

# **Restitutions of Cultural Heritage Under Debate**

A Case of Portuguese Newspapers

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Modern International and Transnational History

Master's Thesis, Spring 2023



# Restitutions of Cultural Heritage Under Debate

## *A Case of Portuguese Newspapers*

Ai, esta terra ainda vai cumprir seu ideal  
Ainda vai tornar-se um imenso Portugal!  
Ai, esta terra ainda vai cumprir seu ideal  
Ainda vai tornar-se um império colonial!

Chico Buarque, Fado Tropical.

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## **ABSTRACT**

20th century colonialism brought infinitely more injustice than advances to humanity. As a way to combat the echoes of this system that persist to this day, there is a decolonial struggle that branches out in various directions. One of them is in the cultural field. In European museums today it is possible to see various objects that came from the former colonies. Such objects may have been acquired legally, but they may also have been acquired under looting, under intimidation or manipulation. Now several countries, which were once colonies, are starting to ask for their heritage back. This movement gave rise to the debates on restitution of cultural heritage. In this thesis I aim to review the general context of restitution of cultural heritage, and also apply concepts and arguments to a case study where I evaluate the way Portuguese newspapers cover the debate, and if from there it is possible to understand how Portugal views its colonial past. By proposing a brief explanation of conventions and treaties that act to resolve cases of contested heritage, the role of diplomacy in such cases becomes clear. With the historiographical discussion present in this thesis, one realises how diverse and full of nuances this theme is, and there are no simple or quick solutions to resolve these situations. When analysing the sources in the case study, this issue becomes even more evident when crossed with the way Portugal sees its colonial past, in a nostalgic and uncritical way.

## ACKNOWLEDGEMENTS

By January 2019 I had a stable, and relatively predictable life; by June of the same year I was saying goodbye to my students, my friends and family. Suitcases packed, and a month later my adventure on the other side of the world began. Norway tried to welcome me, but nobody counted on a pandemic in the middle of the way. It was during this very difficult time that I decided to start my Master's degree at the University of Oslo.

I have only to thank all my professors, especially Ulrike Spring, my supervisor who never let me walk blindfolded on the edge of the precipice. For your patience, kindness and dedication, thank you very much!

I thank my course mates that even via Zoom managed to make my days very fruitful. Thank you for the meetings (in Oslo or in Rome), for the discussions and for your support. To my dear friends who are so, so far away from me, but at the same time so close. A very special thanks I dedicate to my friend Letícia Gondim. Leti, without you this thesis would not exist. Thank you very much!

To my family, I miss them every day, thank you! I love you all. And last, but most importantly, thank you very much to my husband, Getúlio, who fed me with all kinds of treats that any nutritionist would condemn, comforted me, gave me support and encouragement when I needed it most. It is all for us!

In closing, here's an honourable mention to the one I didn't even know I loved so much until I had to leave. Thank you for making me who I am, my dear country. “Terra adorada, entre outras mil és tu, Brasil, ó Pátria amada!”

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## INTRODUCTION

In 2022 Amazon Prime Video released one of the most anticipated series in recent years, and I, as a huge fan of J. R. R. Tolkien's works, could not wait to watch *The Lord of the Rings: The Rings of Power*. By this time I had been working on this thesis, so an escape from reality every Friday night was welcome. What was my surprise, however, when I came across a scene in the fifth episode that revolved around my thesis topic! In this scene the prince of the dwarves, Prince Durin IV, is in a meeting with the High King of the elves, Gil-galad, and asks the king where he got the very table they were sitting at, for it was made of a rare and precious stone used only ceremonially to erect monuments and tombs. Gil-galad, very cordially, apologises for the sacrilege, and promptly undertakes to send the table back to Durin's home. Later in the same episode Durin confesses to his friend Elrond that he invented the whole story about the sacrality of the mineral to obtain that beautiful object, since his wife had wanted a new table for some time.

Two realisations occurred to me during this episode. The first is that the debate about the restitution of cultural objects has become so popular that even in fiction we come across it. This topic has not been exclusive to the academic field for some time now, and the media is one of those responsible for spreading it to the whole of society. That is why newspapers were chosen as primary sources for this work. The second realisation that occurred to me was how full of nuances a restitution claim case can be. All restitution requests should be treated with the same seriousness that Gil-galad did, however, if the king had formed a commission with experts to actually ascertain the origin of the table, how it came to be in the possession of the elves, and what its fate would be once returned to the dwarves, perhaps he would have been better informed in his decision making. Importantly, unlike this fictional case, the overwhelming majority of requests for restitution of cultural objects are indeed legitimate.

This anecdote serves as a good justification for the choice of the research topic that will be developed in this thesis. The issue of restitution of cultural objects has relevance in praxis. The discussion about what should, or should not, be restituted, when and how it should be restituted already happens, so it is better that there is more and more research in this direction.



## Research Trajectory and Structuring

This research was initiated during the difficult times of the COVID-19 pandemic, and working with newspapers was an alternative to the impossibility of travelling to access documents and archives as borders were closed. In recent decades, periodicals have been publishing all content online, which makes the use of newspaper articles as a primary source very attractive to researchers. Besides that fact, Todd Gitlin states that "the production of news is a system of power", and newspapers hold power over the interpretation of reality.<sup>1</sup> And as Ylva Rodny-Gumede, Colin Chasi, Zubeida Jaffer and Mvuso Ponono affirm: "Journalism is central to democratic processes and plays an important role as disseminator of information, formation of public opinion and the scrutiny of power."<sup>2</sup>

In this thesis I aim to review the general context of restitution of cultural heritage. How has the debate on the subject been developing? What is the position of those writing on the subject? What international cooperation mechanisms are available to assist in the restitution process? In what ways have restitution claims been resolved? To provide the reader with a greater understanding of the arguments and concepts presented in this paper, I bring a case study to pinpoint all these aspects in a more concrete way.

In the first chapter I propose a succinct definition of some key concepts in the debate on the restitution of cultural objects, anticipating that such concepts will always be present in the discussion that will occur in the following chapters. Here I also explain my research methodology and reinforce the main objectives I wish to achieve.

The second chapter is divided into three blocks. The first block is a compilation of international treaties and institutions of utmost importance when it comes to the restitution of cultural objects, one of whose main functions is to assist different countries in the restitution process, ensuring the diplomacy required to achieve success. The second block brings several examples of restitution processes, both successful and unsuccessful ones. Finally, in the third block, I propose a historiographical analysis which will support the arguments presented in the third and final chapter.

In the final chapter of this thesis I present a brief contextualization section, where the reader becomes acquainted with a bit of the Portuguese colonial past, followed by an explanation of what Lusotropicalism was, a central idea that will cross my argumentation at several moments. All this will culminate in the case study, where I will address the

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<sup>1</sup> Todd, *The Whole World Is Watching*, 251.

<sup>2</sup>Rodny-Gumede et. al., "Introduction", 1.

Portuguese situation within the debate and how Portugal perceives its colonial past. To this end, I will examine the way Portuguese newspapers discuss the theme of restitution of cultural objects.

## CHAPTER ONE - THEORETICAL AND METHODOLOGICAL FRAMEWORK

### Defining Concepts and Legal Aspects

This initial chapter will cover some essential topics for the understanding of this thesis. Some concepts such as heritage and decolonisation will also be briefly explained. Even though the main subject of this thesis is not specifically the theoretical discussion of such concepts, they undeniably permeate this work. To get started, a definition of the main institution of this thesis, the museum, will be provided.

Until 2022, the definition of museum provided by the International Council of Museums (ICOM) was as follows: “a museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.”<sup>3</sup> However, ICOM itself saw the need for some adjustments in this definition, and proposed the creation of a new definition from 2022. The new definition is quite similar, but succeeds in adding more possibilities to the role of museums: “a museum is a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster *diversity* and sustainability. *They operate and communicate ethically, professionally and with the participation of communities, offering varied experiences for education, enjoyment, reflection and knowledge sharing*”.<sup>4</sup> It is interesting to note in this new definition how the term research becomes the first in the list of actions performed by a museum. This is very significant, as it removes the museum from a fetishistic position of keeping antique objects and transforms it into a research place. Without the questions raised by researchers, the objects exhibited may be decontextualised, misinterpreted and seen only for their aesthetic value. Research is therefore essential to bring a necessary self-criticism to museums, promoting reflection on the

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<sup>3</sup>ICOM, “Museum Definition”, Accessed on: 27 April, 2022.

<sup>4</sup>ICOM, “ICOM approves a new museum definition”, Accessed on: 12 April, 2023. Emphasis added.

role of these institutions in society. Another important turning point in this new way of describing museums is the addition of the word "ethically". For as will be explained throughout this paper, what is legal may not always be ethical, and ICOM should take this factor into consideration.

Claire L. Lyons wrote a chapter called "Museums as Sites of Reconciliation", part of the book *Cultural Heritage Issues. The Legacy of Conquest, Colonization and Commerce*.<sup>5</sup> This text may add one more function in describing a museum. Lyons states that by recognising that cultural objects should not only be understood as 'works of art', but as items of multiple value, museums become places of reconciliation.<sup>6</sup> It would be valid to stretch this idea a little further and think of museums as places of reconciliation also with the past itself. Being the case of Portugal and its former colonies the one chosen to be studied here, would it not be interesting to think that Portuguese museums that house cultural objects originating from these former colonies can be places of reconciliation between Portugal now and its colonial past? This could be done by proposing new forms of thinking museums, and removing the discussion about restitution of cultural objects from a taboo zone.

It is precisely this idea of reconciliation that runs through many processes of restitution of cultural objects, especially when treated from the perspective of postcolonial studies and decolonization movements, both more specifically of museological thought and in general terms. There is still a relatively widespread fear that granting a restitution claim would set the precedent for a flood of restitution claims that would empty the collections of major museums scattered across the Global North. In this regard, Mark Jones states that the number of objects contested is tiny, especially when compared to the sheer amount of pieces that make up the collections of these internationally renowned museums. For Jones, the risk a refusal to return contested objects could cause friction that curbs cooperation in research and collaboration between museums in the Global South and North is much greater and a much higher price to pay.<sup>7</sup>

When it comes to the relations between the Global South and the North (especially considering Africa and Europe) in this field, what we see most often are researchers and scholars in the North and praxis workers in the South. This can be seen by assessing, for example, the CVs of the authors who contributed to the book *National Museums in Africa. Identity, History and Politics*, edited by Raymond Silverman, Peter Probst and George

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<sup>5</sup>Lyons, "Museums as Sites of Reconciliation".

<sup>6</sup> Idem, 421.

<sup>7</sup> Jones, "Restitution," 167.

Abungu. Probst and Abungu state that some of their colleagues in the South “continue to faithfully and unquestioningly follow the museological scriptures of the North”, and this would be a legacy of colonialism.<sup>8</sup>

What can be seen from this fact is, in fact, the need to decolonise museums and museological thinking. According to Abungu, “decolonization (...) is therefore the need to redefine and reshape concepts as an epistemological critique and not shift things from the centre to the periphery”.<sup>9</sup>

But how can we define decolonisation? The truth is that the term has been used for so long in so many different ways that to define a single concise and definitive concept of decolonisation would be a Herculean, if not impossible, task. By summarising the entire concept in one sentence, Abungu leaves out crucial aspects for a minimal understanding of the subject. According to Martin Thomas and Andrew S. Thompson, decolonisation is both a phenomenon and a process that began in the Post-World War II era and strengthened in the Cold War period, but which is still unfolding today, is unfinished, and will remain so for decades to come. For these authors, decolonisation is a product of global change at the same time as it is a catalyst of such change.<sup>10</sup> The globalising quality of decolonisation involves the flow of capital, cultural practices, migrations and ideas. The end of empires and the need to create transnational support networks is a good example of how ideas circulated between various new nations that needed these networks of communication to face the change of status from colony to anti-colonial struggle to sovereign nation and how to proceed thereafter.<sup>11</sup>

The late nineteenth and early twentieth centuries saw increasing colonial onslaughts on the African continent and with it the development of new academic disciplines such as archaeology and anthropology. Folarin Shyllon states that many objects were taken from African countries and kept under displayed in Europe due to the lack of national museums on the continent itself.<sup>12</sup> In addition to this justification, I would add here that such objects also served as a kind of trophy for colonialism, as Shyllon herself states, they were “the material evidence of the newly discovered cultures (that) was studied, catalogued, and displayed in

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<sup>8</sup> Probst and Abungu, “National museums in Africa. A conversation,” 248.

<sup>9</sup> Ibid.

<sup>10</sup> Thomas and Thompson, “Rethinking Decolonization: A New Research Agenda for the Twenty-First Century,” 3.

<sup>11</sup> Idem, 17.

<sup>12</sup> Folarin, “Unraveling History: Return Of African Cultural Objects Repatriated and Looted in Colonial Times,” 159.

European museums to illustrate the greatness of the colonial empire".<sup>13</sup> And also as a way to illustrate civilisations considered primitive and inferior, since the driving force behind the creation of these new disciplines was deeply linked to Social Darwinism. One of the functions of the new European national museums was to provide means for the understanding of African societies, so that these peoples could go through the so-called civilising process idealised by the colonisers.<sup>14</sup>

Following this trend, the vast majority of national museums in Africa were created at the beginning of the twentieth century and were a fundamental part of the colonial system by housing collected artefacts that would serve to represent all societies in the colonial territory. However, most of the objects considered important or of great value were sent to Europe, either to join the collections of the national archaeological and ethnological museums or to be sold to art collectors who might have appreciated the aesthetics of these "exotic" objects, and who collected them for the status they conferred on display. Only objects considered of lesser value remained in the colonies.<sup>15</sup>

It is part of the decolonisation process, therefore, to understand the need to move away from the current model imported from the Global North. African national museums were born as an extension of the colonial branch, and it would be interesting if museums in the North supported them on this path, without falling into the trap of neocolonialism. The return of contested objects does not, by itself, imply the totality of decolonisation, but neither is decolonisation without the collaboration of the actual holders of African cultural objects. After all, as Martin Thomas and Andrew S. Thompson propose, decolonization remains unfinished, besides being indefinite. The authors state that this process is not restricted to the past, since the phenomenon continues and will remain extremely relevant for the coming decades.<sup>16</sup>

On heritage, both Rodney Harrison and Laurajane Smith agree on one specific aspect, which is the link between heritage and the present. Harrison argues that heritage is not simply the preservation of things from the past but there is an active choice of practices, objects and places that refer us to sets of values that we cherish in the present and want to preserve for the future.<sup>17</sup> For him, "(...) heritage, like archaeology, becomes a form of mediation in the process

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<sup>13</sup> Ibid.

<sup>14</sup> Silverman, Probst and Abungu, "Introduction - Regarding national museums in Africa," 4.

<sup>15</sup> Ibid.

<sup>16</sup> Thomas and Thompson, "Rethinking Decolonization: A New Research Agenda for the Twenty-First Century," 22

<sup>17</sup> Rodney, *Heritage: Critical Approaches*, 4.

of creating the past in the contemporary world (...)”.<sup>18</sup> Complementing this idea of active choice, Smith emphasises that heritage is a discourse, and it is this discourse that imbues meaning in choices about what heritage is.<sup>19</sup> Still according to her, every kind of heritage is intangible, to which she explains that even if places and objects can be touched, i.e. are tangible, they have no inherent value in themselves, since “what makes these things valuable and meaningful (...) are the present-day cultural processes and activities that are undertaken at and around them, and of which they become a part. It is these processes that identify them as physically symbolic of particular cultural and social events, and thus give them value and meaning.”<sup>20</sup>

### **Restitution Versus Return**

It is essential for the development of this thesis to establish a consensus on which terminology to use. Therefore, the following paragraphs will discuss definitions of concepts and how the scope of international law interferes with discussions on restitution. I draw here on two works by two different authors, Robert Peters' doctoral thesis entitled *Complementary and Alternative Mechanisms beyond Restitution: An Interest-oriented Approach to Resolving International Cultural Heritage Disputes*, and the book entitled *Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law*, written by Greek jurist and professor Irini A. Stamatoudi.

Firstly, it is necessary to stress that there is an inconsistency in terminology when it comes to contesting cultural heritage, and that not even specialists can agree on which term to use in each situation. This happens even with the two authors mentioned above. For Stamatoudi:

The main meaning (behind the term restitution) is the complete (...) restoration of the previous state of affairs (...) and reparation for an injury. That means that the term ‘restitution’ presupposes that an unlawful act has taken place, which has created an injury that needs to be restored. If this is transposed to cultural objects, alienated from their countries of origin (*specially under periods of colonisation*<sup>21</sup> or under dubious legal circumstances), restitution should mean that the object should

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<sup>18</sup> Idem, 38.

<sup>19</sup> Smith, *Uses of Heritage*, 4.

<sup>20</sup> Ibid.

<sup>21</sup> Emphasis added.

either be returned to the dispossessed owner or (...) an object identical or equivalent should be given back.<sup>22</sup>

As for Peters:

Restitution can be defined as an action aimed at reversing the effects of a former breach of the law. Within the context of cultural heritage disputes, this applies both to looting during war, and theft during times of peace. The connecting characteristic of these two seemingly distinct scenarios is the violation of a legal prohibition, namely looting and theft. The aim of restitution is the full restoration of the former state of affairs (*restitutio in integrum*).<sup>23</sup>

Therefore, it can be observed that for Stamatoudi the term restitution is linked to the colonial period. Restitution claims should be seen as a matter of justice, and not only of legal possession, since the legitimacy of the claim is highlighted beyond legal issues.<sup>24</sup> Peters, however, considers the term return to be the most appropriate to refer to cultural objects taken from their territories of origin under the aegis of colonial regimes.<sup>25</sup> In contrast, Stamatoudi states that the term return is not associated with the rectification of some damage or harm caused, only with the transit of the physical object from one place to another.<sup>26</sup>

What both authors seem to agree on is that terms such as recuperation, repatriation, recovery, and especially return are more neutral and tend to be preferred in negotiations aimed at resolving the dispute.<sup>27</sup>

For this thesis, my main choice was to use the term restitution. Firstly because UNESCO approves the use of both terms, restitution and return. The latter is more common precisely because it is more neutral, but it does not exclude the possibility of referring to the process of return of cultural objects as restitution. Second because I understand that

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<sup>22</sup> Stamatoudi, *Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law*, 15.

<sup>23</sup> Peters, “Complementary and Alternative Mechanisms beyond Restitution: An Interest-oriented Approach to Resolving International Cultural Heritage Disputes,” 45.

<sup>24</sup> Stamatoudi, *Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law* 16.

<sup>25</sup> Peters, “Complementary and Alternative Mechanisms beyond Restitution: An Interest-oriented Approach to Resolving International Cultural Heritage Disputes,” 45.

<sup>26</sup> Stamatoudi, *Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law* 18.

<sup>27</sup> Stamatoudi, *Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law* 17; and Peters, “Complementary and Alternative Mechanisms beyond Restitution: An Interest-oriented Approach to Resolving International Cultural Heritage Disputes,” 41.

restitution, according to Stamatoudi, is what implies the rectification of a harm, and if I intend to think of museums as places of reconciliation, I believe this is a good way to go, and can help to improve awareness.

## **Research Methodology**

The final chapter of this thesis will be devoted to the analysis of primary sources and case study. I will analyse the Portuguese newspaper coverage of the restitution issue, and thus to get a sense of where Portugal stands in this debate. In line with the research questions set out in the introduction to this text, I intend to pinpoint my arguments with this case study. In it, I will examine how the Portuguese media approach the issue of restitutions of cultural objects, especially if the claimants are from African nations which were its most recent colonies. With the information drawn from this analysis, I will look at how Portugal views its colonial past. For this, I selected the three newspapers with the largest circulation in the year 2021 in Portugal.<sup>28</sup> They are: *Correio da Manhã*, the leader in sales, *Jornal de Notícias* and, in third place, *Público*. The timeframe of the case study goes from 2007 to 2023, with the largest volume of articles being written from 2017. The choice of this periodization was based on the results that returned from the search for articles that involved the keywords restitution and museums, being the oldest from 2007, and in order to track changes in either interest or opinion over this period.

Just like museums, where curators and directors cannot escape their personal opinions, newspapers are also pluralistic environments where objectivity is a dubious and practically unattainable concept precisely because the creative process of writing is crossed by our subjectivities. If news sources are practically inexhaustible, then who decides what makes into the papers and what does not? This in itself already rules out the idea of objectivity, since society has access to news that newspapers and their editors, publishers and writers pre-select according to different factors. What is newsworthy? Newspapers filter, frame and represent a certain subject in their stories, thus helping to shape the readers' perception of what is relevant to society.<sup>29</sup>

What is a newspaper really? Stephen Vella defines newspapers as being “(...) at once a text, a record of historical events, a representation of society and a chronicle of contemporary

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<sup>28</sup>Dias, “CM é o jornal mais lido em Portugal e ultrapassa vendas do Expresso desde maio.” Accessed on: 23/04/2022.

<sup>29</sup>Vella, “Newspapers,” 217.



opinions, aspirations and debates. A newspaper is also a business enterprise, a professional organisation, a platform for advertisements and itself a commodity.”<sup>30</sup>

## **CHAPTER TWO - THE DEVELOPMENT OF THE DEBATE ON RESTITUTION**

For this chapter, my intention is to provide the reader with some answers to the main questions proposed in the introduction of this thesis, and relevant context for understanding my case study. By informing about international treaties, I intend to show what mechanisms are available in diplomacy today to facilitate dialogue between countries involved, or that will become involved, in restitution processes. I also include in this chapter successful cases that UNESCO has mediated, and try to explain in more detail how the whole process can be costly and lengthy, hence the importance of international treaties that serve to assist in these processes. The opposite also happens, when individual actions can jeopardise a whole diplomatic work and also the cultural objects. Thus, there is a small section in this chapter with examples of what not to do when the matter is the restitution of cultural objects. Finally, I bring a brief historiographical analysis interweaving the positioning of different authors to show how complex and nuanced the discussion on the subject is, when not even professionals who have devoted their entire academic lives to discussions on restitution, return or repatriation of cultural objects have ready and simple answers.

### **The Convention For The Protection of Cultural Property in The Event of Armed Conflict or The 1954 Hague Convention**

After the two Great Wars and with the intensification of the Cold War looming on the horizon as a constant threat of a new armed conflict involving a world divided into two blocks, it was feared that the cultural heritage of humanity already so devastated would suffer even more incalculable losses. For this reason, on 14 May 1954, The Convention for the Protection of Cultural Property in the Event of Armed Conflict or more commonly called The 1954 Hague Convention was born.

Within the scope of this Convention is the preservation of everything from architectural monuments and archaeological sites to works of art, antiquities and various other categories of movable and immovable heritage. To achieve this purpose, the States

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<sup>30</sup> Idem, 219.

Parties, and here - again - Portugal is included, committed themselves to putting into practice certain measures, such as the establishment of special forces within the national army for the protection of cultural property; the marking of important buildings and monuments with a Convention emblem so that they would not be targets of attack in case of offensives; and the creation of safe havens to shelter movable cultural property. Unlike the other organisations that will be mentioned in this thesis, the Hague Convention does not focus on restitution, return or repatriation of cultural property.<sup>31</sup>

### **The UNESCO Convention on The Means of Prohibiting and Preventing The Illicit Import, Export and Transfer of Ownership of Cultural Property**

There were two great waves of decolonization processes: the first one occurred in the first half of the 19th century, when several Portuguese, French and especially Spanish colonies achieved their independence. These new nations that were being formed spread throughout the Americas. The second great wave occurred in the second half of the 20th century, when a flood of countries in Africa and Asia freed themselves from their European colonisers. Between these two waves several other then colonies also achieved freedom, but at more spaced out dates and in less massive numbers.

While these two waves were responsible for a colossal transformation in global geopolitics, it was the second wave that, among several other factors, contributed to the creation of a special body to deal with issues of return and restitution of cultural property within The United Nations Educational, Scientific and Cultural Organisation, UNESCO, which was founded on 16 November 1945. These newly formed nations began to press international authorities for more attention to be paid to cases of contested heritage and cultural objects irregularly removed from their territories.

In 1970, during the 16th session of the General Conference of the Organisation, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was born and put into practice on 14 November of the same year. At this time the main focus of the Convention was the prevention of illegal trafficking of cultural objects and consequent increase in the black market of works of art and antiquities. According to this premise five basic principles should be adopted by all States Parties, namely: the regular establishment of inventories; the establishment of export

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<sup>31</sup> UNESCO. "1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict." Accessed on: 24 September, 2022.

certificates; the application of controls and approval of traders; the application of criminal or administrative sanctions; and lastly the organisation of information and education campaigns.<sup>32</sup>

Clearly, relying on prevention alone did not diminish the fact that cultural objects had already been plundered in the past and would certainly continue to be so in the future. For this reason, the Convention also envisaged a policy for encouraging international collaboration between states to ensure the return and restitution of these objects. Currently, 142 states have ratified or accepted the Convention. Among these are countries that are always in the news headlines regarding restitution, return or repatriation, such as the United Kingdom of Great Britain and Northern Ireland, Germany, France and the United States of America. Portugal, which will be the focus of the case study in the third chapter of this thesis, is also among the states that ratified the Convention, having become a State Party on 9 December 1985.

The Convention becomes effective three months after the date of ratification by the states, which are then advised to follow three points which are broken down into subcategories. They are: 1) Adopt protection measures in their territories (art. 5); 2) Control movement of cultural property (art. 6 to 9); and 3) Return stolen cultural property (art. 7).<sup>33</sup>

### **The UNESCO Intergovernmental Committee For Promoting The Return of Cultural Property To Its Countries of Origin or Its Restitution in Case of Illicit Appropriation**

Even with all this work of awareness raising and international cooperation, there was still a need to move forward in this field. Therefore, in 1976 a committee of experts met to address the issue of lost cultural property, whether through illicit trafficking or as the result of foreign or colonial occupation. In fact, the colonial factor is barely mentioned in The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.<sup>34</sup> In 1970, European countries such as Portugal, France and England still had colonies in Africa, so it is possible to imagine that UNESCO may not have wanted to get into an international quarrel by delving into the colonial issue.

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<sup>32</sup>UNESCO. "About 1970 Convention." Accessed on: 23 September, 2022.

<sup>33</sup>Idem.

<sup>34</sup>UNESCO. "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; adopted by the General Conference at its sixteenth session, Paris, 14 November 1970." Accessed on: 24 September, 2022.

Moreover, at that time, academia was not yet producing so much research in this direction, and as many of the guidelines discussed at the United Nations and its various branches are imported from the work of researchers, this may be another factor for the silence of this document on the issue. During the 20th session of the General Conference of UNESCO in 1978, the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) was created as a product of a meeting held two years earlier in Venice. The Committee consists of 22 members elected by vote and rotating in office every 4 years.

Any state, regardless of whether it is part of the UNESCO Convention or not, can appeal to the Committee for intercession in disputed heritage conflicts. The Committee is thus responsible for mediation and conciliation in these conflicts, always with a view to facilitating bilateral negotiations. It is essential, however, that the requesting State initiates negotiations directly with the current custodian of its alleged cultural property. Only in cases where these negotiations fail may the Committee be involved.<sup>35</sup>

### **The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**

While the UNESCO Convention and its Committee serve more as advisory bodies, The International Institute for the Unification of Private Law (UNIDROIT) attempts, as its name suggests, a unification or at least a certain standardisation in the international code of law. UNIDROIT was founded in 1926 as part of the League of Nations, and with the League of Nations being defunct it was re-established in 1940.<sup>36</sup> For being an independent intergovernmental organisation, it would achieve certain impartiality when dealing with international affairs. In a Diplomatic Conference held in Rome from the 7th to the 24th June 1995, the UNIDROIT Convention On Stolen Or Illegally Exported Cultural Objects was created, and it counts up to 54 States Parties currently, including Portugal.<sup>37</sup>

The UNIDROIT Convention aims at protecting cultural heritage and cultural exchange, as it believes that through the dissemination of culture it is possible to promote understanding between peoples. And here I mention peoples, and not only states, since the

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<sup>35</sup>UNESCO. “Return & Restitution’ Intergovernmental Committee” Accessed on: 24 September, 2022.

<sup>36</sup>UNIDROIT. “Overview.” Accessed on: 25 September, 2022.

<sup>37</sup>UNIDROIT has its seat in the Villa Aldobrandini in Rome, and the Italian Government functions as the entrusted depositary of the official document of the Convention.

very document containing the 21 articles of this Convention is concerned with legally supporting indigenous peoples and other communities, thus extending its sphere of influence beyond the level of the State. Similar in purpose to the UNESCO Convention, the UNIDROIT Convention also aims to reduce the negative impact on cultural heritage caused by illicit trade in cultural property, and to facilitate the restitution, repatriation and return of cultural objects to their source communities.<sup>38</sup>

### **ICOM Code of Ethics For Museums**

The ICOM (International Council of Museums), created in 1946, according to its own definition found on its website, is “a membership association and a non-governmental organisation which establishes professional and ethical standards for museum activities. As a forum of experts, it makes recommendations on issues related to cultural heritage, promotes capacity building and advances knowledge. ICOM is the voice of museum professionals on the international stage and raises public cultural awareness through global networks and co-operation programmes.”<sup>39</sup> The document entitled Code of Ethics for Museums is a kind of handbook prepared by this organisation as a way of grouping together in one place a whole code of conduct that should be put into practice by all museums and their professionals.

In 2004 ICOM released the latest version of the Code of Ethics with proposals for a minimum standard for museums. Unsurprisingly, as the turn of the 20th century to the 21st saw a great surge in debates about the restitution of cultural property, article six of the Code makes specific recommendations about how to deal with these situations. It advocates collaboration between museums and source communities, and states that museums (or the state through diplomacy) should be prepared and open to dialogue when faced with restitution claims, and that the whole process should be handled impartially, respecting humanitarian principles and local legislation.<sup>40</sup>

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<sup>38</sup>UNIDROIT “1995 Convention. Unidroit Convention On Stolen Or Illegally Exported Cultural Objects.” Accessed on: 2 October, 2022.

<sup>39</sup>ICOM, “Code of Ethics.” Accessed on: 24 September, 2022.

<sup>40</sup>ICOM Code of ETHICS for Museums. “Museums work in close collaboration with the communities from which their collections originate as well as those they serve.” 31.

## Cases of Success and Failure in Restitution Claims

### First and Foremost: What Not To Do

The two cases that follow serve to illustrate how individual actions can jeopardise good diplomatic relations between two states. Despite appealing to an almost "Robin Hoodian" romanticism and a strong and deep nationalist sentiment, these cases attempted to right past wrongs with new ones. These cases are present in this work to exemplify that "Perhaps more important than the results and decisions, is the process: *the methods mobilised*, the dynamics of knowledge it generates and the degree of participation achieved."<sup>41</sup>

Historian Victoria Lord tells us the case of the famous Stone of Scone theft. In December 1950, four Scottish students drove to London, to Westminster Abbey to be precise, and pulled out from under the Coronation Chair the Stone of Scone, which weighed over 150kg. In the process of removal, they not only broke the relic into two uneven pieces but also destroyed the Coronation Chair. The theft was discovered very soon afterwards, but somehow the four students managed to get across with the stolen object. The Stone of Scone was clandestinely restored, and a few months after the event that made international headlines, police officers found the relic and took it back to London.

With this act, the students hoped to reopen a debate about Scottish national sovereignty, and it could be said that to some extent they succeeded. In 1996 English authorities returned the Stone of Scone to Scotland in a far less dramatic way, on the condition that it be loaned for coronation ceremonies for new monarchs. The piece can be seen today at Edinburgh Castle.<sup>42</sup>

The second case involves a rare Aztec codex called Aubin Tonalamatl. In June 1982, a Mexican journalist was studying several codices at the French National Library in Paris, and when he finished he returned the wooden box containing the objects to the librarian. However, hours later it was discovered that an 18-page codex was missing. Interpol was notified and in August of the same year the journalist was found and arrested in Mexico.

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<sup>41</sup>Jerónimo and Rossa, "O bem e o mal do(s) patrimônio(s)," 9.

Original in Portuguese: Talvez mais importante que os resultados e decisões, seja o processo: os métodos mobilizados, as dinâmicas de conhecimento que gera e o grau de participação alcançado. Emphasis added.

Please note that all the translations from Portuguese to English and vice versa in this thesis were provided by me.

<sup>42</sup> Lord, Victoria M. "An Infamous Theft: The Stone of Scone." Accessed on: 28 September, 2022.

However, as one would imagine, the whole story generated a wave of nationalist commotion in Mexico, and the press covering the case crowned Jose Luis Castaneda del Valle a hero.

Del Valle was released shortly afterwards, and the Mexican government found itself at an impasse: extradite the journalist and return the codex, risking the fury of the population, and tarnishing the government's image, or keep both del Valle and the codex in the country, generating a vexatious tussle with the French authorities. The Mexicans chose the latter option, and to this day, 40 years after the event, the codex is housed in the National Institute of Anthropology and History in Mexico City. The French, unhappy with the direction history was taking, accused the Mexican government of covering up a case of international theft and warned that such an episode could contribute to the establishment of chaos if other nations decided to act accordingly to recover their cultural property without the intervention of UNESCO.<sup>43</sup>

From these two stories we draw three main lessons. The first is to understand that anything involving contested heritage can generate heated discussions, and that it is never a straightforward matter to engage in debates on the subject. There are many layers and unfoldings to be understood, and sensitivities can get in the way of an impartial debate. The second lesson concerns how individual attitudes can reach gigantic proportions, so when it comes to the restitution of cultural objects it is very important that the whole process is done through diplomatic channels and respecting the laws in force in all the States involved. The last lesson is quite simple, the preservation of the objects needs to be taken into consideration. This involves the physical process of the return and also the future facilities where they will be received.

### **Cases Resolved Under The Aegis of The ICPRCP**

There are not numerous cases of restitution claims successfully resolved under the aegis of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP). Brigitta Hauser-Schäublin and Lyndel V. Prott state that the UNESCO Committee has resolved 6 of the 8 contested heritage cases brought before them in a time span of 35 years. The impact of UNESCO seems rather small, but the authors insist that there have been advances in discussions that were not brought to the committee but were inspired by the

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<sup>43</sup> Riding. "A Stolen Relic Is a Problem for Mexicans. Newspaper article published by The New York Times." Accessed on: 28 September, 2022.

directions taken by these cases, since states and museums tend to avoid using international law to advance contested heritage negotiations because the publicity generated in these situations tends to paint them in a bad light for being in possession of cultural objects from other communities and countries of origin. Thus, they negotiate bilaterally in a very diplomatic manner without the need for UNESCO committee involvement.<sup>44</sup>

It seems a very positive and optimistic view, quite different from Jeanette Greenfield's, who states that UNESCO played a relevant role in the field of cultural property by opening the dialogue on the subject. The organisation has forged new concepts, raised awareness, and broadened the debate on restitution and returns of cultural objects. However, Greenfield remains sceptical about the results achieved. She judges all the measures taken to be somewhat ineffective, and believes that the documents produced by UNESCO and its committees were extremely long and difficult to read for anyone who did not belong to a specialised audience, and carried no practical sense and no hope of introducing fundamental changes. In addition, Greenfield points out that member states have criticised the organisation for being too politicised and anti-Western. This led the United Kingdom and the United States to withdraw their financial support for UNESCO in the 1980s, and it began to operate without the support of its major investors until then.<sup>45</sup>

The ICPRCP website lists the six cases settled through mediation by the Committee, two of which can be considered part of the same process involving Germany (or more precisely the Democratic Republic of Germany, in the period before unification with the fall of the Berlin Wall) and Turkey. This is the case best documented on their website.<sup>46</sup>

Starting in 1905, a team of German archaeologists in cooperation with the Imperial Museum of Istanbul began excavating at the archaeological site of Hattusha. Over the course of a few years, two sphinxes and more than ten thousand tablets were found and handed over to the Imperial Museum of Istanbul, which later agreed to send these objects to Berlin to be cleaned, restored and studied for future academic publications. Only part of the tablets and one of the sphinxes returned to Istanbul between 1924 and 1942. With the outbreak of the Second World War and the subsequent division of Germany, Turkey was forced to delay

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<sup>44</sup>Hauser-Schäublin and Prott. "Introduction. Changing concepts of ownership, culture and property," 5.

<sup>45</sup>Greenfield, *The Return of Cultural Treasures*, 257.

<sup>46</sup>UNESCO. "Cases of returns and restitutions under the aegis of the ICPRCP." Accessed on: 3 October, 2022.



requests for the return of the pieces, even though she had all the documentation proving that the loan was temporary and for scientific purposes only.

In 1974, Turkey and the then German Democratic Republic re-established diplomatic relations, but only in 1987 did Turkey file an official request with the ICPRCP for the Committee to intervene in the case. Negotiations between the two countries took place again, and the remaining tablets were returned to Turkey. However, another twist in global geopolitics paused the negotiations for the return of the second sphinx: the reunification of Germany in 1991. Negotiations resumed in 1996, but it was not until 2011 that the two states reached a decisive agreement. The two sphinxes have since been on display at the Boğazköy Museum.<sup>47</sup> I wanted to include this case in detail to give an idea of the time dimension that a process can take to be resolved, so to reinforce that it needs patience and a lot of dialogue.

The other four cases involved: the return to the United Republic of Tanzania of a Makonde Mask that was in Switzerland. Negotiations lasted four years and the return ceremony took place under the auspices of both ICOM and UNESCO; in 1988, under the mediation of the UNESCO Committee, the United States of America returned a lintel to Thailand; in 1983 Jordan filed a request with the Committee for the return of one half of a sandstone panel that was in the Cincinnati Art Museum. Since the other half was at the Department of Antiquities of Amman, the solution found after negotiations was to exchange moulds of each half so that the piece could be exhibited in its entirety both in Jordan and in the United States. The exchange took place in 1986; finally there is the case involving Italy and Ecuador. Following a seven-year litigation process, Italian authorities agreed to return 12,000 pre-Columbian objects to Ecuador, which recognised the importance of the Committee's support for the successful resolution of the case.<sup>48</sup>

### **Historiographical Analysis**

What I have been trying to show so far in this chapter is how complicated and nuanced the issue of restitution, return or repatriation of cultural objects is. Adopting a rigid stance in favour of solely restituting or retaining cultural objects may prove troublesome. Such rigidity could leave aside various intricacies involved in analysing each case, which would stifle rather than advance the debate. For this reason, it is very important that different

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<sup>47</sup> UNESCO. "Cases of returns and restitutions under the aegis of the ICPRCP." Accessed on: 3 October, 2022.

<sup>48</sup>Ibid.

narratives that have been disseminated both in academia and among museum professionals, are scrutinised for a better understanding of the field.

British sociologist Tiffany Jenkins published a book in 2016 called *Keeping Their Marbles. How the treasures of the past ended up in museums...and why they should stay there*. In this book, which already on the first page of the introduction carries a deliberately alarmist tone that makes it seem as if all museums in the world are at constant risk of disappearing, the author weaves a defence of universalist museums, and lists several reasons for the retention of cultural objects, even while acknowledging that many cultural objects on display in Western museums have been taken from their communities of origin in ways perceived as dubious.<sup>49</sup>

However, it is easy to see why this book has made such a success and managed to push the boundaries of academia. Jenkins is not just writing for her peers. In a passage where she cites Hiram Bingham, the explorer who arrived at Machu Picchu, as the inspiration for the creation of the character Indiana Jones, one can see that the author also writes for the general public. It is these readers who, by consuming different discourses, form the public opinion that to some extent influences the decision-making in the cultural field.

Excellent arguments are formulated by this author, and she raises some very pertinent questions, as for example when she states that:

(...) the concern for addressing inequality and identity through a ‘soft’ approach with the use of culture, and with cultural institutions, could be a convenient, if not deliberate, strategy to divert attention from the structural causes of today’s social problems and the solutions that are needed to solve them.<sup>50</sup>

In a world that is politically and economically disillusioned, and with little hope when it looks to the future, it is the past that is chosen as the battleground in the attempt to change the present. According to her, it is advantageous for the image of authorities when they show compassion and morality, which makes the act of publicly apologising for the mistakes made by previous generations so popular today.<sup>51</sup>

Another author whose positioning is quite aligned to Tiffany Jenkins is the art historian James Cuno. Cuno's views are quite solid when discussing antiquity. One of his main arguments is that antiquity cannot be owned because it is the common heritage of all

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<sup>49</sup> Jenkins, *Keeping Their Marbles. How the treasures of the past ended up in museums...and why they should stay there*, 5.

<sup>50</sup> Idem, 183.

<sup>51</sup> Idem, 283.

humanity.<sup>52</sup> James Cuno states that possession (of antiquities) is power and consequently includes notions of control. This control would be exercised by governments who would have their own nationalistic agenda.<sup>53</sup> What seems a little controversial to me in this type of argument is the criticism towards the governments of countries that reclaim cultural objects because, in the author's view, they are putting nationalist interests into practice. But would the museums (backed up also by governments) that refuse to return them not also be acting out of nationalist interests? Especially in the case of former colonies, using restituted cultural objects as a way of strengthening a national identity detached from its former colonisers seems even reasonable to me. For Cuno, "To include antiquities within the political construct of cultural property is to politicise them."<sup>54</sup> Yet we live in a world where everything is political, or has the potential to be politicised. To think otherwise sounds almost naïve. To conclude Cuno's series of arguments, the author states that removing objects from museums, especially American ones since that is where he writes from, or not acquiring some artefact because its provenance cannot be traced and therefore there are no legal guarantees on it, is not a solution to the problem of looting archaeological sites, it is just a diversion. Cuno does not offer any idea of what the solution could be.<sup>55</sup>

One view that can serve as a counterpoint to Jenkins' and Cuno's arguments is that the debate on restitution can no longer be sustained by taking into consideration only issues of legal framework. Therefore, public apologies can soothe historical wounds by serving as an acknowledgement of past wrongs. This new mindset, strongly endorsed by the New Museology, is also part of the main argument of Louise Tythacott and Kostas Arvanitis. The two museologists have edited a book together, entitled *Museums and Restitution. New Practices, New Approaches* published in 2014. In the introduction written by them, they state that the ethical and moral aspects need to enter into the equation.<sup>56</sup>

Museums that use law as a way of understanding property to justify the retention of cultural objects should go beyond this legal framework and remain open-minded to how source communities viewed these objects, and how the notion of property changes when the West is no longer the guiding axis of the concept. Elizabeth Burns Coleman writes very clearly about the difference between legal property and ownership, which is equivalent to

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<sup>52</sup> Cuno, *Who Owns Antiquity? Museums and the Battle over Our Ancient Heritage*, 20.

<sup>53</sup> *Idem*, 15.

<sup>54</sup> *Idem*, 11.

<sup>55</sup> *Idem*, 5.

<sup>56</sup> Tythacott and Arvanitis, "Museums and Restitution: An Introduction," 2.

inalienable possession:

The idea of an ‘inalienable possession’ is central to the justification of the repatriation of parts of museum collections, such as sacred objects, objects of patrimony, funerary objects and ancestral remains to the groups from which they were taken. The intuition that such objects are being rightfully returned does not rest on whether or not there is legal title to them, but on the special kinds of ‘identity’ relationship groups of people have with them. It is this identity relationship which defines an object as inalienable, as opposed to something that is property, and alienable.<sup>57</sup>

That is, while property implies something external to one's being, what is inalienable is part of the being. The author exemplifies as follows: my head is not my property, it is a constituent part of my being. Some objects have this same effect for the identity of some communities.

What would these communities do with the restituted objects? The destination given to them by the communities of origin is also a highly debated issue. The first thing that many of those who criticise and oppose restitution claim is the lack of physical structure of the museums located in the countries of origin. However, as Tythacott and Arvanitis explain, for years there have been either updates to museums' infrastructure or the construction of new spaces that are able to receive these artefacts and keep them safe.<sup>58</sup> This is the case in Greece, Egypt and other countries on the African continent. Incidentally, there is a case involving the Venus de Milo, in which the description of the work when it was found does not match the current state of the piece. Apparently the Louvre would have received fragments of the two arms of the statue and a pedestal with a Greek inscription. The whereabouts of these fragments are unknown, which serves to refute the idea that universal museums will always be the safest places to keep works of art and cultural objects.<sup>59</sup> At the same time that she is concerned about the material risk to which these objects are subjected, after all they may be lost or damaged during transportation and at their final destination, Jeanette Greenfield states that several museums lack the facilities and structure to put several objects on display, which are thus stored in storages without ever being appreciated by the public.<sup>60</sup>

In their origin, museums were concerned with ordering, quantifying, measuring and classifying objects. This left out everything that could be considered esoteric phenomena, magic, that expresses feelings and emotions. This is why many professionals, especially historians and museologists, are reluctant to recognise that certain objects were made to

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<sup>57</sup> Coleman, “Repatriation and The Concept of Inalienable Possession,” 82.

<sup>58</sup> Tythacott and Arvanitis, “Museums and Restitution: An Introduction,” 1.

<sup>59</sup> Greenfield, *The Return of Cultural Treasures*, 127.

<sup>60</sup> *Idem*, 297.

deteriorate and not to be preserved in museums. Therefore, not even the concept of preservation is a universal ethic.<sup>61</sup> On this issue, Dan Hicks states that “provision for genuine and equitable dialogue with claimants is crucial, and a commitment to take no interest in the use of an object after a return is made – as with human remains, where return often means destruction through burial.”<sup>62</sup> The same could be said about, for example, certain ceremonial masks that were supposed to be burned for the completion of a ritual but are now in museums.

Luís Raposo, president of ICOM Europe, is vehemently opposed to restitution if the objects claimed are considered objects of study for modern science. For him, preservation and public enjoyment are a priority in the practice of museum-making and such objects should never be destroyed, even if for religious reasons.<sup>63</sup> This divergence of opinions is a further example of the complexity of the subject. It would be impossible to make a quick and simple decision without first thoroughly assessing all sides involved in the process.

To conclude this chapter, I bring one final point that needs to be taken into consideration when discussing restitutions. Both James Cuno and Jeanette Greenfield draw attention to the issue of shifting borders. Cuno provokes: “Just because an antiquity looks Roman, do we have any evidence that (...) it was unearthed within the borders of the modern state of Italy, as opposed to elsewhere in the former Roman Empire?”<sup>64</sup> Greenfield also questions the concept of country of origin. She wonders:

Does this mean the country of manufacture, the nationality of the maker, the last country to hold the object before its removal or, for example in the case of an archaeological item, the site of its discovery? And in view of the changing national boundaries during the course of history, one may ask what criteria are to be used in defining ‘country of origin’?<sup>65</sup>

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<sup>61</sup> Bienkowski, “Authority and the Power of Place: Exploring the Legitimacy of Authorized and Alternative Voices in the Restitution Discourse,” 39.

<sup>62</sup> Hicks, *The Brutish Museums. The Benin Bronzes, Colonial Violence and Cultural Restitution*, 238.

<sup>63</sup>Luís Raposo expresses his views on the subject in two articles published by the Portuguese newspaper Público. The articles are:

Raposo. “Devolver património, sim, não, talvez... Mas devolver o quê e a quem?” Accessed on: 7 October, 2022.

Raposo. “Legítimo e intolerável na restituição ‘à origem’ de colecções dos museus.” Accessed on: 7 October, 2022.

<sup>64</sup>Cuno, *Who Owns Antiquity? Museums and the Battle over Our Ancient Heritage*, 2.

<sup>65</sup> Greenfield. *The Return of Cultural Treasures*, 256.

She states, as seems to be the consensus among different experts, that everything must be analysed on a case-by-case, individual basis. For whom was the object made? By whom? For what purpose and where was the object made? The strongest link should serve to establish the country to which the object should be returned.

### **CHAPTER THREE - THE PORTUGUESE CASE**

In this final chapter I present my case study, where I assess how part of the Portuguese media deals with the debate on restitution of contested heritages and analyse whether, through the journal articles studied, there is a discussion about the Portuguese colonial past. To facilitate the reader's understanding, this chapter begins with a short section contextualising the history of Portuguese colonialism, and progresses with an explanation of the quasi-theory of Lusotropicalism. The relevance of the concept of Lusotropicalism is perceived when it is understood that this idea permeated much of the Portuguese colonial discourse and still pervades the national imaginary here and there. These first two sections converge then to the analysis of the newspapers *Público*, *Correio da Manhã* and *Jornal de Notícias*, which closes this work.

#### **Historical Background**

The Portuguese pioneering spirit was undeniable. From the Great Navigations to the establishment of colonies, Portugal has always been present in capitalism's power games, even when already weakened in relation to the other great European imperial powers. The Portuguese presence in Asia, and especially in America and Africa, formed a networked empire, inter-imperial connections that moved an intense and constant flow of information, commodities and people.<sup>66</sup> It is fundamental to understand the importance of these connections, since they formed a kind of feedback loop in which one territory spun off the economy of another. Brazil<sup>67</sup>, from the 17th century onwards, needed a constant flow of slave labour to feed the large plantations, and a great sum of this workforce left Africa via Luanda,

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<sup>66</sup>Garcia et. al., "The Portuguese Empire: An Introduction," 6.

<sup>67</sup> For didactic and practical reasons, I chose to use the current nomenclatures of the former colonies, even though the current states bearing these names do not correspond precisely to the former territories. Therefore, from now on, I will always use the terms Brazil, Angola, Mozambique and so on to refer to both the colonies and the current states.

in Angola. This dynamic, with Brazil as the gravitational centre of the Portuguese empire, lasted until the 19th century. However, with the Brazilian independence in 1822, Portugal once again turned to Africa as a means of maintaining its imperial prestige and stabilising the economy.<sup>68</sup>

With the military conquest of the new territories in the late 18th century, Portugal signed border agreements with Germany and the United Kingdom, and new settlements were established to assimilate the local administration.<sup>69</sup> The empire saw significant economic growth as the colonial effort progressed, and the colonies contributed to the repayment of Portugal's foreign debt.<sup>70</sup> This new chapter in the history of Portuguese colonialism also served to lift the spirits of the Portuguese, since with the loss of Brazil seen as a failure of the empire, it was important to revive the notion of Lusitanian grandeur that was linked to imperial heritage.

This period from the establishment of the colonial system until the military coup that brought about the Estado Novo in Portugal saw a game of accommodation and negotiations on the part of the natives of the Portuguese colonies. The local leaders used the little autonomy they had to try to make the system more lenient and less unfair, something that a more recent historiography has been trying to communicate, by stating that at no time was there passivity and collaboration with the Europeans, but resistance and adjustments.<sup>71</sup> Estado Novo is how the period of military dictatorship that began in 1932 and lasted until 1974 became known. The main political leader of the period was the dictator António de Oliveira Salazar, who ruled from the beginning until 1968, two years before his death. Largely echoing fascism, the Estado Novo resorted to police violence and the curtailment of press freedom and freedom of speech, as well as investing heavily in pro-colonial system propaganda.<sup>72</sup>

The regime had already been gradually weakening and the early 1970s saw the upsurge of colonial wars for the liberation of the colonies in Africa. One of the consequences of these wars was the fall of the Estado Novo on 25 April 1974, in the event that became known as the *Revolução dos Cravos*, or Carnation Revolution. A year and a half after this event, Guinea-Bissau, Cape Verde, São Tomé and Príncipe, Mozambique and Angola had

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<sup>68</sup>Garcia et. al., "The Portuguese Empire: An Introduction," 9.

<sup>69</sup>Idem, 10.

<sup>70</sup>Lains, "Causas do colonialismo português em África," 467.

<sup>71</sup>Boahen, "A África diante do desafio colonial," 16.

<sup>72</sup>Garcia et. al., "The Portuguese Empire: An Introduction," 13.

their independence recognised by the Portuguese State, putting an end to the imperial period.<sup>73</sup>

### **Lusotropicalism**

Gilberto Freyre, born in Pernambuco, in the north-east of Brazil in 1900 (d. 1987), was one of the biggest names in Brazilian sociology, responsible for memorable (and to the same extent controversial and criticised) works such as *Casa Grande e Senzala*, a book released in 1933 but which remains a "must read" on every humanities student's list. The central idea that guides this book is how the miscegenation that occurred in Brazil affected our culture and moulded our society as an exception to the rule of colonial regimes; after all we were, for the author, a racial democracy. Therefore, Freyrian thought aimed at a kind of exaltation of the Brazilian identity. The problematic side of this narrative is the erasing of all the violence that occurred during the miscegenation process of the Brazilian people, by preaching a harmonious and equal coexistence among the different ethnic groups that make up the Brazilian society.<sup>74</sup> If there are many Brazilians of mixed race, in fact the majority of the population, it is necessary to understand that there is also a strong and clear structural racism in this society. However, our former colonisers saw in Freyre's quasi theory a way out of a problem that Portugal was facing.

If until then Freyre was not well seen in Portuguese politics, with the end of the Second World War and the birth of the United Nations (UN) he came to the forefront. This was because, with the defeat of Nazi-fascism, the idea of a racial hierarchy in which the white European was superior to other ethnicities was rejected by the international community. Moreover, the right to self-determination becomes a fundamental right guaranteed by the UN, which calls on colonial powers to confer political independence on their colonies, making them sovereign nations.<sup>75</sup> These factors meant that Salazar's government needed a way to legitimise and justify the continuation of the Portuguese colonising effort, without its attitudes being seen as in fact colonial. Thus emerged the adaptation of Freyre's quasi theory into what became known as Lusotropicalism. Claudia Castelo summarises:

In general terms, Luso-tropicalism postulates the special adaptability of the Portuguese to the tropics, not out of political or economic interest, but out of

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<sup>73</sup>Varela et. al., "A Revolução dos Cravos: revolução e democracia, um debate," 213.

<sup>74</sup>Abadia, "Reconfigurações do lusotropicalismo em museus monumentais de países de língua portuguesa," 36.

<sup>75</sup>Castelo, "O luso-tropicalismo e o colonialismo português tardio."



innate and creative empathy. The Portuguese aptitude for relating to tropical lands and people, their intrinsic plasticity, would result from their own hybrid ethnic origin, from their "bi-continentality" and from long contact with Moors and Jews on the Iberian Peninsula in the first centuries of nationality, and is manifested above all through miscegenation and the interpenetration of cultures.<sup>76</sup>

The Freyrian myth of racial democracy was stretched and appropriated until it became propaganda of the Salazarist government, as it was transformed into "the myth that Portugal would not be racist nor would it colonise because it was, from its most intimate nature, multiracial and pluricontinental, thus appearing as an African nation as well (...)."<sup>77</sup> This change in discourse that tries to transform the feeling of Portuguese superiority into a feeling of ability to blend with native peoples had three main objectives. According to João Alberto da Costa Pinto, the first aimed to convince the UN that Portugal no longer had colonies, but overseas provinces, the entire territory of the empire being in fact one nation, so they could never be colonialists. The second objective sought to alter the metanarrative of Portuguese history, since by embracing this image of the Portuguese with a natural aptitude for intertwining with native peoples from tropical countries, it transformed them into a different kind of colonialist, milder, more generous and fairer. This thought sought to place Portugal in a position of exceptionality in relation to the other European colonial powers. The third objective was aimed at Portuguese citizens. The Portuguese colonial project remained the same despite the new discourse, so it needed hands and arms to sustain the colonies without having to resort purely to native labour. Therefore, convincing simple farmers to leave their home in the country of their birth to try a new life on another continent depended on strong propaganda that claimed these overseas provinces were also Portugal.<sup>78</sup>

In the academic field, the theory unfolded into justifications to be assimilated by those who would have the job of exporting this vision to the world. The Ministry of Foreign Affairs thus took charge of the indoctrination of diplomats in Lusotropicalism.<sup>79</sup> However, Claudia

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<sup>76</sup> Idem.

<sup>77</sup> Medina, "Gilberto Freyre contestado: o lusotropicalismo criticado nas colónias portuguesas como álibi colonial do salazarismo," 50.

Original in Portuguese: "o mito de que Portugal não seria racista nem colonizaria porque era, desde a sua mais íntima natureza, multirracial e pluricontinental, aparecendo portanto como uma nação africana também (...)."

<sup>78</sup> Pinto, "Gilberto Freyre e o Lusotropicalismo Como Ideologia do Colonialismo Português (1951–1974)," 147.

<sup>79</sup> Castela. "O luso-tropicalismo e o colonialismo português tardio." Original in Portuguese: "Em traços gerais, o luso-tropicalismo postula a especial capacidade de adaptação dos portugueses aos

Castelo claims that by analysing confidential reports one can perceive the "abysmal" distance between colonial action and Lusotropical quasi-theory, and how Portuguese colonisation used racism and colonial violence as mechanisms of imperial propulsion as much as any other colonial power since the 16th century.<sup>80</sup> The end of the colonial war in Angola culminated in its liberation in November 1975, being the last Portuguese colony to obtain total sovereignty in Africa. But the loss of its colonies did not extinguish from the Portuguese imagination the Lusotropical myth, which endures to this day in different layers of society either in nostalgic speeches or nationalist propaganda.

### **Case Study**

Periodicals are excellent thermometers for measuring the level of acceptance or rejection that certain topics have in society. However, many factors should be taken into consideration when using newspaper articles as primary sources, such as the editorial line, the history of the newspaper, political alignments and individual views of journalists in the case of editorials. With this in mind, the next few paragraphs will be a quick look at some of these points.

We will start with a little history of each of the three newspapers that were leaders in sales in 2021, starting from first to last place.<sup>81</sup> *Correio da Manhã* (hereafter CM) belongs today to Cofina, but was founded in 1979 by 30 independent journalists.<sup>82</sup> Vítor Direito was one of these journalists and held the position of the newspaper's first president. When hiring new journalists to work on the new paper, Direito emphasised that he would deal with politics only in the essentials, only what was necessary to keep the average citizen informed without delving into topics that did not generate a good financial return for the newspaper. Sectors of society with a higher level of formal education tended to consider the periodical somewhat

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trópicos, não por interesse político ou económico, mas por empatia inata e criadora. A aptidão do português para se relacionar com as terras e gentes tropicais, a sua plasticidade intrínseca, resultaria da sua própria origem étnica híbrida, da sua "bi-continentalidade" e do longo contacto com mouros e judeus na Península Ibérica, nos primeiros séculos da nacionalidade, e manifesta-se sobretudo através da miscigenação e da interpenetração de culturas."

<sup>80</sup> Idem.

<sup>81</sup> Dias, "CM é o jornal mais lido em Portugal e ultrapassa vendas do Expresso desde maio." Accessed on: 23 April, 2023.

<sup>82</sup> Cofina is a media company responsible for the management of several media in Portugal.

sensationalist.<sup>83</sup> It is impossible, however, for a newspaper to remain totally neutral, even those that propose to do so, as in the case of the foundation of CM, will at some point let transpire a political positioning in the way of choosing words or in the news that pass through the filter of choice.

Jornal de Notícias (henceforth JN) had its first edition published a century before CM and Público, on 2 June 1888, in the city of Porto. Contrary to what CM proposed in its beginning, the JN openly positioned itself politically by defending the Regeneradores, which in that context meant a group of politicians who aimed at the advance of the economic liberalism in Portugal, defending economic development and structural growth guidelines. The JN, however, did not remain perpetually in this political monofocus. With the changes in the political and social scenarios in the city of Porto, the JN started to cover more and more aspects of the life of the city and of the rest of the country, becoming quite popular among various social strata and holding this position even more than a century after its foundation.<sup>84</sup> Currently, JN defines itself as “an informative and non-doctrinal periodical publication, devoted predominantly to general information, without excluding, within appropriate limits of breadth and depth, specialised information.”<sup>85</sup>

Finally, the third in total circulation figures in 2021, Público newspaper was conceived in 1988, but its first edition was launched on 5 March 1990. Público, which literally means public, but is financed entirely by private capital, proposed from the outset to be a more dynamic newspaper than its competitors, with more varied content sections and in the words of the founders themselves, set out to be innovative within the Portuguese market.<sup>86</sup> Currently, Público has dozens of columnists who write editorials exposing their personal opinions on various topics, which gives the newspaper a very broad front when it comes to divergent opinions - especially political ones.

All three newspapers showed varying levels of interest on the theme of the returns of cultural objects to their territories of origin, combined with the view of the Portuguese colonial past and the movements of decolonisation of culture. For this chapter, 40 articles

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<sup>83</sup>Teixeira. ““Correio da Manhã”: o jornal que nasceu para responder às preocupações do “homem da rua” Accessed on: 23 April, 2023.

<sup>84</sup> For more on JN see Lima, “O Jornal De Notícias: Tradição E Evolução Para O Modelo De Imprensa Popular.”

<sup>85</sup>O Conselho de Administração JN. “Estatuto Editorial” Accessed on: 20 April, 2023.

Original in Portuguese: “publicação periódica informativa e não doutrinária, predominantemente consagrada à informação geral, sem excluir, em limites adequados de extensão e profundidade, a informação especializada.”

<sup>86</sup>Pacheco, “No princípio eram zeros. E assim nasceu um jornal.” Accessed on: 20 April, 2023.

from these newspapers were studied, 7 being published in CM, 8 in JN and 25 in Público. This considerable difference in numbers may be related to the history and profile of each of the periodicals. For this research, I used the search tool in the newspapers' websites to find the articles that matched the keywords museum, colonialism, colonial and restitution, always united (museum+colonialism+colonial+restitution). From the results that returned from the search, I selected the articles that dealt with the Portuguese case, even if they brought examples including other countries such as France and England. I also included some articles dealing with the colonial past of other European countries to have comparative material.

### **Correio Da Manhã**

Living up to the image of a purely informative, and therefore neutral, newspaper, of the 7 articles in CM, 5 of them are signed as Lusa, that is, they were excerpts of information released by the Lusa agency.<sup>87</sup> In the words of the agency itself:

Lusa's main strength is its ability to cover current affairs on all fronts, with impartial and rigorous journalism that consolidates the agency as the main news provider for the Portuguese media and as a reference for information in all Portuguese-speaking countries. With an average of 500 news items written a day, by more than 200 journalists, Lusa is a guarantee of information diversity, translated into the most varied journalistic genres.<sup>88</sup>

The problem with this kind of journalistic approach is the fact that these short news articles of purely informative value (in theory), do not help in a deeper understanding of the issues addressed. Some examples of problematic articles written by journalists from CM itself are: 1) in February 2020 an article by journalist João Bénard Garcia was published with the title “Angola wants works returned”.<sup>89</sup> The article reports the existence of a commission formed by the Angolan government, which inventories pieces of Angolan heritage that were taken out of the country and brought to European countries such as Portugal, France and

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<sup>87</sup> It is important to emphasise that no media is neutral, which is why I use the term "image", so as not to take the idea of neutrality as an expression of truth.

<sup>88</sup> Lusa. “Texto.” Accessed on: 20 April, 2023.

Original in Portuguese: “A força primordial da Lusa está na sua capacidade de cobrir a atualidade em todas as frentes, com um jornalismo isento e rigoroso que consolida a agência como o principal fornecedor de notícias para os media portugueses e como uma referência para a informação em todos os países de língua portuguesa. Com uma média de 500 notícias escritas por dia, por mais de 200 jornalistas, a Lusa é uma garantia de diversidade informativa, traduzida nos mais variados géneros jornalísticos.”

<sup>89</sup>Garcia, “Angola quer obras devolvidas.” Accessed on: 21 April, 2023.

Belgium. Among the pieces already inventoried are "the polished hatchets of the Neolithic" and "pieces of Tchokwe art", all part of the collection of the National Museum of Ethnology in Lisbon. The biggest failing of this article, however, is not making it clear to readers that Angola has no intention of demanding back every Angolan piece found in European museums. João Bénard Garcia only informs us that a possible reason for this current interest of the Angolan government in these objects is the fact that a network of 14 Angolan museums are being renovated and would now be able to receive back their cultural heritage; 2) To reach a conclusion on whether or not to return some object to its origin is a very difficult process that requires much discussion, much diplomacy, and many specialists involved to evaluate each case. But quick news can be biased, as in Ana Maria Ribeiro's article "Angola may ask Portugal to return art", from 2018.<sup>90</sup> The article presents photographs of several objects of Angolan origin that are on display at the National Museum of Ethnology, the MNE. The problem with this type of approach is that, as much as these photographs may have been shown simply to exemplify what the article is about, it can generate confusion in the interpretation of readers, who may deduce that those are in fact the pieces that have been requested restitution. Moreover, actions like this can discredit institutions that may not have in their collections objects brought in illegally, or that are not or will not be the target of requests for restitution of artefacts.

Like CM, both JN and Público also publish articles taken from news written by Lusa, but in a smaller proportion. Público has 6 out of a total of 25 articles used for this chapter, while JN has 3 out of a total of 8 articles.

### **Jornal De Notícias**

The JN articles suffer from very similar problems to those of CM mentioned in the previous paragraph, however, as much as they do not delve into the minutiae of the theme of restitutions, the newspaper at least divulges events taking place in Portugal, especially Lisbon, that cover the theme.

JN sometimes resort to Lusa, which can make articles from different periodicals blur into a somewhat plasticised work in the *copy+paste* style. But despite that, an interesting aspect to be noted in the JN articles is that the works published by the collaborating journalists are freer to let traces of opinion escape, even though this is not the current profile

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<sup>90</sup> Ribeiro, "Angola pode pedir devolução de arte a Portugal." Accessed on: 21 April, 2023.

of this newspaper. In an article called "No African government claimed works to museums" written by Catarina Ferreira and published in May 2021, the journalist starts the article using the term "*celeuma*" to describe all the discussion and debate involving the return of cultural objects to requesting communities.<sup>91</sup> The term used by Catarina can be interpreted, according to Dicio (dictionary of the Portuguese language), in two ways: a vehement and passionate discussion or excessive agitation; racket and tumult.<sup>92</sup> The choice of the term is curious precisely because of the ambivalent meaning it can connote.

Another point of interest that we can verify by studying the JN articles is the temporal spacing between publications on the theme of restitutions. The JN is the only one among the three chosen for this work that published articles on this theme in the first decade of the 21st century, exactly 15 years ago. As seen in the second chapter of this thesis, this is a very long-standing theme that unfolds in many nuances and discussions, but it was in the 1970s that it gained strength with the involvement of UNESCO, and after 1995 with UNIDROIT. The articles in question are both from 2007.

The first one, entitled "Europe\Africa Scholars want to debate restitution of African cultural heritage at the summit", provided by Lusa, puts forward expectations of what should happen at an event called II Africa-Europe Summit, scheduled to start in December of the same year, 2007, and stresses that the restitution of African cultural heritage is a subject that should receive special attention during the event.<sup>93</sup> According to the article, Manzambi Vuvu Fernando and Patrícia Barreto defend this idea. The first is a professor at the University of Porto and Angolan, the second is a professor at the Universidade Lusíada in Lisbon and director of the Office of International Cultural Relations of the Portuguese Ministry of Culture. In the article, the interviewee Vuvu Fernando lamented the lack of good conditions for the preservation of heritage returned to the countries of origin. Vuvu Fernando proposed, more than a decade ago, that bilateral talks should begin to gather data and map the origin of objects, in order to find out which were taken illegally or without permission from the countries of origin. He also proposed that European countries (especially the ones once colonisers) create policies to help African museums establish good conditions for heritage preservation. He cites that in Portugal there were already mapping projects underway, to discover the origin of the collection that came from former Portuguese Africa.

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<sup>91</sup> Ferreira, "Nenhum Governo africano reclamou obras a museus." Accessed on: 22 April, 2023.

<sup>92</sup> Dicio. "Celeuma." Accessed on: 17 April, 2023.

<sup>93</sup> Lusa. "Europa/África Acadêmicos querem debater na cimeira restituição de patrimônio cultural africano." Accessed on: 21 April, 2023.

The second article from 2007 published by JN, and also provided by Lusa, is called “Africa Day: Kofi Annan and Jorge Sampaio at conference in Lisbon”.<sup>94</sup> This article describes what the commemorative event for Africa Day, which takes place every 25th May, would look like. Part of the programme for one of the four main panels (called Cultural Issues) involved the theme of restitution of African cultural property. “The Conservation of Material Heritage and Museum Policies in Africa” was presented by Manzambi Vuvu Fernando, and “International Law on Cultural Heritage and the Restitution of African Cultural Property” had Patrícia Barreto as speaker. Both panel presenters have also been quoted in the previous article.

Of the remaining articles, four deal with the topic of restitutions in an indirect and superficial manner, diluted in texts on other subjects. The last two are more specific on Portugal's situation in this scenario of restitution claims. One of them is authored by Ana Gaspar, “Government has no requests to return heritage to the former colonies”, from 2020.<sup>95</sup> In it she writes about the Angolan government's intention to ask for cultural objects back, but states that Portugal's Ministry of Culture has not yet received any formal request. Finally there is an informative article of unknown authorship entitled “Portuguese government will list heritage originating from the former colonies”, from 2022.<sup>96</sup>

The end of the past decade and the beginning of the current one has seen an accelerated development in the debate on restitutions of cultural objects, not only in Europe but around the globe. During the selection of articles for this thesis I could notice a considerable growth of media coverage on this debate, especially after the release in 2018 of Felwine Sarr and Bénédicte Savoy's *Rapport sur la restitution du patrimoine culturel africain*, a report on the situation of African art found in French museums commissioned by President Emmanuel Macron. The interesting thing about the JN articles found for this research is precisely the step back in time. Well before the Elgin Marbles were back in the news and the Benin Bronzes became the cover of a newspaper, academics and researchers had been discussing the subject for decades. The preceding paragraphs serve to exemplify this issue very well. The new museology, very informed and focused on the deconstruction of a

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<sup>94</sup> Lusa, JSD. “Dia de África: Kofi Annan e Jorge Sampaio juntos em conferência em Lisboa.” Accessed on: 21 April, 2023.

<sup>95</sup>Gaspar. “Governo não tem pedidos para devolver património às ex-colónias.” Accessed on: 22 April, 2023.

<sup>96</sup>Unknown authorship. “Governo português vai fazer lista de património com origem nas ex-colónias.” Accessed on: 22 April, 2023.

colonial hegemony in museums, has been battling for the decolonisation not only of physical spaces, but of thought.

### **Público**

On this path to discuss decolonisation, it is undeniable that Público newspaper is the most open to dialogue and the one that keeps more open spaces for the sharing of different opinions, and this is clear in its editorials. An example of distinct views are the articles written by Luís Raposo, archaeologist and president of ICOM Europe, and António Pinto Ribeiro, researcher and cultural programmer at the University of Coimbra. Raposo writes in a language that is always passive-aggressive, and sometimes quite sarcastic, as in these excerpts taken from the article “Legitimate and intolerable in the return ‘to origin’ of museum collections”, published in December 2018:<sup>97</sup>

Collusion pure and simple, of course: this science and Enlightenment thing is a Western invention, designed to reinforce colonial oppression.<sup>98</sup>

And also:

The consigne is to cry out against relations of colonial oppression and spoliation, regardless of when they took place, and to demand to repair them by rolling back history as far as it needs to go. Take the example of the 25 obelisks of Pharaonic Egypt known to date: only four are in Egypt; the rest are out there, mainly in Europe but also outside. So let them return. Perhaps starting with the one that the colonised and oppressed Cleopatra "gave" to the colonising and oppressor Julius Caesar and, after various misadventures, ended up settling in Rome's Piazza del Popolo in the 16th century.<sup>99</sup>

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<sup>97</sup> Raposo. Legítimo e intolerável na restituição “à origem” de colecções dos museus. Accessed on: 23 April, 2023.

<sup>98</sup> Original in Portuguese: “Conluio puro e simples, claro: esta coisa da ciência e das Luzes é invenção ocidental, destinada a reforçar a opressão colonial.”

<sup>99</sup> Original in Portuguese: “A consigna é a de clamar contra relações de opressão e espoliação colonial, independentemente de quando tenham ocorrido, e exigir repará-las, fazendo a história recuar até onde for preciso. Tomemos o exemplo dos 25 obeliscos do Egito faraónico conhecidos até hoje: somente quatro estão no Egípto; os restantes andam por aí, principalmente na Europa, mas também fora dela. Que regressem, pois. Começando talvez pelo que a colonizada e oprimida Cleópatra ‘ofereceu’ ao colonizador e opressor Júlio César e, depois de peripécias várias, acabou desde o século XVI por assentar arraiais na Praça do Povo, em Roma.”



It is very clear the tone of mockery which, however entertaining it may be, is a disservice to the debate. Raposo uses a deliberately anachronistic example to try to exacerbate an absurd situation which has nothing to do with the reality of what colonialism was in Africa. While Ribeiro is always very measured, he is also a great advocate of what he calls universal justice.

Ribeiro states that the restitution of objects in exile is a central theme in the process of the end of colonisation. He posits restitutions as "humanism and a political contribution to peace and the achievement of universal justice." In his analysis called "Restitution: the return of exile", from 2023, he cites three factors for the acceleration of the debate in recent decades: the debate on the need for a decolonisation of Europe, the US and Canada; the development of a new decolonising museography; and the report by Felwine Sarr and Bénédicte Savoy, *Restituer le Patrimoine Africain, Negotiating the Future of Colonial Cultural Objects*, carried out at the request of Emmanuel Macron and published in 2018.<sup>100</sup> It is worth remembering, however, that the publication of this report did indeed contribute to an increase in the volume of articles published in the three newspapers analysed here, but this theme was already present even before 2018. In the same article, Ribeiro also mentions three reasons to explain why there are few restitution claims from former African colonies: the liberation wars followed by civil wars, in which many "memory keepers" died; the displacement of considerable numbers of people from their original region; and due to the relations of dependency that exist between many African and European states. In other words, the article provides the reader not only with information about "what", but also "why" and "how", educating the newspaper consumer on a very relevant agenda that tends to gain more and more momentum.

An event that drew a lot of media attention when it occurred in 2020 was the proposal by Joacine Katar Moreira, a politician from the Partido Livre, that an inventory of the heritage of the former colonies present in Portugal should be made on a voluntary basis and without waiting for formal requests for restitution, in order to advance the decolonisation of culture and knowledge.<sup>101</sup> About this, *Público* published an opinion column, signed by João Miguel Tavares, a journalist who declares himself centre-right in the political field. The article is called "Return to its origin the art that nobody asked for", from 2020, and in it Tavares accuses Joacine Katar Moreira of "stealing international polemics" to become a focus

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<sup>100</sup> Ribeiro. *Restituição: o regresso do exílio*. Accessed on: 23 April, 2023.

<sup>101</sup> Canelas. *Um inventário de bens culturais para pôr Portugal a pensar sobre a colonização*. Accessed on: 23 April, 2023.

of news and advance more progressive causes. In this politically motivated attack on Moreira, the journalist states that:

The discussion about the return of heritage to the countries of origin is all very fine, yes, as is the untiring desire to do penance for our colonial past, but for the debate and the penance to make any sense, we should first ensure this: that there are works with significant artistic or symbolic weight to be returned.<sup>102</sup>

Tavares makes an unreasonable value judgement of what could be considered "of artistic weight", besides mocking the idea of acknowledging the Portuguese colonial past. The same type of value judgement can be noticed in Lucinda Canelas' article "National Museum of Ethnology, a case apart", from 2018, when the journalist's interviewee was the director of the National Museum of Ethnology, Paulo Costa.<sup>103</sup> The director of the MNE states that he does not know how exactly the pieces of African origin that make up the museum's collection were obtained, "some may have problematic origins. But they are quite uninteresting pieces", most of these artefacts are in reserve, and therefore "there is nothing unique among them that deserves a restitution request". Again, what makes this kind of speech problematic is to say which piece is or is not interesting, since this is a value judgement that comes from the Portuguese gaze but may not correspond to the view of other professionals, especially those who share their origin with these objects. About the National Museum of Ethnology, which may be the target of larger restitution requests due to its vast collection, Tavares states that it was once a respected institution, but that it is in full decline and is now the second least visited museum in the country.<sup>104</sup> By making a point of highlighting the decadence of the MNE and bringing it to a level of insignificance, Tavares also places the objects housed there in the same situation.

Starting from the example of the MNE, it is possible to perceive a facet very specific to the Portuguese case that is the echo of Lusotropicalism in current discourses. Paulo Costa always emphasises how political the issue of restitutions is and that as much as this is a global issue, "one must carefully assess each national context."<sup>105</sup> However, it is very easy to

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<sup>102</sup> Tavares. "Devolver à origem a arte que ninguém pediu." Accessed on: 24 April, 2023. Original in Portuguese: "A discussão em torno da devolução de património aos países de origem é muito gira, sim senhor, tal como o infatigável desejo de penitência pelo nosso passado colonial, mas para que o debate e a penitência façam algum sentido convém garantir primeiro isto: que existam obras com um peso artístico ou simbólico significativo para devolver."

<sup>103</sup> Canelas. "Museu Nacional de Etnologia, um caso à parte." Accessed on: 24 April, 2023.

<sup>104</sup> Tavares. "Devolver à origem a arte que ninguém pediu." Accessed on: 24 April, 2023.

<sup>105</sup> Canelas. "Museu Nacional de Etnologia, um caso à parte." Accessed on: 7 April, 2023.

use this argument and fall into the myth of Portuguese exceptionalism proposed by Lusotropicalism.

The MNE was the first public ethnographic Portuguese museum, created on 19th March 1965. At that time it was still called Museu de Etnologia do Ultramar - MEU. The museum was not only created during the Estado Novo, but was in fact a State project. What differentiates it from other European national museums is precisely its late creation in the colonial period, so close to the wars of independence in the former colonies. Its collection is also considerably smaller, containing artefacts from various continents, but mainly African ones collected mostly between 1956 and 1972, and artefacts from Portugal, especially from the rural world.<sup>106</sup> The purpose of the large presence of these Portuguese cultural objects was to distinguish the MNE, until then still called Museu de Etnologia do Ultramar, from other European museums with a strong colonial character.<sup>107</sup> By bringing together in the same space pieces that represented the culture of all the regions of the Portuguese empire, including the metropolis, the message conveyed was very clear: Portugal has no colonies, as the overseas provinces are part of the nation. It is one nation, one state comprising the metropolis and the African territories. For a museum that claimed to be neutral and claimed not to participate in the policies of the Estado Novo, the Lusotropicalist message of this conformation is blatant.

There are two more moments in which Gilberto Freyre's quasi theory is alluded to in this sample of articles from *Público* selected for this work. Lucinda Canelas in "It is necessary to return heritage, but first it is necessary to admit the error of colonization", from 2018, already makes her opinion explicit in the title of the article.<sup>108</sup> In it, Canelas quotes António Sousa Ribeiro, who states that "our politicians have to stop parroting platitudes inherited from the Estado Novo propaganda that speak of the Portuguese as good colonisers. There are no good colonisers. The myth of the exceptionalism of our colonialism continues in our present and this is very serious".<sup>109</sup> This myth to which Ribeiro refers is nothing more than the myth of Lusotropicalism. Finally, there's another article by Lusa news agency,

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<sup>106</sup>Chuva, "Histórias para descolonizar: o Museu Nacional de Etnologia de Lisboa e suas coleções africanas," 75-76.

<sup>107</sup> Idem, 80.

<sup>108</sup> Canelas. "É preciso devolver património, mas antes há que admitir o erro da colonização." Accessed on: 7 April, 2023.

<sup>109</sup> Original in Portuguese: "nossos políticos têm de deixar de papaguear chavões herdados da propaganda do Estado Novo e que falam dos portugueses como colonizadores bons. Não há colonizadores bons. O mito da excepcionalidade do nosso colonialismo prolonga-se no nosso presente e isso é gravíssimo."

"Restitution of African art should take into account context of each piece, argues Lisbon Geographical Society", from 2020, where the general secretary of the Lisbon Geographical Society, General João Carlos Gerales, argues that the case of Portugal is "specific and as different as was our being in the world".<sup>110</sup> One can notice here the perpetuation of a thought closely aligned to Lusotropicalism coming from a person of prominent position in a prestigious institution in the Lisbon academic environment. To the unaware reader, this excerpt may go unnoticed because it is an article by Lusa, which, despite being relatively extensive, only brings clippings of lines from some interviewees without problematizing this type of speech such as the one by the general secretary.

When I came across such an ideological and discursive discrepancy in the articles in Público newspaper a question came up. What would be the reason behind this editorial choice? I think of two possibilities: the first is that Público really wants to establish itself as this democratic space for debates involving diverse journalists and specialists with very divergent worldviews, as this would place it in a niche market; the second possibility is linked to a more practical issue involving the newspaper's sponsors. To accommodate some demands, the editorial line is compelled to maintain a conciliatory and balanced stance, even though Público is in fact more aligned with a progressive political vision.

### **Critique of The Colonial Past**

For half a century Portugal no longer has colonies, but the process of political decolonization was not accompanied by the decolonization of culture, national symbols, and collective memory. The Portuguese periodicals show us that the issue of restitutions has been present in the media in recent years and that the subject has the potential to cause major upheavals and to rally pro- and anti-restitution advocates in the academic and political fields and in society in general. However, it is impossible to discuss restitution of cultural heritage without acknowledging its colonial past, without thinking about the echoes of this past in Portuguese society, and how this past affects Portugal's international relations with other states, especially its former colonies. Miguel Bandeira Jerónimo and Walter Rossa state that the issue of contested cultural heritages "is thus one of the political debates with the greatest transformative potential of contemporary societies."<sup>111</sup>

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<sup>110</sup> Lusa. "Restituição de arte africana deve ter em conta o contexto de cada peça, defende Sociedade de Geografia de Lisboa." Accessed on: 22 April, 2023.

<sup>111</sup> Jerónimo, Rossa. "O Bem e o Mal Do(S) Património(S)," 8.

It is possible to note through the articles selected for this work that Portugal still has a long way to go towards decolonization, but this discussion is present, and gains some space not only in the pages of Público, but both CM and JN have already conveyed news where we can have a glimpse of the subject. From CM we can extract three articles, "Marcelo Rebelo de Sousa remembers colonial past in which Portugal acted "many times badly", from 2021, and "Portugal owes apology and full responsibility for colonisation", from 2023, both from Lusa, and "Racist ideology. The colonial heritage has values that Africa needs", from 2022, by Manuel S. Fonseca.<sup>112</sup> The first two articles present speeches by Marcelo Rebelo de Sousa, the Portuguese president, in two different situations, an official visit to Guinea-Bissau in 2021 and on the commemoration of the anniversary of the Carnation Revolution this year, 2023. In both he acknowledges that Portugal acted "many times badly" and that it owes an apology for exploitation and slavery in the colonial period, taking full responsibility for such acts. In what seems like an attempt to appease tempers, de Sousa nevertheless affirms Portugal's importance to its former colonies and positive factors of colonisation. In the case of Brazil, he mentions "the language, the culture, the unity of the Brazilian territory". The article signed by Fonseca, curiously with only seven lines, proposes that the former colonies leave aside victimisation. The author tries to legitimise his position by using a Nigerian writer, Olufémi Táiwó, who says he rejects decolonization that infantilizes Africans and disseminates racist ideologies. For Fonseca, the former colonies must "appropriate and make use" of the colonial past and embrace Western values that Africa needs. In fact there are Western values that can be appropriated by any nation that sees sense in applying these values in society. What is striking about this article, especially in contrast to those cited earlier in this paragraph, is the very shallow and superficial way in which this opinion is expressed. When President Marcelo Rebelo de Sousa sets out to acknowledge mistakes of the colonial past, he readily also points out positive factors of this past. The opposite does not happen in Fonseca's text, where the author highlights the values of the colonial heritage, without counterbalancing them with any negative aspects.

The JN offers more articles that address the colonial past of other European countries than its own. Namely from Germany, where the article "City of Berlin partially bids farewell

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<sup>112</sup>Lusa. "Marcelo Rebelo de Sousa lembra passado colonial em que Portugal atuou 'muitas vezes mal'" Accessed on: 25 April, 2023.

Lusa. "Portugal deve desculpa e responsabilização plena pela colonização" Accessed on: 25 April, 2023.

Fonseca. "Ideologia racista. A herança colonial tem valores de que África precisa." Accessed on: 25 April, 2023.

to the German colonial past", from 2022, cites the recognition of the minimisation of injustices and crimes committed in the colonial period.<sup>113</sup> From Belgium, we have "King of Belgium regrets for the first time colonial past in the former Congo", from 2020, where King Philip of Belgium apologises for all the violence and cruelty committed during the reign of King Leopold II.<sup>114</sup> Whoever the author of this article (signed only as JN\Agencias), writes that Leopold II is "accused by some anti-colonial activists for killing millions of Congolese". I find the choice of words in this passage interesting, because someone who is accused of something has not yet been convicted. Thus, Leopold II is not attributed full responsibility for the crimes committed in the Congo. It also draws attention to the use of the indefinite pronoun "some" before "anti-colonial activists", hinting at a reduction in the relevance of these accusations, as it is not unanimous among activists. On the colonial past of the United Kingdom there is the article "Death of Elizabeth II rekindles debate on colonial past in English-speaking Africa", from 2022.<sup>115</sup> Here the JN lists excerpts of notes from former British colonies on the death of Elizabeth II, and I highlight here a specific paragraph: "Her death occurred at a time when European countries are under pressure to come to terms with their colonial history, ask for forgiveness for past crimes ??and return stolen African heritage kept for years in museums in London or Paris"[sic]. Two points in this passage piqued my interest: the mention of the restitution of cultural objects as decolonial action and the presence of two question marks in the middle of the sentence. The curious thing is the positioning of these question marks in the sentence, right after the passage "forgiveness for past crimes". This small lapse may have been a slip of the person who wrote the article, an indication for the author to return to that passage and include information about which crimes, specifically, were committed, but forgotten. Or it may also denote perplexity regarding what was written, as if to question the existence of these crimes. The first possibility is much more plausible than the second, but the question remains. About the Portuguese colonial past, there are some informative articles about the speeches of president Marcelo Rebelo de Sousa that follow a similar line to those of CM, being only compilations of excerpts of these speeches without a greater depth on the subject.

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<sup>113</sup> JN\Agencias. "Cidade de Berlim despede-se parcialmente do passado colonial alemão." Accessed on: 26 April, 2023.

<sup>114</sup> JN\Agencias. "Rei da Bélgica lamenta pela primeira vez passado colonial no antigo Congo." Accessed on: 26 April, 2023.

<sup>115</sup> JN\Agencias. "Morte de Isabel II reacende debate sobre passado colonial na África de língua inglesa." Accessed on: 26 April, 2023.

It is no longer a surprise to notice the highest volume of articles in *Público* when the subject is the Portuguese colonial past. Columnists António Pinto Ribeiro and Lucinda Canelas, both recurrent presences in *Público*'s editorials, express similar opinions on the way Portugal deals with its past. Ribeiro states that "In Portugal, whose history, economy and population are inextricably linked to slavery and colonialism, the situation oscillates between a generalised alienation of the population and a passive resistance on the part of decision-makers. (...) there is a colonial melancholy and a refusal to confront History in its darkest facts."<sup>116</sup> Canelas seems to complement this thought when she writes that "Portugal preferred to heal the wounds of dictatorship and colonialism through amnesia."<sup>117</sup> Lucinda Canelas also signs the article "The Portuguese colonial empire was as exceptional as any other", from 2015, where she interviews two historians, Miguel Bandeira Jerónimo and Diogo Ramada Curto, who explain to the reader why Lusotropicalism is a myth. Since Portugal also used violence by enslaving, exploiting, repressing and denying the humanity of the colonised subjects, it cannot be claimed that it was an exception among empires.<sup>118</sup>

This chapter demonstrates that, to a greater or lesser extent, the Portuguese colonial past is discussed outside the confines of academia. It is up to the readers of these newspapers to decide what to make of this information.

## CONCLUSION

The first section of this thesis showed some insight into the evolution of the debate on the restitution of cultural heritage. It is ironic to think that museums are at the centre of the disputes on this issue. When there is a request for restitution by some nation, it is very common that the requested object is housed in a museum. This is the institution that for so long was perceived as a kind of mausoleum, static and obsolete. This perception, however, is completely mistaken. Museums can be dynamic places. Just remember the new definition of museum proposed by ICOM. By moving research to the top of the list of actions, the possibilities for renewal are quite vast.

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<sup>116</sup> Ribeiro, "Restituição: o regresso do exílio." Accessed on: 30 April, 2023.

<sup>117</sup> Canelas, "É preciso devolver patrimônio, mas antes há que admitir o erro da colonização." Accessed on: 30 April, 2023.

<sup>118</sup> Canelas, "O império colonial português foi tão excepcional como outro qualquer." Accessed on: 30 April, 2023.

Thinking of museums as places of reconciliation is a process of rediscovering the possibilities that a museum offers. Through research and the renewal of knowledge, museums open the door to a lasting reconciliation with their pasts of pain, struggle and inequality. So the very institution labelled as static can be the agent of change.

The treaties and conventions that emerged in the first half of the last century are proof of the constant need for change. The pioneer treaties, such as the 1954 Hague Convention, were becoming outdated in some aspects, especially by not including the ethical aspect in their clauses, only the legal scope. Thus, new conventions have emerged over the decades to diplomatically assist countries and peoples in the restitution process. The UNESCO Convention on The Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, The UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation and The UNIDROIT Convention On Stolen Or Illegally Exported Cultural Objects are examples of these conventions, but even they still stick to legal concerns more often than not.

It is up to historians, museologists, professionals in the cultural field and related areas to advance the debate to areas that UNESCO or UNIDROIT still cannot reach. The issue of historical reparation has been much discussed, and positioning the debate on the restitution of cultural heritage as a form of decolonisation has been generating heated, passionate discussions, but of great relevance to the global context in which we live.

As was noted in chapter two, there is no consensus among specialists in this field, and I dare say there never will be. What impoverishes the debate, however, is to stick to one view and ignore all the contributions that a varied reading on the subject provides. By bringing in Louise Tythacott, Kostas Arvanitis and James Cuno as complete opposites, my intention was to show that obviously one may tend more towards one side or the other, but all the authors have interesting and relevant views. So caution should be exercised in restricting possibilities. It is the diversity of ideas that inspires change.

To close this section, and this thesis, I turn my attention back to the third chapter to weave together my arguments. By cross-referencing information from the different articles analysed in the third chapter, one notices that there is room for debate, and that different opinions are welcome in the publications. However, the articles expressing opinions contrary to the restitution are a minority, and even in these, one notices that the issue of legality is brought to the fore. That is, if it is proven that the object was obtained in an illegal way, as in looting and theft, then restitution should occur. Most articles are either of a purely informative



nature, without actively offering an opinion on the topic, or advocate restitution. However, when interviewees connected to museums are involved, as in the case of Paulo Costa, director of the MNE, one notes a reticence and a certain reluctance to accept the advancement of the debate beyond legal issues.

As discussed in the first chapter, restitution can be seen in different ways, but there is more to it than just the legal aspect. The act of restitution can be seen as an ethical and moral issue, and as part of the process of decolonising societies. This view is shared by Público newspaper contributors Lucinda Canelas and António Pinto Ribeiro, for example.

It is worth noting that only one of the selected articles mentions international and transnational authorities such as UNESCO and ICOM in a case directly linked to Portugal. This Lusa article mentions Angola's intention to ask these institutions to help the Angolan state recover part of its heritage that can now be found in Europe and the Americas.<sup>119</sup> Neither in this nor in the other articles there is more explanation on why it is important to involve these institutions. Perhaps this is because there is still no official request for restitution before the Portuguese state, so the involvement of UNESCO and ICOM is something that hangs in the realm of possibilities and there is nothing concrete. Another possibility, especially when thinking of restitution as decolonisation, is that for those who defend this idea there may not be a need for the involvement of any other instance than the requesting country and the one receiving the request. This is because it would already be a sort of obligation for Portugal to recognize the need for restitution, and bilateral diplomatic relations would suffice. One impediment for this to happen without major legal obstacles is the way in which Portuguese law deals with this issue. The Portuguese constitution does not allow its cultural heritage to leave the country, but as historian Julia Trindade explains, this can be an impediment for the restitution of cultural objects since Portuguese law has a broad conceptualisation of what heritage is.<sup>120</sup> This means that, in practice, one could use the argument that if an object is already seen as part of the Portuguese heritage, it could not be returned to its country of origin.

What became evident about the Portuguese colonial past is how persistent it is. And the persistence of this past takes place through "the political discourse, which has repercussions in the public space and in society, as well as in the academy itself,

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<sup>119</sup> Lusa, "Angola quer apoio da UNESCO e Interpol para recuperar coleções culturais dispersas." Accessed on: 30 April, 2023.

<sup>120</sup>Trindade, "Restituição de Bens Patrimoniais em Portugal: Da década de 1980 à actualidade," 51-52.

notwithstanding the effort to change this state of affairs."<sup>121</sup> In several articles the echoes of Lusotropicalism were noted, whether in the speech of interviewees such as the secretary general of the Lisbon Geographical Society or in the combative discourse to this type of thinking in journalists' writings. In an article by Ana Teresa Peixinho and Gustavo Freitas analysing narratives about the Angolan War of Independence in Angolan and Portuguese newspapers, the authors note that "changes occur through a slow process, since imperial and Salazar discourses still have uncritical space in Portuguese narratives that (...) continue to be guided by colonial imaginaries of a glorious past, expansion and discovery".<sup>122</sup> The analysis in the case study of this thesis verifies this same reality.

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<sup>121</sup>de Sousa, Khan and Pereira, "A Restituição Cultural Como Dever de Memória," 11.

Original in Portuguese: "do discurso político, que tem repercussões no espaço público e na sociedade, quer na própria academia, não obstante o esforço em alterar este estado de coisas."

<sup>122</sup> Peixinho and Freitas, "A Guerra Colonial nas Narrativas Mediáticas: Como os Jornais de Portugal e Angola Recontaram uma Efeméride 60 Anos Depois," 86.

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