-human-remains-restitution-skulls.html.

[64] The essence of social media is to be a platform for free expression. However, sometimes, users share information from other users without thoroughly verifying the sources, which highlights the potential for the spread of false or poorly informed information.

research. By examining these materials, I aim to shed light on the complexities and nuances of the restitution process and its implications on the public sphere, museums and political stakes between France and Algeria.

## Methodology & methods

This section sets the research methodology and the means of data collection which I used in my research towards this thesis.

### The use of a qualitative method for Grounded Theory and Case Study approaches

Qualitative inquiry[65] is composed of five different research approaches: Narrative research, Phenomenology, Grounded Theory, Ethnography and Case study.[66] This thesis follows a qualitative method mixing Grounded Theory and Case Study approaches.

Strauss and Corbin defined[67] the qualitative approach 'grounded theory' as "the theory that was derived from data, systematically gathered and analysed through the research process"[68]. In qualitative grounded theory, there are four techniques of data collection which researchers can adopt: field work, observation, interviews, and document analysis.[69] The article *Qualitative Research Method: Grounded Theory*[70] was very

[65] The decision to employ qualitative over quantitative research was made because it seems more appropriate to address and assess the concerns covered in this thesis. Indeed, during the conducted interviews, what was most interesting for me was understanding people's feelings and opinions on the subject and their motivations for taking action. Therefore, a qualitative study appeared more suitable as a quantitative analysis would not have been possible for the material gathered, and the study conducted. Quantitative analysis would have been more suitable if I would have evaluated the number of people giving the same answers.

[66] John W. Creswell, *Qualitative Inquiry and Research Design: Choosing among Five Traditions (2nd Ed.)* (Thousand Oaks, CA: Sage, 2007).

[67] Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques.* (SAGE Publications, Incorporated, 1990).

[68] Ibid., p.12.

[69] Shahid N Khan, "Qualitative Research Method: Grounded Theory," *International Journal of Business and Management* 9, no. 11 (October 23, 2014): 224–33, doi:https://doi.org/10.5539/ijbm.v9n11p224.

[70] Ibid.

valuable for this research, as it explains in detail the methodology to follow when conducting grounded theory research. The author Shahid Khan writes:

> "For qualitative research data collection especially in a grounded theory approach, the form of semi-structured in-depth interviews and focus groups can be used to get data. Here the aim of data collection and analysis is to identify and explore the antecedents and factors associated with the phenomenon of the study according to the employees' perception. The interview data will be transcribed and analysed through coding and constant comparison process, keeping in view the constructivist grounded theory approach. Analysed data of interviews along with the literature will be used to integrate and for the development of conceptual thinking and theory building."[71]

Conducting interviews through grounded theory method enables the research to complete the written information, due to the prevailing aspect of the topic. In more detail, the research is based on written official documents such as policy papers, legislations or official letters, as well as newspaper articles and interviews.

Case Study approaches focuses on developing an in-depth description and analysis of a case. It is the studying of a particular event, program or activity. The thesis' Case Study is the 2020 restitution as a whole and it includes different events: the restitution's up-front work in France and the ceremonies in Algeria (reception and burial of the human remains). The data collection can be through multiple sources, such as interviews, observations, documents and artifacts.[72,73] In this thesis, the five interviews enable the research to collect different opinions on the case study.

### Data collection

For this thesis, the data were collected from written official documents such as policy papers, legislations or official letters, as well as newspaper articles and interviews[74].

[71] Ibid. p.229.
[72] Creswell, 2007, p.78-79.
[73] Khan, 2014, p.226
[74] For the presentation of my interviewees, see Appendix 1.

Following the grounded theory approach, I have conducted semi-structured interviews[75]. My questions were already written down, but I still adapted them depending on the response of my interviewees. In order to analyse my interviews, I followed a specific coding method. My focus groups were based on the three stakeholders that I wanted to analyse: the public sphere (journalists, activists), museums (museum staff and cultural professionals) and politicians (as I was not able to be in direct contact with French or Algerian politicians, the data come from my interviews with journalists and activists).
Charmaz[76] explains that the "first major analytic phase of the research consists of coding the data." Coding involves defining the essence of the data. While quantitative coding entails using pre-established codes determined before data collection (deductive method), qualitative grounded theory coding involves *creating*[77] codes as you analyse the data (inductive method). Inductive coding method is great when it comes to investigate idea or create new theory. It connects data collection and the development of an emergent theory to explain the gathered information.[78]

There are different ways to collect data in an interview. I use for this thesis two coding methods: 'in vivo coding' and 'values coding'.
The 'in vivo coding' method places emphasis on the actual spoken words of the participants.[79] In my case, I use it for different reasons. Sometimes, the word used by the person is so symbolic, that it does not need to be labelled differently, as it speaks for itself. For example, I use the code "Pandora Box of restitutions", and this expression was used by one of my interviewees. I also use 'in vivo coding' to have more authenticity in my research. As all my interviews were conducted in French, it might happen that a word or expression is difficult to translate literally into English. Therefore, I find it useful to use the French expression and try to interpret the translation in a footnote.

---

[75] Khan, p.229.
[76] Kathy Charmaz, "The Search for Meanings -- Grounded Theory," in *Rethinking Methods in Psychology*, ed. J. A. Smith, R. Harré, and L. Van Langenhove (London: Sage Publications, 1996), pp.27-49, http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Charmaz_1996.pdf.
[77] Charmaz, 1996, p.37.
[78] Ibid., p.37.
[79] Jimmie Manning, "In Vivo Coding," in *The International Encyclopedia of Communication Research Methods*, ed. J. Matthes (New York, NY: Wiley-Blachwell, 2017), 1–2, https://www.researchgate.net/publication/320928370_In_Vivo_Coding.

'Values' coding enables me to develop codes that relate to the participant's worldviews. It focuses on certain excerpts that provide insights regarding the values, attitudes and beliefs of the participants. When using this method, I paid closer attention to sentences starting with "I feel" or "I think that", as they often provide insight into the values and beliefs of the participants. Values coding is very useful when my research aims to explore cultural values and interpersonal experiences and actions.[80]

To conclude, the inductive nature of grounded theory assumes an openness and flexibility approach. The research follows the leads gained from the view of the data, not from the literature review of the traditional research design.[81] One of the most important things in grounded theory is to let the key issues emerge rather than to force them into preconceived categories. [82]

[80] Saldaña, Johnny. *The Coding Manual for Qualitative Researchers*. SAGE Publications Ltd, 2009.
[81] Traditional research design is theory-driven from extant theories in the fields (see Charmaz, 1996, p.47).
[82] Charmaz, 1996.

# Chapter I
# Civil society

This chapter highlights the restitution's complications, from the point of view of the first stakeholder, namely civil society. The following analysis is based on my observations from the conducted interviews and establishes a correlation with political and social theories. The research focuses on the history of Algeria's colonisation and decolonisation and the general taboo around it; the disturbing aspect of the human remains and the controversy that they can initiate by being conserved in a museum; and finally, the feeling of nationalistic pride found on the Algerian side.

## I. 1. France and Algeria: a tumultuous history

In order to have a better understanding of the current Franco-Algerian relationship, one should look back at their common history: 130 years of colonialism, violence and trauma passed on to the next French and Algerian generations[83].
This section addresses the events leading up to the conquest of Algeria, including the battles when the skulls – that we know today—were collected, and its independence and birth as a new nation, after eight years of war.

### I. 1. 1. Violence & feeling of nation-belonging

The colonisation of Algeria started at the beginning of the 19th century, when King Charles X of France decided to gain prestige and launched an operation against the Ottoman Empire in the city of Algiers[84]. During the following decade, the colonisation of the whole country that we know today as Algeria started. Appointed governor of Algeria

[83] For further reading on the topic of trauma of the Algerian war passed on to the next generations, I recommend the work of Paul Max Morin *Les Jeunes et la guerre d'Algérie* (*Young people and the Algerian war*) published in 2022. His work is also produced in the form of a 6 episodes-podcast called "Sauce Algérienne" available on Spotify.
[84] *Le Monde*. "Pourquoi La Guerre d'Algérie a Éclaté." *Www.youtube.com*, March 16, 2022. https://www.youtube.com/watch?v=ADqb-Osjbfc&ab_channel=LeMonde

in 1840, Thomas Bugeaud had a mission: to dominate the dozens of tribes and three million natives of the country. To do this, he decided to destroy the crops, seize the grain silos, devastate the villages and mass kill.[85] In his report on Algeria, Alexis de Tocqueville wrote: "We have made Muslim society much more miserable, disordered, ignorant and barbaric than it was before we came to know it."[86] This report has a significant importance as it explicitly illustrates that violence (through the adjectives "miserable", "disordered", "barbaric") constituted a fundamental element of the French army's operational methods, since it worsened the civilians' living conditions. Even during that period, the actions of the French army were regarded as alarming. As a consequence of these years of battles, revolts, famines, and diseases, of the three million natives recorded in 1830, approximately 800,000 had died by 1871.[87]

One of the figures of the Algerian rebellion –called "Muslim" rebellion at that time– against the colonisers was Emir Abdelkader ibn Muhieddine. In one of his correspondences with other religious leaders, we find the expression "*Al-Watan Al-Jazâ'ir*". *Al-Watan* means the homeland and *Al-Jazâ'ir*: Algeria.[88] Historian Ahmed Bouyerdene[89] explains that the Emir founded the beginnings of an Algerian state, with a capital, a paid army, an administration, a tax, and consultation bodies. The question of the existence of the Algerian nation before the arrival of France has long been, and still is, called into question. This subject is sometimes debated in politics and revives memories of the Algerian colonisation. It is used as an argument by those (very often affiliated to the far-right political party) who defend the benefits of colonisation with statements such as "Algeria is an invention of France"[90]. President Emmanuel Macron has not been indifferent to this debate. In 2021, he received 18 young people from families who had

[85] Ibid.
[86] Histoire coloniale et postcoloniale. "Tocqueville et La Conquête de L'Algérie." *Histoirecoloniale.net*, December 31, 2001. https://histoirecoloniale.net/Tocqueville-et-la-conquete-de-l.html.
[87] *Le Monde*, 2022.
[88] Ibid.
[89] France Culture, "Abdelkader, de 'Meilleur Ennemi de La France' à Sauveur Des Chrétiens D'Orient," *Www.youtube.com*, March 15, 2022, https://www.youtube.com/watch?v=FUhXUIoCLrA&ab_channel=FranceCulture.
[90] Statement of far-right wing populist Eric Zemmour on CNEWS show on April 18, 2014, video here: https://www.youtube.com/watch?v=xqEdGMM5hmw&ab_channel=CNEWS.

lived through the Algerian War. During the meeting, he declared[91]: "the construction of Algeria as a nation is a phenomenon to be looked at [...] Was there an Algerian nation before French colonisation? That's the question." But, what is a nation? The dictionary defines a nation as "a large body of people, associated with a particular territory, that is sufficiently conscious of its unity to seek and to possess a government peculiarly its own."[92] The work of historians, including the one of Ahmed Bouyerdene quoted above, shows that there were the beginnings of an Algerian feeling of "nation" before France set up its administration through its colonisation. In an interview in French newspaper *Marianne*, Philosopher Razika Adnani explains:

> "While France created Algeria's borders in 1830, the Algerian state was created by independent Algeria in 1962. France created the French departments of Algeria, not the Algerian state. Does the phrase "Algeria did not exist before 1830" refer to the Algerian nation? If so, France did not create the Algerian nation either. If France had created Algeria as a nation, it would have created a French nation that would never have taken up arms against itself."[93]

These two arguments emphasise the idea that an Algerian 'nation' (or the birth of this idea) existed before the French presence and received validation upon the country's official independence.

### I. 1. 2. The Collection of Algerian skulls

Returning to the historical context of Algeria, this section addresses the manner in which the skulls were acquired. Among the many battles that broke out in the country, it is the battle of Zaatcha (south of Constantine) that is the closest to the thesis' case. This battle lasted 4 months and was led on the Algerian side by Sheikh Bouziane, a former lieutenant of Emir Abdelkader. It ended on 29 November 1849, with the killing of 800 Algerians in one day.[94] Many Algerians were beheaded, and their heads were displayed in the villages

---

[91] Frédéric Bobin and Olivier Faye, "Emmanuel Macron et l'Algérie, Une Longue Histoire Contrariée," *Le Monde.fr*, August 25, 2022, https://www.lemonde.fr/afrique/article/2022/08/25/emmanuel-macron-et-l-algerie-une-longue-histoire-contrariee_6138955_3212.html.

[92] "Definition of Nation | Dictionary.com," in Www.dictionary.com, 2019, https://www.dictionary.com/browse/nation.

[93] Razika Adnani, "'Non, l'Algérie N'a Pas Été Créée Par La France En 1830,'" *Www.marianne.net*, 2021, https://www.marianne.net/agora/tribunes-libres/non-lalgerie-na-pas-ete-creee-par-la-france-en-1830.

[94] *Mondafrique*, 2021.

before being sent to France by military doctors. In this regard, the ALGM explains that these heads were considered as "war trophies"[95]:

> "Back then, the French colonial army cut off the heads. They also cut off the heads of children so that there would be no future warrior leaders. For example, we have the skull of Bouziane, a former lieutenant of Emir Abdelkader, and we also have the skull of his 16-year-old son, whose head was cut off."

Skulls collected as 'war trophies' are regarded differently as the ones collected for anthropological purposes, be it on the battlefield or in cemeteries. 'War trophies', as the name pictures it, were often used to discourage the enemies to continue fighting or taken back the colonisers' country as a sign of their army's strength and superiority. The idea is explained by Historian Pascal Blanchard[96]:

> "This was incredible violence in the 19th century and paved the way for the great European wars of the late 19th and early 20th centuries. The heads of beheaded soldiers had a dual function: they were shown to the civilian population to show that the rebel was no more, and at the same time they were the proof that the victor had been brought back to France. They were like military trophies, but they also indirectly became objects of science, since we were bringing back populations that were little known or unknown in France, which could be studied by anthropologists, ethnologists... So they entered public collections as both scientific and military objects..."[97]

Today, research shows that the beheading was used to dehumanise[98] the enemy. This practice once again reflects the violence that Alexis de Tocqueville criticised in the methods employed by the French army.

In relation to the quantity of human remains found within the French collections,

---

[95] Interview with Brahim Mabrouki, director of the ALGM, March 21, 2023.

[96] Pascal Blanchard is a French historian, researcher at the National Center for Scientific Research (in French: CNRS) Comunication and Politics Laboratory, specialist in the "colonial fact" and immigration in France.

[97] France 24, "La France Restitue à l'Algérie Les Restes de 24 Combattants Tués Lors de La Colonisation," *France 24*, July 2, 2020, https://www.france24.com/fr/20200702-la-france-restitue-%C3%A0-l-alg%C3%A9rie-les-restes-de-24-combattants-tu%C3%A9s-lors-de-la-colonisation?ref=tw_i.

[98] Alain Ruscio, "Les Décapitations Dans l'Ensemble de l'Espace Colonial Français," Histoirecoloniale.net, July 14, 2020, https://histoirecoloniale.net/Alain-Ruscio-les-decapitations-dans-l-ensemble-de-l-espace-colonial-francais.html

anthropologists research has shown that until July 2020[99], there were 536[100] skulls of Algerian origin collected during colonisation. There is still ongoing research to know the origins of these human remains, as they might not all be considered as 'war trophies'. In an official document[101] published by the French Committee for Culture, Education and Communications is stated that the National Museum of Natural History (also called MNHN)[102] has in its collection 23 665 items of human remains (this includes: skulls, remains of skulls, samples of skin or hair). 7% of these items are from African origin (so approximately 1656 items). Therefore, human remains from Africa are just a minority. However, the number 536 should not be minimised, as it still represents a third of the African items. Furthermore, although the Algerian skulls constitute a minority within the overall collection of human remains, they keep a significant position due to their origin and historical relevance.

### I. 1. 3. Settlement & inequalities

Unlike other French colonies such as Senegal, Togo or Ivory Coast, Algeria had a special status. During the colonial time, Algeria was considered a part of France itself[103] and was composed of three French *départements*[104]: the *départements* of Algiers, Constantine and Oran. A *département* –also known as the administrative district– "is a local authority that intervenes in many areas of the daily life of the inhabitants. It exercises the competencies entrusted to it by law"[105]. Moreover, in the 1950s, approximately a million of French civilians of European origins lived in Algeria. Those people, later called *pieds-noirs*[106], have lived and worked in Algeria for generations. They are not all great and rich settlers, since most of them have a lower standard of living than the inhabitants of mainland

[99] Before the restitution of the 24 Algerian skulls on July 2020.
[100] Mondafrique, 2022.
[101] "L'ensentiel sur la proposition de loi relative à la restitution des restes humains appartenant aux collections publiques" (Most of the proposed law on the restitution of human remains belonging to public collections) issued by the Committee for Culture, Education and Communications on June 13, 2023.
[102] The MNHN also includes the Museum of Mankind.
[103] Draper, Katherine. "Why a War without a Name May Need One: Policy-Based Application of International Humanitarian Law in the Algerian War ." *TEXAS INTERNATIONAL LAW JOURNAL* 48, no. 3 (September 28, 2018).
[104] Stora, Benjamin. "LES QUESTIONS MÉMORIELLES PORTANT SUR LA COLONISATION et LA GUERRE D'ALGÉRIE RAPPORT JANVIER 2021," 2021.
[105] Département de l'Eure, Normandie. "Qu'est-Ce Qu'un Département ?" *Eure En Normandie*. Accessed May 17, 2023.
[106] "Pieds-noirs", literally translated as "the black feet" in English, is a term for French people of European origin who lived in Algeria and had to move out after the country's independence.

France.[107]

It is this special statue and the large settlement that make Algeria so important for France. It also became a part of France before other regions, such as the Savoie, which officially became French in 1860.[108] Along with these Europeans lived 9 million 'French Muslims' in Algeria.[109] They were collectively called as *indigènes*[110] [natives or indigenous people] and belonged to different communities: Kabyle, Chaoui, Mozabites, Tuareg, Berbers and Arabs.[111] Since colonisation, these indigenous people have the French nationality, but do not have French citizens' rights. Indeed, there was a difference in rights between French 'Europeans' (citizens) and French 'Muslims' also called *indigènes* (non-citizens). The French 'Muslims' could keep their own customs (derived from Koranic law and which govern private affairs, marriages, births, inheritances, etc) but were subjected to a legal status of inferiority.[112] Drafted in 1881, a list of prohibitions specific to the *indigènes* included, for example, the following bans: holding meetings without authorisation or leaving the city without a travel permit.[113] If a French 'Muslim' wanted to become a citizen, they needed to renounce the Muslim personal status. However, it was generally very difficult to become a citizen and only a very few Algerians succeeded in it.[114]

### I. 1. 4. The Algerian War of Independence (1954-1962)

The war between France and Algeria began on 1 November 1954, when the FLN (*Front de Libération National)* carried out a series of attacks that killed 8 people. The war lasted more than 7 years and ended on 5 July 1962[115] with the recognition of the territory's independence and the political victory of the FLN. The Algerian war of Independence was, along with that of Indochina, the hardest French war of decolonisation of the 20th

[107] Stora, 2021, p.38.
[108] Ibid., p.7.
[109] *Le Monde*, 2022.
[110] From the interview with the ALGM, March 21, 2023.
[111] *Le Monde*, 2022.
[112] Patrick Weil, *Qu'est-Ce Qu'un Français ? Histoire de La Nationalité Française Depuis La Révolution* (Paris: Grasset, 2002).
[113] Patrick Weil, "Le Statut Des Musulmans En Algérie Coloniale," *Histoire de La Justice* 2005/1 N°16 (2005): 93–109.
[114] *Le Monde*, 2022.
[115] Stora Benjamin, *La guerre d'Algérie expliquée à tous*, Paris, Seuil, 2012,

century.[116] This war was both a military and diplomatic conflict and a double civil war: both between communities (French 'Europeans' and French 'Muslims') and within communities, such as the French 'Muslims' fighting against independence and French people fighting for independence. The war was not confined to the three Algerian *départements*, but also spread to mainland France.

The Algerian war has a heavy toll. The human cost of the war is still debated. There were about 24,000 French soldiers, nearly 8,000 of them were wounded and about 900 reported dead or missing. Among the French civilians, nearly 2,800 were killed and 800 disappeared.[117] Although the exact number of civilian casualties in Algeria may never be known, the Algerian Ministry of War Veterans predicts 152,863 FLN dead and estimates about "1,000,000 martyrs". But historians, such as Guy Pervillé, specialised in Algerian questions, suggested the number of casualties between 300 000 and 400 000[118]. Among the collateral damage are also counted exiled refugees in neighbouring nations, civilians who were forcefully relocated, and prisoners incarcerated in internment camps. These people represented nearly 2,500,000 by the end of the war, or almost one-fourth of Algeria's population.[119]

In France, the war had a major impact on domestic political affairs. The Algerian conflict split the government in power, which was overthrown in 1957. The '4th Republic' in place at the time was a parliamentary regime that gave more power to the legislative (Parliament) than to the executive (the President of the Council). The imbalance of power and the absence of a majority in Parliament prevented the formation of a united and stable government, ready to respond to the crisis caused by the war in Algeria.[120]

---

[116] Stora, 2021, p.7.

[117] Larousse, "Guerre d'Algérie 1954-1962 - LAROUSSE," *Larousse.fr*, 2023, https://www.larousse.fr/encyclopedie/divers/guerre_d_Alg%C3%A9rie/104808#:~:text=Le%20chiffre%20de%20300%20000.

[118] Xavier Yacono, "Les Pertes Algériennes de 1954 à 1962.," *Revue de l'Occident Musulman et de La Méditerranée* 34, no. 1 (1982): 119–34, doi:https://doi.org/10.3406/remmm.1982.1963.

[119] Draper, 2018.

[120] Vie-publique, "La IVe République : Un Régime Marqué Par Une Forte Instabilité," *Vie Publique.fr*, 2022, https://www.vie-publique.fr/fiches/268979-la-ive-republique-1944-1958.

Subsequently, the introduction of the '5th Republic' marked the implementation of a new political system, with a new constitution, granting more authority to the executive branch. A new government, with a new generation of politicians was established.[121]

The end of the war also marked the mass departure of more than a million *pieds-noirs*, harkis[122] and their families to the mainland[123], a new territory that the overwhelming majority of them had never known before.

## I. 2. General taboo of colonial history: "the erasure of France's Algerian history"[124]

In 2021, during the meeting between President Macron and 18 young people from families who had lived through the Algerian War, the President declared[125]:

> "In recent years, I have been struck by the extent to which the history and memories of the Algerian war have been the source of much of our trauma. There is suffering that has been kept silent, and which has been constructed as irreconcilable."

This quote from Emmanuel Macron highlights the suffering caused by the Algerian war and the taboo that still surrounds it. This section outlines the illustrations of this taboo in current French society and its repercussions on the Algerian skulls' restitution affair.

---

[121] Ibid.
[122] French 'Muslims' / natives who fought in the French army.
[123] Stora, 2021.
[124] Expression used by Pr. Todd Shepard during the round table "1830-1945, Algeria, between colonisation and assimilation" of December 2012. Report available on https://www.senat.fr/ga/ga105/ga1051.html.
[125] Mustapha Kessous, "Le Dialogue Inédit Entre Emmanuel Macron et Les 'Petits-Enfants' de La Guerre D'Algérie," *Le Monde*, October 2, 2021, https://www.lemonde.fr/politique/article/2021/10/02/vous-etes-une-projection-de-la-france-emmanuel-macron-s-adresse-aux-petits-enfants-de-la-guerre-d-algerie_6096830_823448.html.

### I. 2. 1. 'The war without a name'[126]

In order to present the general taboo that remained in France concerning its colonial history in Algeria, I will address the issue around the 1954-1962 war's name as a first argument.

The first taboo of this war lay in the difficulty of calling it a war. For a long time, the Algerian War was referred to as 'the events in Algeria'.[127] When the conflict broke out, the word 'war' was not part of the register of official texts and government speeches. It was referred to as 'law enforcement operations'[128]. In the following years, some politicians, such as Jacques Chirac, referred to this period as a 'tragedy'.[129] It was not until 1999 in France that the French National Assembly voted to recognise the term 'Algerian War'[130] to characterise this period of history. France has finally decided to speak of a 'war', 36 years after its beginning. However, the problem of denomination[131] is not really settled concerning the naming of this war.

Indeed, on the other side of the Mediterranean, Algerians were building their antagonistic memory[132]. They call it the 'war of independence', 'war of liberation', and 'Algerian revolution'[133]. In Algeria, the end of the war – July 5, 1962– is celebrated as the national holiday, the founding act of a nation recovering its rights of sovereignty.[134]

Historians explain the difficulty of officially designating this period as a "war" by the absence of an established collective memory, and the lack of official recognition for historical research on this conflict. It reflects the challenged associated with the reconciliation of divergent memories, rooted in the loss of what had been long referred to as a "lost paradise" [135].

---

[126] Talbott, John E. *The War without a Name: France in Algeria, 1954-1962*. Alfred a Knopf Inc, 1980.
[127] Stora, 2021, p.9.
[128] Thénault, Sylvie. « Ce n'était pas une guerre mais des opérations de maintien de l'ordre. », *Algérie : des « événements » à la guerre. Idées reçues sur la guerre d'indépendance algérienne*, sous la direction de Thénault Sylvie. Le Cavalier Bleu, 2012, pp. 51-61.
[129] Stora, 2021, p.45.
[130] Stora, Benjamin. « Guerre d'Algérie : les instruments de la mémoire », Anny Dayan Rosenman éd., *La guerre d'Algérie dans la mémoire et l'imaginaire*. Éditions Bouchène, 2004, pp. 215-224.
[131] Stora, 2021, p.41.
[132] Ibid., p.6.
[133] Ibid., p.8.
[134] Ibid., p.8.
[135] *Paradis Perdu*, DVD, directed by Éric Bitoun (2011, Skopia Films)

Consequently, the initial taboo in France came from the problem of openly addressing this difficult past, and thus encountering issues in acknowledging it by its rightful name: the Algerian war.

### I. 2. 2. Sensitive provenance & sensitive subject: the fear of sticking out.

Apart from the difficulty in calling the Algerian war by its rightful name, in what other way did this taboo manifest itself?
My interlocutors[136] seemed to have noticed a prevailing hesitancy among French authorities and individuals in positions of influence to actively address the matter of the Algerian skulls. This reluctance extends to engaging in discussions regarding broader aspects of French colonial history. On this matter, French historian Pascal Blanchard talks about colonialism as "the last remaining great taboo of the 20th century in France"[137]

In our interview, Brahim Mabrouki, director of the ALGM, mentioned the reaction of some associations and people when the ALGM decided to take judiciary measures against the French government. The association wrote the European Court of Human Right to ask France for the full return of the Algerian skulls and the cancelation of the Evian Agreements[138]. Brahim Mabrouki explains[139]:

> "I've had many associations contact me and say "No, don't do that, you'll create conflicts between the two nations".
> Many associations turned their backs on us. As they received a lot of aid and subsidies from the French administration, they inevitably became a little detached from us."

This consequence did not surprise him. There is a consensus that one should maintain a certain level of proximity to the institution that provides funding and sustains one's existence. Thus, the fundamental challenge: individuals find it difficult to freely express

[136] I refer to the interviews with the Director of the ALGM (March 21, 2023) Kader Attia (March 30, 2023) and André Delpuech (April 6, 2023).
[137] Diawara, Malick. "'Dans La Guerre Des Mémoires, l'Histoire Doit Retrouver Sa Place.'" *Le Point*, January 4, 2023.
https://www.lepoint.fr/afrique/dans-la-guerre-des-memoires-l-histoire-doit-retrouver-sa-place-04-01-2023-2503734_3826.php.
[138] The issue of the Evian Agreements is developped in Chapter III.
[139] In our interview, March 21, 2023.

themselves on diverse subjects due to an imposed filter enforced by restitutions. This limitation arises from the understanding that deviating from the established institution could lead to the withdrawal of crucial financial support necessary for one's livelihood.

In this regard, Kader Attia justified[140] the self-funding aspect of ~~La Colonie~~, with the motivation of being entirely free with the topics that were discussed. According to him, ~~La Colonie~~ had never been able to benefit from subsidies because of the subjects it dealt with.

> "We never had the opportunity to go deeper and work more overtime on these issues. The idea was to create our own space, in which we could speak freely because very often we were either constrained by the universities to limited times or constrained to certain subjects. We really wanted to have our own space."

From his experience, having such a free space that could deal with topics related to decolonisation in France, might often mean being totally independent and finding other ways to fund itself. As an example, ~~La Colonie~~ used to have a bar, which enabled them to make a profit and sustain the place.

Another issue that is connected to this taboo is the current and living aspect of the French-Algerian war. Unlike in the Second World War, most of the population that lived through this Algerian War is still alive. As a result, the Algerian War is a sensitive subject, since any comment on France's responsibility in Algeria can directly affect people who lived through that period. This can be illustrated by President Macron's statement in 2017 and its aftermath. As he was campaigning for the presidential election, Emmanuel Macron called colonisation a "crime against humanity"[141], in an interview on Algerian television. Shortly after these statements, a demonstration was organised in a French town where he was campaigning. About 200 people, mainly *Pieds-noirs*, veterans, associations of *harkis*, and members of the Front National (far-right wing party), gathered in front of the building where Macron was doing his speech and even tried to get in in order to disrupt the

[140] In our interview, March 30, 2023.

[141] France Info, "Présidentielle 2017 : En Algérie, Macron Qualifie La Colonisation de 'Crime Contre L'humanité' - Vidéo Dailymotion," *Dailymotion*, February 16, 2017, https://www.dailymotion.com/video/x5c28z9.

meeting.[142] This example was given by the President of the ALGM, who added: "For them, we are stirring up the past. Talking about it brings back memories".[143]

### I. 2. 3. "We just want to re-establish the truth"

Despite the challenges that arise when trying to address the problems linked to (de)colonisation in France, the ALGM is keen to continue this fight with the main objective of "re-establishing the truth"[144]. The President of the association explains that in order to move forward together (France and Algeria), it is necessary for France to acknowledge its past and to talk about it in order to 'appease memories'. The Director of the association comments:

> "France doesn't even want to recognise these acts of torture.
> One anthropologist told me "France will never recognise torture, you know", and I replied, "Can you then explain to me how these skulls came to you?"

This question relates to the origin of the collections. According to the ALGM, these skulls are a testament to France's colonial history in Algeria. Acknowledging their origin and the way they were acquired would therefore bring to light and acknowledge France's crimes in Algeria.

This is another point that André Delpuech raised during our conversation[145]. He explains that it is necessary to look at the heritage of these collections and to understand that it is linked to a colonial past and a particular political history.

> "I think that is why this case has taken the turn it has. We are in the context of the conquest of Algeria, and for me, these skulls are a flagrant symbol of this conquest and this colonisation. We are looking at human remains that have a double value: the symbolic aspect of human remains but also what they represent in relation to a colonial war".

---

[142] Stéphanie Harounyan, "A Toulon, Manif Devant Le Meeting de Macron Après Ses Propos Sur La Colonisation," *Libération*, February 18, 2017, https://www.liberation.fr/politiques/2017/02/18/a-toulon-manif-devant-le-meeting-de-macron-apres-ses-propos-sur-la-colonisation_1549398/.
[143] Interview with the ALGM, March 21, 2023.
[144] Interview with the ALGM, March 21, 2023.
[145] Interview with André Delpuech, April 6, 2023.

Indeed, the skulls' history seems inseparable from the treatment they received. The affair has taken this turn because of this particular history of colonisation, violence and long unspoken stories. The case came as something of a shock to the general public, even though the 130-year colonisation of Algeria by France is no secret to anyone. Therefore, speaking about the presence of these Algerian skulls in French museum collections was to put the spotlight on this history of colonisation and all the violence it engendered.

## I. 3. Controversies

The enduring taboo surrounding France's colonial history is displayed today as a fear of potential controversies associated with the restitution of the Algerian skulls. The *New York Times*' article[146] revived this fear by putting the skulls issue in the spotlight. The fear of potential controversies can be analysed from two different angles: the politicisation of the debate and fear of the proportions that the case could take.

### I. 3. 1. Politicisation of the debate

The controversies surrounding the case of the Algerian skulls are primarily linked to the politicisation of the debate. In other words, this section describes the fact that talking about the Algerian skulls and the crimes of colonisation has meant taking political sides. This phenomenon was a recurrent theme in my interviews.

As an example, founder of ~~La Colonie~~ Kader Attia explains: "We were very quickly labelled by the French and private institutions as *'islamo-gauchiste'"*. In French: the concept '*islamo-gauchiste*' could be translated in English as 'Islamo-leftist'. This concept, initially propagated within the French far-right movements, explicitly merges Islamist extremists with left-leaning intellectuals and activists. The underlying insinuation is that the radicalism of the former is facilitated by the worldview of the latter.[147]

[146] Méheut, 2022.

[147] Tharoor, Ishaan. "France and the Spectral Menace of 'Islamo-Leftism.'" *The Washington Post*, February 22, 2021. https://www.washingtonpost.com/world/2021/02/22/france-macron-islamo-leftism/.

The former Minister for Higher Education Frédérique Vidal had denounced 'Islamo-Leftism' as a phenomenon that was "gangrenous to society as a whole". She also claimed that she wanted to "distinguish between academic research and militancy and opinion"[148]. In response to her comments, the French National Centre for Scientific Research [CNRS][149] published a statement on its website condemning the use of this term:

> "This poorly defined term is the subject of many public statements [...] often heated. The CNRS firmly condemns all those who try to take advantage of this to call academic freedom into question [...] or to stigmatise certain scientific communities. In particular, the CNRS condemns attempts to delegitimise various fields of research, such as postcolonial studies, intersectional studies or work on the term 'race'."[150]

Another example was brought by the Director of the ALGM, as he explained "People say that we're having anti-France statements". This accusation raises different questions: why would speaking out on a subject that is unpleasant for France be the same as having anti-France statements? Why would arguing that France has a duty to return these Algerian skulls be equivalent to being pro-Algeria? The expression "anti-France" has a strong connotation and expresses the idea of a war of opinions, as if there were only two opposing positions. On the one side we would have the 'pro-French' and on the other, the 'anti-French'. It is as if there were no in-between, and a reflective, reasoned critique of France's colonial past could not have a place without falling into the radicalism of the 'anti' label.

This politicisation of the discourse on colonialism, linked to the taboo that long existed regarding France's colonial past, has led today to this fear of controversy, which could upset the institution. As described above through the "islamo-leftists" or "anti-French" statements, the insights gained from my interviews revealed a prevailing sentiment of reluctance to progress. The message that has been given to them was that discussing the past would hinder the ability to focus on the future. However, the interviews also

---

[148] Soazig Le Nevé, "Enquête Sur 'l'Islamo-Gauchisme' à l'Université : Histoire d'Une Vraie Fausse Annonce," *Le Monde*, March 29, 2023, https://www.lemonde.fr/societe/article/2023/03/29/enquete-sur-l-islamo-gauchisme-a-l-universite-histoire-d-une-vraie-fausse-annonce_6167488_3224.html.

[149] In French: *Centre National de la Recherche Scientifique,* CNRS

[150] Priscilla Dacher, "L' 'Islamogauchisme' N'est Pas Une Réalité Scientifique | CNRS," *Www.cnrs.fr*, February 17, 2021, https://www.cnrs.fr/fr/l-islamogauchisme-nest-pas-une-realite-scientifique.

emphasised that acknowledging past mistakes and engaging an open dialogue about them is crucial for collective and cohesive advancement. It became evident that in order to move forward together, it is imperative to confront and address the errors of the past.

### I. 3. 2. Fear of causing chaos

The second explanation to this fear of controversy is the concern of causing chaos by talking about this subject. Indeed, as explained above, the skulls are intimately linked to the colonisation of Algeria by France. In France, the major population of foreign origin comes from Algeria. Moreover, many of these people of migrant origin currently live in the "*cités*"[151] or "*banlieues*". When I asked the Director of the ALGM if the association was thinking of organising a demonstration to make the case more widely known to public opinion, he replied: "We don't want to create chaos or problems. Our council estate[152] is like a 'pressure cooker'[153]" [154]

In 2005, France experienced three weeks of total chaos between the police and the people living in the *banlieues*. On the evening of 27 October 2005, two teenagers had been electrocuted, by taking refuge in a power station while trying to escape a police check. This case, which raised the issue of police violence in France against people of North African immigrant origin, has spread around the world.[155] The November 2005 riots received exceptional coverage (worldwide) and an impressive and unprecedented amount of commentary, writing and colloquiums.[156] History repeated itself on June 27, 2023, when a French teenager of Algerian and Moroccan descent was shot dead by the French police for refusing to obey orders. Major demonstrations took place in France. During the night, the demonstrations turned into riots, and many shops, public and private properties

[151] Could be translated as 'council estate'
[152] in French; *banlieues*.
[153] French expression to say that they are under pressure and ready to "explode" anytime, like a pressure cooker.
[154] Interview with the ALGM, March 21, 2023.
[155] Rauzy, Christophe. "VIDEO. Emeutes de 2005 : Les Trois Semaines Qui Ont Secoué La France." *Franceinfo*, March 17, 2015. https://www.francetvinfo.fr/faits-divers/justice-proces/zyed-et-bouna/video-emeutes-de-2005-les-trois-semaines-qui-ont-secoue-la-france_850519.html.
[156] Avenel, Cyprien. "La Construction Du 'Problème Des Banlieues' Entre Ségrégation et Stigmatisation." *Journal Francais de Psychiatrie* 34, no. 3 (2009). https://www.cairn.info/revue-journal-francais-de-psychiatrie-2009-3-page-36.htm.

were destroyed by the demonstrators. Among the list of people arrested by the police during this period of rioting, the vast majority come from these poorer neighbourhoods[157]. Regarding riots, Martin Luther King defined it as "the language of the unheard"[158]. This metaphor was taken up by French activist and journalist Rokhaya Diallo in an interview[159], comparing it with the current situation in France. She explains that these riots are committed by people who feel that they are not considered by the Republic, that they are mistreated by the French police, and who express themselves with the "means they have".

The French police had been already criticised for its use of violence. In 2022, the European Commission Against Racism and Intolerance demanded of the French police to "improve the recording of police identity controls"[160], also called "stop and account" recording. Furthermore, last month, the UN human rights office (Office of the High Commissioner Human Rights) called on France to "address 'deep issues' of racism in policing"[161]. "This is a moment for the country to seriously address the deep issues of racism and discrimination in law enforcement", said Ravina Shamdasani, spokesperson for the UN high Commissioner for Human Rights.

Supposing that the reasons for the riots and the case of the Algerian skulls in French collections have, at first sight, nothing in common, the ALGM still refuses to call for demonstrations to press for the return of the skulls. Their aim is to prevent exacerbating an already contentious issue. They acknowledge the intrinsic sensitivity surrounding the Algerian human remains and seek to avoid further complications by disassociating them from any potential connection with violence.

---

[157] Called "*quartiers défavorisés*"

[158] A Riot is the Language of the Unheard - The Other America (Speech) - Martin Luther King Jr, 1967.

[159] Rokhaya Diallo, "#Nahel Les Révoltes Actuelles Résultent d'Une Violence Irréversible : La Mort d'Un Adolescent.," *Www.youtube.com*, June 29, 2023, https://www.youtube.com/watch?v=tjbmYS0Sp4k&ab_channel=RokhayaDiallo.

[160] Council of Europe, "Anti Racism Commission Calls for French Progress on Police Identity Controls and Minority Rights," *Www.coe.int*, September 21, 2022, https://www.coe.int/en/web/portal/-/anti-racism-commission-calls-for-french-progress-on-police-identity-controls-and-minority-rights.

[161] United Nations, "UN Rights Office Calls on France to Address 'Deep Issues' of Racism in Policing | UN News," *UN News Global Perspective on Human Stories*, June 30, 2023, https://news.un.org/en/story/2023/06/1138247.

This general fear of controversy, whether on the French institutions' side (with a real politicisation of the debate), or on the activists' one (fear of causing chaos by initiating violence), translates into a fear of the dimensions that this affair could take. Both sides are aware of the sensitivity of the Algerian skulls' case.

From the ALGM and other activists' side, there is a real desire to shed light on the crimes committed by France in Algeria. By pushing for the restitution of the Algerian skulls, they expect to highlight the issue of the violence of French colonisation and the repercussions it had on the immigrant population now living in France.

The next section discusses the case's difficulties from an Algerian perspective.

## I. 4. Algerian pride, theory of nationalism

The last part of this chapter is devoted to Algerian pride as the final key to explaining the difficulty of restitution on the part of civil society. There is a general consensus around the Algerian 'pride' that was introduced in my interviews. This section presents how the restitution has been used for nationalist purposes and how this pride can stand in the way of dialogue between the two nations when restitutions do not go according to plan.

### I. 4. 1. A symbolic restitution

Two ceremonies were held for the restitution of the Algerian skulls. The first one[162] took place on July 3rd, 2020, when the human remains arrived on Algerian ground from France, and the second[163] on July 5th, 2020, for the burial of these remains. These two ceremonies presented a lot of elements that relate to Algerian pride and nationalism.

On Friday, July 3rd, 2020, 24 skulls preserved at the Museum of Mankind in Paris were transferred to Algeria by military aircraft, accompanied by the Algerian air force. The

[162] Echorouk News TV, "#مباشر🔴#مباشر🔴| مراسم الاستقبال الرسمي لرفات شهداء المقاومة الشعبية بمطار هواري بومدين |مباشر| مراسم الاستقبال الرسمي لرفات شهداء المقاومة الشعبية بمطار هواري بومدين 🇩🇿🇩🇿🇩🇿 | by Echorouk News TV | Facebook," *Www.facebook.com*, July 3, 2020, https://www.facebook.com/EchorouknewsTV/videos/611726199458666.

[163] Ennahar TV, "مراسم دفن رفات شهداء المقاومة الشعبية الـ24 بمربع الشهداء بمقبرة العالية - فيديو Dailymotion," *Dailymotion*, July 5, 2020, https://www.dailymotion.com/video/x7utywq.

skulls were taken to the Palace of Culture in Algiers, in order to allow the public to pay their respects and take one last look at the remains of "the martyrs" of Algeria. The Ministry of Moudjahidines[164] called on the Algerian people to look with reverence on the remains of "the heroes of popular resistance"[165].

The burial ceremony for the remains of Algeria's martyrs took place Sunday July 5, 2020, at the Place des Martyrs, in the Al-Alia cemetery in the capital Algiers. Of all the places in Algiers, the Martyrs' Square, in the El-Alia cemetery in Algiers, was chosen for its symbolic meaning. The remains of Emir Abdelkader, a hero of the first anti-French resistance movement, as well as some other figures from the Algerian independence movement are also buried there. The date of July 5 was not chosen insignificantly by either side (France and Algeria) either, as it marks the 58th anniversary of Algeria's independence.

The ceremony, which lasted the entire morning, gained nationwide coverage through television broadcasting and live-streaming on social media platforms. It was attended by many politicians, while the public waited outside the cemetery. The ceremony was very pompous, owing to a number of factors. There was a military parade of the Republican Guard, the long procession marching to the beat of percussion instruments. Republican Guard bore the responsibility of carrying the skulls, which were placed in coffins adorned with individual Algerian flags.[166] An imam paid a moving tribute to these first *shouhada* (martyrs) of fighting Algeria. Before the coffins were placed in the ground, salvos of gunfire were fired in tribute.[167]

---

[164] The Ministry of "Moudjahidines and Right Holders" is the Algerian administration in charge of moudjahidine affairs since 1962. It ensures the preservation of the historical and cultural heritage associated with the popular resistance, the national movement, and the national liberation revolution. It also manages the construction and preservation of museum sites and memorial monuments, as well as the burial of the martyrs' remains, and the celebration of holidays.

[165] Algerian Embassy in France, "LES CRANES de RESISTANTS ALGERIENS a LA COLONISATION FRANÇAISE RETROUVENT LA TERRE NATALE," *Consulat Général d'Algérie à Paris*, July 5, 2020, https://consulat-paris-algerie.fr/3195/les-cranes-de-resistants-algeriens-a-la-colonisation-francaise-retrouvent-la-terre-natale/.

[166] Algérie Presse Service, "Il Y a 2 Ans, Les Crânes Des Symboles de La Résistance Algérienne Retrouvaient Leur Terre Natale," *Algérie Presse Service*, July 3, 2022, https://www.aps.dz/aalgerie/142359-il-y-a-2-ans-les-cranes-des-symboles-de-la-resistance-algerienne-retrouvaient-leur-terre-natale

[167] Algerian Embassy in France, 2020.

The prominent display of flags, the music, the resounding gunfire and the moving speeches collectively conveyed a powerful symbolism. This event held a significant meaning for both the Algerian government and its people, as it served as a tangible manifestation of decolonisation and a testament to Algeria's independence from France. The return of the remains of these martyrs was perceived as a "new victory for that for Algeria's colonial resistance"[168].

### I. 4. 2. The Algerian flag

The Algerian flag plays a great role in this nationalist narrative. It is a great symbol of the demonstration of the Algerian pride. It is intriguing to witness the prevalence of the Algerian flag at various events in France. Regardless of whether the occasion is sports-related or social in nature, there is very often someone proudly waving the flag, even when Algeria itself is not directly involved. French-Algerian artist Sarah El Hamed explains[169] :

> "You see it a bit in pop-up mode, and often you don't understand, there's this absurd side to it. There's a football match between Uganda and Brazil, and the Algerian flag appears. We don't understand why. In the end, it's visceral."

This observation occasionally serves as a lighthearted jest, highlighting the sense of pride within the Algerian community in France, often attributed as a distinctive characteristic of this group: "to be proud to be Algerian"[170]. Particularly, it signifies the profound attachment of a people to their origins and their shared history of resistance against colonial oppression.[171]

---

[168] Ahmed Almudallal, "The Return of the Martyr's Remains Was a New Victory for Algeria's Colonial Resistance," *Middle East Monitor*, July 8, 2020, https://www.middleeastmonitor.com/20200708-the-return-of-the-martyrs-remains-was-a-new-victory-for-algerias-colonial-resistance/.

[169] AJ+, "Le Peuple Algérien et Son Fameux Drapeau | Il Apparaît Partout Même Dans Les Endroits Où on Ne l'Attend Pas : C'est Le Drapeau de l'Algérie Bien Sûr. Quelle Est Son Histoire ? | by AJ+ Français | Facebook," *Www.facebook.com*, September 14, 2019, https://www.facebook.com/watch/?v=434404760475620.

[170] Mohamed Mebtoul, "L'appropriation Du Drapeau National Au Coeur Du Mouvement Social En Algérie," *Multitudes* 2019/2, no. 75 (2019): pp.5-12, https://www.cairn.info/revue-multitudes-2019-2-page-5.htm.

[171] AJ+, 2019.

In an interview[172] with the media BRUT, historian and Doctor of Political Science Nedjib Sidi Moussa depicts the origins of this flag. He explains:

> "The Algerian flag has often been associated with sporting competitions, even though it is first and foremost a symbol of struggle. It is the symbol of independence and of the Algerian people's fight for independence against French colonialism."

Regarding the symbols on the flag, he relates the crescent moon and the star to the Arab-Muslim culture. Green is said to be the Prophet's favourite colour, white is for purity and red stands for rigour. However, other interpretations could be also possible: green for the colour of Islam, white for independence and red is the colour of the Martyr's blood.

He goes on to argue that there are some tough, painful and traumatic events in the history of the Algerian people that explain why this flag has become a symbol of the struggle and sacrifice of the Algerian people against colonialism. The massacre at Sétif by the French army in May 1945 is a good example. Some Algerians gathered in Sétif to celebrate the defeat of the Nazis, and the Algerian flag –as we know it today– was waved. This led to incidents, repression and massacres, and thousands of people died. For a generation, this event associated the flag with the struggle of the Algerian people against colonialism.

> "The flag became increasingly well-known and popular, so much so that during the spontaneous demonstrations in December 1960, the flag was brandished by Algerians who had sewn it clandestinely", adds Nedjib Sidi Moussa.

Finally, in 1962, it became the official flag of Independent Algeria.

### I. 4. 3. Theories of nationalism & the significance of symbols

Theories of nationalism can be useful to analyse the two ceremonies for the return and inhumation of the human remains in Algeria.

- Theories of nations and nationalism…

[172] BRUT, "L'histoire Du Drapeau de L'Algérie 🇩🇿," *Www.youtube.com*, July 6, 2021, https://www.youtube.com/watch?v=1UMhgekX6kQ&ab_channel=Brut.

In his book *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Benedict Anderson defines a nation as "an imagined community"[173]. The nation is imagined because it entails a sense of communion or "horizontal comradeship". Due to the vast size of nations, it becomes impossible for all members to personally know one another. Therefore, members of a nation can only "imagine" that they share a connection with all other members across time and space. Despite their individual differences, they "imagine" themselves as part of the same collective and attribute shared history, traits, beliefs and attitudes to this collective. However, the "imagined" nature of a nation does not make it any less real. Nations are undeniably real, to the extent that this sense of fraternity can motivate people to kill and die for the nations, as Anderson pointed out. He further defined this imagined community as limited and sovereign: limited, because even the largest nations recognise some boundaries and the existence of other nations beyond them; sovereign, because the nation replaced traditional kinship ties as the foundation of the state.[174,175]

In his book *Flagging the Homeland Daily*[176], Michael Billig depicts the symbols and rhetoric that make a nation in the mind of the individuals. He states that on top of national symbols such as the flag, the national anthem and the nation emblem (bald eagle for the U.S, Maple Leaf for Canada…) are not enough to strengthen to idea of a nation in the mind of the individuals. Thus, he depicts the require of "banal words"[177], as "familiar habits of language continually acting as reminders of nationhood. Prosaic, routing words, which take nations for granted and inhabit them"[178]. He adds that importance has to be drawn on words such as "people" or "society"[179], as well as smallest words such as "we", "this", "here" and "our"[180].

---

[173] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983; repr., London: Verso, 2006).
[174] Mikkel Flohr, "Benedict Anderson's Imagined Communities," *Critical Legal Thinking*, April 25, 2023, https://criticallegalthinking.com/2023/04/25/benedict-andersons-imagined-communities/.
[175] André Munro, "Benedict Anderson | Irish Political Scientist," in *Encyclopædia Britannica*, August 22, 2018, https://www.britannica.com/biography/Benedict-Anderson.
[176] Michael Billig, *Banal Nationalism* (Los Angeles: Sage, 1995).
[177] Ibid., p.93
[178] Ibid., p.93.
[179] Ibid., p.94.
[180] Ibid., p.94.

Umut Özkırımlı explains *in Theories of nationalism: A Critical Introduction* (2000)[181] why it is relevant for politicians to reinforce the feeling of nationalism. Nationalism appeared at the abolition of absolute monarchy. Although celebrated by a lot of people, it was also the birth of a new ideology: the creation of nations with territories and new ideologies to control the people. Özkırımlı defines 4 different ways to understand nationalism:

1) Primordialism states nationality as a 'natural' part of human beings. It is understood as national and important behaviour or feeling. It is first encountered in the ideas of German philosopher Johann Gottfried von Herder, considered the father of cultural nationalism. It is described as what most nationalists still believe in today.

2) Modernism comes from the French Revolution. It states that nations are modern constructs linked to processes like capitalism, industrialism or the bureaucratic state.

3) Ethno-symbolism traces its foundation on the belief that upholding myths, memories, and traditions among each generation presents new and increasingly significant challenges, equating them with the heroic figures of the nation's history. In this way, these young generations of nationalists leverage their people's glorious historical past, as well as their culture and traditions, to convey them while shaping national doctrines. Thus, it does not only open up cultural and historical issues but also rises territorial disputes with neighbouring nations.
Ethno-symbolism is the most visible in the 2020 restitution ceremony, be it through the speech or the myths conveyed.

4) 'New approaches' is the last category. It is explained as drawing on feminism, postmodernism and post-colonialism. This type of nationalism differentiates European nationalisms from the nationalisms of formerly colonised countries. In this case, the countries of India and Algeria could be taken as examples, as their nationalisms tend to

[181] Umut Özkırımlı, *Theories of Nationalism : A Critical Introduction* (New York: St. Martin's Press, 2000).

be strengthened, in comparison with other European countries, in order to emphasise their independent asset to the former colonisers.

- … applied to the Algerian nationalism

Anderson's definition of a nation can be used to analyse Algerian's nationalism from 1962 to nowadays. But Algerian's nationalism did not start in 1962. As explained earlier, historians found traces of Algerian nationalism (or the idea of a nation) before French colonisation. However, the 'official' nationalism, as we know it today, developed during the late 19th century and beginning of the 20th century, in opposition to France's oppression. It echoes the last category of nationalism presented by Özkırımlı.

Today's Algerian nationalism has built this victory against the coloniser and the symbolic praise of the "martyrs": these people who died for the 'nation'. The two ceremonies of the restitution of these martyrs, were therefore the best occasions for the Algerian government to display this nationalism.

- The military presence was very important, in both ceremonies. They made the ceremonies so grand and pompous. The army is the symbol of a country's power and strength. In the case of Algeria, it is a symbol of physical decolonisation. Moreover, the skulls were supposed to be all belonging to fighters, hence the significant presence of the military.

- The flag is omnipresent. It was on all the coffins during the ceremonies, and at the end of the burrial, President Tebboune picked them up and presented them to the members of the Cadets of the Nation schools. This gesture suggested the passing on of the baton. This flag, as explained in the previous section, has a very strong history and is the pride of its people.

Using Michael Billig theory of nationalism being 'flagged', it is also important to mention the vocabulary and use of words in the public sphere at the time of the restitution. As I do not speak Arabic and no translation to French or English were made, I was not able to analyse the speech made during the restitution. Therefore, I have decided to focus on a

programme that was broadcasted on Algerian television, as the discussion was led in French. In the programme[182] "Genèse de la restitution des restes mortuaires des chouhadas" on the Canal Algérie channel broadcasted on 8 July 2020, was discussed the origins of the repatriation and its meanings. I have paid close attention to the vocabulary used by the host and their interviewees. They mentioned "The restitution of our brave martyrs"[183], "a ceremony in the spirit of our religion and traditions"[184], "restoring our memory"[185], "our heroes"[186] and added "we're not going to bring back a head in a little box, we've got the symbolism of the body here"[187]. All these little phrases and words used on national television reinforce this idea of the union of the Algerian people. There is this collective "we", which gives a strong idea of the union of a single people behind the same values and history. This collective "we" is also opposed to the pronoun "them" representing France, a distant place, often referred to in the show as "the French coloniser"[188].

The national anthem is another element that helps building nations. In the Algerian case, the national anthem serves both as regular nation symbol (along with flags, language, and emblems) and as a "flagged" element by the message it sends. Indeed, in the previous paragraph was mentioned the "us" versus "them" opposition, as France was called on national television "French coloniser". There is a part (3rd verse) of the Algerian national anthem that used to be sang after independence, then disappeared from political life, with the exception of the FLN congress or the inauguration of the President of the Algerian Republic. On 21 May 2023, a new decree issued by Algerian President Tebboune reinstated the use of this verse, deemed to be "anti-France". This decree requires the full anthem (including the 3rd verse) to be played at all official ceremonies attended by the Algerian president[189]. Here is the verse translated into English:

---

[182] Canal Algérie, "Genèse de La Restitution Des Restes Mortuaires Des Chouhadas | Questions D'Actu," *Www.youtube.com*, July 8, 2020, https://www.youtube.com/watch?v=YQEnNhpIc8o&ab_channel=CanalAlg%C3%A9rie.
[183] In French "La restitution de nos valeureux martyrs".
[184] In French "Une cérémonie dans l'esprit de notre religion et de nos traditions".
[185] In French "La restitution de notre mémoire".
[186] In French "Nos héros".
[187] In French "On allait quand même pas ramener une tête dans une petite boîte, nous avons la symbolique du corps chez nous".
[188] In French "Le colonisateur français".
[189] Le Figaro, "L'Algérie Réintroduit Le Couplet Anti-France Dans Son Hymne National," *Www.youtube.com*, June 17, 2023,

> "Ô France!
> Past is the time of palavers
> We closed it as we close a book
> Ô France!
> The day to settle the accounts has come!
> Prepare yourself! Here is our answer!
> The verdict, our Revolution will return it
> We are determined that Algeria should live,
> So be our witness - be our witness - be our witness! "[190]

This part was sung during the ceremony[191] of arrival of the skulls. Singing this verse during the restitution serves to reinforce the idea of Algerian nationalism built on opposition to the French coloniser, even 60 years after independence. In an interview, the activist and opponent of the current Algerian regime, Samir Yahiaoui, explains that handing over the decree is a "populist act"[192]. He said:

> "We have the most Francophobic regime since independence. This historical myth making was sold to Algerians to perpetuate this 'memory rent[193] [...] The regime is using this 'memory rent'[194] to re-legitimise itself in the eyes of its population".

The term "memory rent"[195] was also used by President Macron in 2021 at a meeting with young Franco-Algerians and Algerians, where he said: "The post-1962 Algerian nation was built on a "memory rent"[196] and which says: all our problems come from France."[197]

---

https://www.youtube.com/watch?v=9oMwGiRRLyY&ab_channel=LeFigaro.

[190] World Atlas. "Flags, Symbols & Currency of Algeria." *WorldAtlas*, February 24, 2021. https://www.worldatlas.com/flags/algeria#:~:text=The%20National%20Coat%20of%20Arms%20of%20Algeria&text=The%20emblem%20features%20a%20sun.

[191] Echorouk News TV, 2020, (49'00)

[192] France Info, "Hymne National Algérien : Un Couplet Polémique et Anti-France Rétabli Par Un Décret Du Président Algérien," *Franceinfo*, June 16, 2023, https://www.francetvinfo.fr/monde/afrique/algerie/hymne-national-algerien-un-couplet-polemique-et-anti-france-retabli-par-un-decret-du-president-algerien_5892841.html.

[193] In the original version, the French term 'rente mémorielle' is used. It could be literally translated as 'memorial rent' and means: to live through its past history and benefit from it (such as a rent would provide)

[194] Ibid.

[195] Ibid.

[196] Ibid.

[197] FRANCE 24, "Crise Entre Paris et Alger : à l'Origine Des Tensions, Des Propos d'E. Macron • FRANCE 24," *Www.youtube.com*, October 4, 2021, https://www.youtube.com/watch?v=AZTseGHZUC0&ab_channel=FRANCE24.

More generally, the return of these 'martyrs' (the skulls of Algerian fighters) was an opportunity for the Algerian government to hammer home the message of Algerian nationalism, because these human remains symbolise the fight against the "French coloniser". This fight is still omnipresent in the commemorative celebrations and official writing of Algerian history, as French historian Sylvie Thénault states: "[it is all about] writing history in the interests of power".

In this regard, French historian Emmanuel Alcaraz explains in his book *La guerre d'indépendance algérienne : une mémoire disputée dans le champ politique algérien*:

> "The government has its 'martyrs' in the form of state commemorations. But the 'martyrs' also have power, a symbolic resource that can be mobilised as part of personal, family and regional strategies. […] The regime's representatives always invoke the memory of the 'martyrs' as a model for the younger generations, who must be patient and resigned while being filled with admiration for the sacrifice of their elders."[198,199]

### I. 4. 4. The restitution scandal broke in France...but has a different echo in Algeria

In October 2022, the *New York Times* published an article revealing that the Algerian skulls returned by France to Algeria "weren't what they seemed"[200]. Indeed, documents from the museum and the French government obtained by the newspaper show that only 6 out of the 24 skulls are "clearly identified". Among the 18 other skulls, some are from uncertain origins, some were imprisoned thieves and 3 are from "Algerian infantrymen who actually served in the French Army."[201] French press wrote numerous articles about

---

[198] Emmanuel Alcaraz, "La Guerre d'Indépendance Algérienne : une mémoire disputée dans le champ politique algérien," *Cahiers d'Histoire. Revue d'Histoire Critique,* 130 (January 1, 2016): 125–46, doi:https://doi.org/10.4000/chrhc.5017.

[199] For further research on Algerian Nationalism, I would suggest discussing the Berber identity as an underlying issue that is considered (by the Algerian authorities) as an opposition to Algerian Nationalism. The Berbers are a linguistic and cultural minority who have long been ignored or even repressed by the authorities and are a very sensitive issue in Algeria. (source: *France24*, 2019) In 2019, 21 people who were waving the Amazigh (Berber) flag in a demonstration, were arrested by the police in Algiers for "undermining national unity". They were sentenced to one year's imprisonment, six months of which were unsuspended. (source*: Le Monde,* 2019).

[200] Méheut, Constant. "France Returned 24 Skulls to Algeria. They Weren't What They Seemed." *The New York Times*, October 17, 2022, sec. World. https://www.nytimes.com/2022/10/17/world/europe/france-algeria-restitution-skulls.html#:~:text=The%20remains%2C%20part%20of%20one.

[201] Méheut, 2022.

it, and politicians got involved[202]. However, the case was not treated in the same way on the other side of the Mediterranean. It was less reported in the Algerian press, than it was in the French one, even if the case concerns both countries equally. Sometimes, there were articles who questioned (or even denied) *The New York Times* declarations. For example, in a *La Patrie News'* article, is stated "some members of the media are quick to write when it comes to attacking Algeria, its history and the sacrifices made by its children against all adversity."[203] The article goes as far as to question the article's truth by mentioning the journalist's origins: "the editor of the "investigation" is, of course, a French journalist".

During my initial research into the case, I had a great deal of difficulty finding articles in the Algerian press about the news. There were a lot more articles covering the 2020 restitution. I searched in English, French and even Arabic using translated keywords. To no avail, the number of articles talking about this case remains lower than the French one. There are several reasons for this lack of coverage. First, the scandal is not flattering for Algeria after such a restitution ceremony, as described in the previous section. The skulls are now buried in the Carré des Martyrs, a highly symbolic place where soldiers who fell for Algeria are laid to rest. Thus, it might be upsetting for Algeria to admit that they buried 'the wrong people' there. In particular, the committee that identified these skulls was also composed of Algerian researchers. These researchers were supposed to have approved the identification work before the skulls were returned. During our interview, André Delpuech even made the comparison with France, to put oneself in Algeria's shoes: "if France had buried former Nazi torturers under the Arc de Triomphe, the French wouldn't be very proud of it either".[204]

Another reason may be linked to the lack of freedom of the Algerian press. Indeed, this case is inconvenient for the Algerian government. The NGO 'Reporters Without Borders' explains that Algeria was ranked 146th out of 180 countries in their 2021 world press freedom index. It is stated on their website: "Freedom of the press in Algeria faces many

---

[202] Sénat, "Séance Du 26 Octobre 2022," *Sénat*, October 26, 2022, https://www.senat.fr/seances/s202210/s20221026/s20221026003.html.

[203] La Patrie News, "Information Du New York Times Sur Les Crânes Restitués Par La France : Le Démenti Formel Du Ministre Des Moudjahidines," *La Patrie News*, October 25, 2022, https://lapatrienews.dz/information-du-new-york-times-sur-les-cranes-restitues-par-la-france-le-dementi-formel-du-ministre-des-moudjahidines/.

[204] Interview with André Delpuech, April 6, 2023.

red lines. The mere mention of corruption and the repression of demonstrations can result in journalists being threatened and arrested."[205] The media and journalists face significant pressure, the majority of which comes from the President of the Republic, political parties, security agencies, and local authorities. When political power has a direct impact on the selection and firing of media management and regulatory agencies, it is extremely difficult for reporters to operate freely and independently.[206]

The last reason for the lack of coverage might be that the Algerian government wishes to continue to improve relations with France. In fact, this return was highly symbolic in diplomatic terms for both countries. The Minister of Moudjahidines, Laïd Rebiga, denied the information reported by the *New York Times*. He told a conference in Oran that the identities of the resistance fighters had been clearly identified and that the accusation was unfounded. "The Algerian state is being targeted by a misleading media campaign"[207], he added.

This first chapter highlighted the reasons for this difficult restitution, from the point of view of civil society. First, the case was difficult to handle because of its sensitive topic, and the remaining taboo around the French-Algerian war. As the subject is inseparable from the history of colonisation, talking about the case of the skulls and pushing for their restitution also means highlighting France's colonial crimes in Algeria, a difficult subject for French society. Talking about this subject also means potentially getting involved in controversy, which is something that neither the institutions nor the activists want, as it could undermine their struggle. Finally, the way the restitution was received on the Algerian side was discussed, and it was argued that it was used to serve Algerian nationalism. Thus, it could explain why the turning point in the affair was poorly received.

In the next chapter, the 2020 restitution is discussed from the French Cultural Ministry and museums' point of view.

---

[205] Reporters sans Frontières, "Algérie," *Rsf.org*, June 18, 2023, https://rsf.org/fr/pays/alg%C3%A9rie.
[206] Ibid.
[207] Algeria Watch. "Affaire Des Crânes Restitués : Le Ministre Des Moudjahidine Réagit à l'Enquête de New York Times – Algeria-Watch." *Algeria-Watch.org*, October 26, 2022. https://algeria-watch.org/?p=84519.

# Chapter II. Museums

In this second chapter, I will examine museums' perspectives on the problem of the return of Algerian skulls. What about the restitution of skulls makes it such a difficult subject for museums? What obstacles can museums face in their reparation efforts? How do museum employees feel about the government's desire to return the skulls, as well as the 'botched'[208] return in 2020? The chapter is separated into different sections, in an attempt to answer these questions. It discusses the general lack of knowledge about the collections, the concern of initiating a wave of restitutions, the ongoing scientific discussion, the necessity for contextualisation, and the fear of controversy.

## II. 1. Shortage of funds and knowledge

This part addresses the issue of a shortage of funds in French museums as well as a lack of knowledge of French collections. The discussion also includes cultural artefacts, because they make up the vast majority of restitutions requests.

### II. 1. 1. Artefacts 'without' a story?

- The issue of artefacts with little to no information

In her book *Human Remains*, Clegg explains[209]: "It is generally assumed that all items in museum collections are fully documented and all relevant information recorded". This statement applies to both cultural properties (objects) and human remains. This lack of information about collections is sometimes ignored by the public and by politicians and seems to be a source of frustration for museum staff. This argument was found in my interview with André Delpuech, former Director of the Museum of Mankind:

[208] Méheut, 2022
[209] Clegg, 2020.

> "They often have a naive vision of things. They think that for each object, we have a total vision of where it comes from, when it was collected and its context. We have a lot of collections where we know nothing about the origin. The history of collections is very complex."[210]

To understand the origins of collections, we must first examine how the item was gathered. In this regard, he explains that the typical example of the Museum of Mankind acquiring cultural property dates back to the story of a man who worked in the colonies and accumulated a vast number of objects throughout his life. On the day he died, his family, unsure what to do with these collections, donated them to a museum. Sometimes all we know is the geographical area in which the person resided, but we don't know where the thing originated from or when it was obtained. "It is not bad when you know which country it comes from. But even then, knowing which ethnic group it belongs to is complicated.", explained Delpuech, "a lot of things have ended up in museums through the vagaries of history."[211]

- Less information, less restitution: the under-representation of human remains in restitution claims.

This knowledge gap is magnified when it comes to human remains in museum collections. I was advised in my interviews to take the test by visiting a museum's website and browsing the collections by nation. There is no information concerning human remains from the location. The great majority of these human remains are not on exhibit. As an example, on the website of the National Museum of Natural History is mentioned that 18'000 skulls are part of their collections[212]. However, on their collections section, under the human "skulls"[213] are only mentioned 3 items ("La Ferrassie I Man", "Descartes' skull", and "Cro-Magnon Man"). Thus, an investigation is the only method to learn what is in a museum's collection. According to André Delpuech[214], the absence

[210] Interview with André Delpuech, April 6, 2023.
[211] Ibid.
[212] Musée National Histoire Naturelle, "Collection Ostéologique de Restes Humains," *Muséum National d'Histoire Naturelle*, accessed July 20, 2023, https://www.mnhn.fr/fr/collection-osteologique-de-restes-humains.
[213] In French : crânes
[214] Interview with André Delpuech, April 6, 2023.

of knowledge concerning collections is the reason why, so few people have claimed these remains and so few human remains have been repatriated from France.

- The Algerian skulls

The Algerian skulls presented the same information dilemma. According to the former director of the Museum of Mankind[215], the identity of the individual and the date of acquisition were only disclosed in extremely few situations. Sometimes, the person's surname was quite prevalent in Algeria. In such circumstances, determining their specific identity was quite challenging. In other cases, only the date of arrival at the museum was mentioned, rather than a name.[216] This is why the Franco-Algerian committee for identifying Algerian skulls was established.

- Lack of money

As museums lack information on the origins of their collections, it is legitimate to wonder why more commissions, such as the one established for the restitution of Algerian skulls, were not settled in order to identify these cultural items. The primary cause for the absence of knowledge is a lack of funds and budgets for museums. This is what Constant Méheut states in his article[217] for *The New York Times*. If a researcher wants to carry out an investigation at the Museum of Mankind, the museum will sometimes find it hard to give them the right guidance.

> "The museum does not have the means to make a precise classification of these collections to facilitate researcher' study. Simply because they themselves have a database that is not very complete, due to the lack of budgetary means and time."[218]

[215] Ibid.
[216] Ibid.
[217] Méheut, 2022.
[218] Interview with Constant Méheut, April 6, 2023.

### II. 1. 2. Provenance research

As explained in the Literature Review section, Provenance Research's aim is to fix the issue on the lack of information about the collections. The following paragraph presents an overview of the situation of Provenance Research in France.

- Savoy-Sarr Report on the origins of cultural goods, a 'detonator'[219] for provenance research in France

The publication in November 2018 of the Savoy-Sarr report calling for the restitution by France of African heritage acted as a 'detonator'. Some museum's director admitted "Provenance research has become a priority for museums"[220]. After the report's publication, the Quai Branly Museum in Paris (one of the biggest museums of anthropology in France) has recruited a new person to coordinate research into the history of the collections, as there are "around a hundred objects where the legality or legitimacy of the acquisition is in doubt".[221] This report has therefore given a major boost to Provenance Research, as it greatly influenced museums to pursue research into the origins of their collections.

- How to fund this research? The need for state intervention to focus on Provence research

To understand this issue of the lack of money, it is first interesting to look at museums' funding. The majority of museums in France are public, under the authority of either a ministry or a local authority, and almost all –including private museums– depend on state subsidies.[222]

The first research into the origins of collections in France was related to cultural property looted between 1933 and 1945. This can still be read on the "Provenance research, tools

[219] Azimi, 2021

[220] Says Emilie Salabarry, director of the Angoulême Museum, that holds about 7 000 objects of African origins in its collections. (source: Azimi, 2021)

[221] Azimi, 2021.

[222] Ballarini, Marie. "Musées et Financements Participatifs, Nouvelles Pratiques et Représentations." *Réseaux*, no. 219 (2020): pp 203- 240.

and methods" section of the Ministry of Culture website, which only deals with works from the Second World War.[223]

In order to analyse the situation of Provenance research in France, I had to look at museum's projects individually. I decided to focus on the Quai Branly Museum, as they detailed their different programs on Provenance Research. In 2019, the museum published a booklet[224] listing research grants, partnership research projects and personal research projects carried out by museum staff. For example, it states that the Department of Research and Education awards three doctoral and five post-doctoral fellowships each year. Since 2018, applications relating to the Quai Branly Museum's collections have been given priority. The Martine Aubiet Foundation also awards research grants from Master 2 level upwards, in fields that coincide with the Quai Branly Museum's areas of interest.

In conclusion, if the government (through the Ministry of Culture) does not prioritise Provenance Research, and if the museum itself does not decide to invest in this research, it will be difficult for these projects to see the light of day.

## II. 2. "They have to slow down, otherwise they will open the Pandora box"

This section addresses the general feeling of reluctance of museums towards cultural restitutions and the potential interests of the Museum of Mankind in keeping the Algerian skulls part of the collections.

[223] Ministère de la Culture, "Recherche de Provenance, Outils et Méthode," *Www.culture.gouv.fr*, accessed July 20, 2023, https://www.culture.gouv.fr/Nous-connaitre/Organisation-du-ministere/Le-secretariat-general/Mission-de-recherche-et-de-restitution-des-biens-culturels-spolies-entre-1933-et-1945/Recherche-de-provenance-outils-et-methode.

[224] Musée du quai Branly - Jacques Chirac, "Recherches Sur l'Origine et l'Histoire Des Collections Du Musée Du Quai Branly - Jacques Chirac," September 2019.

### II. 2. 1. An internal war: Minister of Foreign Affairs vs. Minister of Culture

The general feeling of reluctance towards restitutions, as portrayed in the media or in museum staff's discourses, is triggered by a fear of provoking a new 'wave' of restitution claims.

In France, there is an internal political debate about the restitution of cultural property. On the one hand, the Ministry of Foreign Affairs claims that it is in favour of the restitution of cultural property and human remains, if this can be used to improve diplomatic relations. And on the other, the Ministry of Culture has its 'foot on the brake'[225]. Indeed, they are rather cautious because there is always the general apprehension that one restitution will pave the way for others, and that France will start returning a large part of its collections. "[The Ministry of Culture] says that they [the Ministry of Foreign Affairs] have to slow down, otherwise they will open the Pandora box", explains André Delpuech in our interview[226].

In 2010, when the Korean Manuscripts were restituted to South Korea, Bruno Racine, then-President of the Bibliothèque Nationale de France (National French Library), claimed that "starting to return the manuscripts means opening the door to a whole host of claims."[227].

### II. 2. 2. Concept of 'universal' museums

- Declaration on the Importance and Value of Universal Museums

Apart from the fear of triggering new restitution claims, the Ministry of Culture shows a firm stance using the principle of inalienability. In theory, items that are part of the French collections are an intrinsic part of French heritage. This principle makes it extremely difficult to remove them from these collections, as explained in the Introduction.

Moreover, another motivation for the museums not to engage any restitution process would be to be a museum that represents other cultures, a 'universal' museum.

---

[225] I translated the French expression "avoir le pied sur le frein" because it was mentioned in my interview and it portrays very well the situation of the Ministry of Culture.

[226] April 6, 2023.

[227] Guerrin, Michel, and Arnaud Leparmentier. "La France Accepte de Rendre à La Corée Les 287 Manuscrits de La Discorde." *Le Monde.fr*, November 12, 2010. https://www.lemonde.fr/culture/article/2010/11/12/la-france-accepte-de-rendre-a-la-coree-les-287-manuscrits-de-la-discorde_1439125_3246.html#:~:text=La%20Cor%C3%A9e%20r%C3%A9clame%20en%20effet.

In December 2002, 19 of the largest museums in Europe and North America, such as the Louvre, MoMA, Metropolitan and British Museums, jointly signed a 'Declaration on the Importance and Value of Universal Museums'. Embracing the universalist legacy of the Enlightenment, they advocated that "Museum are not at the service of the inhabitants of a single nation, but of the citizens of each one"[228]. Thus, these museums hold the responsibility of providing access to art for all individuals, regardless of their location, believing that one should not necessary travel extensively to contemplate the arts of diverse cultures.

However, the issue of restitutions has made its way to government agendas, particularly in Europe, where many countries have drawn heavily on their former colonies to fill their museums. If complete restitution may not always be possible (or easy), there is a loud demand for the contextualisation of objects from Africa, Asia, Oceania or the Americas. The universalist approach has not only obscured their original environment, but also glossed over their often forced removal.[229]

- Reflection on the traffic of cultural goods

Universal museum criticism has been expanded to include discussions about the trade of cultural artefacts, which involves the movement of objects within and between different collections. In the article "Two Ways of Thinking about Cultural Property", John H. Merryman[230] portrays the "two sides" that oppose each other: internationalists and nationalists. The internationalists[231], including universal museums, seek to liberalise the market as much as possible and make it as simple as possible to lend artworks between institutions through temporary exhibits. Nationalists[232], on the other hand, think that an object's full significance is revealed when it is displayed in its place of origin, and that

[228] Lesauvage, Magali. "L'universalisme Des Musées Fait Débat." *Le Quotidien de L'Art*, no. n°1996 (July 23, 2020). https://www.lequotidiendelart.com/articles/18163-l-universalisme-des-mus%C3%A9es-fait-d%C3%A9bat.html
[229] Ibid.
[230] Merryman, John Henry. "Two Ways of Thinking about Cultural Property." *The American Journal of International Law* 80, no. 4 (October 1986): 831. doi:https://doi.org/10.2307/2202065.
[231] Ibid., p.831
[232] Ibid., p.832

the movement of artefacts that are part of a country's cultural legacy should be restricted as much as possible.

- Neo-colonial vision

Nevertheless, among the criticisms levelled at this museum's vision is the one of their "neo-colonial" position. As French researcher Cécile Marceau explains, "it is the self-proclaimed character of universality of these museums that is the problem"[233]. This 'universalist' vision exclusively enriches Western museums and former colonial empires, as it perpetuates a trend of degradation of former colonised countries' museums, whose cultural richness are only evident in Europe - or, more generally, in Western nations. Furthermore, Geoffrey Lewis, president of the International Council of Museum (ICOM) admits it:

> "This Declaration is issued by a group that represents some of the world's wealthiest institutions: contrary to what they suggest, they are not speaking on behalf of the international museum community"[234].

### II. 2. 3. The Algerian skulls, a real interest for French museums?

In addition to the fear of triggering new restitutions, or the motivation to be a 'universal' museum, lies the scientific interest as the principal reason to oppose restitutions of cultural artefacts or human remains. This section explores the potential scientific interests regarding the Algerian skulls.

The case of the Algerian skulls was unique in that there was no direct opposition to their return to Algeria. They were no claims from the Museum of Mankind on that side. Indeed, the skulls were neither the subject of scientific research nor part of an exhibition. Furthermore, there was this general consensus that this return will only serve to calm and strengthen ties between France and Algeria. During my research, I have not come across any political statement showing opposition to the 2020 restitution.

Although the skulls appeared to be of no interest to France, neither the museum staff nor the Ministry of Culture have been particularly keen to return them. Why is this?

---

[233] Cécile Marceau, "The Ethics of Collecting: Universality Questioned," *Museum International* 59, no. 3 (September 2007): 80–87, doi:https://doi.org/10.1111/j.1468-0033.2007.00616.x.

[234] Lewis, Geoffrey. "Les Musées Universels." *LES NOUVELLES de L'ICOM*, 2004.

- Where to set the boundaries?

The major concern in restitution of human remains, echoes the fear of triggering a wave of restitution, as it appears difficult to set boundaries. In the Introduction were discussed the differences across countries when it comes to study human remains and classify them (regarding their age). As restitutions imply two countries, where do we draw the line between "recent deaths" and "archaeological remains"[235]? Where to set the boundaries? At what period do we stop, if we start returning human remains for ethical reasons? If the Algerian skulls of 19th century fighters held at the Museum of Mankind are returned in full,

> "we *can* ask for the restitution of skulls from the Neolithic period that are 30,000 years old, that come from Algeria, because they were acquired during excavations", expressed André Delpuech in our interview[236].[237]

This is one of the dilemmas posed by restitutions. We need laws that provide a framework for restitutions of human remains and facilitate them, so as to encourage museums to initiate further restitutions.

Although the presence of the skulls was kept opaque for a long time, it is now known, thanks to *The New York Times*' investigation[238], that there are 18,000 skulls in the Museum of Mankind's collections. While the complete origins of the skulls remain unknown, one can infer that, considering France's history, there are other skulls from the colonies. This is what the director of the ALGM explained:

> "This issue will inevitably lead to others. In the collections, there are also Moroccan skulls, Tunisian skulls, and Vietnamese skulls... There are 18,000 in all"[239]

[235] The difference is explained in Introduction.
[236] Interview with André Delpuech, April 6, 2023.
[237] This can be related to the case of the "Kennewick Man" in the United States. In 1996, human remains were found in the state of Washington and were dated 9,000 years old. The human bones were given to native tribal organisations, after DNA testing revealed genetic resemblance with contemporary Native Americans.
[238] Méheut, 2022.
[239] Interview with the Director of the ALGM, March 21, 2023.

- The loss of scientific knowledge

Even among anthropologists, there is often a scientific controversy about whether the restitution of a human bone represents a loss of scientific data[240]. Archaeologists have tended to argue that restitution affects their ability to research by severely limiting scientific data collection[241], and should hence be discouraged. Archaeological human remains can provide a lot of information. Some of the knowledge includes a better understanding of biological and cultural evolution, diets, illnesses, ancestry, mobility, and changes in ancient peoples' cultural beliefs and funeral practises.[242] Although research has already been conducted on the remain before its return, some scientists may object to it, stating that with scientific advancement, they might miss and lose other information. There are, however, various reasons against this notion. As an example, it can be argued that before the restitution, a sample is often collected from the human remains in order to be able to conduct further research.

However, the loss of scientific knowledge does not seem to concern the Algerian skulls, as stated André Delpuech[243]. Those skulls belong to people who were killed during the late 19th century, and due to their age, their scholarly interests are rather low. Therefore, the scientific loss argument as a valid reason for museums to oppose the restitution of Algerian skulls, is less impactful.

## II. 3. Fear of negative outcome

The last section reflects on museums' general fear regarding the negative impacts caused by the restitutions.

---

[240] Aranui, Amber. "Restitution or a Loss to Science? Understanding the Importance of Returning Māori Ancestral Remains." *Museum & Society* 18 (1) (March 2020). doi:https://doi.org/10.29311/mas.v18i1.3245.

[241] Krmpotich, Cara. "Repatriation and the Generation of Material Culture." *Mortality* 16, no. 2 (May 2011): 145–60. doi:https://doi.org/10.1080/13576275.2011.560446.

[242] Belcastro, Maria Giovanna, and Valentina Mariotti. "The Place of Human Remains in the Frame of Cultural Heritage: The Restitution of Medieval Skeletons from a Jewish Cemetery." *Journal of Cultural Heritage*, May 2021. doi:https://doi.org/10.1016/j.culher.2021.04.002.

[243] Interview with André Delpuech, April 6, 2023.

### II. 3. 1. Caught in the spotlight

By the 'negative' impact of a restitution's outcome, I refer to the fear of being at the centre of controversies. This feeling was emphasized by some of my interlocutors. Precisely, *New York Times* journalist Constant Méheut stated in our interview: "There is a popular belief that the less you display, the less likely you are to be at the core of controversy and debate."[244] This controversy is linked to France's huge collection of human remains –still not all identified–, at a time when some formerly colonised countries start claiming the return of their ancestors' remains. The controversy can also be directed towards the way the remains are conserved. The case of the Algerian skulls is a good example. As the case came out, a lot of media spread that the Museum of Mankind was keeping the skulls in "vulgar cardboard boxes that resemble shoe boxes"[245]. This rumour was refuted by the institution's management, however, it has remained in the minds of many individuals, since half of my interlocutors noted it. This example is embedded in the general belief from museums that their image would be tarnished, if they were more transparent about their collection, and shared with the public the exact amount and provenance of their human remains.

However, this feeling does not impact their willingness to return human remains, when they are of no interest to them, as explained in the above section with the case of the Algerian skulls.

Museums simply wish the restitutions could be made "in silence" without putting the museum at the centre of attention, as explains Constant Méheut[246].

Nonetheless, not only negative outcomes from the museums' side could result from the restitution process. Sometimes, it can be a win-win situation. When a museum uses restitutions of both artefacts or human remains to their own benefit, primarily to enhance their public image, it can be referred to as "positive capital"[247], instrumentalisation or

[244] Interview with Constant Méheut, April 6, 2023.
[245] Zerrouky, Madjid. "La France Remet à l'Algérie Vingt-Quatre Crânes de Résistants Décapités Au XIXe Siècle et Entreposés à Paris." *Le Monde.fr*, July 3, 2020.
[246] Interview with Constant Méheut, April 6, 2023.
[247] Wilckens, Kurzwelly, 2022.

'strategic restitution'[248]. This implies that the museum is utilising the act of restitution as a means to advance its reputation, gain public support, or generate positive publicity. However, according to what has been said in the press for the past months, it seems that the case of the Algerian skulls did not boost the Museum of Mankind's public image, nor did they seem to have used it to their own benefits. Therefore, the restitution, and the general presence of human remains believing to be Algerians, can be considered as a "negative capital"[249] for the museum.

### II. 3. 2. Frustrations in the museum sphere

Along with this constant fear of controversies, another sentiment emerged from the Museum's side, after the 2020 restitution. There is a general feeling of frustration towards the government, as highlighted in my interviews and in the press. Indeed, this frustration is directly linked to this "botched"[250] work, that appeared to have favoured political interests over the commission's work[251]. By taking a step back, it appears that this 'wrong' restitution was not the Museum's fault, however, they had to take the blame[252], as some of the Algerian skulls are still part of their collections. This idea emerged in my discussion with the former Director of the Museum of Mankind, André Delpuech:

> "The Algerian case got out of control, whereas in substance there was a lot of work with the French-Algerian scientific community. In the end, this work was skipped because everything got out of hand. [...] We can see that it's a revealing issue that has been very badly handled because of the politics that got too involved. [...] Macron's pressure meant that the file was badly closed. As a result, we find ourselves with a file that is half-finished. […] It's not settled today!"[253]

This chapter presented the difficulties encountered in the 2020 restitution from the point of view of the Museum of Mankind and the Ministry of Culture. Several factors came together and complicated the restitution. First, there is a general lack of information

[248] This term was suggested to me by Jonatan Kurzwelly (personal communication).
[249] Wilckens, Kurzwelly, 2022.
[250] Méheut, 2022.
[251] This part is further elaborated in Chapter III.
[252] A lot of articles, in the French and Algerian press, mentioned the museum of Mankind, rather than the French government or the French-Algerian committee of identification.
[253] Interview with André Delpuech, April 6, 2023.

concerning the museum's collections. A lot of items (cultural objects and human remains) present no information concerning their origins or date of acquisition. Furthermore, French museums general lack of money to conduct research on Provenance Research, that could fill this gap of knowledge. Therefore, this issue prevents restitutions to happen.
Second, there is a conflict between the Ministry of Culture and the Ministry of Foreign Affairs, that tends to initiate restitutions in order to favour diplomatic relations. The Ministry of Culture, and museums generally, tend to generally be reluctant to restitution, as there is a general fear of triggering potential new restitutions and open the "Pandora Box" of restitutions.
Finally, the fear of controversies was argued as the last explanations for the Museum's reluctance to engage in restitution processes. The case of the Algerian skulls was a good example. When the case broke out, the Museum of Mankind's public image was not at its peak in the press. And it did not improve when it was revealed that the 'wrong' human remains were returned. This triggered a feeling of frustration from the museum's and the Ministry of Culture towards Macron's government. Indeed, it was argued (both in the press and in my interviews) that the work of the French-Algerian's commission was shortened up to favour political purposes.

The next chapter digs in the political motivations behind the Algerian skulls, as a last explanation for this "botched" restitution.

# Chapter III. Political stakes

This final chapter serves to shed light on the complexity of the Algerian case, focusing on the political sphere, the third entity in the restitution process. The research is divided into three main parts. The first two parts are linked together: the economic and political interests behind the 2020 restitution and the fact that these reasons led to a hasty restitution. The last section is devoted to the current solutions that are brought in politics to resolve the Algerian case and the situation of the permanent loan.

## III. 1. Restitutions as political bargaining

This first section argues that the restitution was used for political and economic purposes, in order to improve French-Algerian relations. This conclusion is the fruit of similar actions taken by French government in the past, and of diverse statements from my interviewees.

### III. 1. 1. It's a done deal!

Many of my interlocutors emphasised that restitutions (of both artefacts and human remains) have been used in the past to serve diverse political and economic interests. Therefore, they suspect the current French government to have used the case of the Algerian skulls as a bargain to initiate and conclude deals.

As an example, André Delpuech mentioned[254] the restitution of the historical "Oekyujanggak Uigwe" Korean manuscripts to the president of South Korea by French President François Mitterrand in 1993. This restitution was conducted in conjunction with negotiations of rail infrastructure products. Indeed, in 1993, France was in competition with the Japanese Shinkansen, and the German ICE, to implement a new railway company in South Korea. South Korea was aware of the presence of these manuscripts, stolen by France during an expedition in the 19th century[255], but they never managed to have them

[254] Interview with André Delpuech, April 6, 2023.
[255] Vernet Jacques, "Corée – L'affaire de Kwang Hwa de 1866," *Revue Historique Des Armées*, 2003.

returned. During his trip to South Korea, in order to negotiate the implementation of the French TGV, President Mitterrand decided to bring along two of these manuscripts. His gesture was accompanied by the promise that the others would soon return on 'permanent loan'[256] (a 5-years-renewable loan, the same situation as the Algerian skulls today).
The TGV high-speed train, called KTX in Korea, has been built and is operating between Seoul and Pusan since 2004.[257] However, the manuscripts were not returned before 2010, under French President Nicolas Sarkozy's term. In addition to the fact that the restitution was used as a lure to conclude a deal, the French National Library[258] (where the manuscripts were kept) is accusing President Mitterand of having taken the manuscripts out without authorisation[259], even though they are classified as "inalienable property"[260,261]. The Library's representatives have explained that President Mitterand should have waited for a law to be passed or for the manuscripts to be 'declassified' before returning them. This confusion means that, under the French law and the term "permanent loan", the manuscripts are still France's property.

### III. 1. 2. Behind the scenes of the restitution: political and economic interests

The pattern observed in the case of the Korean manuscripts is similar to the one of the Algerian skulls of 2020. Many factors highly imply that this restitution has served the French government economically and politically.

Political interests were highlighted by the director of the ALGM during our interview[262]:

> "When President Macron went to Algeria, he described the crimes committed by the French military as "crimes against humanity". He said that […] in Algeria, and we know why. There are even journalists from *Le Monde* who wrote that he had gone down to Algeria to get envelopes [ballot papers]. Of course, he was not going to make any anti-Algerian remarks. […] Moreover, he mentioned the crimes against humanity on Algerian television, not French."

[256] Guerrin, Leparmentier, 2010.
[257] Ibid.
[258] In French: Bibliothèque Nationale de France (BNF)
[259] Carpentier, Laurent. "La Rocambolesque Histoire Des Manuscrits Coréens." *Le Monde.fr*, September 4, 2014.https://www.lemonde.fr/arts/article/2014/09/04/la-rocambolesque-histoire-des-manuscrits-coreens_4482133_1655012.html.
[260] Guerrin, Leparmentier, 2010.
[261] The definition of "inalienable property" is given in Introduction.
[262] Interview with the ALGM, March 21, 2023.

The episode that the President of the ALGM is referring to, is President Emmanuel Macron's visit to Algeria in February 2017. This visit took place as Macron was campaigning for the presidential elections in France. In an interview[263] in Algiers with 'Echourouk News', Macron stated that France had committed "barbaric"[264] acts during its colonisation of Algeria and that colonialism was a "crime against humanity"[265].

Macron's visit to Algeria was significant at this moment, as France's largest migrant community has Algerian origins. He also stood out by discussing the Algerian conflict in this manner, which no president before him had done. When a political decision is taken to favour Algeria or to work to improve relations between these two countries, it can be expected that a big part of the population will be pleased. French historian Pascal Blanchard's commented[266] on Macron's statement: "It [calling it a 'crime against humanity'] was a scandal, but he gained 5 points in the poll and lost 2." This is one of the main criticisms levelled at Macron by his opponents in the presidential elections. They accused Macron of having made this statement to win voters. Especially since he made these statements on an Algerian rather than a French television channel[267].

A few months after his election, on his first official Presidential visit to Algeria, Emmanuel Macron mentioned the case of the Algerian human remains and promised to return the "37 Algerian skulls"[268] that were in the Museum of Mankind's collections. Finally, in 2021, the French government recognised France's responsibility in the assassination of the lawyer Ali Boumendjel, an activist for Algerian independence.[269]

---

[263] France Info, 2017.
[264] Ibid., (0:16)
[265] Ibid., (0:15)
[266] C l'hebdo, "Algérie : La France Doit-Elle S'excuser ? - c l'Hebdo - 23/01/2021," *Www.youtube.com*, January 23, 2021, https://www.youtube.com/watch?v=250EYQxKaXk&ab_channel=Cl%27hebdo. (11 :43)
[267] Libé Zap, "La Colonisation, 'Un Crime Contre L'humanité' ? La Droite Fustige Emmanuel Macron - Vidéo Dailymotion," *Dailymotion*, February 16, 2017, https://www.dailymotion.com/video/x5c1rmb.
[268] RFI. "Macron Ready to Return Algerian Anti-Colonial Fighters' Skulls," December 6, 2017. https://www.rfi.fr/en/africa/20171206-macron-ready-return-algerian-anti-colonial-fighters-skulls.
[269] Mustapha Kessous, "Après La Reconnaissance de l'Assassinat d'Ali Boumendjel, La Diaspora Algérienne En France 'Aimerait Maintenant Connaître Des Choses Qu'on Ne Sait Pas,'" *Le Monde.fr*, March 4, 2021, https://www.lemonde.fr/afrique/article/2021/03/04/reconnaissance-de-l-assassinat-d-ali-boumendjel-par-la-france-la-diaspora-algerienne-aimerait-maintenant-connaitre-des-choses-qu-on-ne-sait-pas_6071993_3212.html.

Therefore, the repatriation of human remains to Algeria appeared to be part of a desire to appease memories (particularly the Algerian ones), almost a desire for friendship towards Algeria - or so it seemed.

The economic incentives followed the political ones. In 2022, Algeria ranked among France's leading economic partners in Africa, with commerce of €11 billion. This number was composed of €4.5 billion in French exports and €6.6 billion in imports, as reporting by the French Treasury[270]. Hydrocarbons were the primary commodity imported by France from Algeria (91% of total products imported in 2022). The significant increase in French imports reflected the rise in hydrocarbon prices during that period. In 2022, most of French exports to Algeria included agricultural products, industrial commodities, and machinery and equipment. Algeria was an important commercial partner for France; it was the country's first client and also the first African market for French firms.[271] During the French Prime Minister's business trip to Algeria in October 2022, she was accompanied by 15 members of the government, indicating the importance of the trip, especially regarding energy-related discussions.[272] These impressive figures highlight the important economic partnership between France and Algeria.[273,274]

However, this commerce was far more substantial in prior decades than it is today. Algeria has broadened its partner base and other nations, such as China, Turkey, and Italy, were competing with France, in particular by increasing their market share in Algeria in the construction, textile and military sectors.[275] China seems to be Algeria's largest supplier in the first half of 2022, accounting for 16.5% of imports. France had this position until 2013, but it currently accounts for just 7% of Algeria's commerce. In terms of Algerian

---

[270] Direction générale du Trésor. "Relations Économiques Bilatérales - ALGÉRIE | Direction Générale Du Trésor." *Gouv.fr*, March 12, 2023. https://www.tresor.economie.gouv.fr/Pays/DZ/relations-economiques-bilaterales#:~:text=D.

[271] Stora, 2021.

[272] Franceinfo. "Algérie : La Première Ministre et 15 Membres Du Gouvernement En Déplacement." *Franceinfo*, October 9, 2022. https://www.francetvinfo.fr/monde/afrique/algerie/algerie-la-premiere-ministre-et-15-membres-du-gouvernement-en-deplacement_5407456.html.

[273] Direction générale du Trésor, 2023.

[274] Stora, 2021

[275] Brahim Oumansour, "Visite d'Emmanuel Macron En Algérie : Entre Enjeux Mémoriel, Énergétique et Stratégique," *IRIS*, August 31, 2022, https://www.iris-france.org/169401-visite-demmanuel-macron-en-algerie-entre-enjeux-memoriel-energetique-et-strategique/.

gas imports, Spain and Italy were ahead of France. Italy had recently looked to Algeria to help it break free from its reliance on Russian gas. In exchange, Algeria appeared to have gained a guarantee of development funding for the Algerian industry from the Italians. Simultaneously, Algerian authorities recently refused to extend contracts with two large French businesses, RATP (Paris Transport Company), which operated the Algiers metro, and Suez, which oversaw the capital's water supply.[276]

Finally, Algeria was considering to gradually replace French with English, by introducing English at primary school level. On 1 August 2022, Algerian President Tebboune announced: "For us, the French language is the spoils of war, but English is an international language". He announced his desire to introduce English at the start of the next school year, and added that in the past, it was only taught at a secondary school level.[277]

The restitution of Algerian human remains occurred in an evolving economic context that is progressively becoming less favorable for France. Particularly, the rise of English as a preferred language and the growth of Algeria's economic partnerships seemed to have overshadowed France. It is argued that the restitution has been strategically done to enhance economic relations with Algeria and, at the same time, favour the President's electorate, aligning with the other statements he made since his presidential campaign.

## III. 2. "In a rush"

Referring to the 2020 restitution, French Senator Catherine Morin-Desailly wrote[278] in 2021:

---

[276] Ali Boukhlef, "Les Dossiers Qui Attendent Emmanuel Macron à Alger," *Middle East Eye Édition Française*, August 25, 2022, https://www.middleeasteye.net/fr/actu-et-enquetes/algerie-france-macron-tebboune-gaz-memoire-sahel-expulsions-investissements.

[277] Boukhlef, Ali, ed. "Algérie : L'introduction de l'Anglais Au Primaire, Critiquée Mais Jugée Nécessaire." *Middle East Eye Édition Française*, September 22, 2022. https://www.middleeasteye.net/fr/reportages/algerie-anglais-langue-ecole-primaire-enseignement-education.

[278] Morin-Desailly, Catherine. "Rapport Fait Au Nom de La Commission de La Culture, de l'Éducation et de La Communication Sur La Proposition de Loi Relative à La Circulation et Au Retour Des Biens Culturels Appartenant Aux Collections Publiques," December 15, 2021. https://www.senat.fr/rap/l21-302/l21-3021.pdf.

> "The identification work was conducted in a highly opaque manner, giving the impression that diplomatic considerations took precedence over everything else. The scientific work that the museums actually carried out to investigate the restitution claims was never made public."

The last section highlighted the economic and political advantages that came along with the restitution of the Algerian human remains. This present part argues that the repatriation was made in a 'hasty' way, in order to serve these interests, as highlighted by the Senator in the above quote.

As mentioned earlier, the restitution took place at the beginning of July 2020, and the burial on July 5th, on the occasion of Algeria's 58th anniversary of independence. This important date for Algeria was presented as one of the reasons for this sudden[279] 'rush' in the repatriation. What a symbolic gesture for Algeria to receive the human remains of the 'martyrs' who died for Algeria, on the anniversary of its independence. This gesture was, once again, underlining the desire for appeasement[280] and cooperation between Paris and Algiers.

Nevertheless, it appeared that the commission's work was incomplete in July 2020. The Franco-Algerian skulls identification commission had been already meeting for 18 months[281] but their work at been "cut shortened", as stated Senator Morin-Desailly in a Senate's public session on October 26, 2022:

> "I have here the report of the commission charged with examining the proposals for the restitution of these human remains of Algerian origins, which met on June 25, 2020. It warned of the risk of protests due to the hasty and authoritarian nature of the operation. It also notes that the procedures imposed by the diplomatic emergency interrupt the work of remembrance carried out by the committee of

[279] I decide to call it 'sudden' because it took France 9 years after the human remains' rediscovery at the Museum of Mankind, to return them to Algeria.
[280] Zerrouky, Madjid. "La France Remet à l'Algérie Vingt-Quatre Crânes de Résistants Décapités Au XIXe Siècle et Entreposés à Paris." *Le Monde.fr*, July 3, 2020.
[281] Abdul-Malak, Rima. "Restitution of Human Remains to Algeria - Topical Government Question No. 0060G - 16th Parliamentary Term - Answer to the Question by Mrs Catherine MORIN-DESAILLY." October 22, 2022.

> experts. Finally, it points out that the Ministry of Culture has been excluded from this procedure, as has the Parliament."[282]

Thus, the date of July 2020 had been set by Franco-Algerian politicians without taking the commission's work. As a result of this hasty restitution, not only were not all the skulls correctly identified, but they also did not have time to be 'declassified'. This means, once again, that they are still legally the property of France, hence the term "loan"[283]. This loan situation was decided quickly to satisfy the government's request, as passing a 'complete' restitution law would have required much more time.

In our interview[284], André Delpuech added:

> "It's a political issue. But the government's pressure meant that the file was badly closed. As a result, we find ourselves with a file that is half-finished. [...] It's not settled today! Officially, yes, in the press. But legally and scientifically, no. It is not settled."

## III. 3. Political solutions

This section explores various political solutions that could resolve the issue of the 'loan' status of the human remains returned to Algeria and facilitate future restitutions.

On Wednesday 13 June 2023, the Senate unanimously adopted on first reading the draft bill[285] introduced by Catherine Morin-Desailly, Max Brisson and Pierre Ouzoulias, on the "restitution of human remains belonging to public collections.".[286] This draft bill marks a significant turning point in the Algerian case. It also came as I was finishing writing the thesis. Therefore, to preserve the research I had already conducted and ensure the inclusion of valuable insights from the interviews, this section is divided into two major

---

[282] Le Sénat, "Restitution de Restes Humains à L'Algérie," *Sénat*, October 27, 2022, https://www.senat.fr/questions/base/2022/qSEQ22100060G.html.

[283] Ibid.

[284] Interview with André Delpuech, April 6, 2023.

[285] Le Sénat, "Proposition de Loi Relative à La Restitution Des Restes Humains Appartenant Aux Collections Publiques," *Sénat*, June 13, 2023, https://www.senat.fr/travaux-parlementaires/textes-legislatifs/la-loi-en-clair/proposition-de-loi-relative-a-la-restitution-des-restes-humains-appartenant-aux-collections-publiques.html#:~:text=Mercredi%2013%20juin%202023%2C%20le.

[286] In French: Proposition de loi relative à la restitution des restes humains appartenant aux collections publiques

parts. The first part presents the solutions proposed before the June 2023 bill, and the second part will focus on the new bill and its anticipated resolutions to the Algerian case.

### III. 3. 1. The amnestied crimes

During my interviews, the Evian Agreement arose as an issue in the restitution of the Algerian skulls. It was brought to my attention that these agreements grant amnesty for all crimes committed by France and Algeria during the colonial era, resulting in the lack of recognition for the crimes committed against the 19th-century Algerian soldiers (to whom the skulls belong). This non-recognition challenges the restitution, since the way in which the skulls were acquired was not perceived by the law as 'illegal'[287].
In order to understand the Evian Agreement, we need to go back to the context of Algerian Independence.

- Evian Agreements: history and context

The Evian agreements were signed between France and members of the Algerian National Liberation Front (FNL) on 18 March 1962 in Evian-les-Bains, France. These agreements allowed a ceasefire to be implemented the following day, and proposed measures that would lead to Algeria's independence, putting an end to 132 years of colonisation and to a war that had begun in 1954.

Along with the diverse decrees, the Agreements provided for a referendum among the population concerning Algerian independence. As a result, on 1 July 1961 was voted the Algerian independence by 99.72% of the votes cast in Algeria, and by 90.81% in France (where the referendum had taken place earlier, on 8 April).[288]
The ballot paper (Appendix I) said "Do you want Algeria to become an independent state cooperating with France under the conditions defined by the March 19, 1962

[287] Since the Evian Agreement amnesties all crimes committed by France in Algeria before 1962, the murders of Algeria rebellion soldiers (from which the skulls are said to belong to) are also amnestied.
[288] Margaux Duguet, "Les Accords d'Evian : Qu'est-Ce Que C'est ?," *Europe 1*, March 18, 2016, https://www.europe1.fr/politique/les-accords-devian-quest-ce-que-cest-2696350.

declarations?" If voters sought independence, they had no choice but to vote "Yes", and thereby accept all criteria prescribed by the Agreements.

Two decrees of the decrees are relevant to the Algerian skulls case;

1- "In order to allow the implementation of self-determination for the Algerian people [...] amnesty is granted for all offences committed before 20 March 1962 with a view to participating in or providing direct or indirect assistance to the Algerian insurrection."

2- "Amnesty is granted for offences committed during law enforcement operations against the Algerian insurrection before 20 March 1962."

According to Benjamin Stora's report on Algeria, the major goals of the amnesties were to retain ties, mostly economic, with independent Algeria due to the extraction of oil and the importance of the Sahara in nuclear testing. The contemporary return of these remains is related to these agreements because returning the skulls means acknowledging the crimes committed in Algeria during the period of colonisation. Such crimes were amnestied by the Evian Agreements. However, discussing the issue of these human remains comes with a revival of the other crimes committed by the French army on the occupied land. It is impossible to acknowledge the massacres of the Algerian rebellion soldiers (from which the skulls are said to belong to) without discussing the other crimes committed by France in occupied Algeria.

- December 2021: Draft bill on the circulation and return of cultural property belonging to public collections

Before discussing this bill, it is important to understand how the French legislative system works.

In France, legislation is initiated by the Prime Minister and the members of parliament. The Parliament comprises two chambers: the National Assembly (composed of MPs) elected by direct universal suffrage, and the Senate (composed of senators) elected by indirect universal suffrage. These two chambers are responsible for passing laws, overseeing government action and evaluating public policy.

The adoption of legislation by Parliament follows a procedure known as the parliamentary shuttle [*navette parlementaire*]. Each text must be examined by the National Assembly

and the Senate. In order to be adopted, it must be voted on by both chambers in an identical version.

In case of disagreement, the text is sent back for a second reading. This implies that the draft bill can go back and forth between the two chambers before reaching a common agreement. The government may also decide to convene a joint committee (seven MPs and seven senators) to draw up a compromise version. If this fails, the Government can also give the final say to the National Assembly.

On 15 December 2021, Senator Catherine Morin-Desailly, whom I have mentioned previously in my research, introduced a bill to the Senate entitled 'Law on the circulation and return of cultural property belonging to public collections'[289]. The bill consists of two articles.

Article 1 concerned the creation of a national council to consider the circulation and return of non-European cultural goods.

Article 2 focused on the introduction of a judicial procedure for cancelling the acquisition of certain human remains with a view to their restitution. As explained in the article and in the thesis' Introduction, France is obliged to use specific laws to enable restitution, in order to 'declassify' an item from the national collections. The Senator explained:

> "The purpose of this article is to facilitate the restitution of certain human remains belonging to public collections so that in future it will no longer be necessary for the legislator to authorise their removal from collections on a case-by-case basis. […] "the requirement to obtain Parliamentary authorisation before any restitution slows down the procedure significantly and may discourage initiatives".

Article 2 also refers to the Algerian skulls:

> "The lack of provisions facilitating the restitution of human remains is proving problematic today, as revealed by the government's decision in July 2020 to resort to the - in theory temporary - solution of deposit in order to hand over to the Algerian authorities the skulls held in the collections of the National Museum of Natural History, which were buried the following day in the cemetery of El Alia, on the outskirts of Algiers."

[289] France. Assemblée Nationale. 2022. Loi relative à la circulation et au retour des biens culturels appartenant aux collections publiques.n°4877. https://www.assemblee-nationale.fr/dyn/15/textes/l15b4877_proposition-loi#:~:text=%C2%AB%20II.,d'origine%20de%20ces%20restes.

Article 2 further states that human remains in the public domain are no longer included in collections if the following requirements are met:

1- These are properly identified human remains from living human groups with active cultures and traditions;

2- The conditions under which they were collected, or their presence in collections, violate the principle of human dignity;

3- They have not been the subject of scientific research for at least ten years.

- The challenge of the Evian Agreements

Herein lies the dilemma. According to my interviewees, only two out of three criteria are applicable to Algerian skulls. As a matter of fact, almost all of the remains have been identified (if not by name, we do know that they were collected at a specific place, for example during a battle, and that their families or human groups are still alive). Furthermore, they have not been the subject of scientific research either.
However, as conveyed in my interviews: granting amnesty for the crimes committed by France in Algeria makes it impossible to acknowledge the "illegality" of the human remains' acquisition. In other words, you cannot claim to have violated human dignity if the murder crime is not even recognised in the first place. Thus, the conditions under which they were collected (murders under colonisation) did not violate the principle of human dignity.

In an email sent to the president of the ALGM – to which I was granted access - the association's lawyer Franck Amram asserts that the skulls should be treated as "war trophies". However, "the Evian agreements meant that legal action for 'war crimes' became proscribed". Therefore, it is impossible to return the Algerian skulls completely[290] within the framework of criminal law.

[290] By "completely" I mean the whole amount of Algerian human remains, and not in the form of a loan.

- The Agreements' revocation: what is at stake?

If the 2021 draft bill could not allow the complete restitution of the Algerian human remains, the revocation of the Evian Agreements appeared as a last solution for the ALGM.

The ALGM mentioned the political flaw in the Evian Agreements that could lead to their revocation. Director Brahim Mabrouki explained[291]:

> "On the day he signed these agreements, Krim Belkacem[292] was French and not Algerian. There is a judicial flaw here. The French should have waited until after 5 July[293]. [...] In order to sign on behalf of the Algerian people, you have to be elected by the people. This is what is stipulated in the texts. […] A Frenchman cannot sign with a French sovereign state."

Indeed, as M. Mabrouki highlights, Krim Belkacem did not have the Algerian nationality in March 1961, as Algeria did not yet exist.[294] Therefore, he was still legally French when the Evian Agreements were signed.

At the time of the interview, the ALGM had already contacted the French State Council, ruling on contentious matters, to ask for the Evian agreements to be overturned. According to the ALGM, not only were the Algerian signatories to these accords deemed incompetent to do so, as they were still French, but also:

- "The good faith of the signatories on the Algerian side was deceived because they did not know the consequences of the authorisation given to France in these agreements to carry out nuclear tests and chemical and bacteriological experiments.
- The agreements include a secret annex concerning France's maintenance of four test centres in the Sahara for five years, which is contrary to the Geneva Convention and the principles of respect for human rights.
- The nuclear tests authorised by these agreements caused damage to public health and pollution of fauna, flora and the environment, constituting a continuing offence under article 223-1 of the French Criminal Code.

[291] Interview with the ALGM, March 21, 2023.
[292] FLN Representative (Algerian side) in the signature of the Evian Agreements.
[293] Official day of Algerian Independence and official creation of the Algerian state.
[294] As explained in Chapter I, indigenous people had the French nationality when Algeria was a colony.

- The agreements should have been accompanied by a monitoring committee and updated to bring them into line with the new principles relating to human rights and environmental protection.

- The agreements are vitiated by misuse of powers insofar as their purpose was to exonerate the French authorities from their responsibility for acts committed in Algeria, both before and after the country's independence."[295]

In response to these arguments, the State Council asserted that it lacked the authority to cancel the agreements. Thereupon, the ALGM decided to address the European Court of Human Rights. Unfortunately, I haven't been able to obtain any additional information on what the Court of Human Rights has responded.

As presented in the ALGM's email to the State Council, the scope of the Evian Agreements encompasses more issues than just the return of the Algerian soldiers' skulls. Their cancellation would bear significant repercussions for the French government, implying a recognition of crimes committed in the Sahara, the consequences of which continue to affect the people to this day.[296] The issue of the Algerian skulls is just the tip of the iceberg that the Evian Agreements are trying to erase. Such crimes covered by the Agreements are prohibited by the Geneva Convention and the French judicial law system itself.

- A special legislation for the case of the Algerian skulls

Even though the Evian Agreements pose numerous problems and seem to be a barrier in the complete restitution of the Algerian skulls, their revocation appears to be a complex procedure. Indeed, it would not be in France's interest to accept their dismissal. And going through international bodies could take several years.

[295] Email grom the ALGM to the French State Council.
[296] On the subject of the crimes committed in Algeria during the colonial and war periods, Pascale Blanchard explains in the programme "C l'hebdo" (23/01/2021) that these crimes are not included in French school textbooks because "we are afraid to tell the young descendants of these people what was done to their elders" (8:53)

In an attempt to counter the above problem, a group of MPs led by Carlos Bilongo have drawn up a bill to allow the restitution of the Algerian skulls. The draft bill[297] which had been presented to the National Assembly on November 2, 2022.

It contained a single article which was divided into three points:

> 1- […] By way of derogation from the principle of the inalienability of French public collections enshrined in article L. 451-5 of the French Heritage Code, the thirteen Algerian skulls held in the national collections placed in the National Museum of Natural History - Museum of Mankind, cease to form part of these collections.
>
> 2- From the same date, the administrative authority shall have a maximum of one month to return these pieces to the People's Democratic Republic of Algeria.
>
> 3- The twenty-four skulls deposited with the People's Democratic Republic of Algeria in July 2020 shall be definitively returned to the latter.

During the interviews, it was mentioned that the group of MPs sought to pass this law ahead of President Tebboune's scheduled visit to France. The visit was initially planned for April 2023. However, due to various factors, the visit was postponed several times.[298] Furthermore, the draft bill has been referred back to the Committee on Cultural Affairs and Education, as it would require a special committee to be set up. Therefore, the final voting on the draft bill is expected to take time.

### III. 3. 2. June 2023 draft bill, a new hope?

- Towards a specialised law for the restitution of human remains

On June 13, 2023, the Senate passed a bill[299] entitled "Restitution of Human Remains belonging to public collections", proposed by senators Catherine Morin-Desailly, Max

[297] Assemblée Nationale, "Proposition de Loi N°398 Visant à Autoriser La Restitution Par La France Des Crânes Algériens," *Assemblée Nationale*, November 22, 2022, https://www.assemblee-nationale.fr/dyn/16/textes/l16b0398_proposition-loi.

[298] Henri Vernet and Fayçal Metaoui, "Algérie : Pourquoi La Visite Du Président Tebboune à Paris Est Si Compliquée à Caler," *Le Parisien*, June 6, 2023, https://www.leparisien.fr/politique/algerie-pourquoi-la-visite-du-president-tebboune-a-paris-est-si-compliquee-a-caler-06-06-2023-SUASVWKDRJHGBPTSVF27ECFZRI.php.

[299] Le Sénat, "Proposition de Loi Relative à La Restitution Des Restes Humains Appartenant Aux Collections Publiques," *Sénat*, June 13, 2023, https://www.senat.fr/travaux-parlementaires/textes-

Brisson, and Pierre Ouzoulias. This draft bill was then sent to the National Assembly. It aims to facilitate the procress of returning human remains form public collections to foreign states.

The adoption of this law would provide France with the missing framework for handling requests for the restitution of human remains, ensuring a clear and transparent process. Additionally, it would foster scientific and cultural dialogues between France and the requesting countries.

The use of circumvention strategies[300] is indicative of the urgent need to define a clear legal framework to simply the process of repatriating human remains.
This framework would introduce a general derogation from the principle of inalienability, allowing the removal of human remains from the public domain under specific conditions, without requiring individual parliamentary authorisation. Removal from public collections would be by decree of the State Council, on the basis of a report drawn up by the minister(s) responsible for the institutions concerned.

This procedure is described as:

> "motivated above all by the concern to guarantee respect for the dignity of the human person and respect for the cultures and beliefs of other peoples".

The criteria for restitution are as follows:

- "The human remains must be less than 500 years old,
- The must be associated with a living group whose culture and traditions remain active,
- The request for restitution must originate from a foreign state,
- Restitution is only possible for funerary purposes."

With regard to the need to bury human remains, the law specifies that "this is only possible for funerary purposes, as it would be incoherent for restitution to result in the display of

legislatifs/la-loi-en-clair/proposition-de-loi-relative-a-la-restitution-des-restes-humains-appartenant-aux-collections-publiques.html#:~:text=Mercredi%2013%20juin%202023%2C%20le

[300] Such as the draft bill for the restitution of the Algerian human remains by Carlos Bilongo, see previous section "a special legislation for the case of the Algerian skulls".

the remains returned to the State of origin". However, this condition does not prevent the creation of a memorial.

It is also specified that a scientific committee, made up equally of French representatives and representatives of the requesting State, will be responsible for identifying the human remains in the event of doubt. It is also added "[…] in order to avoid the return of human remains that do not correspond to the request of the State of origin". This can be understood as a reference to *The New York Times'* revelations concerning the origin of the human remains returned to Algeria.

Furthermore, the law would aim to prevent arbitrary restitutions described as the "prince's actions". This term may refer to the criticism surrounding the return of the Algerian skulls, suggesting political motivations behind the restitution. In this context, the "prince" might be Emmanuel Macron or any other president who might have used restitutions (of artefacts or human remains) for diplomatic and economic purposes (such as the case involving President François Mitterand and the Korean manuscripts.
Finally, the draft bill includes an amendment[301] that prohibits the decision to 'declassify' an item before the identification committee has submitted its work. It is also added "[…] contrary to what happened when the Algerian skulls were returned".

- Filling the gap from the previous draft bill

As mentioned earlier in this section[302], a draft bill was passed by the Senate in January 2022. Article 2 of this bill established a comprehensive framework for the circulation and return of human remains within public collections. However, despite the Senate's approval, the National Assembly did not prioritise the text for discussion on its agenda. This decision was a consequence of the Government's opposition to the content of Article 1, which addressed the restitution of non-European cultural property. As a result, the draft bill never succeeded in becoming a law.

[301] Sénat, "Aperçu de L'amendement," *Www.senat.fr*, June 6, 2023, https://www.senat.fr/amendements/commissions/2022-2023/551/Amdt_COM-2.html.
[302] See "December 2021: Draft bill on the circulation and return of cultural property belonging to public collections"

While the 2022 draft bill stipulated that the return of human remains to the State of origin should not be for public display, the current article limits the purpose of restitution to funerary needs. However, both provisions share the common goal: to prevent human remains returned in the name of respect for human dignity from ending up in the display cases of another institution.

All returning criteria have been incorporated into the new framework, except for the one concerning the absence of scientific research on the human remains in question over the past ten years. This omission is described as aiming to prevent the deliberate initiation of research on human remains, with the intent of blocking their restitution.

- Assessment of the impacts on the Algerian case

The draft law of June 2023 states that by facilitating the removal of the collections and highlighting the scientific work:

> "this system will make it possible to regularise the return of the Algerian skulls before the expiry of the five-year period stipulated in the deposit agreement".

The issue of Algerian human remains is therefore covered by this proposed law. In addition, it is mentioned that the work of the Franco-Algerian scientific committee will be given more importance, after having been overlooked during the restitution in July 2020.

Indeed, the draft bill explicitly addresses the restitution of the Algerian skulls, identified by the French-Algerian commission as genuinely belonging to 19th century Algerian soldiers, and would allow them to officially leave the deposit agreement.
However, there is no mention of the "three Algerian infantrymen who actually served in the French Army"[303] who are today buried in Algeria. This issue is complex as repatriating buried remains to France seems quite difficult. The question is whether these remains will also be declassified from public collections (even though they were never part of Algeria's request) or if they will remain on 'permanent loan', renewable every five

[303] Méheut, 2022.

years. This draft law does not offer a definite solution to this aspect, leaving it open for further consideration and potential amendments.

Unlike the bill introduced by Carlos Bilongo, the present bill is more interesting in the long term, as it establishes a legislative framework for all future restitutions of human remains, while resolving the issue of 2020 restitution.

This chapter provided an understanding of the issues involved in restitution from a political perspective. The political, economic and diplomatic issues that sometimes lie behind the restitutions of both artefacts and human remains, were presented. The case of the Algerian skulls is no exception.

It seems that the restitution may have helped to conclude future deals, particularly concerning the sale of Algerian gas to France, and the establishment of French companies in Algeria. However, it is not possible to prove that the restitution gave rise to these negotiations; they are only hypotheses. The “hasty” nature of the restitution meant that the skulls could be delivered to Algeria on the 58th anniversary of its independence, but the remaining scientific work was completely sidelined. As a result, some skulls were sent to Algeria despite the fact that their identity was still unclear. This political haste to serve economic and political ends is the main reason for this *somewhat* chaotic restitution.

In the last part of this chapter were presented the solutions that were proposed from a political point of view to resolve the Algerian problem. First was presented the idea of the revocation of the Evian agreements, in order to recognise the crimes committed in Algeria, and thus allow for restitution. MP Carlos Bilongo’s bill was raised as a potential solution to the skulls’ issue. Finally, the senators' bill on the restitution of human remains was presented as the most effective solution. Indeed, if the bill were to be passed, it would not only establish a legislative framework (which is lacking today) for the restitution of human remains but would also cancel the ‘loan’ contract by definitively returning the human remains to Algeria. Moreover, it would allow the return of the last Algerian skulls still held in French collections.

# Conclusion

The thesis seeks to analyse the factors that culminated in this restitution in disarray, with human remains of 24 individuals that resulted in an oxymoron 'permanent loan' situation. The discussion explores the actions, perspectives and motivations of three key entities: civil society, museums and governments, all of which played a significant role in the 2020 restitution.

These three groups have a common point, they are all greatly influenced by the taboo that long existed around France's colonial history in Algeria. This thesis portrays the different repercussions of this taboo on each entity, and how it determined their decisions and actions during the restitution process. I argued that the existence of taboos restrained the opportunities for discussions on the restitution within politics and the public sphere. The presence of the Algerian skulls in French collections introduced a widespread fear of controversies stemming from to the potential politicisation of the debate, and the concerns about causing turmoil by raising the topic.

From the perspective of the Ministry of Culture and the museums sphere, each new restitution process carries the fear to open the "Pandora Box" of restitution. In other words, it could pave the way for other claims for the return of both cultural objects and human remains. Despite acknowledging the potential benefits of restitutions in improving diplomatic relations and that the human remains serve no practical purpose in the museum (not displayed nor subject to scientific research), the Ministry of Culture and museums remain hesitant due to this apprehension of triggering new restitutions claims.

This general fear of controversies is also closely tied to the Museum's concern of being in the spotlight and the political sphere's refusal to show repentance for the crimes of colonialism.

Moreover, the taboo surrounding French colonialism has contributed to a general lack of information on the collections. Some objects have found their way into museums through the "vagaries of history", and they reflect a dark chapter of France's history. Museums'

lack of information concerning the origins of their collections also explains why the case was not addressed earlier.

From a political perspective, the thesis emphasises that the restitution was spoiled due to its rushed nature, it aimed at answering diplomatic interests. Scheduling the restitution on Algeria's National Day of Independence would appease the Franco-Algerian relations, favour Algeria's nationalist narrative, and potentially oil the wheels of future economic deals between the two countries. Analysing the reception ceremonies in Algeria, the research asserts the 2020 restitution as a tool for Algeria to demonstrate and reinforce its nationalism. For that matter, *The New York Times'* revelations were not acknowledged by the Algerian government who denounced a "misleading media campaign".

The restitution being in disarray when politics intervened is closely linked to the museums' lack of information about their collections. Of course, pushing the restitution did not help, but the commission of identification would have needed less time, had they had more information about their collections in the first place.
Moreover, the attempt to meet the Algerian's National Day of Independence, and the intangible principle of France's cultural property's inalienability, led to the "loan" agreement between France and Algeria. Nevertheless, the draft bill on the "restitution of human remains part of the French public collections" could resolve the 'loan' issue and aid future restitution endeavours.

In conclusion, this restitution of human remains in a state of disarray could be characterised as an "imbroglio", a "flawed procedure", or even a "state scandal", using Senator Morin-Dessailly's words. The thesis illuminates the complexities surrounding the 2020 restitution, shedding light on the underlying factors that prevented a smoother process. The intertwining of political considerations, museums practices, historical taboos, national pride, and France's lack of legal framework favouring repatriations processes all played a role in shaping the restitution's outcome. As we move forward, it appears essential to continue exploring and addressing these multifaced issues to pave the way for more transparent and equitable restitution processes in the future.

## The limits of this study and potential for further research

I am aware of the limitations that my thesis encounters. Although my research includes perspectives from French-Algerian activists and cultural professionals, I initially aimed to include more Algerian testimonies. However, I faced difficulties in reaching out to Algerian and Algeria-based interviewees. Despite my attempts to contact different individuals and institutions from the Algerian side, I was unable to obtain any responses or interviews. It is unclear if I contacted the wrong persons, or if the topic remains sensitive.

Consequently, I was limited to conducting this research focusing on the French perspective, as the majority of my interviewees are French or based in France. I acknowledge that a more comprehensive understanding of the topic would have been possible with greater access to Algerian voices. Travelling to Algerian and speaking Arabic would have facilitated the research, as I would have been able to better communicate with individuals and have a better understanding of the official documents and website that are in Arabic. I had to rely on online translators, and assistance from Arabic-speaking friends to overcome language barriers.

Moreover, as a non-expert in politics and diplomatic relations between France and Algeria, my understanding of the political situation might also be limited. Further research on this topic could involve consulting political scientists to provide a more nuanced and deeper analysis. It would also be valuable to include members of the French and Algerian governments that were connected to the case. Their insights could provide a more complete understanding of the political and diplomatic considerations involved.

The exploration of the methods used by the French-Algeria commission that identified the skulls is another area of potential expansion for my work. Unfortunately, I was also not able to access this information.

Finally, further research on this topic could investigate the bill's aftermath –should it be voted into law– and its potential implications on loan status of the 24 skulls and future restitutions of Algerian human remains still held in French collections.

In conclusion, while my thesis addresses critical aspects of the restitution of Algerian human remains, I acknowledge its limitation and suggest directions for further research.

Expanding the inclusion of Algerian perspectives, reaching out to politicians, understanding the commission's identification methods, and exploring the bill's implications would contribute to a more comprehensive understanding of this complex and sensitive topic.

# Bibliography


20 Minutes. “L’Algérie Attend Des Excuses de La France Pour Son Passé Colonial.” *Www.20minutes.fr*, July 5, 2020. https://www.20minutes.fr/monde/2814895-20200705-colonisation-algerie-attend-excuses-france.

Abdul-Malak, Rima. “Restitution of Human Remains to Algeria - Topical Government Question No. 0060G - 16th Parliamentary Term - Answer to the Question by Mrs Catherine MORIN-DESAILLY.” October 22, 2022.

Adnani, Razika. “‘Non, l’Algérie N’a Pas Été Créée Par La France En 1830.’” *Www.marianne.net*, 2021. https://www.marianne.net/agora/tribunes-libres/non-lalgerie-na-pas-ete-creee-par-la-france-en-1830.

AJ+. “Le Peuple Algérien et Son Fameux Drapeau | Il Apparaît Partout Même Dans Les Endroits Où on Ne l’Attend Pas : C’est Le Drapeau de l’Algérie Bien Sûr. Quelle Est Son Histoire ? | by AJ+ Français | Facebook.” *Www.facebook.com*, September 14, 2019. https://www.facebook.com/watch/?v=434404760475620.

Akef, Amir. “A Alger, de La Prison Ferme Pour Port de Drapeau Berbère.” *Le Monde.fr*, November 12, 2019. https://www.lemonde.fr/afrique/article/2019/11/12/a-alger-de-la-prison-ferme-pour-port-de-drapeau-berbere_6018892_3212.html.

Alcaraz, Emmanuel. “La Guerre d’Indépendance Algérienne : Une Mémoire Disputée Dans Le Champ Politique Algérien.” *Cahiers d’Histoire. Revue d’Histoire Critique* 130 (January 1, 2016): 125–46. doi:https://doi.org/10.4000/chrhc.5017.

Algeria Watch. “Affaire Des Crânes Restitués : Le Ministre Des Moudjahidine Réagit à l’Enquête de New York Times – Algeria-Watch.” *Algeria-Watch.org*, October 26, 2022. https://algeria-watch.org/?p=84519.

Algerian Embassy in France. “LES CRANES de RESISTANTS ALGERIENS a LA COLONISATION FRANÇAISE RETROUVENT LA TERRE NATALE.” *Consulat Général d’Algérie à Paris*, July 5, 2020. https://consulat-paris-algerie.fr/3195/les-cranes-de-resistants-algeriens-a-la-colonisation-francaise-retrouvent-la-terre-natale/.

Algérie Presse Service. “Il Y a 2 Ans, Les Crânes Des Symboles de La Résistance Algérienne Retrouvaient Leur Terre Natale.” *Algérie Presse Service*, July 3, 2022.

https://www.aps.dz/aalgerie/142359-il-y-a-2-ans-les-cranes-des-symboles-de-la-resistance-algerienne-retrouvaient-leur-terre-natale.

Alilat, Farid. "Algérie : La France Prête à Restituer Deux Crânes de Résistants Algériens." *Jeune Afrique*, October 21, 2022. https://www.jeuneafrique.com/1387309/politique/algerie-la-france-prete-a-restituer-deux-cranes-de-resistants-algeriens/.

Almudallal, Ahmed. "The Return of the Martyr's Remains Was a New Victory for Algeria's Colonial Resistance." *Middle East Monitor*, July 8, 2020. https://www.middleeastmonitor.com/20200708-the-return-of-the-martyrs-remains-was-a-new-victory-for-algerias-colonial-resistance/.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. 1983. Reprint, London: Verso, 2006.

Appadurai, Arjun. "Introduction. Commodities and the Politics of Value." *The Social Life of Things. Commodities in Cultural Perspective*, 1986, 3–63.

Aranui, Amber. "Restitution or a Loss to Science? Understanding the Importance of Returning Māori Ancestral Remains." *Museum & Society* 18 (1) (March 2020). doi:https://doi.org/10.29311/mas.v18i1.3245.

Arndt, Lotte, and Yann Le Gall. "»Wer Wird Durch Staatliche Restitution Empowered?«| Linksnet." *Www.linksnet.de*, November 2022. https://www.linksnet.de/index.php/artikel/48471.

Arvanitis, Kostas, and Louise Tythacott, eds. *Museums and Restitution, New Practices, New Approaches*. London: Routledge, 2016. doi:https://doi.org/10.4324/9781315596495.

Assemblée Nationale. "Proposition de Loi N°398 Visant à Autoriser La Restitution Par La France Des Crânes Algériens." *Assemblée Nationale*, November 22, 2022. https://www.assemblee-nationale.fr/dyn/16/textes/l16b0398_proposition-loi.

Association Le Grand Maghreb. "Information on Association Le Grand Maghreb," 2023. https://www.legrandmaghreb.com/.

Avenel, Cyprien. "La Construction Du 'Problème Des Banlieues' Entre Ségrégation et Stigmatisation." *Journal Francais de Psychiatrie* 34, no. 3 (2009). https://www.cairn.info/revue-journal-francais-de-psychiatrie-2009-3-page-36.htm.

Azimi, Roxana. “Comment Chercheurs et Musées Enquêtent Sur l’Origine Des Objets Pillés En Afrique.” *Le Monde.fr*, April 29, 2021. https://www.lemonde.fr/afrique/article/2021/04/29/comment-chercheurs-et-musees-enquetent-sur-l-origine-des-objets-pilles-en-afrique_6078543_3212.html.

Ballarini, Marie. “Musées et Financements Participatifs, Nouvelles Pratiques et Représentations.” *Réseaux*, no. 219 (2020): pp 203- 240.

Bayart, Jean-François. “Que le terme plaise ou non, il y a bien une islamophobie d’Etat en France.” *Le Monde.fr*, October 31, 2020. https://www.lemonde.fr/idees/article/2020/10/31/jean-francois-bayart-que-le-terme-plaise-ou-non-il-y-a-bien-une-islamophobie-d-etat-en-france_6057987_3232.html.

Belcastro, Maria Giovanna, and Valentina Mariotti. “The Place of Human Remains in the Frame of Cultural Heritage: The Restitution of Medieval Skeletons from a Jewish Cemetery.” *Journal of Cultural Heritage*, May 2021. doi:https://doi.org/10.1016/j.culher.2021.04.002.

Belkadi, Ali Farid. “Pour Le Rapatriement Des Restes Mortuaires Algériens Conservés Dans Les Musées Français.” *Le Matin D’Algérie*, May 27, 2011. https://www.lematindz.net/news/4447-pour-le-rapatriement-des-restes-mortuaires-algeriens-conserves-dans-les-musees-francais.html.

Billig, Michael. *Banal Nationalism*. Los Angeles: Sage, 1995.

Bobin, Frédéric, and Olivier Faye. “Emmanuel Macron et l’Algérie, Une Longue Histoire Contrariée.” *Le Monde.fr*, August 25, 2022. https://www.lemonde.fr/afrique/article/2022/08/25/emmanuel-macron-et-l-algerie-une-longue-histoire-contrariee_6138955_3212.html.

Boukhlef, Ali, ed. “Algérie : L’introduction de l’Anglais Au Primaire, Critiquée Mais Jugée Nécessaire.” *Middle East Eye Édition Française*, September 22, 2022. https://www.middleeasteye.net/fr/reportages/algerie-anglais-langue-ecole-primaire-enseignement-education.

———. “Les Dossiers Qui Attendent Emmanuel Macron à Alger.” *Middle East Eye Édition Française*, August 25, 2022. https://www.middleeasteye.net/fr/actu-et-enquetes/algerie-france-macron-tebboune-gaz-memoire-sahel-expulsions-investissements.

Bourdieu, Pierre. “The Forms of Capital.” In *Handbook of Theory and Research for the Sociology of Education*. Westport, CN: Greenwood Press, 1986. https://ia903102.us.archive.org/13/items/PierreBourdieuTheFormsOfCapital/Bourdieu,%20Pierre,%20The%20Forms%20of%20Capital,%20trans.%20Richard%20Nice,%20chapter%209%20in%20John%20G.%20Richardson%20(ed.),%20Handbook%20of%20Theory%20and%20Research%20for%20the%20Sociology%20of%20Education%20(Greenwood%20Press,%20Westport,%20CN,%201986).pdf.

BRUT. “L’histoire Du Drapeau de L’Algérie 🇩🇿.” *Www.youtube.com*, July 6, 2021. https://www.youtube.com/watch?v=1UMhgekX6kQ&ab_channel=Brut.

C l'hebdo. “Algérie : La France Doit-Elle S’excuser ? - c l’Hebdo - 23/01/2021.” *Www.youtube.com*, January 23, 2021. https://www.youtube.com/watch?v=250EYQxKaXk&ab_channel=Cl%27hebdo.

Canal Algérie. “Genèse de La Restitution Des Restes Mortuaires Des Chouhadas | Questions D’Actu.” *Www.youtube.com*, July 8, 2020. https://www.youtube.com/watch?v=YQEnNhpIc8o&ab_channel=CanalAlg%C3%A9rie.

Carpentier, Laurent. “La Rocambolesque Histoire Des Manuscrits Coréens.” *Le Monde.fr*, September 4, 2014. https://www.lemonde.fr/arts/article/2014/09/04/la-rocambolesque-histoire-des-manuscrits-coreens_4482133_1655012.html.

Charmaz, Kathy. “The Search for Meanings -- Grounded Theory.” In *Rethinking Methods in Psychology*, edited by J. A. Smith, R. Harré, and L. Van Langenhove, pp.27-49. London: Sage Publications, 1996. http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Charmaz_1996.pdf.

Clegg, Margaret. *Human Remains: Curation, Reburial and Repatriation*. Cambridge University Press, 2020. doi:https://doi.org/10.1017/9781316161654.

Cocquet, Marion. “L’affaire Des Manuscrits Royaux de Corée.” *Le Point*, December 15, 2010. https://www.lepoint.fr/culture/l-affaire-des-manuscrits-royaux-de-coree-15-12-2010-1275616_3.php.

Council of Europe. “Anti Racism Commission Calls for French Progress on Police Identity Controls and Minority Rights.” *Www.coe.int*, September 21, 2022. https://www.coe.int/en/web/portal/-/anti-racism-commission-calls-for-french-progress-on-police-identity-controls-and-minority-rights.

Creswell, John W. *Qualitative Inquiry and Research Design: Choosing among Five Taditions (2nd Ed.)*. Thousand Oaks, CA: Sage, 2007.

Dacher, Priscilla. “L’ ‘Islamogauchisme’ N’est Pas Une Réalité Scientifique | CNRS.” *Www.cnrs.fr*, February 17, 2021. https://www.cnrs.fr/fr/l-islamogauchisme-nest-pas-une-realite-scientifique.

“Definition of Nation | Dictionary.com.” In *Www.dictionary.com*, 2019. https://www.dictionary.com/browse/nation.

Département de l'Eure, Normandie. “Qu’est-Ce Qu’un Département ?” *Eure En Normandie*. Accessed May 17, 2023. https://eureennormandie.fr/accueil/le-departement/portrait/quest-ce-quun-departement/.

Diallo, Rokhaya. “#Nahel Les Révoltes Actuelles Résultent d’Une Violence Irréversible : La Mort d’Un Adolescent.” *Www.youtube.com*, June 29, 2023. https://www.youtube.com/watch?v=tjbmYS0Sp4k&ab_channel=RokhayaDiallo.

Diawara, Malick. “‘Dans La Guerre Des Mémoires, l’Histoire Doit Retrouver Sa Place.’” *Le Point*, January 4, 2023. https://www.lepoint.fr/afrique/dans-la-guerre-des-memoires-l-histoire-doit-retrouver-sa-place-04-01-2023-2503734_3826.php.

Direction générale du Trésor. “Relations Économiques Bilatérales - ALGÉRIE | Direction Générale Du Trésor.” *Gouv.fr*, March 12, 2023. https://www.tresor.economie.gouv.fr/Pays/DZ/relations-economiques-bilaterales#:~:text=D.

Draper, Katherine. “Why a War without a Name May Need One: Policy-Based Application of International Humanitarian Law in the Algerian War .” *TEXAS INTERNATIONAL LAW JOURNAL* 48, no. 3 (September 28, 2018). https://web.archive.org/web/20180928122912/https://tilj.org/content/journal/48/num3/Draper575.pdf.

Dreyfus, Jean-Marc, and AnstettÉlisabeth . *Human Remains in Society : Curation and Exhibition in the Aftermath of Genocide and Mass-Violence*. Manchester, England: Manchester University Press, 2017.

Duguet, Margaux . “Les Accords d’Evian : Qu’est-Ce Que C’est ?” *Europe 1*, March 18, 2016. https://www.europe1.fr/politique/les-accords-devian-quest-ce-que-cest-2696350.

Echorouk News TV. “#مباشر |مراسم الاستقبال الرسمي لرفات شهداء المقاومة الشعبية بمطار هواري بومدين | by #مباشر |مراسم الاستقبال الرسمي لرفات شهداء المقاومة الشعبية بمطار هواري بومدين

Echorouk News TV | Facebook." *Www.facebook.com*, July 3, 2020. https://www.facebook.com/watch/live/?ref=watch_permalink&v=611726199458666.

———. "🔴#بومدين هواري مطار بمطار الشعبية المقاومة لرفات الرسمي الاستقبال |مراسم مباشر | 🇩🇿🇩🇿🇩🇿 #بومدين هواري مطار بمطار الشعبية المقاومة لرفات الرسمي الاستقبال |مراسم مباشر | 🔴 by Echorouk News TV | Facebook." *Www.facebook.com*, July 3, 2020. https://www.facebook.com/EchorouknewsTV/videos/611726199458666.

Ennahar TV. "مراسم دفن رفات شهداء المقاومة الشعبية الـ24 بمربع الشهداء بمقبرة العالية - فيديو Dailymotion." *Dailymotion*, July 5, 2020. https://www.dailymotion.com/video/x7utywq.

Faure, Sonya , and Frantz Durupt. "Islamo-Gauchisme, Aux Origines d'Une Expression Médiatique." *Libération*, 2016. https://www.liberation.fr/debats/2016/04/14/islamo-gauchisme-aux-origines-d-une-expression-mediatique_1445857/.

Fforde, Cressida, C. Timothy McKeown, and Honor Keeler. *The Routledge Companion to Indigenous Repatriation*. Routledge, 2020.

Fiedler, Alice. "L'Allemagne Alloue 1,1 M€ Pour Enquêter Sur La Provenance d'Objets Dans Ses Collections." *Le Journal Des Arts*, October 30, 2020. https://www.lejournaldesarts.fr/actualites/lallemagne-alloue-11-meu-pour-enqueter-sur-la-provenance-dobjets-dans-ses-collections.

Flohr, Mikkel. "Benedict Anderson's Imagined Communities." *Critical Legal Thinking*, April 25, 2023. https://criticallegalthinking.com/2023/04/25/benedict-andersons-imagined-communities/.

FRANCE 24. "Crise Entre Paris et Alger : à l'Origine Des Tensions, Des Propos d'E. Macron • FRANCE 24." *Www.youtube.com*, October 4, 2021. https://www.youtube.com/watch?v=AZTseGHZUC0&ab_channel=FRANCE24.

France 24. "La France Restitue à l'Algérie Les Restes de 24 Combattants Tués Lors de La Colonisation." *France 24*, July 2, 2020. https://www.france24.com/fr/20200702-la-france-restitue-%C3%A0-l-alg%C3%A9rie-les-restes-de-24-combattants-tu%C3%A9s-lors-de-la-colonisation?ref=tw_i.

France Culture. “Abdelkader, de ‘Meilleur Ennemi de La France’ à Sauveur Des Chrétiens D’Orient.” *Www.youtube.com*, March 15, 2022. https://www.youtube.com/watch?v=FUhXUIoCLrA&ab_channel=FranceCulture.

France Info. “Hymne National Algérien : Un Couplet Polémique et Anti-France Rétabli Par Un Décret Du Président Algérien.” *Franceinfo*, June 16, 2023. https://www.francetvinfo.fr/monde/afrique/algerie/hymne-national-algerien-un-couplet-polemique-et-anti-france-retabli-par-un-decret-du-president-algerien_5892841.html.

———. “Présidentielle 2017 : En Algérie, Macron Qualifie La Colonisation de ‘Crime Contre L’humanité’ - Vidéo Dailymotion.” *Dailymotion*, February 16, 2017. https://www.dailymotion.com/video/x5c28z9.

France24. “Pourquoi Les Autorités Algériennes Interdisent Le Drapeau Berbère Dans Les Manifestations.” *France 24*, June 27, 2019. https://www.france24.com/fr/20190627-algerie-pourquoi-interdiction-drapeau-berbere-manifestations-gaid-salah.

Franceinfo. “‘Je Veux Que d’Ici Cinq Ans Les Conditions Soient Réunies Pour Des Restitutions Temporaires Ou Définitives Du Patrimoine Africain En Afrique’, Emmanuel Macron - Vidéo Dailymotion.” *Dailymotion*, November 28, 2017. https://www.dailymotion.com/video/x6aprhh.

———. “Algérie : La Première Ministre et 15 Membres Du Gouvernement En Déplacement.” *Franceinfo*, October 9, 2022. https://www.francetvinfo.fr/monde/afrique/algerie/algerie-la-premiere-ministre-et-15-membres-du-gouvernement-en-deplacement_5407456.html.

George, Andrew. *Epic of Gilgamesh*. London: Penguin Classics, 1999.

German Lost Art Foundation. “Funding Guideline for Provenance Research Projects on Collections from Colonial Contexts,” January 2, 2022. https://www.kulturgutverluste.de/Content/03_Forschungsfoerderung/EN/Funding_Guideline_2021-11-09.pdf?__blob=publicationFile&v=2.

Greenfield, Jeanette. *The Return of Cultural Treasures. 1st Edition.* Cambridge: Cambridge University Press, 1989.

Guerrin, Michel, and Arnaud Leparmentier. “La France Accepte de Rendre à La Corée Les 287 Manuscrits de La Discorde.” *Le Monde.fr*, November 12, 2010.

https://www.lemonde.fr/culture/article/2010/11/12/la-france-accepte-de-rendre-a-la-coree-les-287-manuscrits-de-la-discorde_1439125_3246.html#:~:text=La%20Cor%C3%A9e%20r%C3%A9clame%20en%20effet.

Harounyan, Stéphanie. "A Toulon, Manif Devant Le Meeting de Macron Après Ses Propos Sur La Colonisation." *Libération*, February 18, 2017. https://www.liberation.fr/politiques/2017/02/18/a-toulon-manif-devant-le-meeting-de-macron-apres-ses-propos-sur-la-colonisation_1549398/.

Hugo, Victor. "Orientale." In *Les Châtiments*, 1853.

INA. "Mitterrand - Allocution de François Mitterrand Sur La Toussaint Sanglante - Ina.fr." *François Mitterrand - Le Verbe En Images*, November 7, 1954. https://fresques.ina.fr/mitterrand/fiche-media/Mitter00086/allocution-de-francois-mitterrand-sur-la-toussaint-sanglante.html.

Kader Attia. "Kader Attia," n.d. http://kaderattia.de/biography/.

Kessous, Mustapha. "Après La Reconnaissance de l'Assassinat d'Ali Boumendjel, La Diaspora Algérienne En France 'Aimerait Maintenant Connaître Des Choses Qu'on Ne Sait Pas.'" *Le Monde.fr*, March 4, 2021. https://www.lemonde.fr/afrique/article/2021/03/04/reconnaissance-de-l-assassinat-d-ali-boumendjel-par-la-france-la-diaspora-algerienne-aimerait-maintenant-connaitre-des-choses-qu-on-ne-sait-pas_6071993_3212.html.

———. "Le Dialogue Inédit Entre Emmanuel Macron et Les 'Petits-Enfants' de La Guerre D'Algérie." *Le Monde*, October 2, 2021. https://www.lemonde.fr/politique/article/2021/10/02/vous-etes-une-projection-de-la-france-emmanuel-macron-s-adresse-aux-petits-enfants-de-la-guerre-d-algerie_6096830_823448.html.

Khan, Shahid N. "Qualitative Research Method: Grounded Theory." *International Journal of Business and Management* 9, no. 11 (October 23, 2014): 224–33. doi:https://doi.org/10.5539/ijbm.v9n11p224.

Klassik Stiftung Weimar. "What Is Provenance Research - Klassik Stiftung Weimar." *Www.klassik-Stiftung.de*. Accessed June 24, 2023. https://www.klassik-stiftung.de/en/research/research-activities/provenance-research/what-is-provenance-research/.

Krmpotich, Cara. “Repatriation and the Generation of Material Culture.” *Mortality* 16, no. 2 (May 2011): 145–60. doi:https://doi.org/10.1080/13576275.2011.560446.

Kurzwelly, Jonatan, and Malin S. Wilckens. “Calcified Identities: Persisting Essentialism in Academic Collections of Human Remains.” *Anthropological Theory* 23, no. 1 (December 1, 2022): 100–122. doi:https://doi.org/10.1177/14634996221133872.

———. “Wert Und Verwendung Menschlicher Überreste.” *Historische Anthropologie* 30, no. 3 (December 12, 2022): 329–49. doi:https://doi.org/10.7788/hian.2022.30.3.329.

La Patrie News. “Information Du New York Times Sur Les Crânes Restitués Par La France : Le Démenti Formel Du Ministre Des Moudjahidines.” *La Patrie News*, October 25, 2022. https://lapatrienews.dz/information-du-new-york-times-sur-les-cranes-restitues-par-la-france-le-dementi-formel-du-ministre-des-moudjahidines/.

Laqueur, Thomas W. *The Work of the Dead*. Princeton university Press, 2016. doi:https://doi.org/10.1515/9781400874514.

Larousse. “Guerre d’Algérie 1954-1962 - LAROUSSE.” *Larousse.fr*, 2023. https://www.larousse.fr/encyclopedie/divers/guerre_d_Alg%C3%A9rie/104808#:~:text=Le%20chiffre%20de%20300%20000.

Le Figaro. “L’Algérie Réintroduit Le Couplet Anti-France Dans Son Hymne National.” *Www.youtube.com*, June 17, 2023. https://www.youtube.com/watch?v=9oMwGiRRLyY&ab_channel=LeFigaro.

LE GARREC, Jean. “N° 3563 ASSEMBLÉE NATIONALE CONSTITUTION DU 4 OCTOBRE 1958.” ASSEMBLÉE NATIONALE, January 30, 2002. https://www.assemblee-nationale.fr/11/pdf/rapports/r3563.pdf.

Le Monde. “Pourquoi La Guerre d’Algérie a Éclaté.” *Www.youtube.com*, March 16, 2022. https://www.youtube.com/watch?v=ADqb-Osjbfc&ab_channel=LeMonde.

Le Nevé, Soazig. “Enquête Sur ‘l’Islamo-Gauchisme’ à l’Université : Histoire d’Une Vraie Fausse Annonce.” *Le Monde*, March 29, 2023. https://www.lemonde.fr/societe/article/2023/03/29/enquete-sur-l-islamo-gauchisme-a-l-universite-histoire-d-une-vraie-fausse-annonce_6167488_3224.html.

Le Point. “Algérie: Macron ‘Prêt’ à Rendre Les Crânes d’Insurgés Algériens Du Musée de L’Homme.” *Le Point*, December 6, 2017. https://www.lepoint.fr/monde/algerie-macron-pret-a-rendre-les-cranes-d-insurges-algeriens-du-musee-de-l-homme-06-12-2017-2177745_24.php.

Le Sénat. “Proposition de Loi Relative à La Restitution Des Restes Humains Appartenant Aux Collections Publiques.” *Sénat*, June 13, 2023. https://www.senat.fr/travaux-parlementaires/textes-legislatifs/la-loi-en-clair/proposition-de-loi-relative-a-la-restitution-des-restes-humains-appartenant-aux-collections-publiques.html#:~:text=Mercredi%2013%20juin%202023%2C%20le.

———. “Restitution de Restes Humains à L’Algérie.” *Sénat*, October 27, 2022. https://www.senat.fr/questions/base/2022/qSEQ22100060G.html.

Lesauvage, Magali. “L’universalisme Des Musées Fait Débat.” *Le Quotidien de L’Art*, no. n°1996 (July 23, 2020). https://www.lequotidiendelart.com/articles/18163-l-universalisme-des-mus%C3%A9es-fait-d%C3%A9bat.html.

Lewis, Geoffrey. “Les Musées Universels.” *LES NOUVELLES de L’ICOM*, 2004.

Libé Zap. “La Colonisation, ‘Un Crime Contre L’humanité’ ? La Droite Fustige Emmanuel Macron - Vidéo Dailymotion.” *Dailymotion*, February 16, 2017. https://www.dailymotion.com/video/x5c1rmb.

RFI. “Macron Ready to Return Algerian Anti-Colonial Fighters’ Skulls,” December 6, 2017. https://www.rfi.fr/en/africa/20171206-macron-ready-return-algerian-anti-colonial-fighters-skulls.

Manning, Jimmie. “In Vivo Coding.” In *The International Encyclopedia of Communication Research Methods*, edited by J. Matthes, 1–2. New York, NY: Wiley-Blachwell, 2017. https://www.researchgate.net/publication/320928370_In_Vivo_Coding.

Marceau, Cécile. “The Ethics of Collecting: Universality Questioned.” *Museum International* 59, no. 3 (September 2007): 80–87. doi:https://doi.org/10.1111/j.1468-0033.2007.00616.x.

Marquez-Grant, Nicholas , and Linda Fibiger. *The Routledge Handbook of Archaeological Human Remains and Legislation : An International Guide to Laws and Practice in the Excavation and Treatment of Archaeological Human Remains*. Hoboken: Taylor & Francis, 2011.

Masseguin, Léa. “Algérie : 6 Des 24 Crânes Restitués Par La France Clairement Identifiés Comme Étant Ceux de Résistants.” *Libération*, October 18, 2022. https://www.liberation.fr/international/afrique/algerie-les-24-cranes-restitues-par-la-france-ne-sont-pas-tous-ceux-de-resistants-algeriens-20221018_HTGGMJRSN5CGVJCP6EUBOWQ4S4/.

Mebtoul, Mohamed. “L’appropriation Du Drapeau National Au Coeur Du Mouvement Social En Algérie.” *Multitudes* 2019/2, no. 75 (2019): pp.5-12. https://www.cairn.info/revue-multitudes-2019-2-page-5.htm.

Méheut, Constant. “A Paris Museum Has 18,000 Skulls. It’s Reluctant to Say Whose.” *The New York Times*, November 28, 2022, sec. Arts. https://www.nytimes.com/2022/11/28/arts/design/france-human-remains-restitution-skulls.html.

———. “France Returned 24 Skulls to Algeria. They Weren’t What They Seemed.” *The New York Times*, October 17, 2022, sec. World. https://www.nytimes.com/2022/10/17/world/europe/france-algeria-restitution-skulls.html#:~:text=The%20remains%2C%20part%20of%20one.

Merryman, John Henry, ed. *Imperialism, Art and Restitution*. Cambridge: Cambridge University Press, 2006.

———. “Two Ways of Thinking about Cultural Property.” *The American Journal of International Law* 80, no. 4 (October 1986): 831. doi:https://doi.org/10.2307/2202065.

Michel, Juliette, and Philippe Charlier. “France.” In *Routledge Handbook of Archaeological Human Remains and Legislation: An International Guide to Laws and Practise in the Excavation and Treatment of Archaeological Human Remains*. Routledge, 2011.

Ministère de la Culture. “Recherche de Provenance, Outils et Méthode.” *Www.culture.gouv.fr*. Accessed July 20, 2023. https://www.culture.gouv.fr/Nous-connaitre/Organisation-du-ministere/Le-secretariat-general/Mission-de-recherche-et-de-restitution-des-biens-culturels-spolies-entre-1933-et-1945/Recherche-de-provenance-outils-et-methode.

Ministry of Moudjahidine and Right Holders. “وزارة المجاهدين و ذوي الحقوق ”.وزارة المجاهدين و ذوي الحقوق, 2021. https://m-moudjahidine.dz/.

Molinié, William. “Visite de Tebboune à Paris : Derrière Le Casse-Tête Calendaire, Une Nouvelle Brouille Franco-Algérienne ?” *Europe 1*, June 7, 2023. https://www.europe1.fr/international/visite-de-tebboune-a-paris-derriere-le-casse-tete-calendaire-une-nouvelle-brouille-franco-algerienne-4187295.

Mondafrique. “Algérie, Les Crânes de L’oubli.” *Mondafrique*, January 27, 2021. https://mondafrique.com/le-rapatriement-des-cranes-algeriens-du-musee-de-lhomme/#:~:text=536%20cranes&text=Ces%20restes%20humains%20sont%20aujourd.

Morin-Desailly, Catherine. “Rapport Fait Au Nom de La Commission de La Culture, de l’Éducation et de La Communication Sur La Proposition de Loi Relative à La Circulation et Au Retour Des Biens Culturels Appartenant Aux Collections Publiques,” December 15, 2021. https://www.senat.fr/rap/l21-302/l21-3021.pdf.

Munro, André. “Benedict Anderson | Irish Political Scientist.” In *Encyclopædia Britannica*, August 22, 2018. https://www.britannica.com/biography/Benedict-Anderson.

Musée du quai Branly - Jacques Chirac. “Recherches Sur l’Origine et l’Histoire Des Collections Du Musée Du Quai Branly - Jacques Chirac,” September 2019.

Musée National Histoire Naturelle. “Collection Ostéologique de Restes Humains.” *Muséum National d’Histoire Naturelle*. Accessed July 20, 2023. https://www.mnhn.fr/fr/collection-osteologique-de-restes-humains.

Nationale, Assemblée. Proposition de loi n°398 visant à autoriser la restitution par la France des crânes algériens, Assemblée nationale § (2022). https://www.assemblee-nationale.fr/dyn/16/textes/l16b0398_proposition-loi.

Orus-Boudjema, Sofiane. “Algérie-France : Y Avait-Il Une Nation Algérienne Avant La Colonisation Française ? – Jeune Afrique.” *Jeune Afrique*, October 9, 2021. https://www.jeuneafrique.com/1247481/politique/algerie-france-y-avait-il-une-nation-algerienne-avant-la-colonisation-francaise/.

Oumansour, Brahim. “Visite d’Emmanuel Macron En Algérie : Entre Enjeux Mémoriel, Énergétique et Stratégique.” *IRIS*, August 31, 2022. https://www.iris-france.org/169401-visite-demmanuel-macron-en-algerie-entre-enjeux-memoriel-energetique-et-strategique/.

Özkırımlı, Umut. *Theories of Nationalism : A Critical Introduction*. New York: St. Martin’s Press, 2000.

*Paradis Perdu*. Skopia Films, 2011.

postcoloniale, Histoire coloniale et. "Tocqueville et La Conquête de L'Algérie." *Histoirecoloniale.net*, December 31, 2001. https://histoirecoloniale.net/Tocqueville-et-la-conquete-de-l.html.

Rauzy, Christophe. "VIDEO. Emeutes de 2005 : Les Trois Semaines Qui Ont Secoué La France." *Franceinfo*, March 17, 2015. https://www.francetvinfo.fr/faits-divers/justice-proces/zyed-et-bouna/video-emeutes-de-2005-les-trois-semaines-qui-ont-secoue-la-france_850519.html.

Renfrew, Colin. *Loot, Legitimacy and Ownership: The Ethical Crisis in Archaeology*. London: Duckworth Publishers, 2000.

Reporters sans Frontières. "Algérie." *Rsf.org*, June 18, 2023. https://rsf.org/fr/pays/alg%C3%A9rie.

Richards, Lyn. *Handling Qualitative Data: A Practical Guide*. *Google Books*. SAGE Publications, 2005. https://www.google.de/books/edition/Handling_Qualitative_Data/OjSqWyHu-3sC?hl=fr&gbpv=1&dq=coding+method+interviews+research+qualitative&printsec=frontcover.

Ruscio, Alain. "Les Décapitations Dans l'Ensemble de l'Espace Colonial Français." *Histoirecoloniale.net*, July 14, 2020. https://histoirecoloniale.net/Alain-Ruscio-les-decapitations-dans-l-ensemble-de-l-espace-colonial-francais.html.

———. "Les Décapitations Dans l'Ensemble de l'Espace Colonial Français." *Histoirecoloniale.net*, July 14, 2020. https://histoirecoloniale.net/Alain-Ruscio-les-decapitations-dans-l-ensemble-de-l-espace-colonial-francais.html.

Sakthivel, Vish. "Political Islam in Post-Conflict Algeria | Hudson." *Www.hudson.org*, May 17, 2023. https://www.hudson.org/national-security-defense/political-islam-in-post-conflict-algeria#footNote3.

Saldaña, Johnny. *The Coding Manual for Qualitative Researchers*. SAGE Publications Ltd, 2009.

Savoy, Bénédicte, and Felwine Sarr. "Rapport Sur La Restitution Du Patrimoine Culturel Africain, Vers Une Nouvelle Éthique Relationnelle," November 2018. https://www.culture.gouv.fr/Espace-documentation/Rapports/La-restitution-du-patrimoine-culturel-africain-vers-une-nouvelle-ethique-relationnelle.

Schuldt, Stefanie. “Alles Rechtmäßig Geklaut.” *KATAPULT-Magazin*, August 26, 2021. https://katapult-magazin.de/de/artikel/alles-rechtmaessig-geklaut.

Sénat. “Aperçu de L’amendement.” *Www.senat.fr*, June 6, 2023. https://www.senat.fr/amendements/commissions/2022-2023/551/Amdt_COM-2.html.

———. “Séance Du 26 Octobre 2022.” *Sénat*, October 26, 2022. https://www.senat.fr/seances/s202210/s20221026/s20221026003.html.

Smith, Anthony D. “Culture, Community and Territory: The Politics of Ethnicity and Nationalism.” *International Affairs* 72, no. 3 (July 1996): 445–58. doi:https://doi.org/10.2307/2625550.

Staatliche Museen zu Berlin. “Provenance Research.” *Staatliche Museen Zu Berlin*. Accessed June 12, 2023. https://www.smb.museum/en/research/provenance-research/.

Stora, Benjamin. “LES QUESTIONS MÉMORIELLES PORTANT SUR LA COLONISATION et LA GUERRE D’ALGÉRIE RAPPORT JANVIER 2021,” 2021. https://www.elysee.fr/admin/upload/default/0001/09/0586b6b0ef1c2fc2540589c6d56a1ae63a65d97c.pdf.

Strauss, Anselm, and Juliet Corbin. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques.* SAGE Publications, Incorporated, 1990.

Talbott, John E. *The War without a Name: France in Algeria, 1954-1962*. Alfred a Knopf Inc, 1980.

Tharoor, Ishaan. “France and the Spectral Menace of ‘Islamo-Leftism.’” *The Washington Post*, February 22, 2021. https://www.washingtonpost.com/world/2021/02/22/france-macron-islamo-leftism/.

Turnbull, Paul, and Michael Pickering. *The Long Way Home : The Meanings and Values of Repatriation*. Oxford: Berghahn Books, 2010.

TV5Monde Info. “Algérie - France : Les Révélations Du NYT.” *Www.youtube.com*, October 18, 2022. https://www.youtube.com/watch?v=_YrJ004tZwk&ab_channel=TV5MONDEInfo.

UNESCO. “About 1970 Convention.” *UNESCO*, February 12, 2020. https://en.unesco.org/fighttrafficking/1970.

United Nations. “UN Rights Office Calls on France to Address ‘Deep Issues’ of Racism in Policing | UN News.” *UN News Global Perspective on Human Stories*, June 30, 2023. https://news.un.org/en/story/2023/06/1138247.

University of Virginia. “Ethnographic Research | Research.” *Research.virginia.edu*, n.d. https://research.virginia.edu/irb-sbs/ethnographic-research#:~:text=Ethnography%20is%20a%20qualitative%20method.

Vernet Jacques. “Corée – L’affaire de Kwang Hwa de 1866,.” *Revue Historique Des Armées*, 2003.

Vernet, Henri, and Fayçal Metaoui. “Algérie : Pourquoi La Visite Du Président Tebboune à Paris Est Si Compliquée à Caler.” *Le Parisien*, June 6, 2023. https://www.leparisien.fr/politique/algerie-pourquoi-la-visite-du-president-tebboune-a-paris-est-si-compliquee-a-caler-06-06-2023-SUASVWKDRJHGBPTSVF27ECFZRI.php.

Vie-publique. “La IVe République : Un Régime Marqué Par Une Forte Instabilité.” *Vie Publique.fr*, 2022. https://www.vie-publique.fr/fiches/268979-la-ive-republique-1944-1958.

Vrdoljak, Ana Filipa. *International Law, Museums and the Return of Cultural Objects*. Cambridge: Cambridge University Press, 2006.

Walter, Thomas. *The Work of the Dead : A Cultural History of Mortal Remains*. Princeton, NJ: Princeton University Press, 2016.

Weil, Patrick. “Le Statut Des Musulmans En Algérie Coloniale.” *Histoire de La Justice* 2005/1 N°16 (2005): 93–109.

———. *Qu’est-Ce Qu’un Français ? Histoire de La Nationalité Française Depuis La Révolution*. Paris: Grasset, 2002.

Witherspoon, D. J., S. Wooding, A. R. Rogers, E. E. Marchani, W. S. Watkins, M. A. Batzer, and L. B. Jorde. “Genetic Similarities within and between Human Populations.” *Genetics* 176, no. 1 (May 2007): 351–59. doi:https://doi.org/10.1534/genetics.106.067355.

World Atlas. “Flags, Symbols & Currency of Algeria.” *WorldAtlas*, February 24, 2021. https://www.worldatlas.com/flags/algeria#:~:text=The%20National%20Coat%2

0of%20Arms%20of%20Algeria&text=The%20emblem%20features%20a%20sun.

Yacono, Xavier. “Les Pertes Algériennes de 1954 à 1962.” *Revue de l’Occident Musulman et de La Méditerranée* 34, no. 1 (1982): 119–34. doi:https://doi.org/10.3406/remmm.1982.1963.

Zerrouky, Madjid. “La France Remet à l’Algérie Vingt-Quatre Crânes de Résistants Décapités Au XIXe Siècle et Entreposés à Paris.” *Le Monde.fr*, July 3, 2020. https://www.lemonde.fr/afrique/article/2020/07/03/la-france-remet-a-l-algerie-24-cranes-de-resistants-decapites-au-xixe-siecle-et-entreposes-a-paris_6045108_3212.html.

# Appendices

## Presentation of the interviewees

I have conducted five different interviews during the period of March and April 2023. The first person I interviewed is the director and founder of the "Association Le Grand Maghreb" (ALGM), Brahim Mabrouki. ALGM was created on June 5, 2019, as an association, non-political and non-religious, whose purpose is to provide humanitarian aid to the countries of the Maghreb, Africa and the countries around the Mediterranean.[304] ALGM is the first group/entity to have taken legal action in the case of the restitution of Algerian skulls by France.

The second person is Farid Alilat. M. Alilat is an Algerian journalist working for the journal *Jeune Afrique*. A specialist in Algeria, his main subjects are geopolitics and history from the 20th century to the present day. He has covered the restitution in *Jeune Afrique* by writing two articles: one about the restitution of July 2020, and the second one dealing with the missing skulls.

As for my third interview, I met Kader Attia. Kader Attia is an artist who grew up in Paris and in Algeria. In 2016, Kader Attia founded ~~La Colonie~~, a space in Paris to share ideas and to provide "an agora for vivid discussion". The venue lived off the income generated by its bar, before closing in 2020 because of the pandemic.

The fourth person whom I interviewed for the research is Constant Méheut. Constant Méheut is a French journalist currently working for *The New York Times*. In October 2022, he wrote the article "France Returned 24 Skulls to Algeria. They weren't what they seemed".[305] This article had the effect of a bomb on the international scene because it was the article that revealed this "botched"[306] restitution.

---

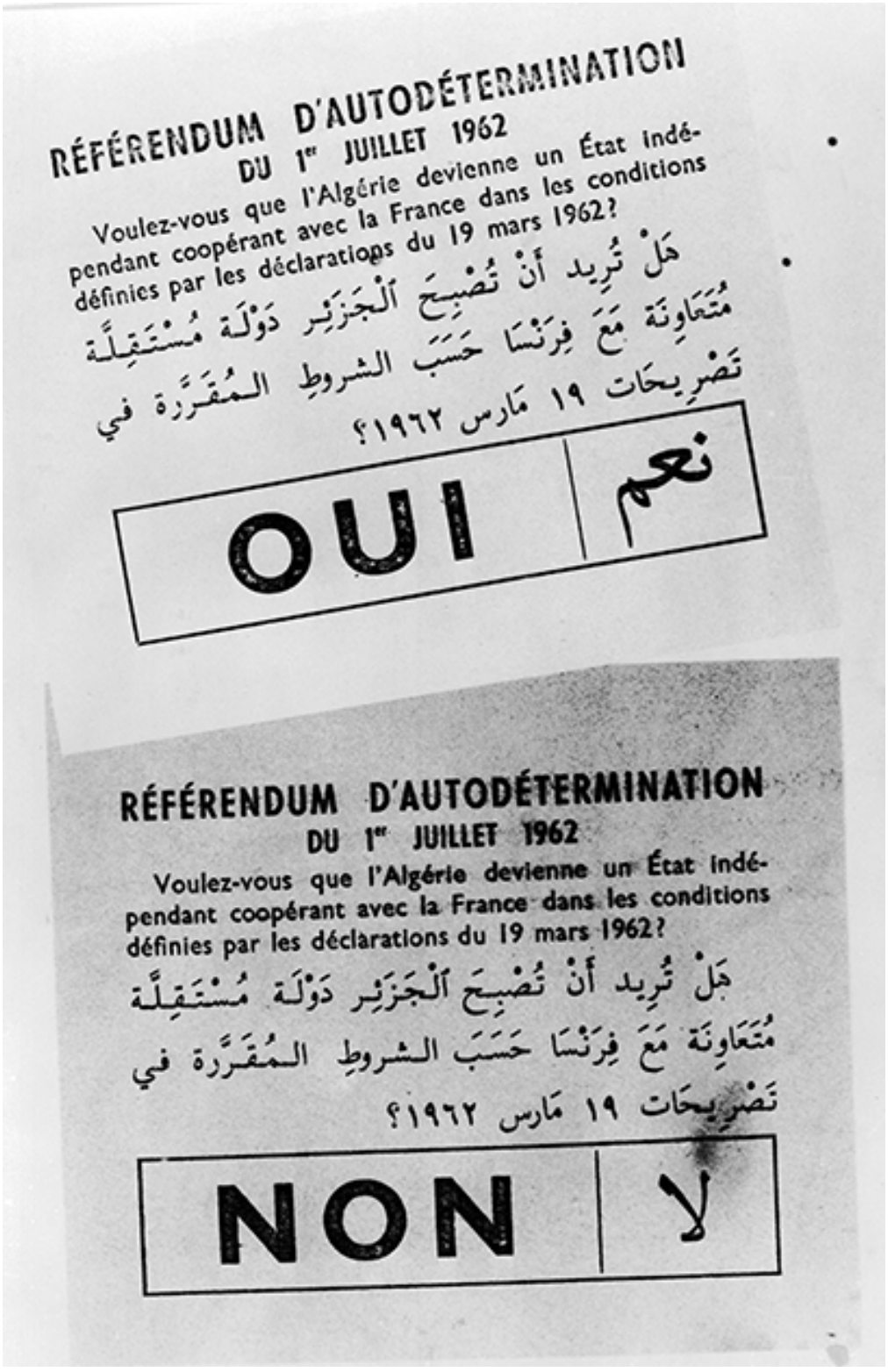
[304] Association Le Grand Maghreb. *Information on Association Le Grand Maghreb*. 2023, www.legrandmaghreb.com/. Accessed 4 May 2023.

[305] Méheut, Constant. "France Returned 24 Skulls to Algeria. They Weren't What They Seemed." *The New York Times*, October 17, 2022, sec. World. https://www.nytimes.com/2022/10/17/world/europe/france-algeria-restitution-skulls.html#:~:text=The%20remains%2C%20part%20of%20one.

[306] Méheut, 2022.

Finally, the last person to have been interviewed is André Delpuech. André Delpuech used to work as Director of the Museum of Mankind, the museum in which the Algerian skulls were conserved. He was in office when the restitution of July 2020 happened and left his position in January 2022.

Ballot paper referendum for the independence of Algeria



RÉFÉRENDUM D'AUTODÉTERMINATION
DU 1er JUILLET 1962
Voulez-vous que l'Algérie devienne un État indépendant coopérant avec la France dans les conditions définies par les déclarations du 19 mars 1962?
هَلْ تُرِيد أَنْ تُصْبِحَ ٱلْجَزَٰئِر دَوْلَة مُسْتَقِلَّة مُتَعَاوِنَة مَعَ فِرَنْسَا حَسَبَ الشروطِ المُقَرَّرة في تَصْرِيحَات ١٩ مَارس ١٩٦٢؟
OUI | نعم

RÉFÉRENDUM D'AUTODÉTERMINATION
DU 1er JUILLET 1962
Voulez-vous que l'Algérie devienne un État indépendant coopérant avec la France dans les conditions définies par les déclarations du 19 mars 1962?
هَلْ تُرِيد أَنْ تُصْبِحَ ٱلْجَزَٰئِر دَوْلَة مُسْتَقِلَّة مُتَعَاوِنَة مَعَ فِرَنْسَا حَسَبَ الشروطِ المُقَرَّرة في تَصْرِيحَات ١٩ مَارس ١٩٦٢؟
NON | لا