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## Book Reviews

Bénédicte Savoy. **Afrikas Kampf um seine Kunst. Geschichte einer postkolonialen Niederlage** [Africa's Fight for Its Cultural Heritage: History of a Postcolonial Defeat]. Munich: C.H. Beck, 2021. Pp. 256. €24.00. ISBN: 9783406766961.

From the movie *Black Panther* to Emanuel Macron's 2017 Ouagadougou speech, restituting looted art to former colonial territories and protectorates is all the rage. A hot-spot of recent debate is Germany, provoked by the opening of the freshly reconstructed Hohenzollern Castle right in the centre of Berlin, the former imperial capital and host of the 1884 Berlin Congress that sealed the European conquest of Africa, much to the delight of the German emperor. Unwilling or unable to understand the implications of their choice, the curators decided the castle should host an anthropological museum, whose collections include plenty of controversial artefacts that were taken from their countries of origin in a colonial context. The ensuing restitution claims caught the museum off-guard, leading to a rear-guard battle that finally prompted the recent restitution of some sculptures taken by force from ancient Benin by the British in 1897 and bought by Germans on the art market.

In her much-noted book, Bénédicte Savoy shows that the curators should have known better. The recent debate is to an incredible extent a mere revenant of an older, but largely forgotten, wave of restitution claims spanning from the early 1970s to the mid-1980s that produced underwhelming results. Savoy reconstructs the rise and fall of this earlier debate in chronological order. Each chapter focuses on one year and one remarkable event. Rather than rehashing each chapter in some detail, this review zooms in on the cross-cutting themes that emerge.

### 1 The Beginning

The earlier wave of restitution claims emerged soon after many former colonial territories had become independent states in the post-war era. Political leaders in the newly independent states were acutely aware that their states, formed along colonial borders in accordance with the principle of *uti possidetis*, would have a difficult time to ensure the cohesion of their population. They therefore deemed it necessary to invoke a common culture and history. This goal, however, required ownership of their culture, both in the material sense of possessing the most important artefacts and in the intellectual sense of wielding interpretative power over them. People from newly independent states voiced these concerns early on at occasions like the *Présence Africaine*, the first meetings of black artists and writers in Paris in 1956. They were aware that culture meant power. Savoy therefore puts this meeting in line with the Bandung conference as manifestations of the awakening of the global South as a geopolitical actor.

Former colonial powers sought to undermine these first attempts. They reacted by putting in place legal arrangements for preventing the handover of looted art to newly independent states, including the relocation of artefacts from (still) colonial territories to Europe and the redefinition of their legal status (at 13). Moreover, they steadfastly refused to cooperate with newly independent states with respect to their cultural heritage. This frustrated these early efforts at restitution. This led to great disappointment, which is evident in a publication by the Nigerian government marking the 1966 Festival des Arts Nègres in Dakar. Nigeria had requested to obtain the Queen Idia Mask from 16th-century Benin as a loan from the British Museum for this occasion, but the British Museum declined the request. Nigeria responded by putting a picture of the mask, which is also the cover image of Savoy's book, on the title of this publication, adding the defiant caption 'Our cultural heritage' (at 18).

As so often happens in this field, things only began to move when the Western hemisphere faced an economic crisis and a new generation of actors generated a public outcry. In 1971, Nii Wate Owoo from Ghana produced a provocative film entitled *You Hide Me*, featuring African artefacts hidden in the magazine of the British Museum, which elicited a lot of attention in the newly independent states. Nigerian archaeologist Ekpo Eyo approached multiple Western museums for loans of a limited number of exceptional artefacts (at 21ff), and political leaders launched an initiative at the United Nations (UN) in 1973, spearheaded by Mobutu Sese Seko. This initiative culminated in UN General Assembly Resolution 3187(XXVIII) of 18 December 1973 'on the restitution of works of art to countries victims of expropriation', with former colonial powers abstaining. Reflecting the desires of the leaders of the newly independent states, the resolution begins by invoking human dignity and the significance of culture for a country's overall development and recognizes the 'special obligations' of former colonial powers in relation to restitution. The response to this resolution followed a predictable scheme of claims and counterclaims: media initiatives catalysed a public outcry triggering institutional activity that ended in high-flying, yet non-binding, commitments, while all of the artefacts remained in place on the shelves of museums in London, Paris, Tervuren, Berlin and Stuttgart.

## 2 Claims and Counterclaims

One might best characterize the claims raised by newly independent states for material and intellectual ownership of their cultural heritage as a concern for cultural self-determination. Their representatives invoked national identity, appealed to morality and demanded better access in light of increasingly restrictive visa conditions. By contrast, at no point in Savoy's account do claimants invoke property rights. Rather, their position reflects a demand for dignity and justice. At issue was clearly their essentially non-commercial relation with the looted objects – namely, their human right to a cultural memory. Against this background, the principal argument advanced by governments and museums in former colonial powers is conspicuous: it is the claim that everything had been legally acquired (at 8, 31, 40, 50, 60, 74, 83, 121, 198) – a claim made as often without prior examination as without substance. It certainly was not

a misunderstanding. The curators knew all too well about the cultural significance of their holdings. Rather, by shifting the debate to the terrain of titles to property, they deliberately chose to add insult to injury. Profanizing sacred objects as commodities undermined the very substance of the restitution efforts: if you sold your crown jewels, they probably were not crown jewels in the first place. It helped little that newly independent states insisted on designating themselves in Resolution 3187 as 'victims of expropriation' (at 49). Intended as a moral statement, they may have inadvertently paved the ground for arguments based on property rights.

Whatever the representatives of newly independent states did – at the UN Educational, Scientific and Cultural Organization under the leadership of Amadou-Mahtar M'Bow; at the International Council of Museums; in politics, documentaries or at exhibitions like the 1977 Festic art festival in Lagos – the responses followed a similar pattern: former colonial powers discredited, belittled and patronized the claimants, often with racist undertones, so that their claims would look ridiculous. Among the more frequently used excuses were allegations to exercise guardianship, particularly to ensure conservation (at 42, 57, 67, 90, 122, 155); exhortations to stop being so 'emotional' (at 109, 123, 135, 160); the spreading of fake news (at 78, 104); and dilatory strategies (at 41, 66, 81, 135, 160). When all of these efforts ceased to convince, the defenders in the host countries turned 180 degrees and declared looted artefacts to be a common heritage of universal value (at 121, 127, 154), which apparently only Europeans would know to identify and preserve. As with the appeal to property rights, law again did a formidable job in supporting this strategy. The defenders shifted to a different legal concept, which looked neutral and apolitical enough to buy time and get out of the line of fire, for what could be more unsuspecting than a concept reflecting universal values, which just happened to be protected in a Western museum?

### 3 Agents and Counteragents

In a surprising plot twist, Savoy shows that the *dramatis personae* are structured around similar cleavages in the home and host countries, which seem to have lost little of their relevance even today. Those individuals pushing for restitution were overwhelmingly young, sometimes barely 30 years of age; those from Europe had spent substantial time in African countries and many of them were female (at 53, 60, 61, 83, 86, 90, 92, 139, 165, 166, 171, 181, 193). Curators like Ekpo Eyo from the Nigerian Antiquities Administration or Herbert Ganslmayer, director of the Bremen Übersee Museum – who spearheaded attempts to ensure a restitution of artworks during the 1960s and 1970s – were born in the 1930s; Mobutu Sese Seko and German State Minister Hildegard Hamm-Brücher – politicians who amplified the requests of curators – born in 1930 and 1921, respectively.

They confronted a generation of curators and political leaders who were not only older but also almost exclusively male. The European curators and government staff rejecting restitutions most vigorously were usually those individuals with the least experience in Africa; in fact, as in the case of Friedrich Kußmaul, long-time director of

the Stuttgart-based Linden Museum, they had hardly ever left their stomping grounds in Swabia. What is more, German anti-restitutionists were connected by a much more sinister trait – their affiliation with the Nazi party.

#### 4 A German *Sonderweg*?

Which brings me to the issue of whether there is anything specifically German to the rejection of restitution claims. Savoy's work focuses on Germany, the place of her academic home institution and a hotspot of recent debates. But is Germany doing any worse than any other former colonial power? As Savoy shows, restitution claims fell on more fertile soil in countries like France and Belgium. Although not all is well there either: these countries recognized the strategic implications of restitutions in the course of the tumultuous 1970s. Germany, however, was not alone in its stubbornness; British museums and politics adopted a similar attitude, prohibiting restitutions by the British museums by law, while university collections were shielded by their private legal status (at 170).

Does this disprove the existence of a German *Sonderweg*? Clearly, there is no trace of a *Sonderweg* in the sense of the late 20th-century claims explaining Germany's decline into Nazi dictatorship by reference to its allegedly belated democratization. German institutions did not reject restitution claims because Germany had been a latecomer among democratic nations. However, the shared Nazi past of the most ardent restitution deniers is too remarkable to be ignored. It points to deeply seated racist attitudes. Whether they result from Nazi propaganda, a lack of personal exposure to post-colonial countries as a result of the early loss of the colonies or other factors, we will never know. However, what may have additionally contributed to this particular *Sonderweg* is the fact that large numbers of the elite in post-war Germany ceased to think about foreign policy in other than economic terms – a trait that can be observed with utmost clarity in German reactions to the Russian aggression against Ukraine. With this mind-set, it would have been very hard to understand the non-economic motivation inspiring restitution claims.

#### 5 The End

Why did the restitution efforts of the 1970s collapse in the early 1980s to an extent that it is primarily only experts in global art history that know about them today? The obvious reason is that these efforts led to nothing. Museums and governments in former colonial powers simply sat them out, and the force was with them. The less obvious reason relates to international economic law: the global rise of neo-liberalism (at 144, 168). It favoured development policies focusing strictly on economics while sidelining culture. Austerity caused a cultural blood loss, which had a devastating impact on museums in the global South, and elites lost their interest in culture – partly out of frustration and partly because money, rather than culture, became the glue that held their countries together under increasingly dreadful and more violent political conditions.

## 6 Upshot

Savoy's book is the account of an art historian. While she takes a broad approach that relies on multiple sources from letters to documentaries, the law looms large in the background of the restitution debate that she reconstructs. As if to confirm critical accounts of the law, Savoy shows how former colonial powers used law to craft their position in seemingly neutral, apolitical terms. Moreover, the shifts from cultural self-determination to property rights, and from the rights of states to the cultural heritage of humankind, underline that law is not just a random instrument of power but also one that can make a decisive difference by changing the terms of the debate to refresh structural asymmetries. It is astonishing to see law's power of persuasion in the restitution debate. There seems to be a deeply entrenched belief in law as a synonym for justice, and, thus, hiding behind the law proved for decades to be a convenient strategy for avoiding the demands of justice.

It is interesting to compare Savoy's findings to Germany's practice of restituting artefacts looted by the Nazi regime, another area in which German public institutions were confronted with reparation claims. While the law enacted by the Allied powers and the 1952 Transfer Agreement imposed obligations on Germany to restitute looted objects, post-war Germany made it rather difficult for victims to reclaim their property. Time limits for lodging claims were notoriously short, and it was up to the victims to identify and locate their property. Only the 1998 Washington Declaration – outlining principles for the restitution of Nazi-confiscated art and paving the way for the systematic assessment of restitution claims – was a game changer. Given that anti-Semitism overlapped with racism, Germany's equally poor restitution practice with respect to both the Nazi dictatorship and the colonial era underlines the continuities of racial discrimination in the law even after World War II. Seen from this angle, we seem to overestimate 1945 as a *caesura*.

It is equally instructive to compare Savoy's account with the development of international economic law. The restitution debate coincides with the plea for a New International Economic Order, and, at the beginning of the 1980s, both developments had collapsed in light of the rising Washington Consensus. Savoy even shows the connecting dots – economic distress deflected time, resources and negotiating potential from cultural issues. For international lawyers, this points to the yet largely underexplored cultural repercussions of the much-studied shift to neo-liberalism. International economic relations may infringe cultural rights. Conversely, it is difficult to imagine the enjoyment of cultural rights in the absence of fair global economic conditions. We should keep this in mind in the current wave of restitution claims and the coinciding upheaval of the international economic order.

Matthias Goldmann

*Professor of International Law, EBS University, Wiesbaden, Germany;*

*Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany*

*Email: [matthias.goldmann@ebs.edu](mailto:matthias.goldmann@ebs.edu)*

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