

Contested Histories in Public Spaces

Principles, Processes, Best Practices

An International Bar Association
Task Force Report



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Contested Histories in Public Spaces

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Cover image: A statue of Winston Churchill in London's Parliament Square is defaced for a second day, amidst Black Lives Matter protests in June 2020. © Ben Thornley/Shutterstock

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In Memoriam

Edward Mortimer, CMG
1943-2021

The Task Force acknowledges the significant contributions of Edward Mortimer to this volume of case studies and to the broader Contested Histories in Public Spaces project. Edward was central to the initial framing of the project and remained deeply engaged in the work. His wisdom, insight, and commitment to human rights and human dignity are reflected in these pages. This volume is dedicated to him.

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*The opinions expressed in these case studies do not necessarily reflect those of the individual contributors or supporting institutions.**

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Preface

In June 2020, then United States President Donald Trump signed an executive order ‘protecting American monuments, memorials, and statues’, and threatening ‘vandals’, ‘rioters’ and ‘left wing radicals’ with imprisonment. A few weeks earlier, United Kingdom Prime Minister Boris Johnson had issued a similar threat: ‘I will not support or indulge those who break the law’, he said, following attacks on statues across the country; ‘[i]f you want to change the urban landscape, you can stand for election or vote for someone who will’. French President Emmanuel Macron also addressed his nation about its public monuments: ‘[t]he republic will unbolt no statue’, he said in a televised address; France would ‘not erase any trace or any name from its history’. Since the killing of George Floyd by police in Minneapolis, Minnesota, on 25 May 2020, and the increased activism of the Black Lives Matter movement, statues and monuments have become centrepieces of mass protests. They have been spray-painted, torched, decapitated, toppled and, in several cases, thrown into harbours or lakes.

In autumn 2017, when our three institutions – Salzburg Global Seminar, the Institute for Historical Justice and Reconciliation (IHJR) and the International Bar Association (IBA) – launched the Contested Histories in Public Spaces project, disputes over historical legacies in public spaces had already, for a decade or more, been raising important policy questions for decision-makers around the world. Russia and Estonia had severed economic ties over a Second World War memorial. In Buenos Aires, Argentina, the president of the country and the mayor of the capital had publicly clashed over jurisdiction over a monument to Christopher Columbus. A bronze sculpture titled ‘Statue of Peace’ temporarily ruptured diplomatic relations between Japan and Korea. Political and legal battles raged across the US over the symbols and statues of Confederate soldiers. There were equally intense disputes over the legacies of colonialism and slavery in Africa and Europe. We could not help but notice, beyond the public attention and fierce emotions, the uneven and sometimes conflicting responses by authorities at the municipal, provincial, state and national levels.

Back in autumn 2017, it was our goal to provide future decision-makers with a set of principles and potential guidelines for responding to these contestations in an effective and responsible manner, and, most important, within the framework of existing legislation or local ordinances. In March 2018, All Souls College, Oxford, hosted a two-day meeting, where we framed the parameters for a multi-year project intended to examine the social, political and legal issues facing decision-makers seeking to address contested historical legacies in public spaces. We established an international Task Force chaired by the Rt Hon Baroness Prashar of Runnymede, a crossbench member of the House of Lords. The other Task Force members included Yves Doutriaux, Jeffrey Golden, Richard Goldstone and Edward Mortimer, as well as the three of us as co-conveners. During a second Task Force meeting in Paris in November 2018, we reviewed 25 case studies taken from a global survey of more than 160 disputes in Africa, Asia, Europe and the Americas. We ultimately selected ten cases for their ability to provide insights and lessons into the range of possible remedies for addressing contestations over statues, monuments, buildings and street names. The case

study research was conducted by teams of experts with direct knowledge or experience in the individual disputes. The work was supported by more than a dozen research assistants from Harvard University, the University of Oxford, Erasmus University in Rotterdam and the European Association of History Educators (EuroClio) in The Hague. Final drafts of the case studies were submitted for peer review, then finalised for publication.

We had intended to convene four Task Force meetings, with three at Oxford and one in Paris. We convened the Paris meeting and the first two Oxford meetings, but the global pandemic forced us to postpone the final review from March to September 2020, then to December 2020. We assumed we had adequate time to complete the project. However, following the tragic events of this past spring, and the subsequent protests over statues and monuments, we accelerated the completion and review processes to make our findings available to decision-makers and other stakeholders as soon as possible.

The following volume consists of the ten case studies, along with an introductory chapter, as well as a concluding chapter that outlines proposed principles, processes and guidelines for best practices. While we acknowledge that the complex nature of many of these disputes almost certainly necessitates further deliberation, we believe that the cases presented provide frameworks for ongoing discussion and debate, and hope they offer insights that may help to shape responses that are both effective and responsible within existing social, political and legal frameworks.

Finally, this volume represents the collective efforts of numerous individuals, including researchers, writers and peer reviewers, as well as contributions and insights from Task Force members. We are grateful to all those who contributed their knowledge and expertise over the last two years. It should also be noted that the case studies are not individually authored, and do not necessarily reflect the opinions of individuals or institutions involved in this project. However, the concluding chapter, which presents a proposed set of principles, processes and best practices, does express the collective opinion of the Task Force members.

In closing, we would also like to express our appreciation to All Souls College for hosting our meetings, to the IHJR and Salzburg Global Seminar for research and administrative support, to the European Association of History Educators for supporting the Contested Histories mapping study and the Rosa Luxembourg Foundation for funding the Senegal case study. Most of all, we are grateful to the International Bar Association, not only for generous support of the project, but also for making our findings available on an accelerated time frame. We extend special thanks to James Lewis, Simon Fuller, Zahrah Haider and the entire IBA editorial team, as well as to Task Force member Edward Mortimer for his important contributions to the final manuscript.

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Introduction: What time is this statue?

On 9 July 1776, five days after Britain's colonies in America issued their Declaration of Independence, dozens of protesters calling themselves 'Sons of Freedom' marched down Broadway to Bowling Green Park in lower Manhattan, where they pulled down a lead equestrian statue of King George III and hacked it to pieces. The chunks of lead were carted to a foundry in Connecticut and cast into '42,088' musket balls – the accounting was precise – which were used in the revolution that followed.¹

Protests over statues, street names, monuments and other historical legacies in public spaces are almost always about something more than the object itself. These physical markers represent the most visible and visceral symbols of a collective identity. They impose themselves on public spaces and those who occupy those spaces. They signal to a community which heroes are to be remembered or glorified, and which events are to be celebrated or commemorated, in contrast to those that are to be neglected, discarded or forgotten. They reflect a society's understanding of itself. When statues are toppled, there are generally larger issues at stake than the statue alone. We saw this not only with the American Revolution of 1776 and the French Revolution of 1789, but also with the Russian Revolution of 1917 and the decolonisation processes across Asia, Africa and Latin America, and more recently, with the Velvet Revolutions in Eastern Europe in 1989 and the Black Lives Matter protests in spring 2020.

In his landmark work, *Lieux de Memoire*, or *Realms of Memory*, French scholar Pierre Nora writes of 'successive presents' that continue to be redefined as societies evolve, an idea captured succinctly in by the American urban geographer, Kevin Lynch, in the title of his book, *What Time is This Place?*² While Lynch focuses on how the 'past imprints itself on the present' through patterns of urban design, and Nora writes of the present shaping our understanding of the past, both scholars suggest a time-space continuum in which past and present remain in an evolving relationship where historical memory is expressed in material form in public spaces through statues, streets, monuments, memorials and other markers of historical legacies.

The ten case studies in this volume were selected with a two-fold purpose: first, examine the dynamics around specific contestations around the world in recent, real-world situations to demonstrate that these contestations are a global phenomenon; and second, to identify 'best practices' that can help decision-makers faced with similar situations to address them in an effective and responsible manner. While every contestation will have its own unique constellation of social, political, legal and cultural dynamics, it is hoped that these cases can provide insight into the complex interplay of these forces. Although a concluding chapter provides a proposed set of principles, processes and best practices for addressing contested histories in public spaces, we thought it would be useful to alert the reader in advance to a few key issues that are common to most, if not all, of the disputes examined in this volume. While the list is certainly not comprehensive, we would like to highlight some of the key issues and questions one might keep in mind while reading the case studies that follow.

Statues as symptoms

If there is a problem with a statue, it invariably suggests some underlying issue within a community or society. In his 2018 book, *Identity: Contemporary Identity Politics and the Struggle for Recognition*, Francis Fukuyama sees social alienation and marginalisation as key drivers behind many of the protest movements in contemporary society, indeed, throughout history.³ National identity, Fukuyama says, ‘consists of the stories that people tell about themselves: where they came from, what they celebrate, their shared historical memories, what it takes to become a genuine member of the community’.⁴ As mentioned above, statues are among the most visible expressions of this collective identity and quickly become the focus of contestation with shifting political or social values. By their physicality, they necessarily represent a selective interpretation of the past that is given permanent, and seemingly immutable, expression in stone or metal, which is projected onto public spaces thereby imposing a sense of collective identity.

The nexus between public space and historical memory will be evident in virtually every case study, whether it is objections to the name of the seat of government of Canada by the Indigenous population; protests over street names in the French port cities of Nantes and Bordeaux; or street riots and violence in the Estonian capital of Tallinn. The case is most dramatically illustrated, however, in the study on the Cecil Rhodes statue at the University of Cape Town in South Africa. When student demands for better living conditions, a more diverse faculty and lower tuition rates went unmet, the statue became the vehicle for attracting the attention of the university administration to the deeper social and economic injustices suffered by Black and ethnic minority students at the university. It also drew the attention of the national media and then the world, leading to the global movement, Rhodes Must Fall, which in turn spawned the Gandhi Must Fall movement, and in some ways anticipated the protests around the Black Lives Matter movement that followed.

While statues are often seen as triggers to public protests, they are in fact symptoms of deeper issues, which raises a number of important questions for decision-makers: What are early indicators of these underlying societal issues, especially those of marginalisation, alienation and disenfranchisement? How can these issues be identified and what pre-emptive measures can be taken to address both the immediate contestations as well as the root causes? What remedies are available and best serve a resolution to the contestation? Placarding? Counter-monuments? Relocation or permanent removal from public space? What are the principles and processes by which these measures should be undertaken? Can they be undertaken in tandem with addressing the underlying issues?

Conflicting narratives

Many conflicts over statues reflect a deeper issue about conflicting historical narratives. Indeed, in many cases, it is less the facts that are in dispute than the interpretation of these historic events. While Nora speaks of ‘successive presents’, it should be noted that there can also be simultaneously more than one ‘present’, that the understanding of the past,

indeed the way historic events have been experienced, especially in multi-ethnic societies, can differ greatly, and in some cases, reflect seemingly irreconcilable differences. David Olusoga makes this point forcefully in his book, *Black and British: A Forgotten History*, when he demonstrates with stately homes, street names, statues and memorials how British Black history is woven deeply into the culture and economic history of Great Britain.⁵ One finds a similar interweaving of these histories in the case studies of the Edward Colston statue in Bristol, and the French street names in Nantes and Bordeaux.

In other cases, the narratives are parallel and conflicting, rather than interwoven. The case study on Captain James Cook presents a case in point. For Australians of European origin, Cook's arrival to the continent represented the 'discovery' of Australia. For the Indigenous peoples, the Cook landfall was viewed as an 'invasion' that resulted in genocide, as did Christopher Columbus's arrival in the Americas. A similar dichotomy will be seen in the case study of the Bronze Soldier memorial in Tallinn. For ethnic Russians living in Estonia, the arrival of the Red Army in September 1944 is viewed as a 'liberation' from Nazi rule. For ethnic Estonians, it is seen as the beginning of nearly half a century of Soviet occupation. The case studies demonstrate diverse approaches to the problem and the significant resulting differences in the outcome.

Principal legacies

The concept of the 'principal legacies' of contested historical figures was first addressed in autumn 2016 at Yale University, when the university president convened a committee to establish a set of 'principles' for determining how to deal with controversial historical figures. The committee determined that passing judgement on any historical figure required balancing their 'vices and virtues' and determining which one outweighed the other. 'Principal legacies, as we understand them, are typically the lasting effects that cause a namesake to be remembered', the committee concluded in its final report in November 2016. 'Even significant parts of a namesake's life or career may not constitute a principal legacy'.⁶ There are also evolving sensibilities and sensitivities that can cause the focus to shift from one principal legacy to another, as will be seen in the case study on the Robert E Lee statue in Charlottesville. Having been initially commemorated for more than a century as a brilliant military commander who had also promoted national reconciliation in the wake of the American Civil War, Lee's other principal legacy became the focus of increased scrutiny and attention, namely, his service to a country dedicated to upholding the institution of slavery. Christopher Columbus provides the best-known and most dramatic example of a historic figure who represents two significant and irreconcilable principal legacies: that of the 'discoverer' of the new world and the 'genocidist' responsible for initiating a process that led to the extermination of millions of Indigenous people of the Americas and the introduction of the transatlantic.

In 2018, the IHJR published a theoretical framework for addressing the legacies of controversial historical figures, *Thinking About Historical Legacies: Looking for Just Principles*

and Processes, by Charles R Conn, who was then Warden of Rhodes House, at the University of Oxford.⁷ That same year, the Institute of Historical Research in London published an edited volume with the apt title, *Dethroning Historical Reputations: Universities, Museums and the Commemoration of Benefactors*, which also explores the issue of commemorating historical figures with chequered pasts who bequeathed large sums to universities and museums.⁸ The issue of ‘weighting’ principal legacies, which is explored in both studies, is perhaps one of the most complex that decision-makers confront in dealing with statues of historical figures, especially since perceptions of these men – and unfortunately, they are mostly men – can change with the passage of time, evolving societal values and even physical location.

The following case studies examine a number of key questions: How does one determine what the principal legacies of an historical figure are? How and why do they change over time? How does one balance conflicting or contradictory legacies? How does one adapt to these changes or contradictions when the identity is embedded in the commemorative landscape of a community or society, not only through statues and monuments, but also in place names and other identifiers? Are there alternate remedies to erasure or removal? How can one deal responsibly and with sensitivity to differing perspectives? How can one take action that contributes to social cohesion rather than divisiveness or further alienation?

Stakeholder engagement

As Fukuyama observes, the ‘struggle for recognition’ is frequently a key driver behind many protest movements, in particular among socially alienated or marginalised communities minorities, which makes serious stakeholder engagement important in contestations over statues and monuments. Unfortunately, one will find in several case studies that the claims for recognition of minority communities are advocated and promoted without the engagement of the marginalised communities themselves. This is particularly evident in the case study for Canada, in which the Prime Minister effected the renaming of the seat of government, which for a hundred years had honoured a man complicit in some of the worst human rights abuses against the Indigenous peoples of Canada, and yet the Prime Minister never engaged the Indigenous communities in the process. In the case study for Argentina, the President of the country led a similar campaign on behalf of the Indigenous populations of her country without involving them. A more successful engagement will be seen in the case study for the French port cities of Nantes and Bordeaux, in which local advocates from the Afro-European communities were instrumental in the call for renaming streets honouring former owners and traders of enslaved persons, though not always in alignment with each other on the objectives or outcomes.

The case study for Australia highlights the positive impact that effective stakeholder engagement can have on resolving potentially divisive public commemorations. With the approach of the 250th anniversary of James Cook’s landing at Botany Bay, the government of Australia needed to balance two conflicting historical narratives, while engaging the Indigenous and non-Indigenous communities in a collective national event involving the

commissioning of new public monuments. The potential for acrimony, alienation and divisiveness was significant. However, the government managed to engage the full range of stakeholders, creating a collective national narrative that embraced the conflicting historical experiences.

When reading these several case studies involving stakeholder engagement, one should keep in mind a number of questions: How does one balance competing or conflicting interests within minority communities, which may themselves have differing views on the best remedies? How can these be best balanced and handled? How does one balance the interests and needs of majority and minority populations without causing deeper social divisions and, in fact, further alienation or marginalisation? How does one best address the sensitivities of wronged communities that are seeking recognition or remedy from these offending names or symbols? What are the potential legal implications of recognition and redress?

Legal frameworks

Without question, legal issues play a central role in the cases in this volume and indeed lie at the core of virtually every contestation, whether it be the role of municipal ordinances, state or local laws, national legislation or international conventions and legal frameworks, some of which, not infrequently, can conflict or contrast. Of particular note are so-called ‘memory laws’, that is, legislation enacted by countries attempting to establish parameters for shaping a national historical narrative or for governing official interpretation of historical events.⁹ Such laws are not dissimilar to heritage protection laws, which attempt to preserve a specific historic narrative, as seen in the case of Charlottesville. Similarly, the case of the Faidherbe statue in Senegal suggests the legal obligations and financial implications of local sensitivities in regard to dealing with colonial-era legacies, as well as financial trade-offs that come with international conventions and protections, in particular, the UN Educational, Scientific and Cultural Organisation (UNESCO) Convention Concerning the Protection of the World Cultural and Natural Heritage.

The cases raise myriad questions about the relationship between historical legacies, legal protections and political processes: How does one balance municipal authority with national legislation? What is the role of local and national politics in determining the outcome? What recourse exists when heritage protection legislation is ignored or circumvented for the sake of local sensitivities? What measures exist for communities, states, nations and even international frameworks in enforcing legal norms?

The concluding chapter will provide a set of proposed principles, processes and best practices for addressing contestations over historical legacies in public spaces, but we have tried here to highlight some key issues that the reader will encounter in the case studies that follow. The cases presented and the questions we have posed are neither complete nor comprehensive, but rather are intended to serve as a framework to guide the reader in grappling with the key issues relevant to contested histories in public spaces.

It should be further noted that, in recognition of the sensitivity of some of these issues, efforts were made to present a range of perspectives and positions in the disputes outlined in the following case studies. Given the diversity of opinions and the practical limitations of space, there may be some positions that are not fully articulated or addressed. Indeed, in some cases, the ongoing disputes will certainly raise issues that were not apparent at the time of research and writing. With that said, we believe that the case studies in this volume provide a framework that presents a range of opinions and positions on the contestations, even as they leave room for further debate and deliberation.

It should be noted from the outset that every dispute will have its own unique constellation of social, political, cultural, economic and legal issues. Indeed, there may not be answers or solutions to some of the more complex questions that decision-makers face. But we hope that, in the cases that follow, lessons learned become evident when comparing similar contestations. It is our hope that, individually or collectively, these cases can provide a framework for understanding the range of issues and positions on some of the most contested statues and monuments in the world today.

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Endnotes

- 1 'Permanent Revolution' *New York Magazine* (New York, 10 September 2012).
- 2 Pierre Nora, *Realms of Memory: Rethinking the French Past* (Columbia University Press 1996) Preface, XXIV; and Kevin Lynch, *What Time is This Place?* (MIT University Press 1972).
- 3 Francis Fukuyama, *Identity: Contemporary Identity Politics and the Struggle for Recognition* (Farrar, Straus and Giroux 2018) p 10.
- 4 *Ibid*, p 126.
- 5 David Olusoga, *Black and British: A Forgotten History* (Pan: Main Market edition 2017).
- 6 Office of the President, Yale University, *Report of the Committee to Establish Principles on Renaming*, 16 November 2016 https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf accessed 18 August 2020.
- 7 Charles R Conn, *Thinking About Historical Legacies: Looking for Just Principles and Processes* (IHJR 2018).
- 8 Jill Pellew and Lawrence Goldman (eds), *Dethroning Historical Reputations: Universities, Museums and the Commemoration of Benefactors* (University of London Press 2018).
- 9 Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias (eds), *Law and Memory: Towards Legal Governance of History* (Cambridge University Press 2017).

Case Study I: Toppling Edward Colston

Edward Colston Statue, Bristol, UK



Credit: Jacek Wojnarowski/Shutterstock

The toppling of the statue of 17th-century trader of enslaved persons Edward Colston in the port city of Bristol, England, and its subsequent ‘dunking’ in the city harbour on 7 June 2020, made international headlines and compelled the city to confront slavery-era legacies embedded in its public spaces and community consciousness.

This case study examines the challenges of aligning a city’s commemorative landscape with evolving social values and demographic change, especially in communities with deep social, ethnic, racial and economic divides. The case study also explores the complexities of democratic process, civil society activism and legal procedure in addressing contested histories in public spaces.

Introduction

On 7 June 2020, Edward Colston’s statue in Bristol city centre was toppled from its plinth during a mass protest attended by 10,000 people. Shortly before 1500 that afternoon, a protester climbed onto the stone plinth, removed a covering that had obscured the statue and addressed the crowd. ‘It says “erected by the citizens of Bristol, as a memorial to one of the most virtuous and wise sons of this city”’, the protester said through a megaphone. ‘The man was a slave trader. He was generous to Bristol but it was off the back of slavery and it’s absolutely despicable. It’s an insult to the people of Bristol.’¹ Three other protesters climbed onto the plinth and tied ropes around the statue’s neck. Six seconds later, the statue toppled to the ground as dozens of protesters set upon it kicking and screaming. The police were present but did not intervene. ‘Later’, a local news source reported, ‘the police chief in charge of the day said that by the time senior officers had seen on closed-circuit television (CCTV) that the statue was to be toppled, it happened too quickly for police in any numbers to appear.’²

The protest in Bristol was part of Black Lives Matter demonstrations across the UK that followed the death of George Floyd, an African American, who had died from suffocation by a police officer in Minneapolis, Minnesota, on 25 May 2020. The Colston plinth was covered with anti-racist graffiti and Black Lives Matter posters. The toppled statue was daubed with red and blue paint. One Bristol protester pressed his knee into the neck of the statue for eight minutes and 46 seconds, the time it took for George Floyd to die.³ The statue was dragged with ropes down Colston Avenue, across an open square, past Colston Tower and Colston Hall, to Pero’s Bridge, named after an 18th-century enslaved person who had lived in Bristol, and stood upright on the St Augustine Reach, a promenade along Bristol harbour. An hour and 20 minutes after being toppled, the statue was pushed into the harbour. Reporters from the *Bristol Post* were present to record the event, and began their report by asking: ‘how did the statue go from being a familiar landmark in the centre of the city, to a battered, paint-splattered chunk of bronze, embedded in the mud at the bottom of St Augustine’s Reach?’⁴

The transformation of Edward Colston from venerated benefactor to vilified trader of enslaved persons involves complex social, political and legal dynamics, with opinions polarising not only in Bristol but across the country, revealing and generating social and political fault lines. This case study details the unfolding of the Colston controversy, highlighting the call for the removal of the name from Colston Hall in 2016 up to the

toppling of Colston's statue and its aftermath in 2020, and draws lessons by comparing and contrasting decision-making processes in different institutions across the city, as well as the legal frameworks in which government and civil society function. The events surrounding the campaign illustrate both negative and positive lessons: the power of such campaigns to draw attention and mobilise change in an evolving society, and also their potential to accentuate divisions and deepen underlying tensions.

Colston in context

Edward Colston (1636–1721) has historically been celebrated in Bristol as a great philanthropist. He was born into a prominent merchant family whose roots in Bristol can be traced back to 1340.⁵ His father had been apprenticed to Robert Aldworth, the wealthiest Bristol merchant in the Stuart period, and in 1634 had become a member of the Society of Merchant Venturers (SMV), the society his son Edward was to join in 1683.⁶ Colston was a High Anglican, Tory, anti-Jacobite and Royalist who maintained Bristol ties despite spending his working life in London and at his residence in Mortlake, Surrey. In Bristol, he founded two small almshouses for former sailors, endowed Queen Elizabeth's Hospital school and founded Colston's Hospital, a strict religious school for 100 poor boys that later became Colston's School.⁷ He also gave donations to many local Anglican institutions. His charitable donations are estimated as at least £71,000, a sum that would be worth over £11m today in purchasing power.⁸ Converted as a portion of the nation's wealth at the time, the sum is vastly greater, in the region of £1,864m.⁹ Both of these figures are relevant, since the former shows how much could be accomplished with the wealth given, and the latter gives more understanding of relative scarcity. Colston had no children, but passed on around £100,000 as inheritance to nephews, nieces and cousins.¹⁰

At his death, a number of societies sprang up to carry on giving in his tradition, including the Colston Society, Grateful Society, Anchor Society and Dolphin Society.¹¹ Beginning in the 18th century, Colston came to be memorialised across Bristol in statues, stained-glass windows, portraits and ceremonies which honour his contributions to the city's schools and religious institutions. In Bristol Cathedral, a small stained-glass window depicted Colston figuratively, while a much larger one installed after the Second World War included his initials 'EC' below a picture of Christ, alongside his family symbol of the dolphin, a depiction of his family house at Mortlake and his family motto, Christ's injunction in the parable of the Good Samaritan to 'Go and do thou likewise'.¹² The alumni of Colston's School are known as 'Old Colstonians', and of Colston's Girls School as 'Colston's Girls'. Several societies linked to the SMV are called 'Colston Societies', and many members of these networks have played a significant role in running city institutions. Many schools and civic societies in Bristol have traditionally held annual ceremonies that included toasts in Colston's honour. For instance, the Colston's Girls' School commemorations ceremony traditionally included elements such as requiring students to wear Colston's favourite flower and read passages of his will, along with a sermon on the Good Samaritan. Other schools' ceremonies had students share 'Colston buns' in memory of his generosity to the poor.¹³

However, the depictions of Colston as a great philanthropist masked the scale of suffering caused by his commercial activities. Having begun his career shipping goods including textiles and wine, in 1680, aged 45, he became a shareholder in the Royal African Company (RAC). He quickly rose to prominence as a leading officer and investor at the height of the RAC's monopoly on the British trade of enslaved persons.¹⁴ During his 12-year involvement with the RAC as investor, officer and, in 1689, deputy governor, the RAC forcibly transported around 84,500 enslaved West African men, women and children.¹⁵ Of those taken, around 12,000 (14 per cent) were children.¹⁶ Close to one in five – nearly 20,000 people – died before reaching the Americas. Thousands who arrived had the letters 'RAC' branded onto their chests.¹⁷ Colston rose to deputy governor for a year at the height of the RAC's power in its monopoly on Britain's enslaving trade. He left the role just as the company's fortunes declined, and although the RAC was in many ways a failing venture – thus limiting how much profit Colston actually gained from these investments of money and effort – the company's financial failures do nothing to reduce the scale of suffering caused by its activities. Alongside other investments (eg, trading wine and spices), Colston also had interests in the Caribbean island of St Kitts, made a significant profit through sugar produced by enslaved labourers and had a range of business endeavours indirectly linked to slavery.¹⁸ In his year as a Member of Parliament aged 74, he supported petitions to Parliament for the expansion of the trade of enslaved persons, calling for it to be opened up to traders from outside of London, such as Bristol and Liverpool.¹⁹

Colston and a number of his forebears were members of the SMV. The SMV is believed to have its roots in a Bristol guild from the 13th century,²⁰ and since its official founding in 1552, has had a significant impact on the city. The charter founding it granted the society a limited monopoly on maritime trade 'beyond the seas'. Ever since, this membership organisation of prominent merchants has played an important philanthropic role in Bristol and has exerted considerable influence in the city. Colston vested the SMV to administer the trust he founded for Colston School and its membership also overlapped with the 'Colston Societies', which were founded after Colston's death to perpetuate his memory and to administer charities in their own right. Both SMV members and members of the Colston Societies promoted Colston as a symbol of their own identity and philanthropic role in the city.

The SMV traditionally comprises Bristol's most powerful and wealthiest businesspeople in a city that is much divided.²¹ The city of Bristol, with its prestigious university, includes many wealthy and middle-class areas, which stand in stark contrast to neighbourhoods with persistent poverty and lack of opportunity. In January 2017, the UK's leading race equality think tank, the Runnymede Trust, published a report titled *Bristol: A City Divided?*²² The report found that Black people in Bristol experience the third-highest level of educational inequality in England and Wales.²³ The Social Mobility Commission, in its report *State of the Nation 2017: Social Mobility in Great Britain*, ranked Bristol in the bottom third for social mobility based on high levels of poverty. Citing the study, *Bristol Live*, the online presence of the *Bristol Post*, reported that one in four Bristol children grow up in poverty; in some neighbourhoods, the figure rises to one in two.²⁴ The pervasive memorialisation of a 17th-century trader of enslaved persons in a city divided by economic inequity, racial discrimination and historic injustice gave impetus to a growing movement seeking to bring down Colston and promote fundamental rights of human dignity and equality.

Colston's contested legacy

Contention around Colston's legacy grew out of historically rooted political and religious divisions among Bristol's white population with regard to slavery and the trade of enslaved persons, which date back to the 18th century among those advocating abolition. In the 20th century, the debate can be traced to the 1920s, when biographer Reverend HJ Wilkins questioned the 'Cult of Colston', presenting detailed archival research into Colston's activities within the enslaving RAC, and questioning the appropriateness of honouring a figure who was so closely involved in running Britain's slaving trade.²⁵ In the 1970s, social psychologists, sociologists and other scholars²⁶ began raising awareness of Bristol's racial divisions, and with that, public debate and interest also began to grow on Bristol's legacy with the trade of enslaved persons as evidenced in talks given through local history and continued education programmes.²⁷

In the late 1990s, Bristol's museums also turned their attention to the subject of slavery. In 1998, there was a major six-month long exhibition on the trade of enslaved persons at the Bristol Museum and Art Gallery, which attracted a record 160,000 people. A smaller permanent exhibition was then housed in what was then the Bristol Industrial Museum, which was reconfigured into the M Shed Museum in 2012.²⁸

Countering Colston

By the mid-2010s, diverse activist groups in Bristol were staging small-scale protests calling for racial justice, equal rights and acknowledgment of Bristol's legacy from the trade in enslaved persons.²⁹ In autumn 2016, several educators and activists joined forces to launch the Countering Colston campaign, with the mission to accelerate change: 'In Bristol today, the major historical slave trader Colston is publicly celebrated. We are a network of individuals who believe that this is wrong and we demand that it should end now.'³⁰ An initial goal was the renaming of Colston Hall, a legendary concert venue that had hosted musicians like The Beatles, Louis Armstrong and Bob Dylan. Despite the hall's fame, other bands and spectators had boycotted the venue due to the name. In 2010, the Colston Hall board had invited Marti Burgess, a Black lawyer and nightclub owner, to join the board. She agreed to serve and used her position on the board to persuade fellow board members to consider changing the name. Reluctant at first, the members considered the change and in early 2017, Colston Hall opened a public consultation about its refurbishment, which included a chance for people to share thoughts about the hall's name. Countering Colston held three peaceful demonstrations outside Colston Hall, distributing leaflets and inviting people to call for a name change. On 21 February, Chief Executive Officer Louise Mitchell stated for the first time that 'absolutely I can see the name changing'.³¹

In response, a local citizen launched a petition addressed to Louise Mitchell with the title 'Keep the name of the COLSTON HALL in Bristol. History is what it is PCism ruins everything', which argued that 'It is very wrong to try to air brush the past just for the sake of PCism'. The petition had 5,111 signatures.³² The *Bristol Post* was also flooded with protest letters.

Critics were concerned that renaming Colston Hall would lead to renaming not only the many locales called after Colston, but also other streets and objects named after him and others associated with the trade in enslaved persons, and indeed named after any figure whose history was in some way problematic. Many were troubled by an apparent impulse to ‘purify’ the historical landscape, or to remove objects that caused discomfort or distress.

There was also a sense that judgements were being made in a highly ideological way, with a lack of parity in the treatment of different groups. Opponents of the name change argued that transatlantic slavery took place long ago, that it was widespread and that it has no relevance to the present. What Britain did distinctively was to lead the movement for abolition, and that history should be celebrated, while accepting the heritage ‘warts and all’.³³ Many argued that Colston could not be judged by contemporary moral standards, noting that Colston’s activities were legal and widely accepted at the time. Some argued that the Countering Colston campaign was an injustice to a great Bristolian who was in fact much better than many of his contemporaries in his choice to invest so much wealth in education for disadvantaged children in Bristol. People also raised concerns about what they perceived as an impulse to ‘erase history’ or ‘whitewash’ the past. They argued that removing historical objects from the landscape would make it more difficult to learn from the history, and that the objects should be kept in place for that purpose. Many pointed out that white Bristolians had been exploited as well, but times had changed, and one needed to accept that the past was full of injustices.

The controversy over the name of the music hall accelerated when Mayor Marvin Rees, the first mayor of Bristol of African heritage, was interviewed on TV in April 2017, ten months after his election. Interviewer Steve le Fevre caught Rees off-guard with a throwaway question at the end of an interview: ‘Quick one-word answer: Colston Hall, should it change its name, in your view?’ Rees laughed, surprised, but answered candidly:

‘It depends who you want to celebrate. I wouldn’t celebrate a slaver.’

[le Fevre] ‘So you’d like to change the name?’

‘My ancestors are from slaves, I’m not a fan of it.’³⁴

A short while later, Rees is reported to have told the Colston Hall board that they needed to make a decision about the name in order to settle an increasingly heated debate. By 26 April 2017, the board had voted unanimously to change the name of Colston Hall, publicly stating, ‘We want to look to the future and ensure the whole city is proud of its transformed Hall. The name Colston, and its associations with the slave trade, does not reflect our values as a progressive, forward-thinking and open arts organisation.’³⁵

Colston Hall’s announcement of its unanimous vote to rename led to further debate among the public and a cascade of related decisions across at least 20 other institutions in Bristol from 2017–2020. Among these, Colston’s Primary School set an exemplary standard of decision-making. In 2017, it ran a highly structured, three-month consultation process with the entire school community that included bringing in experts to discuss different points of view, and carrying out exercises and discussions with pupils and staff. Families were invited to offer their opinions, and an online survey invited input from a wider audience,

although it was made clear that voices from the school community itself would be prioritised. On the basis of this detailed process of consultation, it was found that a majority of members in the school community stated that they would like to rename the school. A further consultation was carried out to identify ideas for a new name, and they settled on Cotham Gardens Primary School – a name that retains a distinctive Bristolian geographical reference and has been welcomed.³⁶

In 2019, the head teacher of St Mary Redcliffe and Temple School announced that the school had too decided to rename the five school houses, one of which had previously been named after Colston and the others of which were mostly named after former head teachers.³⁷ The school stated that it also took the opportunity to look at ‘hidden messages’ conveyed through books in its library, and examples in lessons.³⁸ Other schools were slower to make changes. Until 2020, the private Colston’s School for boys was largely untouched by the controversies, but after Colston’s statue fell in 2020, it too announced that it was considering a name change.³⁹

Of all the Bristol institutions grappling with the Colston name, the response of formerly private, now state-run Colston’s Girls’ School was one of the most conflicted. In 2017, in response to campaigns, the school announced that it would not change its name, citing the Yale Guidelines on Renaming,⁴⁰ and claiming that changing its name would obscure its financial connections to Colston.⁴¹ However, they did agree to stop requiring their students to wear Colston’s favourite flower, give thanks to Colston and read passages of his will in the annual school commemoration ceremony. The principal later covered the school’s Colston statue with a shroud, and ended annual visits by the head student to Colston’s tomb. After the statue fell in 2020, former principal of Colston’s Girls’ School John Whitehead came forward and spoke publicly about the pressure he had come under from the SMV, which has a strong representation on the school’s governing body.⁴²

Colston statue and its controversy

The bronze statue of Colston, prominently placed in the centre of the city for more than a century, had also become a source of protest. The idea for a statue to Colston was first proposed on 21 October 1893 by James Arrowsmith, a prominent Bristol businessman, at a dinner of the Colston Fraternal Association Benevolent Society. ‘It seemed to him a shame there should have been a man living in their midst two hundred years ago who had done so much good for Bristol charities and schools and yet who should be unrepresented by a statue in Bristol’, the local press reported. ‘One ought to be erected at the earliest opportunity.’⁴³ The statue was intended to complement two other recent statues in the city centre: one of the conservative political philosopher, Edmund Burke, credited with the sentence, ‘The only thing necessary for the triumph of evil is for good men to do nothing’, and Samuel Morley, a local philanthropist and abolitionist, whose white marble statue was positioned at a key location to welcome, according to an account at the time, ‘the inhabitants of the outlying districts and the working classes generally, who are connected with the industries of the city’.⁴⁴

The statue was unveiled two years later, in 1895 – on 13 November, Colston’s birthday – 170 years after his death. The unveiling occurred after two years of difficulties in raising the £1,000 required for the bronze statue, and wrangling by Bristol City Council over the exact location.⁴⁵ Colston won the central location in a park, where he was to stand for the next 125 years. Designed by sculptor John Cassidy, the bronze statue stood atop a large plinth of Portland stone with a bronze plaque:

‘Erected by
Citizens of Bristol
As a Memorial
Of One of the Most
Virtuous and
Wise Sons of
their City.
A.D. 1895.’

The first recorded attack on the Colston statue occurred in 1998, following a presentation on Bristol’s role in the trade in enslaved persons, in Saint Pauls, a district of the city with a large Afro-Caribbean population. The next morning, the Colston statue was daubed in red paint with the words, ‘Fuck off slave trader’.⁴⁶ The graffiti, which was quickly removed, sparked a public debate about the Colston legacy in Bristol. Ray Sefia was the only Black member on Bristol City Council. ‘If we in this city want to glorify the slave trade, then the statue should stay’, Sefia said. ‘If not, the statue should be marked with a plaque that he was a slave trader or taken down’.⁴⁷ A fierce public debate followed. ‘Letters pages of the local press, TV news features and phone-ins on BBC Radio Bristol’, noted Madge Dresser, a prominent Bristol historian, ‘all featured heated defence of Colston who was increasingly conflated with the honour and identity of the city itself.’⁴⁸

In 2007, the bicentenary of the abolition of the British trade in enslaved persons, ‘drops of blood mysteriously appeared on the statue’s plinth, which some attributed to Banksy’.⁴⁹ (Bristol is believed to be the hometown of the famous anonymous street artist.⁵⁰) Other interventions followed. They ranged from a traffic cone placed on the head of the statue, to a red yarn ball and chain around Colston’s feet, to the whitewashing of his face. One provocative intervention involved a series of clay figures arranged in the shape of the Brooks slave ship, extending like a shadow from the statue with the words ‘Here and Now’, and a list of jobs thought currently to use forced labour in Bristol.⁵¹ In keeping with council policy around public art, interventions were usually allowed to stand for some months before being removed.⁵²

Despite the protests and interventions, the statue stayed in place, and residents remained divided about its fate. In 2014, the *Bristol Post* conducted a poll that indicated that 56 per cent of the 1,100 respondents were in favour of retaining the statue, with 44 per cent wanting it removed.⁵³ Although the sample was limited, the results provided an indication that the city should take more targeted measures to address the legacy. For a city government battling

austerity cuts and over-stretched in capacity, the challenge was not easy. The city had earlier taken several measures meant to deal with inequality, including commissioning activists to design a ‘trail of slavery’ in 1997.⁵⁴ Several commissions followed but were criticised for the lack of monitoring or coherence in strategy.

In January 2018, the Mayor established a new commission, the Bristol Mayoral Commission on Race Equality (CoRE), to help address systemic discrimination and racism in the city, and tasked it to work in cooperation with the Women’s Commission established in 2014.⁵⁵

In October 2018, civil servant Peter Insole of Bristol’s City Design Group advocated the creation of a new bronze plaque for the Colston statue in order to contextualise Colston’s role as both benefactor and trader of enslaved persons. Independently, Insole worked on an initiative supported by Historic England’s Heritage Schools Programme to engage with pupils of Colston’s Primary School to make them aware of the history of Colston and the legacy of British slavery. As indicated earlier in this study, the school had conducted a three-month consultation in 2017 culminating in a decision to rename it, and was now in the process of choosing its new name. Ruth Myers of Local Learning facilitated a set of workshops with the pupils, bringing in outside experts to discuss the statue and Bristol’s heritage.⁵⁶ The pupils, who came from a range of class and ethnic backgrounds, were encouraged to share their perceptions with each other, to reflect on the contradictory aspects of Colston’s legacy, and discuss how they thought this should be handled. They were also asked to suggest visual motifs for the plinth and to identify themes they would want to be highlighted in a new plaque – though there was no statutory obligation for the plaque to reflect student input.

Insole and the City Design Group were keen to propose a new plaque, and pointed out that the statue had been the target of frequent guerrilla arts interventions, including an unofficial plaque with the text:

‘Unauthorised Heritage
BRISTOL
Capital of the Atlantic Slave Trade.
1730-1745.
This commemorates the
12,000,000 enslaved
of whom 6,000,000
died as captives.’

The plaque appeared similar to a standard bronze heritage marker. A problem with this plaque was that it implied that from 1730–1745, Bristol enslaved 12,000,000 people.⁵⁷ In fact, the number appeared to refer to one estimate for the number of people enslaved on European ships in total (usually estimated as between 12 and 15 million). Britain transported around 3.4 million people,⁵⁸ and Bristol in total around 500,000.⁵⁹ In their planning application, Bristol City Council stated that the replacement plaque would be ‘similar in spirit’, but argued that there was a need for a historically accurate plaque to

balance the original one, and that the plaque could be placed over stonework damaged in the removal of the unauthorised plaque.⁶⁰ Bristol City Council identified the key relevant policies as: (1) the Planning (Listed Buildings and Conservation Areas) Act 1990; (2) the National Planning Policy Framework, Section 12 (Achieving well-designed places); and (3) Bristol Local Plan, policies BCS21 and DM31. The National Planning Policy Framework emphasised responsiveness to stakeholder participation.⁶¹

Dr Dresser was commissioned to draft the text of the plaque,⁶² and in keeping with planning regulations, the draft text was then submitted for online consultation, using the city planning process. The proposed plaque was intended as an interim measure to counter the positive wording on the plinth and not as part of the longer-term process to determine whether or not the monument should remain in the city centre. Around two dozen people responded to this consultation, several of whom appear to have had links to the SMV, and it seemed that they had coordinated their replies. The majority opposed the text as submitted on the grounds that it focused on negative aspects of Colston's history and gave no explanation of his philanthropic giving. After various versions were submitted in response to these objections, local historian and SMV member Francis Greenacre proposed a revised text that removed references to Colston's affiliations with the SMV, Tories and Anglicans, and to the number of enslaved children transported. Eventually this revised text for the plaque was adopted by the Planning Department. It had the result of emphasising Colston's positive contributions first as one of Bristol's 'greatest benefactors'.⁶³

The city planning process was criticised by members of Countering Colston and others for not including members of those groups most affected, namely representatives from the African Caribbean community. Speaking informally, some members of Countering Colston explained that they felt the process around the plaque had not been inclusive, and had not given scope for input from a wider public.⁶⁴

Planning permission was only required for the basic idea of the plaque; there was no requirement to approve the precise text, but there was pressure to be seen to be responsive to the objections registered and worries that the budget allocated for the plaque would expire if not resolved quickly. Legal hurdles were passed straightforwardly, as Historic England agreed to the proposed plaque, and in spring 2019, the plaque text had been finalised and was ready to be printed in bronze as follows:

'Edward Colston (1636–1721), MP for Bristol (1710–1713), was one of this city's greatest benefactors. He supported and endowed schools, almshouses, hospitals and churches in Bristol, London and elsewhere. Many of his charitable foundations continue. This statue was erected in 1895 to commemorate his philanthropy. A significant proportion of Colston's wealth came from investments in slave trading, sugar and other slave-produced goods. As an official of the Royal African Company from 1680 to 1692, he was also involved in the transportation of approximately 84,000 enslaved African men, women and young children, of whom 19,000 died on voyages from West Africa to the Caribbean and the Americas.'⁶⁵

The plaque was cast, but at this stage, Mayor Rees stepped in and determined that the plaque should not go forward, arguing that the proposed text was biased, on the grounds that it described Colston as one of the city's 'greatest benefactors'; omitted mention of Colston's membership in the SMV and Anglican Church, despite these being pivotal parts of Colston's identity; and omitted information about the number of children transported on his ships.⁶⁶ Criticising the SMV for getting involved, the Mayor determined that any plaque or other measures around the statue should come out of a holistic process of determining the permanent memorial or legacy of slavery in Bristol.⁶⁷

On 7 June 2020, the Colston statue, with its original plaque still in place, was toppled by protestors.

The event caused international media attention and a resurgence of debate over the legacy of Colston and Britain's role in the trade in enslaved persons. Historian David Olusoga told *BBC News* that the statue should have been taken down long before.⁶⁸ Conservative Bristol City Council member, Richard Eddy, stated publicly that he and his constituents were 'outraged' by the event, calling Colston a 'hero' and criticising the mayor for 'his feeble response'.⁶⁹ University of Bristol law professor Antonia Layard commented, 'For thousands of Bristolians the intervention reflected a sense of exhaustion with official processes, particularly since the failed attempts to get a second plaque describing Colston's acts in even mild prose'.⁷⁰ Immediately after the event, *Bristol Live* conducted a survey with 10,252 respondents. Although not necessarily representative of mainstream opinion in Bristol, a large majority of the respondents – four in five – said that they supported removing Colston's statue.⁷¹ Three in five respondents said the protestors were right to pull down the statue themselves. A further one in five said the statue should have come down years before, but that it was wrong to bring it down without going through official processes. Only 20 per cent of respondents said the statue should not have been removed by any means. More than half stated that there should be no prosecutions against those who had toppled the statue.

Law, order and democratic process

On 8 June 2020, British Prime Minister Boris Johnson addressed the previous day's attack on the Colston statue in the context of the Black Lives Matter protests following the death of George Floyd. Johnson said he understood the 'depth of emotion that has been triggered by that spectacle, of a black man losing his life at the hands of the police', even though the killing took place 'thousands of miles away – in another country'.⁷² But Johnson condemned the attack on the Colston statue. 'I will not support or indulge those who break the law, or attack the police, or desecrate public monuments,' he said. 'We have a democracy in this country. If you want to change the urban landscape, you can stand for election, or vote for someone who will.' Johnson threatened 'the full force of the law' against protestors who attacked the police and public property.

Johnson's position was underscored by a statement from the Prime Minister's Office. 'People can campaign for the removal of a statue,' the statement said, 'but what happened yesterday was a criminal act and when the criminal law is broken that is unacceptable and the

police will want to hold to account those responsible'.⁷³ Mayor Rees was more circumspect. 'The decision to whether to prosecute or not is the responsibility of the Crown Prosecution Service irrespective of whatever we say and they will look at a couple of questions won't they?' Rees observed. 'Has a crime been committed? And is it in the public interest to prosecute?'⁷⁴

Andy Bennett, Superintendent of the Avon and Somerset Police, responsible for Bristol, announced a criminal investigation shortly after the attack. 'An investigation will be carried out to identify those involved,' Bennett said to the press, 'and we're already collating footage of the incident'.⁷⁵ The police saw the toppling of the statue and the dropping of the statue into the harbour as separate acts since they involved different individuals, and had a 'large amount' of video footage from CCTV monitors in the area, as well as photographs.⁷⁶ Within a week, 18 potential suspects had been identified from the video and photos, and efforts were being made to locate 15 of them.⁷⁷ Although the event had been filmed and photographed by the *Bristol Post* and *Bristol Live*, Mike Norton, the editor of both, refused to cooperate with police requests to publish photographs of suspects.⁷⁸

Legal considerations⁷⁹

On 4 March 1977, the statue had been listed as a Grade II structure by English Heritage, now Historic England. Grade II (the lowest category) identifies the structure as one 'of special interest, justifying every effort to preserve [it]'. Due to its listing, the statue was protected under the Planning (Listed Buildings and Conservation Areas) Act 1990, which states explicitly: 'No person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.'⁸⁰ (Interestingly enough, the Act does not mention relocation or removal.) Authorisation for demolition, alteration or extension has to come from the Secretary of State. Law professor Antonia Layard explained: 'the Secretary of State or anyone acting on his behalf must have special regard to the desirability of *preserving* listed buildings, their setting or any special architectural or historical features they possess before making a consent order (s26F P(LBCA)A 1990)'.⁸¹

The problem with the legal constraints is the listing framework itself. Historic England has three grades of listings: Grade I buildings are of exceptional interest, Grade II* buildings are particularly important buildings of more than special interest; and Grade II buildings are of special interest. (This last category has 91.7 per cent of the entries.) The confusion here is that statues are not buildings, but the regulations apply to them as well. Once listed, they remain that way in perpetuity. Professor Layard is of the opinion that '[a] listing process that equates a statue with a building, protecting it in perpetuity unless de-listed, does not accord with either the politics of representation or the qualities of a sculpture of a named person'.

Under the Planning Act, those responsible for toppling the statue violated the law and could in theory be charged with two indictable offences: criminal damage and damage to a listed building.⁸² According to the Criminal Damage Act 1971, '[a] person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence', with potential penalties of up to ten years in prison.⁸³

Assuming the statue was worth more than £5,000, prosecution would take place through trial by jury. If it were worth less than £5,000, then it would be tried in a Magistrates Court without a jury. To decide whether to prosecute, the Crown Prosecution Service must apply a two-stage test, asking whether there is evidence to support conviction, and whether prosecution is in the public interest. The evidential test asks whether an imagined 'objective, impartial and reasonable' jury would be more likely than not to convict. However, even if there is sufficient evidence, it could be determined that the public interest is not served by carrying out prosecutions, in which case the Crown Prosecution Service could decline to prosecute. It could take the view that in the context of a wider, international reckoning with racism in the wake of George Floyd's death, this act of civil disobedience should be allowed to pass without intervention from the law. Alternatively, it could determine that it is important to reassert the authority of law, order and established processes, and thus conclude that the public interest is best served by prosecutions.

If prosecutions were to proceed, the defendants could seek to establish that they had a lawful excuse for their actions. Some legal commentators have argued that there are no lawful excuses since the individuals clearly caused damage to property without consent from the owners.⁸⁴ Other legal experts proposed a number of possible bases for defence. Solicitors firm Hodge Jones & Allen wrote that the protesters could argue that they sincerely believed (whether justifiably or not) that Bristol City Council would agree to the removal of the statue.⁸⁵ However, the council's past hesitancy would potentially make it harder for defendants to persuade a jury that they held a genuine belief that the council would agree to the statue's removal. On the other hand, in 2019, Mayor Rees did block a cautiously worded historical plaque on the grounds that it was excessively protective of Colston, and had stated publicly that the council would be assessing what to do with the statue as part of a wider project to look holistically at the city's legacy. The demonstrators could have taken this as a sign that the council was now broadly open to change.

The defence could also cite the fact that police were present but took no steps to intervene while the statue was being removed or dragged to the harbour. From a policing perspective, the Black Lives Matter protest on 7 June went wholly without conflict or damage to property, except to the statue. Aware of the potentially incendiary effect of an image of police using force to protect the statue of a trader of enslaved persons, the police made the decision not to intervene. From a demonstrator's perspective, this approach could have been interpreted as permission to continue. Superintendent Bennett explained the police's choice not to intervene in an extended statement:

'We know that [Colston is] a historical figure who has caused the Black community quite a lot of angst over the last couple of years. So whilst I'm disappointed that people would damage one of our statues, I do understand why it happened; it is very symbolic.

You might wonder why we didn't intervene and why we just allowed people to put it in the docks. We made a very tactical decision that to stop people from doing that act may have caused further disorder, and we decided the safest thing to do in terms of our policing tactics was to allow it to take place.'⁸⁶

Mayor Rees later said in support, 'I think our police were incredible [...] this is intelligent, nuanced policing.'⁸⁷

Hodge Jones & Allen also suggested the possibility of a human rights defence, arguing that the Criminal Damage Act should be read alongside Articles 10 and 11 of the European Convention on Human Rights (ECHR), and the Human Rights Act 1998, and that it is ‘for the prosecution to prove that the protesters’ actions were *not* a reasonable act of freedom of conscience/expression protected under Articles 10 and 11 ECHR’. Indeed, Hodge Jones & Allen argued that the statue itself could have been considered a breach of criminal law because of the extensive evidence that it has been experienced as threatening and distressing. They stated: ‘Given the [...] deeply distressing and personal history [the statue] evokes for many members of the black community, it could be argued that the statue itself is a visible representation that is likely to cause members of the black community alarm or distress.’⁸⁸ They also cited section 3 of the Criminal Law Act 1967, which allows people to ‘use such force as is reasonable in the circumstances in the prevention of crime’, and concluded ‘it could potentially be argued that the protesters used reasonable force by removing the statue from its plinth, in order to prevent the statue continuing to breach the Public Order Act’.⁸⁹

While laws are generally explicit in establishing the parameters for criminal behaviour, police interventions, as well as the application and judicial interpretation of the law, are often modulated to the specific context, circumstances and dynamics of the case at hand. In the case of the protest actions against the Colston statue, it was clear that the attack resulted from years of frustration in a community where minorities battled discrimination and where their grievances were not adequately addressed. The toppling of the statue was an expression of much deeper social grievances, and the law took that into consideration.

Three weeks after the toppling, the police issued a caution to one 18-year-old who allegedly helped tip the statue into the harbour. The caution will stay on his record for six years, and was attached to two conditions, namely that he make a donation to ‘an anti-slavery charity’ and that he attend a meeting to discuss the future of all of Bristol’s statues.⁹⁰ Not surprisingly, the teenager is reported to have been ‘delighted’ by the outcome.⁹¹

Resonances and aftermath

When Colston’s statue fell, the national and global response was immediate. On 8 June, the BBC ran a long article in which it quoted Mayor Rees as saying that, although he cannot condone vandalism, he ‘can’t and won’t pretend the statue of a slave trader in a city I was born and grew up in wasn’t an affront to me and people like me. People in Bristol who don’t want that statue in the middle of the city came together and it is my job to unite, hear those voices and hold those truths together for people for who that statue is a personal affront.’⁹² Historic England published a statement the same day on its website:

‘While we do not condone the unauthorised removal of a listed structure, we recognise and understand the emotion and the hurt that public historical commemoration can generate and we encourage Bristol City Council to engage in a city wide conversation about the future of the statue. We are here to offer guidance and support but believe the decision is best made at a local level – we do not believe it must be reinstated.’⁹³

On 9 June, the Labour Party announced that all Labour-majority councils would review the appropriateness of their monuments and statues. At the same time, London's Mayor Sadiq Khan announced a new Commission for Diversity in the Public Realm to review public symbols in London's streets to ensure they reflect 21st century Londoners' values, achievements and diversity, including representation of Black, Asian and minority ethnic (BAME) communities; women; lesbian, gay, bisexual and transgender+ (LGBTQ+); and disability groups.⁹⁴ Manchester likewise announced a city-wide review of its statues 'to understand their history and context' and identify figures who should be added to 'reflect the shared story of our diverse and multicultural city'.⁹⁵ By contrast, Boris Johnson made clear that Conservative councils would take no such steps, claiming that removing statues was 'to lie about our history, and impoverish the education of generations to come'.⁹⁶

In London, protections were constructed around a statue of Winston Churchill in Parliament Square after the plinth was spray-painted with the words 'was a racist' during Black Lives Matter protests. On 8 June, Tower Hamlets Councillor Ehtasham Haque launched a petition calling for Robert Milligan's statue to be removed from West India Quay in London. Milligan was a merchant who was involved in the construction of the West India Docks and owned 526 enslaved people in Jamaica at the time of his death in 1809. On 9 June, Milligan was taken down by crane by the Canal and River Trust Charity. Milligan's removal prompted outraged threats to #BoycottSainsbury's grocery store (due to reported links between Lord Sainsbury's family and the Museum of London), which in turn were met by tweets proclaiming 'Sainsbury's: Now with racist-free shopping'.⁹⁷

On 12 June, the National Trust removed a degrading statue from the entry to Dunham Massey Hall, one of the most prominent stately homes in Greater Manchester. The statue was listed by Historic England as 'a kneeling African figure clad in leaves carrying the sundial above his head'. The National Trust said they did not 'want to censor or deny the way colonial histories are part of the fabric of our buildings' and that they were making plans to address the statue 'in a way that fully acknowledges the appalling histories of slavery and the slave trade'.⁹⁸

In Bristol itself, a sweep of changes followed the Colston statue fall. A statue of a protester made a brief appearance before being removed⁹⁹ and placards from Black Lives Matter were gathered to be displayed at the museum. Beyond the removal of the statue and the renaming of schools, the confrontations with the Colston legacies affected further change within the Bristol community. On 15 June 2020, Colston Hall at last removed the prominent letters of Colston's name from its grand entrance, and on 23 September 2020, the trustees announced that the music hall was renamed 'Bristol Beacon'.¹⁰⁰ On 16 June, Bristol Cathedral and St Mary Redcliffe Church both boarded over stained-glass windows dedicated to Colston, and issued a joint statement from the Bishop of Bristol, Bristol Cathedral, St Mary Redcliffe Church and the Diocese of Bristol, saying 'A cathedral or a church should be a place of sanctuary, justice and peace: a place where God's glory is worshipped and God's love is felt'.¹⁰¹

Mike Norton, editor of the *Bristol Post*, issued an apology for ways in which the newspaper had fed into and encouraged racist attitudes in the past. Most significantly, he apologised for an article of 17 April 1996, which had been titled 'Faces of Evil', over the pictures of 16 Black men who had been arrested for dealing cocaine; and for a wider editorial policy, which involved frequently using pictures of Black people associated with criminality. Norton explained:

‘The Evening Post [...] was already disconnected from the city’s black communities. It was another Bristol institution that the people in those communities didn’t feel was for them. They were already wary of telling the Post about their news or their successes. They already had a suspicion that the paper wrote about black people only when they committed crime. The Faces of Evil front page, with its black faces ranged in rows like slaves held in cages, cemented that view.’¹⁰²

Norton went on to say that he was not a snowflake or a liberal, but rather a ‘mongrel working-class Bristolian, born in Easton and bred on the wrong side of the tracks in south Bristol’. He then stated that he was taking positive action to reset the relationship between the paper and BAME communities in Bristol; to arrange for more Black writers to contribute to the paper; and to encourage Black Bristolians into journalism.

The Colston statue was recovered from Bristol harbour at 0500 on 11 June 2020, three days after the toppling. The action was undertaken in the early morning hours to avoid crowds. The ropes were still attached.¹⁰³ The statue was transported to the Bristol City Museum for cleaning and preservation. ‘Considering his journey to the harbour, he’s actually in pretty good condition,’ said Fran Coles, Bristol City Council’s Conservation and Documentation Manager, in an interview with the BBC. Coles said that the ‘main concern’ was preserving the graffiti, ‘because that’s actually become the most fragile part of the sculpture [...] It has become part of the story of the object, of the statue,’ Coles said, ‘so our job is to try and retain that as much as possible, while stabilising the statue for the long term.’¹⁰⁴ Although it was assumed that the statue would become part of the permanent collection in the museum, one issue was never fully resolved: who actually owned the Colston statue. ‘Ownership has not yet 100 per cent been confirmed,’ Mayor Rees admitted. ‘We are open to anyone who wants to come forward and claim ownership but as yet they haven’t.’¹⁰⁵

Two weeks after the statue was toppled, the Mayor convened a meeting of stakeholders to discuss the structure of a new mayoral commission. Dresser, a member of the commission,¹⁰⁶ indicated that the intention was ‘to cut through some of the bureaucratic impediments and to assure the wider Bristol population that the city recognised that the public representation of its history needed to encompass a wide range of previously marginalised groups’.¹⁰⁷

Conclusions

The toppling of Colston’s statue was a dramatic climax to a long-running debate over Bristol’s commemorative landscape which had assumed national proportions with the decision, in 2017, to rename Colston Hall, an iconic concert venue. According to Professor Nick Draper of the Legacies of British Slave Ownership project at University College London, the renaming was among the first significant decisions of its kind in the UK, and came just as New Orleans had begun the process of removing four Confederate statues in the wake of racially incited violence in the US.¹⁰⁸ By the time Colston’s statue fell three years later, as many as 20 institutions across Bristol had already followed the music hall’s lead in taking measures publicly to confront the Colston legacy and rebalance colonial iconography

or to address the complexities of this history. These changes attest to the role of a strong democratic and robust civic society in bringing questions of equity and justice to the forefront. The contestation spurred dialogue and debate, and promoted wide recognition of the complexities surrounding Colston's legacy, as well as the need to address the injustices committed by him and others involved in Britain's history of trading in enslaved persons. But the contestation also laid bare deep social and economic divisions within society.

For many Bristolians, Colston represented not a benefactor but a trader of enslaved persons and murderer. David Olusoga, Professor of Public History at the University of Manchester, stated, 'This is city that is 14 per cent BME with a statue of someone that was not just a slave trader, he was involved in the Royal Africa Company, the company that trafficked more people into slavery than any in British history... The fact that it has not been seen as a problem for such a long time, that so many people are confused as to why the statue offends so many people has been the problem.'¹⁰⁹ Removing elements of heritage, or taking approaches to recontextualising them (eg, artistic interventions that 'humiliate' a statue), may have the effect of providing evidence for claims that 'they are taking away our heritage'. One letter writer to the *Bristol Post* noted that 'if you take away Colston then we'll take away the Malcolm X Centre'. Acts of racist vandalism also occurred. After the toppling of the Colston statue, it was reported that the grave of a young enslaved man, Scipio Africanus, who had lived in Bristol and died in 1720, was vandalised in the Henbury Churchyard of St Mary's Church.¹¹⁰

During the dispute over removing the Colston name from the music hall, letters to the *Bristol Post* had overwhelmingly suggested a widespread lack of understanding of the rationales for the renaming. It is easy to imagine that the renaming of a building or street, or removal of monuments, may be a source of long-term resentment in communities whose experience give them little perspective from which to understand the motivations of those who have advocated change. Moreover, if follow-on initiatives focus exclusively on racial inequality, it may be felt that the city's attention is going towards BAME groups and neglecting other disadvantaged communities in Bristol. Decision-makers should understand that contesting heritage can be a powerful way to open up dialogue and stimulate reappraisals of both history and the present day. However, the process can also lead to fracturing and polarisation.

The example of the controversies over Colston in Bristol should be of use for leaders both nationally and internationally. In England, heritage organisations like the National Trust and Historic England are increasingly exploring ways of addressing untold stories connected to heritage sites.¹¹¹ It is likely that many buildings in the National Trust, and objects of the historic environment protected by Historic England, were financed in part through the exploitation of enslaved Africans, indentured labour in Asia, as well as the labour of British workers who may now be considered exploited or even forced labourers. From schools and universities to museums and corporations, institutions have been built on wealth gained through ethically problematic means. Bristol exemplifies the dilemmas in public ethics embedded in these complicated histories and highlights important lessons that can enable future decision-makers to make more informed choices when seeking to resolve similar contestations in their own commemorative landscapes.

ANNEX: Versions of text for a new plaque for the Colston statue¹¹²

June 2018 proposed text submitted by Madge Dresser

‘From 1680–1692, Bristol-born merchant Edward Colston was a high official of the Royal African Company which had the monopoly on the British slave trade until 1698. Colston played an active role in the enslavement of over 84,000 Africans (including 12,000 children) of whom over 19,000 died en route to the Caribbean and America. He also invested in the Spanish slave trade and in slave-produced sugar. Much of his fortune was made from slavery and as Tory MP for Bristol (1710–1713), he defended the city’s “right” to trade in enslaved Africans.

Local people who did not subscribe to his religious and political beliefs were not permitted to benefit from his charities.’ (Comments for Planning Application 18/03688/LA.)

August 2018 rewrite

‘Edward Colston (1636–1721) was a Bristol-born merchant, long honoured as the city’s greatest benefactor. He made vast donations to restore churches, establish schools, almshouses and various charities in Bristol and across the country.

Much of his wealth came from investments in slave trading, sugar and other slave-produced goods. When a high official of the Royal African Company (1680–1692) (which had the monopoly on the British slave trade until 1698), he played an active role in the trafficking of over 84,000 enslaved Africans (including 12,000 children) of whom over 19,000 died on their way across the Atlantic. As MP for Bristol (1710–1713) he worked to safeguard Bristol’s slave-trading interests. His role in the exploitation of enslaved Africans and his opposition to any form of religious or political dissent, has in recent years made him the focus of increasing controversy.’ (2018)

Final version cast in bronze

Edward Colston (1636–1721), MP for Bristol (1710–1713), was one of this city’s greatest benefactors. He supported and endowed schools, almshouses, hospitals and churches in Bristol, London and elsewhere. Many of his charitable foundations continue. This statue was erected in 1895 to commemorate his philanthropy.

A significant proportion of Colston’s wealth came from investment in trading in enslaved persons, sugar and other goods produced by enslaved persons. As an official of the Royal African Company from 1680 to 1692, he was also involved in the transportation of approximately 84,000 enslaved African men, women and young children, of whom 19,000 died on voyages from West Africa to the Caribbean and the Americas. (2018)

References

- 'Appeal to identify Edward Colston statue protesters' (BBC, 22 June 2020) www.bbc.com/news/uk-england-bristol-53108898.
- Ball, Roger, 'Edward Colston Research Paper 1: Calculating the number of enslaved Africans transported by the Royal African Company during Edward Colston's involvement (1680–92)', Bristol Radical History Group, last revision 10 June 2020 www.brh.org.uk/site/articles/edward-colston-research-paper-1.
- Ball, Roger, 'Edward Colston Research Paper 2: The Royal African Company and Edward Colston (1680–92)', Bristol Radical History Group, last revision 10 June 2020 www.brh.org.uk/site/articles/edward-colston-research-paper-2.
- Ball, Roger, 'The Edward Colston "corrective" plaque: sanitizing an uncomfortable history' (Bristol Radical History Group blog, last revision 10 June 2020 www.brh.org.uk/site/articles/the-edward-colston-corrective-plaque).
- Barton, Max, 'To: Bristol Music Trust: Keep the Name of Colston Hall' 38 Degrees <https://you.38degrees.org.uk/petitions/keep-the-name-of-colston-hall>.
- 'Black actor Alfred Fagon's statue damaged in Bristol' (BBC, 12 June 2020) www.bbc.co.uk/news/uk-england-bristol-53011774.
- Bland, Archie, 'Black Lives Matter sculpture of Jen Reid removed from Colston plinth' *The Guardian* (London, 12 June 2020) www.theguardian.com/world/2020/jul/16/black-lives-matter-sculpture-of-jen-reid-removed-colston-bristol.
- Braddick, Imogen, 'Removal of Robert Milligan statue prompts call to "boycott" Sainsbury's' *The Evening Standard* (London, 20 June 2020) www.standard.co.uk/news/uk/robert-milligan-statue-removal-sainsburys-boycott-a4464621.html.
- Brown, Chris, 'Bristol Bishop Defends Views on Slave Trader' (Bristol 24/7 News, 12 November 2014) www.bristol247.com/news-and-features/news/bristol-bishop-defends-views-on-slave-trader.
- Burch-Brown, Joanna, 'Is it wrong to topple statues and rename schools?' (2017) 1(1) *Journal of Political Theory and Philosophy* 59 https://research-information.bris.ac.uk/ws/portalfiles/portal/183663137/Dr.Brown_FINAL_1.pdf.

Burch-Brown, Joanna, 'Defenders of Colston are the ones airbrushing the past, says Bristol University academic' *Bristol Post* (Bristol, 30 April 2017) www.bristolpost.co.uk/news/bristol-news/defenders-colston-ones-airbrushing-past-40454.

Burch-Brown, Joanna, 'Should Slavery's Statues Be Preserved? On Transitional Justice and Contested Heritage' *Journal for Applied Philosophy*, published 20 November 2020 <https://onlinelibrary.wiley.com/doi/full/10.1111/japp.12485>.

Carey, Hilary M, *Empire of Hell: Religion and the Campaign to End Convict Transportation in the British Empire, 1788–1875* (Cambridge University Press 2019).

Chapman, Haley, Schwarz, Mike and Chada, Raj, 'The Edward Colston Statue: Could Protesters be Prosecuted and is There a Defence?', Hodge Jones & Allen Solicitors, 10 June 2020 www.hja.net/the-edward-colston-statue-could-the-protesters-be-prosecuted-and-is-there-a-defence.

Cork, Tristan, 'Bristol school drops Colston name and replaces with African-American female mathematician's' *Bristol Live* (Bristol, 10 February 2019) www.bristolpost.co.uk/news/bristol-news/bristol-school-drops-colston-name-2524328.

Cork, Tristan, 'Second Colston statue plaque not axed and will still happen but mayor steps in to order a re-write' *Bristol Live* (Bristol, 25 March 2019) www.bristolpost.co.uk/news/bristol-news/second-colston-statue-plaque-not-2682813.

Cork, Tristan, 'Colston statue – the 83 minutes from plinth to harbour' *Bristol Live* (Bristol, 9 June 2020) www.bristolpost.co.uk/news/bristol-news/colston-statue-83-minutes-plinth-4204716.

Cork, Tristan, 'School founded by Edward Colston "considering name change"' *Bristol Live* (Bristol, 9 June 2020) www.bristolpost.co.uk/news/bristol-news/school-founded-edward-colston-considering-4208305.

Cork, Tristan, 'Edward Colston's name removed from Bristol Cathedral and St Mary Redcliffe' *Bristol Live* (Bristol Post, 16 June 2020) www.bristolpost.co.uk/news/bristol-news/edward-colstons-name-removed-bristol-4230590.

Cork, Tristan, 'Society of Merchant Venturers "not fit" to run Bristol schools, says former headteacher' *Bristol Live* (Bristol, 13 July 2020) www.bristolpost.co.uk/news/bristol-news/society-merchant-venturers-not-fit-4305982.

Countering Colston, 'What do we want?' <https://counteringcolston.wordpress.com/what-do-we-want>.

“Degrading” Dunham Massey Hall statue removed’ (BBC, 12 June 2020) www.bbc.co.uk/news/uk-england-manchester-53011156.

Donnington, Katie, Hanley, Ryan and Moody, Jessica, *Britain’s History and Memory of Transatlantic Slavery: Local Nuances of a National Sin* (Oxford University Press 2016).

Dresser, Madge, ‘Colston, Edward’ in David Dabydeen, John Gilmore and Cecily Jones (eds), *The Oxford Companion to Black British History* (Oxford University Press 2007).

Dresser, Madge, *Slavery Obscured: The Social History of the Slave Trade in Bristol* (Redcliffe Press 2007).

Dresser, Madge, ‘Remembering Slavery and Abolition in Bristol’ (2009) 30(2) *Slavery and Abolition* 223 <http://dx.doi.org/10.1080/01440390902818955>.

Dresser, Madge, ‘Obliteration, Contextualisation or “Guerrilla Memorialisation”? Edward Colston’s statue reconsidered’ (Open Democracy, 29 August 2016) www.opendemocracy.net/en/beyond-trafficking-and-slavery/obliteration-contextualisation-or-guerrilla-memorialisation-edward-colst.

Dresser, Madge, ‘Bristol Cathedral, the Colston Window and Edward Colston’ *Avon Local History and Archaeology Newsletter* 150 (March – July 2017) pp 6–8 www.alha.org.uk/newsletter%20150.pdf.

‘Edward Colston: Plaque to Bristol slave trader axed over wording’ (BBC, 25 March 2019) www.bbc.com/news/uk-england-bristol-47670756.

‘Edward Colston statue graffiti will be preserved’ (BBC, 17 June 2020) www.bbc.com/news/uk-england-bristol-53083939.

‘Edward Colston statue: Protesters tear down slave trader monument’ (BBC, 8 June 2020) www.bbc.com/news/uk-52954305.

‘Edward Colston statue pulled out of Bristol Harbour’ (BBC, 11 June 2020) www.bbc.com/news/uk-england-bristol-53004748.

Elahi, Farah, Finney, Nissa and Lympelopoulou, Kitty, ‘Bristol: A city divided? Ethnic Minority disadvantage in Education and Employment’, Runnymede Trust, January 2017 www.runnymedetrust.org/uploads/CoDE%20Briefing%20Bristol%20v2.pdf.

'Enslaved African man's headstone in Bristol vandalised' (BBC, 18 June 2020) www.bbc.com/news/uk-england-bristol-53089528.

Evans, Judith, 'Bristol, the slave trade and a reckoning with the past' *FT Magazine* (London, 9 August 2018) www.ft.com/content/032fe4a0-9a96-11e8-ab77-f854c65a4465.

Evans, Martin, 'Statue of slave trader Edward Colston pulled down and thrown into harbour by Bristol protesters' *The Telegraph* (London, 7 June 2020) www.telegraph.co.uk/news/2020/06/07/edward-colston-statue-pulled-bristol-black-lives-matter-protesters.

le Fevre, Steve, Interview with Marvin Rees (Bristol, 18 March 2017) www.youtube.com/watch?v=i6-pGixSpkA.

Finnegan-Clarke, Katie, 'To: Louise Mitchell, Chief Executive, Bristol Music Trust. Rename Colston Hall by December' 38 Degrees, last updated 24 April 2017 <https://you.38degrees.org.uk/petitions/stop-celebrating-slave-traders-change-the-name-of-colston-hall-to-honour-a-true-bristol-hero>.

Finney, Nissa and Lymperopoulou, Kitty, *Local Ethnic Inequalities* (Runnymede Trust 2015) www.runnymedetrust.org/uploads/Inequalities%20report-final%20v2.pdf.

Gallagher, Paul, 'Bristol torn apart over statue of Edward Colston: But is this a figure of shame or a necessary monument to the history of slavery?' *The Independent* (London, 22 June 2014) www.independent.co.uk/news/uk/home-news/bristol-torn-apart-over-statue-of-edward-colston-but-is-this-a-figure-of-shame-or-a-necessary-9555333.html.

Gogarty, Conor, 'Teen who "helped dump Colston statue" set to get police caution if he makes donation and goes to meeting' *Bristol Live* (Bristol, 2 July 2020) www.bristolpost.co.uk/news/bristol-news/teen-who-helped-dump-colston-4284511.

Grimshaw, Emma, "'He was a slave trader and a murderer" – David Olusoga speaks out after Colston statue toppled.' *Bristol Live*, 7 June 2020.

Hewitt, Roger, *Routes of Racism: The Social Basis of Racist Action* (Trentham 1996).

Historic England, 'The Removal of the Statue of Edward Colston, Bristol' <https://historicengland.org.uk/whats-new/statements/edward-colston-statue>.

Hochschild, Adam, *Bury the Chains* (Mariner Books 2006).

Holmes, Helen, 'Banksy Unveils Valentine's Day Mural in His Hometown of Bristol' *The Observer* (London, 14 February 2020) <https://observer.com/2020/02/banksy-valentines-day-art-mural-bristol-barton-hill>.

Howard, Harry, 'Protestor, 18, "who helped roll" slaver Edward Colston's statue into dock in Bristol is given a caution and told he MUST attend meeting about future of other monuments, lawyer reveals' *The Daily Mail Online* (London, 2 July 2020) www.dailymail.co.uk/news/article-8484341/Protestor-rolled-slave-trader-Edward-Colstons-statue-water-set-escape-caution.html.

Hoyle, David, 'A Reflection on Legacy', Westminster Abbey, 5 June 2020 www.westminster-abbey.org/abbey-news/reflection-legacy.

Hoyle, David, 'A Reflection on history', Westminster Abbey, 12 June 2020 www.westminster-abbey.org/abbey-news/reflection-history.

Hughes, Janet and Cork, Tristan, 'Gloucestershire headteacher says he covered a statue of slave trader Edward Colston with a sheet', *Gloucestershire Live* (Gloucester, 16 July 2020) www.gloucestershirelive.co.uk/news/gloucester-news/gloucestershire-headteacher-says-covered-statue-4332716.

Jenkins, Michael, 'Countering Colston Demo with BCfm Radio' (BBC, 17 November 2017).

Johnson, Boris, 'Prime Minister message on Black Lives Matter', Prime Minister's Office, 8 June 2020 www.gov.uk/government/speeches/prime-minister-message-on-black-lives-matter.

Jordan, Spencer, 'The Myth of Edward Colston: Bristol Docks, the Merchant Elite and the Legitimisation of Authority 1860–1880' in Steve Poole (ed), *A City Built Upon the Water: Maritime Bristol 1750–1880* (Redcliffe Press 2013).

King, Jasper, 'Police explain why they didn't stop protesters toppling Edward Colston statue' *Bristol Live* (Bristol, 8 June 2020) www.bristolpost.co.uk/news/bristol-news/police-explain-didnt-stop-protesters-4203130.

Kuhn, Philip, 'Who Owns Colston?', Bristol Radical History Group, 18 July 2020 www.brh.org.uk/site/articles/who-owns-colston.

Lai, Ten-Herng, 'Political vandalism as Counter-Speech: A Defence of Defacing and Destroying Tainted Monuments' *European Journal of Philosophy* 28 (3):602-616 (2020).

Layard, Antonia, 'Edward Colston: Listing Controversy', University of Bristol Law School blog, 15 June 2020 <https://legalresearch.blogs.bris.ac.uk/2020/06/edward-colston-listing-controversy>.

Mason, Rowena and Pidd, Helen, 'Labour councils launch slavery statue review as another is removed' *The Guardian* (London, 9 June 2020) www.theguardian.com/world/2020/jun/09/sadiq-khan-orders-review-of-all-london-statues-for-slavery-links.

'Memorial to Scipio Africanus 10 Metres North West of South Porch of Church of St Mary', Historic England, 2020 <https://historicengland.org.uk/listing/the-list/list-entry/1205137>.

Miller, Claire and Grubb, Sophie, 'Bristol has spoken – and most people are glad the Colston statue was pulled down' *Bristol Live*, (Bristol, 12 June 2020) www.bristolpost.co.uk/news/bristol-news/bristol-spoken-most-people-glad-4217554.

Minchinton, W E, *Politics and the Port of Bristol in the Eighteenth Century: The Petitions of the Society of Merchant Venturers, 1698–1803* (Bristol Record Society 1963).

Ministry of Housing, Communities and Local Government, '12. Achieving well-designed places', UK Government, 27 March 2012 www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places.

Moody, Jessica, 'Remembering the imperial context of emancipation commemoration in the former British slave-port cities of Bristol and Liverpool, 1933–1934' (2017) 39(1) *Slavery & Abolition* 169 <http://dx.doi.org/10.1080/0144039X.2017.1377371>.

Morgan, Kenneth, *Edward Colston and Bristol*, Bristol Branch of the Historical Association, The University, 1999 www.bris.ac.uk/Depts/History/bristolrecordsociety/publications/bha096.pdf.

Morgan, Sally, 'Memory and the merchants: commemoration and civic identity' (1998) 4(2) *Journal of Heritage Studies* 103 <http://dx.doi.org/10.1080/13527259808722225>.

Morris, Steven, 'Bristol Cathedral "would consider" removing slavery-linked colston window' *The Guardian* (London, 22 February 2017) www.theguardian.com/uk-news/2017/feb/22/bristol-cathedral-would-consider-removing-slavery-linked-colston-window.

Ng, Kate, 'Sadiq Khan will review all monuments in London to ensure they reflect city's diversity' *The Independent* (London, 9 June 2020) www.independent.co.uk/news/uk/home-news/sadiq-khan-statues-london-diversity-edward-colston-black-lives-matter-a9555941.html.

Norton, Mike, 'Editor of Bristol Post apologises for "Faces of Evil" front page of 21 years ago' *Bristol Live* (Bristol, 7 March 2018) www.bristolpost.co.uk/news/editor-bristol-post-apologises-faces-1305272.

Otele, Olivette, 'Bristol, slavery and the politics of representation: the Slave Trade Gallery in the Bristol Museum' (2012) 22(2) *Social Semiotics* 155 <http://dx.doi.org/10.1080/10350330.2012.665231>.

Otele, Olivette, 'Colston: What Can Britain Learn from France?' in Brian Kwoba, Rose Chantiluke and Athinangamso Nkopo, *Rhodes Must Fall: The Struggle to Decolonise the Racist Heart of Empire* (Zed Books 2018).

Otele, Olivette, 'The Guerrilla Arts in Brexit Bristol' in Stuart Ward and Astrid Rasch, *Embers of Empire in Brexit Britain* (Bloomsbury 2019).

PA and Eyres, Zosia, 'Prime Minister Boris Johnson's reaction to Edward Colston statue being torn down' *Bristol Live* (Bristol, 8 June 2020) www.bristolpost.co.uk/news/bristol-news/prime-minister-boris-johnsons-reaction-4204340.

Press Association 2020, 'Tory councillor calls slave trader a "hero" after Bristol statue toppling' *Glasgow Times* (Glasgow, 9 June 2020) www.glasgowtimes.co.uk/news/viralnews/18505882.tory-councillor-calls-slave-trader-hero-bristol-statue-toppling.

Purnell, Barrie, 'Louise Mitchell: Keep the name of Colston Hall in Bristol History is what it is PCism ruins everything', Change.org, 2017 <https://www.change.org/p/louise-mitchell-keep-the-name-of-the-colston-hall-in-bristol-history-is-what-it-is-pcism-ruins-everything>.

Rees, Martin, 'Bristol Commission for Race Equality & Women's Commission', Mayor of Bristol, 26 November 2019 <https://thebristolmayor.com/2019/11/26/bristol-commission-for-race-equality-womens-commission>.

Richards, Samuel, 'The Bristol Saint: The Making and Unmaking of Edward Colston' Unpublished manuscript.

Richardson, David, 'The British Empire and the Atlantic Slave Trade, 1660–1807' in PJ Marshall (ed), *The Oxford History of the British Empire, Volume II, The Eighteenth Century* (Oxford University Press 1998).

Richardson, David, *Bristol Slave Traders: A Collective Portrait*, Bristol Branch of the Historical Association, The University, 1995 www.bris.ac.uk/Depts/History/bristolrecordsociety/publications/bha060.pdf.

Rowley, Tom, 'Meet the only black member of Edward Colston's club' *The Economist* (London, 22 June 2020) www.economist.com/1843/2020/06/22/meet-the-only-black-member-of-edward-colstons-club.

Saner, Emine, 'Renamed and shamed: taking on Britain's slave trade past, from Colston Hall to Penny Lane' *The Guardian* (London, 29 April 2017) www.theguardian.com/world/2017/apr/29/renamed-and-shamed-taking-on-britains-slave-trade-past-from-colston-hall-to-penny-lane.

'The Seven Stars Plaque Project', Bristol Radical History Group www.brh.org.uk/plaque/index.html.

Scott, Matthew, 'The Colston statue destroyers have no defence in law but they will never be convicted' (Barrister Blogger, 8 June 2020) <https://barristerblogger.com/2020/06/08/the-colston-statue-destroyers-have-no-defence-in-law-but-they-will-never-be-convicted>.

Shepherd, Verene, 'Past Imperfect, Future Perfect? Reparations, Rehabilitation, Reconciliation' (2018) 203(1–2) *The Journal of African American History* 19 <http://dx.doi.org/10.1086/696333>.

Siegel, Jacob, 'The New Truth: When the moral imperative trumps the rational evidence, there's no arguing' *The Tablet* (London, 22 June 2020) www.tabletmag.com/sections/news/articles/new-truth-rationalism-religion.

Smart, Dean, 'Immigration and Emigration: Legacies of the Slave Trade' (BBC, nd) www.bbc.co.uk/legacies/immig_emig/england/bristol/article_1.shtml#sa-link_location=story-body&intlink_from_url=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fuk-england-bristol-42404825&intlink_ts=1597581153650-sa.

Smith, Joseph, 'The plaque is back – 'historic' plaque calling out Bristol's slave trading past has resurfaced' *Bristol Live* (Bristol, 31 January 2018) www.bristolpost.co.uk/news/bristol-news/plaque-back-historic-plaque-1146332.

Steeds, Mark and Ball, Roger, *From Wulfstan to Colston: Severing the sinews of slavery in Bristol*, (Bristol Radical History Group 2020).

Stringer, Jenny, 'Famous slave trader celebrated in Bristol again' (Bristol Cable, 5 November 2017) <https://thebristolcable.org/2016/11/famous-slave-trader-celebrated-in-bristol-again>.

Sullivan, Rory, 'Black Lives Matter protesters in Bristol pull down and throw statue of 17th-century slave trader into river' *The Independent* (London, 7 June 2020) www.independent.co.uk/news/uk/home-news/black-lives-matter-protests-uk-bristol-statue-edward-colston-slavery-a9553266.html.

The Society of Merchant Venturers, 'History', 2018 www.merchantventurers.com/who-we-are/history.

Townsend, Christine, 'Colston, the cathedral and Bristol's children' (Open Democracy, 29 August 2016) www.opendemocracy.net/en/beyond-trafficking-and-slavery/colston-cathedral-and-bristols-children.

UN, 'Guidance Note of the Secretary-General. United Nations Approach to Transitional Justice', 19 April 2010 www.un.org/ruleoflaw/blog/document/guidance-note-of-the-secretary-general-united-nations-approach-to-transitional-justice.

Valls, Andrew, 'Racial Justice as Transitional Justice' (2003) 36(1) *Polity* 53 www.jstor.org/stable/3235423.

Varshney, Ashutosh, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (Yale University Press, 2003).

Walker, Peter, 'Keir Starmer: pulling down Edward Colston statue was wrong' *The Guardian* (London, 8 June 2020) www.theguardian.com/politics/2020/jun/08/keir-starmer-edward-colston-bristol-statue-wrong.

Walker, Peter, Topping, Alexandra and Morris, Steven, 'Boris Johnson says removing statues is "to lie about our history"' *The Guardian* (London, 12 June 2020) www.theguardian.com/politics/2020/jun/12/boris-johnson-says-removing-statues-is-to-lie-about-our-history-george-floyd.

Wilkins, H J, *Edward Colston (1636–1721 AD) A Chronological Account of his Life and Work Together With An Account of the Colston Societies and Memorials in Bristol* (JW Arrowsmith 1920).

Wilkins, H J, *Edward Colston (1636–1721 AD) Supplement* (JW Arrowsmith 1925).

Witt, John Fabian et al, 'Letter of the Committee to Establish Principles on Renaming' Yale University, 21 November 2016 https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf.

Yong, Michael, 'Why Bristol is one of the worst places in England to grow up if you are young and poor' *Bristol Live* (Bristol, 28 November 2017) www.bristolpost.co.uk/news/bristol-news/bristol-one-worst-places-england-843705.

Endnotes

- 1 Martin Evans, 'Statue of Slave Trader Edward Colston Pulled Down and Thrown into Harbour by Bristol Protesters' *The Telegraph* (London, 7 June 2020) www.telegraph.co.uk/news/2020/06/07/edward-colston-statue-pulled-bristol-black-lives-matter-protesters accessed 21 August 2020.
- 2 Tristan Cork, 'Colston Statue – The 83 Minutes from Plinth to Harbour' *Bristol Post* (Bristol, 9 June 2020) www.bristolpost.co.uk/news/bristol-news/colston-statue-83-minutes-plinth-4204716 accessed 21 August 2020.
- 3 *Ibid.*
- 4 *Ibid.*
- 5 Kenneth Morgan, *Edward Colston and Bristol* (Bristol Branch of the Historical Association, The University, Bristol 1999) 1, www.bris.ac.uk/Depts/History/bristolrecordsociety/publications/bha096.pdf accessed 21 August 2020.
- 6 *Ibid.*, 1.
- 7 *Ibid.*, 7–16.
- 8 Morgan cites £71,000 as the amount Colston bequeathed at his death. Mark Steeds and Roger Ball examined Colston's records and contend that this is instead a tally of gifts given during his life, which are listed on his tomb.
- 9 Estimates obtained from www.measuringworth.com/index.php accessed 21 August 2020.
- 10 See n 5 above, 16.
- 11 See n 5 above, 16–17.
- 12 Madge Dresser, 'Bristol Cathedral, the Colston window and Edward Colston', *Avon Local History and Archaeology Newsletter* 150 (March – July 2017) pp 6–8 www.alha.org.uk/newsletter%20150.pdf accessed 21 August 2020.
- 13 See n 5 above, 16–17.
- 14 Roger Ball, 'Edward Colston Research Paper 2: The Royal African Company and Edward Colston (1680-92)', Bristol Radical History Group, last revision 10 June 2020 www.brh.org.uk/site/articles/edward-colston-research-paper-2 accessed 21 August 2020.
- 15 *Ibid.*
- 16 *Ibid.*
- 17 Antonia Layard, 'Edward Colston: Listing Controversy' (University of Bristol Law School blog, 15 June 2020) <https://legalresearch.blogs.bris.ac.uk/2020/06/edward-colston-listing-controversy> accessed 21 August 2020.
- 18 See n 14 above.
- 19 *Ibid.*
- 20 The Society of Merchant Venturers, 'History', 2018 www.merchantventurers.com/who-we-are/history accessed 21 August 2020.
- 21 Today, the SMV is a charitable organisation running schools and health trusts, and responsible for the major green spaces of the city. It holds 'quotas' of membership on many city institutions, such as the board of the University of Bristol.
- 22 Farah Elahi, Nissa Finney and Kitty Lymperopoulou, *Bristol: A City Divided? Ethnic Minority Disadvantage In Education and Employment*, Runnymede Trust, January 2017 www.runnymedetrust.org/uploads/CoDE%20Briefing%20Bristol%20v2.pdf accessed 21 August 2020.
- 23 *Ibid.*, 1: Ethnic inequality is defined as 'the absolute difference in the proportion of the White British group and a particular ethnic minority group who experience disadvantage on key social indicators'.
- 24 Michael Yong, 'Why Bristol Is One of the Worst Places in England to Grow Up if You Are Young and Poor: with Huge Inequality in Child Poverty and Low-Quality Childcare, What Can Be Done?' *Bristol Live* (Bristol, 28 November) 2017 www.bristolpost.co.uk/news/bristol-news/bristol-one-worst-places-england-843705 accessed 21 August 2020.
- 25 H J Wilkins, *Edward Colston (1636–1721 AD) A Chronological Account of his Life and Work Together with an Account of the Colston Societies and Memorials in Bristol* (JW Arrowsmith 1920). See also H J Wilkins, *Edward Colston (1636–1721 AD) Supplement* (JW Arrowsmith 1925).
- 26 Henri Tajfel and Michael Banton at the University of Bristol are two examples.
- 27 Statement by Dr Madge Dresser to the Task Force, 10 August 2020.

- 28 Bristol Museums, 'M Shed', 2020 www.bristolmuseums.org.uk/m-shed accessed 21 August 2020.
- 29 In 2015, Paul Stephenson OBE headed the Bristol Bus Boycott 50 group commemorating the Bristol Bus Boycott of 1963, the first black-led campaign against the colour bar in Britain, of which he had been a leading member, spearheading pressure to combat racial discrimination and reform the school curriculum. This was succeeded by an Education commission. Statement by Dr Madge Dresser to the Task Force, 10 August 2020.
- 30 The campaign sought to 'remember the full, true history of transatlantic slavery, colonialism and exploitation', including commemorating those 'who suffered and died' as a result of slavery, as well as those who 'courageously resisted slavery and fought for abolition and emancipation'. The movement also sought to 'acknowledge and repair, as far as possible, the negative effects in the present day of historical slavery', while also promoting 'ideas of human dignity, equality and freedom'. See Countering Colston, 'What do we want?' <https://counteringcolston.wordpress.com/what-do-we-want> accessed 1 July 2018.
- 31 'Afternoons on BBC Radio Bristol' (BBC, 21 February 2017).
- 32 Change.org www.change.org/p/louise-mitchell-keep-the-name-of-the-colston-hall-in-bristol-history-is-what-it-is-pcism-ruins-everything accessed 21 August 2020.
- 33 Database available on request. See Joanna Burch-Brown, 'Is it Wrong to Topple Statues and Rename Schools?' (2017) 1(1) *Journal of Political Theory and Philosophy* 59 https://research-information.bris.ac.uk/ws/portalfiles/portal/183663137/Dr.Brown_FINAL_1.pdf accessed 21 August 2020.
- 34 Steve le Fevre, Interview with Marvin Rees (Bristol, 18 March 2017) www.youtube.com/watch?v=i6-pGIxSpkA&fbclid=IwAR2POVAvVuW256ewiU-V96_wqNOM-Dc8zEA0d8w8ZEMc7IIPbXY4fEHySjc accessed 21 August 2020.
- 35 Colston Hall, 'Vision and renaming', 2020 www.colstonhall.org/transform-the-hall/vision-and-renaming accessed 21 August 2020.
- 36 Joanna Burch-Brown, 'Edward Colston and Bristol's *Year of Change*: A Case Study In Contested Heritage', presented at All Souls College, Oxford, 25 March 2019.
- 37 Tristan Cork, 'Bristol School Drops Colston Name and Replaces with African American Female Mathematician's' *Bristol Live* (Bristol, 10 February 2019) www.bristolpost.co.uk/news/bristol-news/bristol-school-drops-colston-name-2524328 accessed 21 August 2020.
- 38 *Ibid.*
- 39 Tristan Cork, 'School Founded by Edward Colston "considering name change"' *Bristol Post* (Bristol, 9 June 2020) www.bristolpost.co.uk/news/bristol-news/school-founded-edward-colston-considering-4208305 accessed 21 August 2020.
- 40 Committee to Establish Principles on Renaming, 'Report of the Committee to Establish Principles on Renaming' in John Fabian Witt et al, 'Letter of the Committee to Establish Principles on Renaming' Yale University, 21 November 2016 https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf accessed 21 August 2020.
- 41 *Ibid.*
- 42 Janet Hughes and Tristan Cork, 'Gloucestershire Headteacher Says He Covered a Statue of Slave Trader Edward Colston with a Sheet' *Gloucestershire Live* (Gloucester, 16 July 2020) www.gloucestershirelive.co.uk/news/gloucester-news/gloucestershire-headteacher-says-covered-statue-4332716.
- 43 Philip Kuhn, 'Who Owns Colston?', Bristol Radical History Group, 18 July 2020 www.brh.org.uk/site/articles/who-owns-colston accessed 21 August 2020.
- 44 *Ibid.*
- 45 *Ibid.*
- 46 Madge Dresser, 'Obliteration, Contextualisation or "Guerilla Memorialisation"?' (Open Democracy, 29 August 2016) www.opendemocracy.net/en/beyond-trafficking-and-slavery/obliteration-contextualisation-or-guerrilla-memorialisation-edward-colst accessed 21 August 2020.
- 47 Adam Hochschild, *Bury the Chains* (Mariner Books 2006), 15.
- 48 See n 46 above.
- 49 *Ibid.*
- 50 Helen Holmes, 'Banksy Unveils Valentine's Day Mural in His Hometown of Bristol' *The Observer* (London, 14 February 2020) <https://observer.com/2020/02/banksy-valentines-day-art-mural-bristol-barton-hill> accessed 21 August 2020.

- 51 “Tristan Cork, “100 Human Figures Placed in Front of Colston Statue in City Centre,” *Bristol Live* (18 October 2018) www.bristolpost.co.uk/news/bristol-news/100-human-figures-placed-front-2122990.
- 52 Joanna Burch-Brown, ‘Edward Colston and Bristol’s *Year of Change*: A Case Study In Contested Heritage’, presented at All Souls College, Oxford, 25 March 2019.
- 53 Paul Gallagher, ‘Bristol Torn Apart Over Statue of Edward Colston: But Is this a Figure of Shame or a Necessary Monument to the History of Slavery?’ *The Independent* (London, 22 June 2014) www.independent.co.uk/news/uk/home-news/bristol-torn-apart-over-statue-of-edward-colston-but-is-this-a-figure-of-shame-or-a-necessary-9555333.html accessed 21 August 2020.
- 54 In 1997 the Bristol City Museum commissioned activists to set up a ‘slavery trail’ in the city. Madge Dresser Caletta Jordan and Doreen Taylor, *Slave Trade Trail around Central Bristol* (Bristol: Bristol Museums & Art Gallery, 1999)
- 55 Marvin Rees, ‘Bristol Commission for Race Equality & Women’s Commission’, Mayor of Bristol, 26 November 2019 <https://thebristolmayor.com/2019/11/26/bristol-commission-for-race-equality-womens-commission> accessed 21 August 2020.
- 56 Experts included Dr Edson Burton, Ros Martin and Dr Marie-Annick Gournet.
- 57 Joseph Smith, ‘The Plaque Is Back – “Historic” Plaque Calling Out Bristol’s Slave Trading Past Has Resurfaced’, *Bristol Live* (Bristol, 31 January 2018) www.bristolpost.co.uk/news/bristol-news/plaque-back-historic-plaque-1146332 accessed 21 August 2020.
- 58 Judith Evans, ‘Bristol, The Slave Trade And A Reckoning With The Past’ *FT Magazine* (Bristol, 9 August 2018) www.ft.com/content/032fe4a0-9a96-11e8-ab77-f854c65a4465 accessed 21 August 2020.
- 59 Dean Smart, ‘Immigration and Emigration: Legacies of the Slave Trade’, *BBC: Legacies*, Bristol, nd www.bbc.co.uk/legacies/immig_emig/england/bristol/article_1.shtml#sa-link_location=story-body&intlink_from_url=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fuk-england-bristol-42404825&intlink_ts=1597581153650-sa accessed 21 August 2020.
- 60 See n 36 above.
- 61 Ministry of Housing, Communities & Local Government, ‘12. Achieving well-designed places’, UK Government, 27 March 2012 www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places accessed 21 August 2020.
- 62 See Annex for drafts of the plaque.
- 63 ‘Edward Colston: Plaque to Bristol Slave Trader Axed Over Wording’ (BBC, 25 March 2019) www.bbc.com/news/uk-england-bristol-47670756 accessed 21 August 2020.
- 64 See n 36 above.
- 65 For an image of the plaque with this wording and further information on the process, see Roger Ball, ‘The Edward Colston “Corrective” Plaque: Sanitizing an Uncomfortable History’ Bristol Radical History Group, last revision 10 June 2020 www.brh.org.uk/site/articles/the-edward-colston-corrective-plaque accessed 21 August 2020.
- 66 *Ibid.*
- 67 Tristan Cork, ‘Second Colston Statue Plaque Not Axed and Will Still Happen But Mayor Steps in to Order a Re-Write’, *Bristol Live* (Bristol, 25 March 2019) www.bristolpost.co.uk/news/bristol-news/second-colston-statue-plaque-not-2682813 accessed 21 August 2020.
- 68 ‘Edward Colston Statue: Protesters Tear Down Slave Trader Monument’ (BBC, 8 June 2020) www.bbc.com/news/uk-52954305 accessed 21 August 2020.
- 69 Press Association 2020, ‘Tory Councillor Calls Slave Trader a “Hero” After Bristol Statue Toppling’, *Glasgow Times* (Glasgow, 9 June 2020) www.glasgowtimes.co.uk/news/viralnews/18505882.tory-councillor-calls-slave-trader-hero-bristol-statue-toppling accessed 21 August 2020.
- 70 See n 17 above.
- 71 Claire Miller and Sophie Grubb, ‘Bristol Has Spoken - And Most People Are Glad The Colston Statue Was Pulled Down’, *Bristol Live* (Bristol, 12 June 2020) www.bristolpost.co.uk/news/bristol-news/bristol-spoken-most-people-glad-4217554 accessed 21 August 2020.
- 72 The Rt Hon Boris Johnson MP, ‘Prime Minister Message on Black Lives Matter’, Prime Minister’s Office, 8 June 2020 www.gov.uk/government/speeches/prime-minister-message-on-black-lives-matter accessed 21 August 2020 accessed 21 August 2020.
- 73 PA and Zosia Eyres, ‘Prime Minister Boris Johnson’s Reaction to Edward Colston Statue Being Torn

- Down' *Bristol Live* (Bristol, 8 June 2020) www.bristolpost.co.uk/news/bristol-news/prime-minister-boris-johnsons-reaction-4204340 accessed 21 August 2020.
- 74 See n 43 above.
- 75 Rory Sullivan, 'Black Lives Matter Protesters in Bristol Pull Down and Throw Statue of 17th-Century Slave Trader into River', *The Independent* (London, 7 June 2020) www.independent.co.uk/news/uk/home-news/black-lives-matter-protests-uk-bristol-statue-edward-colston-slavery-a9553266.html accessed 21 August 2020.
- 76 'Appeal to Identify Edward Colston Statue Protesters' (BBC, 22 June 2020) www.bbc.com/news/uk-england-bristol-53108898 accessed 21 August 2020.
- 77 *Ibid.*
- 78 Mike Norton, 'Opinion: Edward Colston Statue Toppling "Should Not Be Reduced to a Simple Act of Criminal Damage"' *Bristol Live* (Bristol, 22 June 2020) www.bristolpost.co.uk/news/bristol-news/opinion-edward-colston-statue-toppling-4249460 accessed 21 August 2020.
- 79 See n 17 above.
- 80 Planning (Listed Buildings and Conservation Areas) Act 1990, The National Archives, UK Public General Acts www.legislation.gov.uk/ukpga/1990/9/contents accessed 21 August 2020.
- 81 See n 17 above.
- 82 Matthew Scott, 'The Colston Statue Destroyers Have No Defence in Law But They Will Never Be Convicted', (Barrister Blogger, 8 June 2020) <https://barristerblogger.com/2020/06/08/the-colston-statue-destroyers-have-no-defence-in-law-but-they-will-never-be-convicted> accessed 21 August 2020.
- 83 Criminal Damage Act 1971, The National Archives, UK Public General Acts, www.legislation.gov.uk/ukpga/1971/48?view=plain accessed 21 August 2020.
- 84 See n 80 above.
- 85 Haley Chapman, Mike Schwarz and Raj Chada, 'The Edward Colston Statue: Could Protesters Be Prosecuted and Is There a Defence?', Hodge Jones & Allen Solicitors, 10 June 2020 www.hja.net/the-edward-colston-statue-could-the-protesters-be-prosecuted-and-is-there-a-defence accessed 21 August 2020.
- 86 Jasper King, 'Police Explain Why They Didn't Stop Protesters Toppling Edward Colston Statue', *Bristol Live* (Bristol, 8 June 2020) www.bristolpost.co.uk/news/bristol-news/police-explain-didnt-stop-protesters-4203130 accessed 21 August 2020.
- 87 Peter Walker, 'Keir Starmer: Pulling Down Edward Colston Statue Was Wrong' *The Guardian* (London, 8 June 2020) www.theguardian.com/politics/2020/jun/08/keir-starmer-edward-colston-bristol-statue-wrong accessed 21 August 2020.
- 88 See n 83 above.
- 89 *Ibid.*
- 90 Harry Howard, 'Protestor, 18, "Who Helped Roll" Slaver Edward Colston's Statue into Dock in Bristol Is Given a Caution and Told He MUST Attend Meeting About Future of Other Monuments, Lawyer Reveals' *The Daily Mail Online* (London, 2 July 2020) www.dailymail.co.uk/news/article-8484341/Protestor-rolled-slave-trader-Edward-Colstons-statue-water-set-escape-caution.html accessed 21 August 2020.
- 91 Conor Gogarty, 'Teen Who "Helped Dump Colston Statue" Set To Get Police Caution if He Makes Donation and Goes to Meeting', *Bristol Live* (Bristol, 2 July 2020) www.bristolpost.co.uk/news/bristol-news/teen-who-helped-dump-colston-4284511 accessed 21 August 2020.
- 92 'Edward Colston: British Slave Trader "Was an Affront"' (BBC, 8 June 2020) www.bbc.com/news/uk-england-bristol-52962356 accessed 21 August 2020.
- 93 Historic England, 'The Removal of the Statue of Edward Colston, Bristol' <https://historicengland.org.uk/whats-new/statements/edward-colston-statue> accessed 21 August 2020.
- 94 Kate Ng, 'Sadiq Khan Will Review All Monuments in London to Ensure They Reflect City's Diversity', *The Independent* (London, 9 June 2020) www.independent.co.uk/news/uk/home-news/sadiq-khan-statues-london-diversity-edward-colston-black-lives-matter-a9555941.html accessed 21 August 2020.
- 95 Rowena Mason and Helen Pidd, 'Labour Councils Launch Slavery Statue Review as Another Is Removed', *The Guardian* (London, 9 June 2020) www.theguardian.com/world/2020/jun/09/sadiq-khan-orders-review-of-all-london-statues-for-slavery-links accessed 21 August 2020.

- 96 Peter Walker, Alexandra Topping and Steven Morris, 'Boris Johnson Says Removing Statues Is "To Lie About Our History"' *The Guardian* (London, 12 June 2020) www.theguardian.com/politics/2020/jun/12/boris-johnson-says-removing-statues-is-to-lie-about-our-history-george-floyd accessed 21 August 2020.
- 97 Imogen Braddick, 'Removal of Robert Milligan Statue Prompts Call to "Boycott" Sainsbury's' *The Evening Standard* (London, 10 June 2020) www.standard.co.uk/news/uk/robert-milligan-statue-removal-sainsburys-boycott-a4464621.html accessed 21 August 2020.
- 98 "'Degrading" Dunham Massey Hall Statue Removed' (BBC, 12 June 2020) www.bbc.co.uk/news/uk-england-manchester-53011156 accessed 21 August 2020.
- 99 The statue of Jen Reid, called 'A Surge of Power', was constructed by renowned artist Marc Quinn and also provoked controversy. See Archie Bland, 'Black Lives Matter Sculpture of Jen Reid Removed from Colston Plinth' *The Guardian* (London, 12 June 2020) www.theguardian.com/world/2020/jul/16/black-lives-matter-sculpture-of-jen-reid-removed-colston-bristol accessed 21 August 2020.
- 100 Steven Morris, 'Bristol's Colston Hall renamed after decades of protests,' *The Guardian* (23 September 2020) www.theguardian.com/world/2020/sep/23/bristols-colston-hall-renamed-in-wake-of-black-lives-matter-protests accessed 25 September 2020.
- 101 Tristan Cork, 'Edward Colston's Name Removed from Bristol Cathedral and St Mary Redcliffe,' *Bristol Live* (Bristol, 16 June 2020) www.bristolpost.co.uk/news/bristol-news/edward-colstons-name-removed-bristol-4230590 accessed 21 August 2020.
- 102 Mike Norton, 'Editor of Bristol Post Apologises for "Faces of Evil" front page of 21 years ago' *Bristol Live* (Bristol, 7 March 2018) www.bristolpost.co.uk/news/editor-bristol-post-apologises-faces-1305272 accessed 21 August 2020.
- 103 'Edward Colston Statue Pulled Out of Bristol Harbour' (BBC, 11 June 2020) www.bbc.com/news/uk-england-bristol-53004748 accessed 21 August 2020.
- 104 'Edward Colston Statue Graffiti Will Be Preserved' (BBC, 17 June 2020, www.bbc.com/news/uk-england-bristol-53083939 accessed 21 August 2020).
- 105 See n 43 above.
- 106 Final membership had not yet been determined by that point.
- 107 Madge Dresser statement to the Task Force, 10 August 2020.
- 108 Emine Saner, 'Renamed and Shamed: Taking on Britain's Slave Trade Past, From Colston Hall to Penny Lane' *The Guardian* (London, 29 April 2017) www.theguardian.com/world/2017/apr/29/renamed-and-shamed-taking-on-britains-slave-trade-past-from-colston-hall-to-penny-lane accessed 21 August 2020.
- 109 Emma Grimshaw, "'He was a slave trader and a murderer' – David Olusoga speaks out after Colston statue toppled." *Bristol Live*, 7 June 2020.
- 110 'Enslaved African Man's Headstone in Bristol Vandalised' (BBC, 18 June 2020) www.bbc.com/news/uk-england-bristol-53089528 accessed 21 August 2020. NB: The grave has a Grade II* list entry in Historic England #1205137, see 'Memorial to Scipio Africanus 10 Metres North West of South Porch of Church of St Mary', Historic England, 2020 <https://historicengland.org.uk/listing/the-list/list-entry/1205137> accessed 21 August 2020.
- 111 See, eg, The National Trust's work with LGBTQ history, 'Prejudice and Pride: Exploring LGBTQ History', 2017 www.nationaltrust.org.uk/features/prejudice-and-pride-exploring-lgbtq-history; and the youth-led history project Colonial Countryside, 'About', 2018 <https://colonialcountryside.wordpress.com/about-colonial-countryside> accessed 21 August 2020.
- 112 Email from Madge Dresser to the editor, 16 August 2020.

Case Study II: Litigating Robert E Lee

Robert E Lee Equestrian Statue, Charlottesville, Virginia



Credit: Katherine Welles/Shutterstock

On 11 April 2020, Ralph Northam, the governor of the Commonwealth of Virginia, signed House Bill No 1537, which devolved authority over ‘memorials for war veterans’ from the state to the municipal level. The bill resolved an acrimonious dispute over an equestrian statue of Confederate General Robert E Lee, in the city of Charlottesville, which had drawn national attention and sparked a violent protest that resulted in three fatalities.

This case study examines the options and mechanisms available for resolving disputes over statues of historical figures in prominent municipal locations, and the factors that need to be taken into consideration when deciding on potential remedies. These include the role of local and national politics, media attention, city ordinances and heritage protection laws, as well as the range of potential remedies, and their respective advantages and liabilities, both in terms of short-term and long-term impact.

Introduction

On 6 February 2017, the City Council of Charlottesville, Virginia, voted to relocate an equestrian statue of Confederate General Robert E Lee from a park in the city centre to a less prominent location on the outskirts of the city.¹ The decision to move the statue was taken in response to the heated and often violent disputes in many southern states over Confederate statues in the aftermath of the racist-motivated shooting of nine African Americans in Charleston, South Carolina, by a white supremacist in June 2015.² On 20 March 2017, six weeks after city councillors voted to remove the statue, along with a statue of Confederate General Thomas ‘Stonewall’ Jackson located in another downtown park, a lawsuit was filed with the Charlottesville Circuit Court to prevent the city from challenging the decision to move the statues, invoking Virginia state law dating back to the early 20th century.³ With the removal of the Lee statue halted by the lawsuit, the Charlottesville City Council voted in April to sell the statue.⁴ On 13 May, a torchlight rally by white supremacists was held to protest the City Council decision. This rally was followed, on 8 July, by a second rally, this time with 50 members of the Ku Klux Klan, which resulted in clashes with counter-protesters and the police. The following month, on 12 August, the ‘Unite the Right’ rally resulted in violent clashes that ended tragically with the deaths of a counter-protester, who was struck by a vehicle, and two Virginia state police officers, who died in a helicopter accident while surveilling the situation from the air.⁵

For decades, Charlottesville, a city of 48,000 residents, evoked images of the 200-year-old campus of the University of Virginia, conceived by one of America’s ‘Founding Fathers’ and third President of the US, Thomas Jefferson. In 1987, UNESCO named the University of Virginia’s campus, together with Jefferson’s iconic home of Monticello located on a hillside just outside the city, as an official World Heritage Site.⁶ But the image of a quiet college town was shattered by the civil unrest of July and August 2017, which came to be known locally as the ‘Summer of Hate’.⁷ Afterwards, ‘Charlottesville’ became a byword for the violence that could result from contestations over the representation of historical legacies in public spaces. As the city’s former Mayor Mike Signer said, Charlottesville has now become a hashtag for ‘violence, intimidation and death that underlies the alt-right movement’.⁸ A second hashtag that came out of the events of 2017, Signer said, was #realproblems, as state

and local governments failed effectively to coordinate their efforts to prevent violence.⁹ This charged hashtagging represented a major departure from the past for a small city known previously for high quality of life, history and southern charm.

For many, the violence of summer 2017 highlighted deeper economic and social problems that had plagued the city since the Civil War. Wes Bellamy, one of two Charlottesville city councillors who led the campaign to remove the Lee statue, and himself an African American, said that the real fight in Charlottesville was not about the Lee statue or any other symbol. 'If it was about a statue, people wouldn't tell me they're going to hang me from a tree or harm my wife and children,' he told *C-Ville Weekly*. 'There can be no repair and reconciliation without the redistribution of resources,' said Bellamy. 'If you mess something up, you fix it.'¹⁰

However, beyond the possible lapses in proper security and public safety measures, and overt expressions of racist sentiment and violence, a close examination of the decision-making process involved in planning to relocate the statue suggests that the local authorities had failed to provide a truly transparent and inclusive process for democratic decision-making. For all its strengths, Charlottesville's process did not take into consideration the full range of remedies available to the city, nor did that process take into account the potential liabilities of the main options considered, both to deal with the Lee statue in the short term and to address underlying issues of racial inequality in the long term.

Background: the complex legacy of Robert E Lee

In 1924, Paul Goodloe McIntire, a local stockbroker and philanthropist, donated funds for the construction of an equestrian statue of Lee, as well as the land for a park in the city of Charlottesville, Virginia.¹¹ McIntire had prospered as a stockbroker in Chicago and New York before retiring to his native Charlottesville, where he embarked on a second career as a philanthropist. McIntire spent his entire fortune on supporting the University of Virginia and making gifts to beautify the city, including scholarships and a park intended for African Americans. He commissioned the statue of Lee from sculptor Henry Merwin Shrady of New York City at a cost of \$30,000. After Shrady died on 12 April 1922, sculptor Leo Lentelli took over the work and completed the statue in time to ship it to Charlottesville and install it in its intended downtown location in the park donated by McIntire – also named after Lee – for the statue's dedication.¹²

Although anti-statue activists and their allies tended to see only one meaning in the Lee statue – white supremacy – Lee had for more than a century been one of the most popular personalities not only in the South, but across the US.¹³ To cite one prominent example, President Dwight D Eisenhower, previously commander of Allied forces in Europe during the Second World War, stated on national television in the 1950s that Lee was one of the four 'great Americans' whose portraits hung on the wall in the Republican President's office. When asked how a man who had devoted 'his best efforts to the destruction of the United States government' could earn the admiration of the President, Eisenhower replied without hesitation that Lee was:

‘in my estimation, one of the superbly gifted men produced by our Nation [...] Selfless almost to a fault [...] noble as a leader and as a man, and unsullied as I read the pages of our history. From deep conviction I simply say this: a nation of men of Lee’s caliber would be unconquerable in spirit and soul. Indeed, to the degree that present-day American youth will strive to emulate his rare qualities [...] we, in our own time of danger in a divided world, will be strengthened and our love of freedom sustained.’¹⁴

One aspect of Lee’s legacy that tends to be uncontroversial is his effectiveness as a military leader. He famously graduated second in his class at West Point, and throughout much of the Civil War seemed ‘to read the minds of Union generals’.¹⁵ For much of the war, he and his Confederate generals outclassed Union leaders like George McClellan, before his decision to invade the North proved fateful at Gettysburg. There, after the bloodiest battle of the Civil War, Lee stated ‘all this has been my fault’.¹⁶ After this failure, the Confederacy never regained momentum, and Lee was forced to surrender to Ulysses S Grant at the Battle of Appomattox Court House. After the war, Lee pushed for reconciliation, believing it was the South’s duty to help the North rebuild the Union. He preached submission to authority, promoted political harmony and became President of Washington College.¹⁷

While Lee generally held slavery to be an evil, he was far from an abolitionist, and in fact owned slaves himself.¹⁸ More importantly, his image as a principled, genteel southerner became symbolic for the ‘Lost Cause’ mythology of the South and all the resonances that mythology brings along with it. Once Lee passed away, he was lionised in the press, to the extent that Frederick Douglass complained he could not find ‘a northern newspaper “that is not filled with nauseating flatteries of Robert E Lee”’.¹⁹

The erection of the statue came during a time called the ‘Lost Cause’, which began after the Confederate government set up by Virginia and ten other southern states²⁰ lost the American Civil War (1861–1865).²¹ The war ended slavery by force of arms, freeing the nation’s four million enslaved people,²² whose ancestors had been brought to areas that would become the US beginning in the 16th century when the Spanish landed the first enslaved Africans in Florida and on the Carolina coast.²³ Union Army occupation of southern states in the latter half of the Civil War and for more than a decade after the war’s end – known as the Reconstruction period – enforced emancipation and the exercise of civil rights newly granted to freed African Americans. When federal troops were pulled out of former Confederate states in 1877, ex-Confederates returned to power and legalised segregation (‘Jim Crow laws’).²⁴ To bolster their political efforts, southern apologists spread the ‘Lost Cause’ assertion, claiming that the Civil War was not about slavery but instead about states’ rights.

According to the Southern Poverty Law Center (SPLC), which campaigns to remove Confederate symbols and monuments from public spaces, Confederate monuments were erected at two key periods in American history. ‘The dedication of Confederate monuments and the use of Confederate names and other iconography began shortly after the Civil War ended in 1865,’ the SPLC observes, but notes there were two ‘significant spikes’ in these commemoration processes in the following decades. ‘The first began around 1900

as southern states were enacting Jim Crow laws to disenfranchise African Americans and re-segregate society after several decades of integration that followed Reconstruction,' the SPLC wrote in a February 2019 report. 'It lasted well into the 1920s, a period that also saw a strong revival of the Ku Klux Klan. Many of these monuments were sponsored by the United Daughters of the Confederacy. The second period began in the mid-1950s and lasted until the late 1960s, the period encompassing the modern civil rights movement.' The SPLC report, *Whose Heritage? Public Symbols of the Confederacy*, stated that 1747 Confederate monuments were still standing as of 2019, and that many were protected by state laws in the former Confederate states.²⁵

Shooting brings new scrutiny to Confederate monuments

On 17 June 2015, white supremacist Dylann Roof, who had displayed the Confederate battle flag on his social media accounts, shot and killed nine members of the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.²⁶ Afterwards, reeling in horror at this violence, civil rights activists nationwide put out calls to remove symbols of the Confederacy from public spaces. At the urging of South Carolina Governor Nikki Haley, the state removed the battle flag from the grounds of the State House in the state's capital, Columbia.²⁷ Public reaction against the Charleston shooting energised calls for the removal of the Lee statue in Charlottesville. But 'even before the massacre in Charleston, Charlottesville had an elected official willing to suggest that Robert E Lee had overstayed his welcome,' wrote Hawes Spencer in his book, *Summer of Hate*.²⁸

At a talk headlined by noted southern historian Ed Ayers at the Virginia Festival of the Book in 2012, City Councillor Kristin Szakos said that many people wanted the statues removed. 'There were gasps. You would have thought I had asked if it was okay to torture puppies,' Szakos later recalled during a radio interview on National Public Radio (NPR).²⁹ In the face of vocal opposition and little public support, Szakos dropped the idea to remove the Lee statue until the shooting in Charleston drew national attention to Confederate symbols and monuments, and their connection to racist violence and the politics of white supremacy. In Charlottesville, African American activists, including the city's Vice Mayor Bellamy, and their allies on the political left, began a campaign to remove the Lee statue. On 22 March 2016, the first rally was organised in what was then still called Lee Park to propose removing the Lee statue.³⁰ By the time of the event, a petition on Change.org to remove the statue started by Charlottesville High School student Zyahna Bryant had garnered more than 500 signatures. The petition would later close with a total of 728 supporters.³¹ Bryant's introduction explained her rationale for the petition:

'Hi my name is Zyahna and I am a resident of the city of Charlottesville. As a younger African American resident in this city, I am often exposed to different forms of racism that are embedded in the history of the south and particularly this city. My peers and I feel strongly about the removal of the statue because it makes us feel uncomfortable and it is very offensive. I do not go to the park for that reason, and I am certain that

others feel the same way. This city is such a great place to live, but this simply goes against the great values of Charlottesville.’³²

After the rally, Teresa Lam, a resident of a Virginia town located 60 miles northwest of Charlottesville, called Elkton, started a counter-petition on Change.org to keep the Lee statue. Lam’s online petition attracted nearly 200 signatures by 1900 of that same day. The pro-statue petition closed with 51,008 supporters, a number exceeding the city’s population, indicating that some petition signers lived outside of Charlottesville. Repeating a common but historically inaccurate claim that Lee freed some of his own slaves prior to the end of the Civil War,³³ Lam offered an alternative meaning of the contested statue:

‘The statue does not represent slavery or white supremacy. Lee himself did not stand for those institutions and for the Charlottesville City Council to condemn this man and the statue in the same breath because of erroneous views is wrong. Lee freed slaves he inherited and did not wish to fight but out of loyalty to his state as was the norm in 1860, he resigned his commission in the US Army and accepted commission in the [Confederate] Army to defend his state, not slave owners. By tearing this statue down the City council [sic] is dividing our nation once again and erasing all the work Lee did 150 years ago to reunite our country after the Civil War. Keeping the statue is not romanticizing the war, it’s paying respect, honoring and remembering the sacrifice the sons of Virginia gave to her. Save the statue, let Lee stand in Lee Park!’³⁴

A third petition, posted on Change.org by Elliott Harding, the chair of the Albemarle County Republican Committee, gained a total of 575 signatures for retaining the Lee statue but augmenting it with a new statue of civil rights leader Julian Bond, who late in life served as a professor at the University of Virginia. Harding presented a rationale for his version of a Transform-in-Place approach to the Lee statue:

‘A memorial for Mr. Bond would serve as a unique contrast to whatever legacy General Lee left on racial tensions. For many, Lee is not a symbol of racism or oppression, but it is understandable that his memory may be viewed that way. Similarly, some may not support all of the aspects of Mr. Bond’s legacy, as he was outspoken on an array of issues, but his work toward the advancement of civil rights is commendable. By converting Lee Park into Lee-Bond Park, or creating some other alternative, the City could send a clear message that history is not to be forgotten, but progress is to be celebrated.’³⁵

A little more than a month after Bellamy’s rally, on 6 May 2016, Charlottesville City Council passed a resolution to form a group of citizens to consider the future of the Lee and Jackson statues along with other historic sites connected to the Civil War, slavery and race in the city.³⁶

Blue Ribbon Commission

In its resolution establishing the Blue Ribbon Commission on Race, Memorials and Public Spaces (BRC), city councillors asked the group ‘to provide Council with options for telling the full story of Charlottesville’s history of race and for changing the City’s narrative through

our public spaces'.³⁷ The resolution specified that the group would contain nine members, with six chosen from the community at large and the remaining three drawn from existing city boards covering related issues. Thus, one member each was to come from the PLACE Design Task Force dealing with urban planning, the Human Rights Commission set up in 2013 to address challenges with racial relations and the Historic Resources Committee dedicated to historic preservation. The resolution listed six criteria for selecting members by qualifications: 'commitment to the mission, open-mindedness, respected in their area of expertise or representation, principled and collegial, diverse and reflective of our community, and strong affiliation with the Charlottesville/Albemarle area'.³⁸

Of the existing city groups, none of the representatives were African American. In a bid to add racial diversity, Charlottesville City Council selected four African Americans to occupy six of the at-large slots on the commission.³⁹ This decision was criticised by some, citing statistics that the number of African American members on the commission was disproportionate to the number of African American residents (19 per cent) in the city.⁴⁰ African American members included the commission's Chair, Don Gathers, deacon of an activist church, and the group's Vice Chair, John Mason, a University of Virginia professor specialising in African history and the history of photography.

The BRC faced a difficult challenge and was publicly criticised for its lack of diversity.⁴¹ According to Charlottesville preservationist Lewis Martin, the BRC was 'a stacked deck' heavily weighted with anti-statue activists and their allies, both of whom lacked diversity of views and relevant expertise.⁴² Critics charged that people were omitted from groups more likely to support leaving the Lee and Jackson statues in place: southern heritage groups, such as the Sons of Confederate Veterans, local preservationists and long-time residents of Charlottesville.⁴³ Others criticised the commission for lacking expertise in the history of the Civil War. Charlottesville Black Lives Matter co-founder Jalane Schmidt observed that the BRC was formed to 'shake things up' and needed members who understood its mission to bring change.⁴⁴

Bob Fenwick was one of the city councillors who read applications and voted on appointments to the BRC. Fenwick noted that it was difficult for councillors to come to agreement on members: 'The Council had about 95 applications for the Blue Ribbon Commission,' he observed. 'It was a very difficult and subjective choice but we had five councillors coming up with five different lists.'⁴⁵ Despite the criticisms, even preservationists found that the BRC operated effectively and fairly. Martin observed, 'Though it was a stacked deck, the BRC was intelligent, thoughtful and sincere.'⁴⁶

Over a three-month period beginning in September, the BRC undertook a variety of activities to gather public comment, hear from experts, review materials and study the statues in person. The group held 15 public meetings at a variety of locations around the city to make it more convenient for residents of different neighbourhoods to attend. The BRC also sponsored three public forums and took a bus tour of relevant sites. City staff posted meeting schedules, agendas and audio recordings of meeting discussions online on the BRC's website.⁴⁷

The group reviewed the results of efforts to address concerns over Confederate monuments in other cities, including Virginia's capital city Richmond, the northern Virginia city of Alexandria, and out-of-state locations such as St Louis and New Orleans. City staff provided information on relevant context about the City Beautiful Movement of the early 20th century. Finally, the BRC heard from guest speakers with expertise in architecture and Civil War history, helping to compensate for the lack of relevant expertise among committee members.⁴⁸

In addition to its work as a whole group, the BRC split its members into four subcommittees to examine key areas in greater detail. Subcommittees were Public Engagement (to set up and conduct public input meetings), Case Studies (to examine what other cities had done about race, memorials and public spaces), Inventory of Historic Sites (to develop a complete list of sites in Charlottesville relating to African American history), and Historical Context and Background (to examine the sites inventoried and seek to uncover the little-known history of those sites).

The most visible part of the BRC's work was its public engagement. The Commission took public input in several formats, including 20-minute public comment sessions at each of its regular meetings, informal comments before and after its work sessions and on its single bus tour, and in its three public forums.⁴⁹ The first forum, held at the Jefferson School, the city's African American heritage centre, attracted 150 attendees. Intended to be a 'listening session' for members of the BRC to hear from the public, the forum included two open public comment periods and small group discussions on topics concerning stories that participants wanted to tell about Charlottesville; places that deserve more attention and heroes who deserve more celebration; and the meaning of the statues of Jackson and Lee. 'Members of the public spoke for and against removing the Lee and Jackson statues, although a preponderance of speakers recommended retaining the monuments and adding new interpretive information that re-contextualizes them for contemporary times,' said the group's report.⁵⁰

The second public forum at two city schools had lower attendance but a narrower focus. This forum invited participants to select from a variety of options on the future of the Lee and Jackson statues. Participants wound up equally divided between leaving and removing the statues. In the third forum, the BRC presented its own recommendations for public comment. According to the official report, 'a large majority' of speakers in the third forum asked that the statues be moved.⁵¹

During the months of November and December 2016, the BRC attempted to provide final recommendations to the City Council, and changed its determination several times, primarily in response to pressure from local anti-statue activists. Initially on 1 November 2016, commissioners voted 6-3 to recommend that the city leave both Lee and Jackson statues in place. But once the draft report was ready on 10 November, the BRC had added a recommendation to change the name of Lee Park. By the end of the month, the BRC changed its conclusion yet again, advocating that the city move the Lee Statue to McIntire Park, located just outside the downtown area.

In its final report delivered on 19 December, commissioners voted unanimously to send two separate options to City Council: (1) either keep the statues in place but

recontextualise them by adding significant signage or additional statues; or (2) move the statues to a new location. The Charlottesville City Council would go on to consider the BRC's recommendations early the following year, in January and February 2017.

Legal context

Starting in January 2017, Charlottesville City Council held several discussions on how to respond to the recommendations of the BRC's report concerning the Lee and Jackson statues. The City Council had to contend with a Virginia state law known as Memorials for War Veterans, first passed by the Virginia General Assembly in 1904 and amended several times since.⁵² The 2017 Code of Virginia, section 15.2-1812, explicitly prohibited counties (but did not mention cities) from removing or tampering with memorials erected to honour soldiers who fought for either side in the 'Civil War or War Between the States', as well as a variety of other conflicts ranging from the Algonquin War of 1622 to the Iraq War: 'It shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any *such* monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same,' the law reads.

'For purposes of this section, "disturb or interfere with" includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the States, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials. The provisions of this subsection shall apply to all such monuments and memorials, regardless of when erected.'⁵³

Before casting its votes on whether to take down the Lee and Jackson statues, the City Council sought legal advice on whether the Virginia war memorials statute applied to the situation in Charlottesville. City councillors had good reason to wonder if the war memorial statute applied to the Lee statue – erected in 1924 in a city like Charlottesville. In 2015, a state judge in the Danville area ruled that the state law applied only to monuments erected in cities after the state law was amended in 1998 to include cities along with counties.⁵⁴ However, because that ruling had not been appealed, its status as a precedent for other cases was unclear and another court could rule differently.

The legal doctrine known as Dillon's Rule, based on two court decisions issued by Judge John F Dillon of Iowa in 1868, also affected the ability of the city to remove the Lee statue. Under the Dillon Rule, adopted by Virginia and most US states, localities cannot undertake any activities unless first authorised to do so by their state government.⁵⁵

Initially, after the 2015 church shooting in South Carolina drew national attention to Confederate symbols and monuments, Republican legislators in Virginia acted to prevent cities like Charlottesville from removing statues such as those of Lee and Jackson. In 2016, while both the House of Delegates and the state Senate were under the control of Republican majorities, the Virginia General Assembly passed HB 587 in February 2016.⁵⁶

This bill would have explicitly applied the restrictions of the existing war monuments law not just to counties but also to Virginia's 38 independent cities, which would include Charlottesville. Then-Governor Terry McAuliffe, a Democrat, vetoed the bill and prevented it from becoming law.⁵⁷

Despite uncertainty over their authority, city councillors put the issue on their agenda a month after the BRC submitted its report. Quickly discarding the report's option to recontextualise the Lee statue ('Transform-in-Place'), the focus of discussions narrowed down to motions to move the Lee statue. 'Three times during the January 17, 2017 meeting there was a motion to move the Lee statue and rename that park. Each time, Councillors Bellamy and Szakos voted in favor, but each time the motion died with "no" votes from Mike Signer and Kathy Galvin and an abstention from Councillor Bob Fenwick,' Spencer wrote. 'That's basically the same, Mr. Fenwick, as a "no," said an exasperated Szakos, the councillor who had made the motions. Fenwick indicated that he wanted substantive changes for the underprivileged in Charlottesville. "This decision essentially is being held hostage, because you want to see other things move forward," said Bellamy.'⁵⁸

A week later, Fenwick held a news conference to announce that he was going to change his position and vote to remove the Lee statue based on an alleged promise by Bellamy and Szakos to support some of the programmes that Fenwick sought to benefit low-income people in the city.⁵⁹ At the City Council's next meeting in early February 2017, Szakos reintroduced her motion to remove the Lee statue and change the name of Lee Park.

This vote was preceded by an animated public hearing on the Lee statue, with comments from both sides. Anti-statue activist Schmidt said that 'in the 1920s, leading white citizens' contempt for black humanity was enshrined in Charlottesville's public spaces [...] these monuments [the Lee and Jackson statues] prompted and still perpetuate a romantic false narrative of the Lost Cause, which erases the memory of the enslaved majority'.⁶⁰ But most speakers commented in favour of keeping the Lee statue. Statue supporters included Kenneth Jackson, an African American from Charlottesville who said that the controversy was an artificial one, recently invented, presumably by newcomers to the city. 'I can tell y'all, we didn't have these issues,' Jackson said. 'We grew up together. I used to walk through every neighborhood. Don't play black folks for a fool. This disgusts me – and you're supposed to be our leaders? Our parents didn't hate the statue.'⁶¹ Despite widespread support for the Lee statue from public comments during the meeting, which echoed the results of an earlier TV station poll in which 87 per cent of viewers supported leaving the Lee statue in place,⁶² Fenwick voted with Szakos and Bellamy to pass the motion to relocate the Lee statue with a 3-2 majority on 6 February 2017. Councillors then voted unanimously to remove the names of Lee and Jackson from city parks effective immediately, build a new memorial to enslaved people in Charlottesville and budget a million dollars to uncover some of the city's lesser known history, especially history concerning slavery.

On 20 March 2017, six weeks after city councillors voted to remove the Lee and Jackson statues, a group of more than a dozen plaintiffs filed a lawsuit asking the Charlottesville Circuit Court to halt the city's efforts to move the statues. Plaintiffs included local preservationists

who had established a non-profit organisation called the Monument Fund, along with the Virginia chapter of the Sons of Confederate Veterans, and relatives of both donor McIntire and Lee statue sculptor Henry Merwin Shrady. ‘The question is whether City Council acted outside the bounds of the law; and we think they did, and that’s why we filed the lawsuit,’ preservationist Charles Weber told Spencer. ‘The political arguments have run their course. We have to litigate now.’⁶³ Weber and his group made clear that they had no connection with white supremacist groups that came to Charlottesville to protest the removal of the Lee statue on three separate occasions after preservationists filed their lawsuit.⁶⁴

Known as *Payne v Charlottesville*, the March 2017 suit also demanded legal fees and damages of \$100,000 personally from each city councillor, claiming that they knowingly violated state law when they voted to remove the Lee and Jackson statues, and rename the parks. The case came before Judge Richard Moore, presiding judge of the Charlottesville Circuit Court in the 16th Judicial Circuit of Virginia.⁶⁵

Six weeks after the plaintiffs filed their suit, on 2 May, Moore issued a six-month injunction on the removal of the Lee and Jackson statues.

Unite the Right changes the discussion

Unwittingly, the injunction allowed enough time for the Right to Unite movement to rally anti-removal protests from around the country to Charlottesville, culminating in the 13 May, 8 July and 12 August 2017 demonstrations that cost the lives of Heather Heyer and two policemen. After the August rally, civil rights activists and then President Trump battled over the meaning of the events in Charlottesville. At a White House press conference three days after the Unite the Right rally, Trump condemned street violence in Charlottesville, but also said that the rally and its aftermath featured ‘very fine people on both sides’. After that, in a series of tweets Trump denounced decisions of cities including Charlottesville to remove Confederate memorials:

‘Sad to see the history and culture of our great country being ripped apart with the removal of our beautiful statues and monuments. You can’t change history, but you can learn from it. Robert E Lee, Stonewall Jackson – who’s next, Washington, Jefferson? So foolish! Also the beauty that is being taken out of our cities, towns and parks will be greatly missed and never able to be comparably replaced!’⁶⁶

In response, former Vice President Joe Biden was joined by numerous others who criticised Trump’s seeming praise for neo-Nazis. And officials in cities across the South redoubled past efforts to remove statues. ‘Within three days, politicians in a number of cities, far from protecting their own Confederate monuments, had instead moved to hasten their removal. In Baltimore and Jacksonville, Fla., in Memphis and Lexington, Ky., local leaders acted to begin getting rid of these long-standing landmarks.’⁶⁷

In Charlottesville, the City Council became united in its commitment to remove Confederate statues and memorials. After the violence of August 2017, Signer announced that he had changed his position, from wanting to keep the Lee and Jackson statues in

place with added context, to wanting to remove the statues entirely, saying that the violence had ‘added a poisonous envelope around them’.⁶⁸ It should be noted that nationwide and around Virginia, even after the Unite the Right rally, public opinion echoed the poll taken in Charlottesville early in 2017 that favoured leaving the statues in place.⁶⁹

The courts and legislature

After the events of 12 August 2017, the City Council waited for Judge Moore’s ruling. On 3 October 2017, Judge Moore issued a first opinion, addressing the city’s demurrer (motion to dismiss) to three counts of the plaintiffs’ complaint, including whether the Virginia war memorials statute section 15.2-1812 applied to statues already in place when the law was enacted. Moore wrote:

‘The main purpose of the statute, as argued by the parties, appears to be to extend protection to war memorials and monuments in cities as previously protected in counties [...] If the court were to rule that it only applied to protect statues built under this statutory authority and after this date, one would have to conclude that when this statute was passed in 1997, the General Assembly intended and expected such memorials and monuments to the named conflicts [ie, from the Algonquin War of 1622 to four conflicts after the Vietnam War] to be erected after that date, and that all of the then-existing monuments to all of those past wars and those soldiers in every city throughout the Commonwealth were not protected. This I cannot do. Logic and common sense prevent me from reaching such a conclusion.’⁷⁰

At the same time, working with its representatives in the Virginia General Assembly, Charlottesville continued to seek to clarify or amend the state war memorials statute to allow localities to take control over local monuments without facing a veto from the state. In January 2018, Charlottesville’s Democratic state representative, Delegate David Toscano, submitted a bill granting localities the authority to take down or alter war memorials such as the Lee statue in Charlottesville. House Bill 1225, War Veterans; Removal or Upkeep of Monument or Memorial, was designed to provide ‘that a locality may remove or provide for the upkeep, maintenance, or contextualisation of any monument or memorial for war veterans located in its public space, regardless of when erected’.⁷¹ But the draft bill never moved beyond its Republican-controlled committee and never reached the House floor for a full vote.⁷²

On 25 April 2019, Judge Moore issued a second letter stating that the statues of Lee and Jackson did qualify as monuments or memorials under the war memorials statute. In discussing the rationale for his determination, Moore summarised the difference of opinion among perceptions of the statues that led to the contestation of the Lee statue in the first place:

‘While some people obviously see Lee and Jackson as symbols of white supremacy, others see them as brilliant military tacticians or complex leaders in a difficult time (much like Washington, Jefferson, Lincoln, William Tecumseh Sherman, or even Oliver Cromwell or Dietrich Bonhoeffer), and do not think of white supremacy at all and certainly do not believe in, accept, or agree with such.’⁷³

Six months later and after two years of litigation, Moore issued a Declaratory Judgment, on 15 October 2019, that ruled largely in favour of the plaintiffs who sought to protect the statues from removal. On the city's side, Moore did rule that the original deed of gift of the two parks by McIntire did not prevent the city from altering the parks, as long as they remained parks: 'renaming, redesigning, recontextualising, putting signs up or transforming the parks is not *ultra vires* [beyond one's legal power or authority]'.⁷⁴

However, on the larger issue of either moving the statues or covering them with tarpaulin, as the city did after the Unite the Right rally in mourning for the death of anti-racist activist Heather Heyer, Moore's ruling clearly came down against Charlottesville City Council's vote to remove the Lee and Jackson statues:

'[B]ut the Court reaffirms its previous rulings and declares to be unlawful and *ultra vires* moving, removing, selling or giving away, damaging, or destroying, defacing, obscuring, interfering with, encroaching upon, or obstructing the public's right to view, the Confederate General Robert E. Lee and Lt. General Thomas Jonathan "Stonewall" Jackson monuments in the parks.'⁷⁵

In November 2019, Virginia state-wide elections brought a Democratic majority to both houses of the General Assembly for the first time in two decades. As a result, a bill to give localities control over war memorials, similar to HB 1225/HB 2377 that Toscano submitted in 2018 and 2019, respectively, was prepared for the 2020 General Assembly session. 'This is about what do we remember? What do we honour? It's the right to decide what we celebrate,' said Delegate-elect Sally Hudson, a Democrat who replaced Toscano as Charlottesville's representative in the House of Delegates, and a champion of the legislation.⁷⁶

To get past Judge Moore's order to leave the Lee and Jackson statues in place, Charlottesville City Council identified gaining local control over Civil War monuments as a key 2020 legislative priority. 'The City would welcome any new perspective the next General Assembly might be able to bring to our requests on this matter in the next session,' said Charlottesville spokesperson Brian Wheeler.⁷⁷ Charlottesville Preservationist Martin supported leaving the state ban on removing statues in place and he hoped that conservative Democrats would block changes handing control over war memorials to localities:

'Why do we insist on enforcing a law that forces a city grown hostile to monuments to keep them? Why not just back down in the face of all this political furor? Because that is exactly what this law – and all law – is for. To stand against transient political passions. To prevent censorship. To preserve what is fragile, vulnerable, and irreplaceable, for a calmer, more reflective, less angry future.'⁷⁸

Governor Northam stated explicitly that he believed the contested monuments should be relocated to a museum and suggested he would sign a removal bill if it came to his desk. 'My thoughts are that the localities are in the best position to make those decisions and that's what I'll continue to support,' Northam said at a news conference.⁷⁹ In January 2020, he described Confederate statues along Monument Avenue in the state capital of Richmond as 'offensive' and called for the creation of a commission to recommend a replacement

for the statue of Lee representing the state of Virginia in the National Statuary Hall in Washington, DC. ‘These monuments tell a particular version of history that doesn’t include everyone,’ Northam said. ‘In Virginia, that version of history has been given prominence and authority for far too long.’⁸⁰ In the same month, Richmond City Council passed a resolution requesting the General Assembly to grant it the authority to remove Confederate statues along Monument Avenue, joining Charlottesville in seeking the removal of an equestrian statue of Lee.⁸¹ In response, Republican representatives suggested the removal of a former Virginia governor and US senator, Harry F Byrd, a Democrat who in the 1950s had been the chief architect of Virginia’s ‘massive resistance’ to racial integration in Virginia schools. ‘There are over 2,000 pieces of legislation,’ Northrop said when asked about the bill. ‘They’ll be vetted by both the House and Senate. Rather than get into hypotheticals, I will give it consideration if it gets to my desk.’⁸²

As it happened, the issue was settled by the Virginia General Assembly. On 10 January 2020, the Virginia General Assembly deliberated on a proposed amendment to a state law protecting monuments and memorials to war veterans.⁸³ In state elections the previous November, Virginia Democrats had seized political control from the state Republicans, scoring their most expansive electoral victory in nearly three decades. With a 55-45 seat majority in the General Assembly, as well as majority control in the state Senate, and a Democrat as newly elected governor, the Democratic Party was ready to overturn previous legislation and advance a distinctly progressive agenda.

The proposed amendment to House Bill No 1537 was succinct and explicit in the delegated authority: ‘A locality may remove, relocate, or alter any such monument or memorial, regardless of when erected.’⁸⁴

On the same day, the state Senate passed SB 183, a similar bill sponsored by Senator Mamie Locke of Hampton.⁸⁵ The House and Senate bills differed largely only in regard to the requirements a locality must meet before taking down a statue. By early March, a conference committee resolved the differences and agreed on a compromise measure that requires a public hearing before a local governing body can vote to remove or otherwise alter a monument. If a locality does decide to remove a monument, it must be offered to ‘any museum, historical society, government or military battlefield’, although the governing body ultimately has the word on the ‘final disposition’. Delegate Delores McQuinn said that she was pleased to put the fate of Confederate statues in the hands of localities, although she thought that many places would choose to keep their statues in place: ‘I think more of them are going to be interested in contextualizing, you know, making sure that there is a sense of truth told and shared with the public.’⁸⁶

The bill was signed into law by the governor on 12 April 2020, taking effect on 1 July 2020. This legislation may moot the legal case brought by the pro-statue preservationists and allow the City of Charlottesville to proceed with removing the Lee and Jackson statues, though the city might still have to pay the plaintiffs’ legal costs and court filing fees.⁸⁷

Meanwhile, Charlottesville preservationists are not ready to concede in their fight to keep the Lee statue in place. Speaking for the Monument Fund, attorney Martin said that

‘it is by no means certain what effect the changed law will have in Charlottesville [...] Elsewhere in Virginia, if they follow the recipe, they can move a monument. But in Charlottesville we have a final order, and a permanent injunction already in place, protecting our monuments. And the injunction was based on more than just that one law. The new legislation may or may not, affect the injunction. Or part of it may be altered but not other parts. Too early to say.’

Martin said that his group does not plan to challenge the new legislation in court, but rather to wait and see what city officials will do next in the ongoing court case. ‘It is up to the City to challenge the injunction, rather than for us to challenge the new law. We are content to wait and respond to what they decide to do.’⁸⁸

Conclusions

Like any city, town or other local community, Charlottesville is a part of a larger society and polity. Within a federal system, a locality must consider laws and regulations from state and federal governments. This is especially true in a state like Virginia that follows the Dillon Rule, which specifically limits what localities can do beyond what the state has already authorised. But a locality will also be influenced by outside actors, ranging from scholars and public intellectuals, to local activists affiliated with national groups, to state and federal officials, and, in the case of Charlottesville, the President of the US. Effective and responsible decision-making on monuments as sensitive and complex as the Lee statue in Charlottesville requires a deliberative process similar to that employed by Charlottesville’s BRC, but with safeguards to assure meaningful participation by the full range of stakeholders. Such a process might seem unnecessarily slow to activists who have waited years or decades for change. But if long-standing historical monuments are removed in haste, then communities will open themselves up to an angry backlash in the future from residents or outsiders who feel excluded from the decision-making process. In the short term, a statue may have come down, but in the long term, people who valued that statue may nurse grievances that can poison local and national civic life for years to come.

Nevertheless, historic memory is important, and symbols do matter. Some degree of shared history is crucial to social cohesion, even in a diverse society. Citizens will always disagree about the meaning of symbols from the past. In Charlottesville, Black Lives Matter activists saw the Lee statue as a symbol of white supremacy, while preservationists viewed the same statue as a memorial to veterans, and many local citizens experienced the statue as public art that added beauty to the cityscape. Particularly when it comes to war memorials, since wars are by definition contested, there will never be complete agreement on which wars to commemorate and how to do it.

Evolving values within a society will also play a role. Times change, people change, but statues do not. If society’s values have sufficiently changed over time, then statues do need to be reconsidered to reflect the prevailing values of the present. Whether local authorities decide ultimately to keep or remove any historical monument, a fair and inclusive process is essential to provide long-term legitimacy for any course of action on contested monuments.

References

- Ayers, Ed, 'Monumental Disagreements: Memorials in America' *BackStory* (NPR, 24 May 2013).
- Barefoot, Coy (2016a), 'Interview with Gary Gallagher' *Coy Barefoot Program*, ABC 16 TV Charlottesville, 10 April 2016.
- Barefoot, Coy (2016b) 'Interview with Ervin Jordan, Jr' *Coy Barefoot Program*, ABC 16 TV Charlottesville, 1 May 2016.
- Bryant, Zyhana, 'Change the Name of Lee Park and Remove the Statue', Petition, Change.org
- City of Charlottesville, Resolution: Blue Ribbon Commission on Race, Memorials, and Public Spaces, 2 May 2016.
- City of Charlottesville, Blue Ribbon Commission on Race, Memorials, and Public Spaces. *Report to City Council*, 19 December 2016.
- City of Charlottesville website, 'Paul Goodloe McIntire'.
- Code of Virginia section 15.2-1812 Memorials for War Veterans.
- Cobb, James C, 'How Did Robert E. Lee Become an American Icon?' (July/August 2011) 32(4) *Humanities*.
- Dwyer, Colin, 'Charlottesville Rally Aimed to Defend a Confederate Statue. It May Have Doomed Others' (NPR, 14 August 2017).
- Fenwick, Bob, (24 October 2019), Phone interview and email correspondence with researcher.
- Graham, David A et al, 'An Oral History of Trump's Bigotry' *The Atlantic* (Washington, DC, June 2019).
- Harding, Elliott, 'Keep Lee's Statue, Add Julian Bond', Petition, Change.org, March 2016.
- Heaphy, Timothy, et al, Independent Review of the 2017 Protest Events in Charlottesville, Virginia, Richmond, VA: Hunton and Williams, 24 November 2017.
- Howard-Woods, Chris, Colin Laidley and Maryam Omidi (eds), *#Charlottesville: White Supremacy, Populism and Resistance* (Public Seminar Books 2019).

Hunt, Lunn, 'From the President: Against Presentism' *Perspectives on History*, American Historical Association, 1 May 2002.

Korda, Michael, *The Life and Legend of Robert E Lee* (HarperCollins 2015).

Lam, Teresa, 'Keep the Robert E. Lee Statue in Lee Park', Petition, Change.org, March 2016.

Martin, Lewis, (2 and 9 November 2019), Phone interviews.

McAuliffe, Terry, *Beyond Charlottesville: Taking a Stand Against White Nationalism* (St Martin's Press 2019).

Moore, Richard E, Letter Opinion, *Payne v City of Charlottesville*, 16 Cir CL17145, 97 Va Cir 51 (2017), 2 October 2017, Circuit Court of the City of Charlottesville.

Moore, Richard E, Letter Opinion, *Payne v City of Charlottesville*, 16 Cir CL17145 (2019a), 25 April 2019, Circuit Court of the City of Charlottesville.

Moore, Richard E, Order: Declaratory Judgment, *Payne v City of Charlottesville*, 16 Cir CL17145 (2019b), 15 October 2019, Circuit Court of the City of Charlottesville.

Moore, Richard E, Final Order: Plaintiff's Attorney's Fees, *Payne v City of Charlottesville*, 16 Cir CL17145 (2019b), 29 January 2020, Circuit Court of the City of Charlottesville.

NBC 29 TV, Viewer Poll, placed in a story dated 17 May 2017 (as of November 2019 poll results are offline but a screenshot is available).

Nelson, Louis P and Claudrena N Harold (eds), *Charlottesville 2017: The Legacy of Race and Inequity* (University of Virginia Press 2018).

Payne, Frederick W, et al, Complaint, 20 March 2017, Circuit Court of the City of Charlottesville.

Provence, Lisa, 'Monuments Men: It was Never about a Statue, Say Landrieu and Bellamy' *C-Ville Weekly* (Charlottesville, 21 March 2019).

Rankin, Sarah, 'Democrats' wins could help bring down Confederate statues' *Associated Press*, (New York, 12 November 2019).

Rankin, Sarah, and Alan Suderman, 'Northam: "Discussions Ongoing" About Prominent Lee Statue' *Associated Press* (New York, 9 January 2020).

Reuters News Service, 'Polls Shows Majority of Americans Think Confederate Statues Should Remain' *The Guardian* (London, 17 August 2017).

Rothman, Joshua, 'When Bigotry Paraded Through the Streets' *The Atlantic* (New York, 4 December 2016).

Schmidt, Jalane (3 October 2019), Phone interview.

Schneider, Gregory S, 'Northam Calls Lee Statues "Offensive," Promotes Efforts to Boost Black History' *Washington Post* (Washington, DC, 9 January 2020).

Signer, Mike, 'Introduction', speech at St Louis Summit, Communities Overcoming Extremism, 26 April 2019.

Southern Poverty Law Center, *Whose Heritage? Public Symbols of the Confederacy*, 1 February 2019.

Spencer, Hawes, *Summer of Hate: Charlottesville, USA* (University of Virginia Press 2018).

Suarez, Chris, 'Charlottesville City Council Votes to Remove Statue from Lee Park' *The Daily Progress* (Charlottesville, 6 February 2017).

Toscano, David, *War Veterans; Removal or Upkeep of Monument or Memorial*, HB 1225, Virginia House of Delegates, submitted 10 January 2018.

Varon, Elizabeth, 'UVA and the History of Race: The Lost Cause through Judge Duke's Eyes' University of Virginia, 4 September 2019.

Virginia General Assembly (13 January 2016), A Bill to Amend and Reenact §15.2-1812 of the Code of Virginia, Relating to Memorials and Monuments.

Wallace-Wells, Benjamin, 'The Fight Over Virginia's Confederate Monuments' *The New Yorker* (New York, 27 November 2017).

Washington Post and Schar School, 'A Majority of Virginians Want to Keep Confederate Statues on Government Property' *Washington Post* (Washington, DC, 27 October 2017).

Watson, Katie, 'Lee Statue Comes Under Fire: Supporters, Opponents Debate Future of Confederate Statue in Lee Park' *Cavalier Daily* (Charlottesville, 24 March 2016).

Waxman, Olivia B, 'The First Africans in Virginia Landed in 1619. It Was a Turning Point for Slavery in American History – But Not the Beginning' *Time* (New York, 20 August 2019).

Weber, Charles 'Buddy' (15 October 2019), Phone interview with researcher.

Endnotes

- 1 Vice Mayor Wes Bellamy, and Councillors Kristin Szakos and Bob Fenwick voted in favour of removing the statue; Mayor Mike Signer and Councillor Kathy Galvin voted against <https://wset.com/news/local/charlottesville-city-council-votes-to-remove-lee-statue> accessed 18 August 2020.
- 2 Meghan Keneally, '110 Confederate Tributes Removed since 2015 Mass Killing but More Than 1,700 Remain, Report Says' *ABC News* (New York, 4 June 2018) <https://abcnews.go.com/US/110-confederate-tributes-removed-2015-mass-killing-1700/story?id=55632449> accessed 18 August 2020.
- 3 Justin William Moyer, 'Lawsuit Seeks to Stop Removal of Confederate Statue in Virginia', *Washington Post*, 24 March 2017 https://www.washingtonpost.com/local/lawsuit-seeks-to-stop-removal-of-confederate-statue-in-virginia/2017/03/24/62df23ca-0fe6-11e7-8fed-dbb23e393b15_story.html accessed 18 August 2020.
- 4 Tyler Hawn, 'Charlottesville City Council Votes to Sell Robert E. Lee Statue' *WHSV TV* (Harrisonburg, 18 April 2017) <https://www.wHSV.com/content/news/charlottesville-city-council-votes-to-sell-robert-lee-statue-419721243.html> accessed 18 August 2020.
- 5 Megan Keneally, 'What to Know About the Violent Charlottesville Protests and Anniversary Rallies' *ABC News* (New York, 8 August 2018) <https://abcnews.go.com/US/happen-charlottesville-protest-anniversary-weekend/story?id=57107500> accessed 18 August 2020.
- 6 UNESCO World Heritage List <https://whc.unesco.org/en/list/442> accessed 18 August 2020.
- 7 The term was taken up as the title to the book by the journalist Hawes Spencer, *Summer of Hate: Charlottesville, USA* (University of Virginia Press 2018).
- 8 Mike Signer, 'Introduction', speech at St Louis Summit, Communities Overcoming Extremism, 26 April 2019.
- 9 Hannah Allam, 'Former Charlottesville Mayor Shares Painful Lessons From Fight Against Hate' (NPR, 12 August 2019) www.npr.org/2019/08/12/747412407/former-charlottesville-mayor-shares-painful-lessons-from-fight-against-hate?t=1594223114048 accessed 18 August 2020.
- 10 Lisa Provence, 'Monuments Men: It Was Never about a Statue, Say Landrieu and Bellamy' *C-Ville Weekly* (Charlottesville, 21 March 2019) <https://www.c-ville.com/monuments-men-it-was-never-about-a-statue-say-landrieu-and-bellamy/> accessed 18 August 2020.
- 11 The statue is located in Market Street Park, at the intersection of 1st Street North and E Market Street in Charlottesville, Virginia. The bronze statue of Lee on his horse, Traveller, was commissioned in 1917 by the National Sculpture Society under philanthropist Paul Goodloe McIntire (1860–1952) of Charlottesville, Virginia. McIntire donated several other sculptures, including those of Jackson, Lewis and Clark. The monument was cast at the Roman Bronze Works in Brooklyn, New York, and erected in 1924. Daniel S Levine, 'Robert E. Lee Charlottesville Statue: 5 Fast Facts You Need to Know' (Heavy, 23 August 2017) <https://heavy.com/news/2017/08/robert-e-lee-charlottesville-statue-unite-the-right-white-nationalists/> accessed 18 August 2020.
- 12 For more on Paul Goodloe McIntire, see Lisa Provence, 'Paul Goodloe McIntire: Goodwill to All Men?' *C-Ville Weekly* (Charlottesville, 30 March 2016) www.c-ville.com/paul-goodloe-mcintire-goodwill-men accessed 18 August 2020.
- 13 James C Cobb, 'How Did Robert E. Lee Become an American Icon?' (July/August 2011) 32(4) *Humanities*.
- 14 *Ibid.*
- 15 Roy Blount, Jr, 'Making Sense of Robert E. Lee' *Smithsonian Magazine* (Washington, DC, July 2003).
- 16 Arthur James Lyon Fremantle, 'Three Months in the Southern States' (S H Goetzl 1864), 135.
- 17 Virginia Museum of History and Culture, 'Lee and Grant: Reconciliation' www.virginiahistory.org/collections-and-resources/virginia-history-explorer/lee-and-grant/reconciliation accessed 18 August 2020.

- 18 Eric Foner, 'The Making and the Breaking of the Legend of Robert E Lee' *The New York Times* (New York, 28 August 2017) www.nytimes.com/2017/08/28/books/review/eric-foner-robert-e-lee.html accessed 18 August 2020.
- 19 See n 13 above.
- 20 Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia constituted the states of the Confederacy.
- 21 In 1866, Edward Pollard published *The Lost Cause: A New Southern History of the War of the Confederates* (E B Treat and Company).
- 22 On 18 December 1865, slavery was officially abolished in the US with the adoption of 13th amendment to the Constitution.
- 23 Olivia B Waxman, 'The First Africans in Virginia Landed in 1619. It Was a Turning Point for Slavery in American History – But Not the Beginning' *Time* (New York, 20 August 2019) <https://time.com/5653369/august-1619-jamestown-history> accessed 18 August 2020.
- 24 For more on Jim Crow laws, see the website History www.history.com/topics/early-20th-century-us/jim-crow-laws accessed 18 August 2020.
- 25 SPLC, *Whose Heritage? Public Symbols of the Confederacy*, 1 February 2019 www.splcenter.org/20190201/whose-heritage-public-symbols-confederacy accessed 18 August 2020.
- 26 Eight parishioners and the pastor were killed. Three victims survived the shooting https://en.wikipedia.org/wiki/Charleston_church_shooting accessed 18 August 2020.
- 27 Stephanie McCrummen and Elahe Izadi, 'Confederate Flag Comes Down on South Carolina's Statehouse Grounds' *Washington Post* (Washington, DC, 10 July 2015) www.washingtonpost.com/news/post-nation/wp/2015/07/10/watch-live-as-the-confederate-flag-comes-down-in-south-carolina accessed 18 August 2020.
- 28 See n 7 above, 57.
- 29 Ed Ayers, 'Monumental Disagreements: Memorials in America' *BackStory* (NPR, 24 May 2013).
- 30 Samantha Baars, 'Rally to remove Robert E. Lee Statue; C-ville Weekly. 22 March 2016 <https://www.c-ville.com/rally-remove-robert-e-lee-statue-brings-flagwavers/> 18 August 2020.
- 31 Zyhana Bryant, 'Change the Name of Lee Park and Remove the Statue', Petition, Change.org, March 2016 www.change.org/p/charlottesville-city-council-change-the-name-of-lee-park-and-remove-the-statue-in-charlottesville-va accessed 18 August 2020.
- 32 *Ibid.*
- 33 In fact, in December 1862, acting as executor for the estate of his father-in-law George Washington Parke Custis, who had died in 1857, Lee signed documents to free Custis's enslaved people, as Custis's will stipulated. The enslaved people belonged to Custis and neither Lee nor his wife inherited them. By freeing the enslaved people, Lee was performing his role as executor to carry out the terms of his father-in-law's will.
- 34 Teresa Lam, 'Keep the Robert E. Lee Statue in Lee Park', Petition, Change.org, March 2016 www.change.org/p/mike-signer-keep-the-robert-e-lee-statue-in-lee-park accessed 18 August 2020.
- 35 Elliott Harding, 'Keep Lee's Statue, Add Julian Bond', Petition, Change.org, March 2016 www.change.org/p/city-of-charlottesville-keep-lee-s-statue-add-julian-bond accessed 18 August 2020.
- 36 Lisa Provence, 'Council Okays Commission on Lee et al.' *C-Ville Weekly* (Charlottesville, 3 May 2016) www.c-ville.com/council-okays-commission-lee-et-al accessed 18 August 2020.
- 37 City of Charlottesville, Resolution: Blue Ribbon Commission on Race, Memorials and Public Spaces, 2 May 2016 www.cvillpedia.org/Blue_Ribbon_Commission_on_Race,_Memorials_and_Public_Spaces accessed 16 September 2020.
- 38 *Ibid.*
- 39 Organisational members: Rachel Lloyd (PLACE), Margaret O'Bryant (Historic Resources Committee), Gordon Fields (resigned August 2016)/Sue Lewis (replaced Fields, Human Rights Commission) and at-large members included Don Gathers, Chair; John Mason, Vice Chair; Melvin Burruss, Andrea Douglas, Frank Dukes and Jane Smith.
- 40 Samantha Baars, 'Commission Criticism Do Handpicked Harbingers Fit City Council's Agenda?' *C-Ville Weekly* (Charlottesville, 29 June 2016) www.c-ville.com/commission-criticism-handpicked-harbingers-fit-city-councils-agenda accessed 18 August 2020.

- 41 *Ibid.*
- 42 Interviews with Lewis Martin (Phone, 2 and 9 November 2019).
- 43 *Ie*, residents who had been living in Charlottesville for more than ten years.
- 44 Interview with Jalane Schmidt (Phone, 3 October 2019).
- 45 Erik Curren (researcher), Interview and email correspondence with Bob Fenwick (24 October 2019).
- 46 See n 42 above.
- 47 City of Charlottesville Blue Ribbon Commission Report on Race, Memorials and Public Spaces, *Report to City Council*, 19 December 2016.
- 48 *Ibid.*
- 49 *Ibid.*
- 50 See n 7 above, 22.
- 51 *Ibid.*, 23.
- 52 Code of Virginia, s 15.2-1812 <https://law.lis.virginia.gov/vacode/title15.2/chapter18/section15.2-1812> accessed 18 August 2020.
- 53 *Ibid.*
- 54 Amanda Lineberry, 'Payne v. City of Charlottesville and the Dillon's Rule Rationale for Removal' (2018) 104 Virginia Law Review.
- 55 *Ibid.*
- 56 See <https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB587> accessed 18 August 2020.
- 57 Veto overridden 20 April 2016; *ibid.*
- 58 See n 7 above, 61.
- 59 Interview and email correspondence with Bob Fenwick (Phone, 24 October 2019).
- 60 Chris Suarez, 'Charlottesville City Council Votes to Remove Statue from Lee Park' *The Daily Progress* (Charlottesville, 6 February 2017).
- 61 *Ibid.*
- 62 NBC 29 TV, Viewer Poll, May 2017.
- 63 See n 7 above, 64.
- 64 *Ibid.*
- 65 See <https://statues.law.virginia.edu/litigation/payne-v-charlottesville> accessed 18 August 2020.
- 66 Jeremy Diamond, 'Trump Calls Removal of Confederate Monuments "So Foolish"', *CNN* (Atlanta, 17 August 2017).
- 67 Colin Dwyer, 'Charlottesville Rally Aimed to Defend a Confederate Statue. It May Have Doomed Others' (NPR, 14 August 2017).
- 68 Benjamin Wallace-Wells, 'The Fight Over Virginia's Confederate Monuments' *The New Yorker*, 27 November, 2017.
- 69 A Reuters/Ipsos national poll taken five days after the civil unrest in Charlottesville found that 54 per cent of adults said Confederate monuments 'should remain in all public spaces', 27 per cent said they 'should be removed from all public spaces' and 19 per cent said they 'don't know'. A *Washington Post*-Schar School Virginia Poll, taken between 28 September and 2 October showed that 57 per cent of registered voters in Virginia supported (47 per cent strongly supported) keeping Confederate monuments, 46 per cent of respondents said that displaying the monuments is offensive to African Americans and 63 per cent said that displaying the Confederate monuments honours leaders who should be respected for their role in US history. 'A Majority of Virginians Want to Keep Confederate Statues on Government Property' *Washington Post* (Washington, DC, 27 October 2017).
- 70 Richard E Moore, Letter Opinion, *Payne v City of Charlottesville*, 16 Cir CL17145, 97 Va Cir 51 (2017), 2 October 2017.
- 71 David Toscano, *War Veterans; Removal or Upkeep of Monument or Memorial*, HB 1225, Virginia House of Delegates, submitted 10 January 2018.
- 72 Toscano resubmitted the bill in the 2019 General Assembly session as HB 2377, where it again failed to get out of the same committee still controlled by Republicans. HB 2377, Virginia House of Delegates, submitted 8 January 2019.
- 73 Richard E Moore, Letter Opinion, *Payne v City of Charlottesville*, 16 Cir CL17145 (2019a), 25 April 2019.
- 74 Richard E Moore, Order: Declaratory Judgment, *Payne v City of Charlottesville*, 16 Cir CL17145 (2019b), 15 October 2019.

- 75 *Ibid.*
- 76 Sarah Rankin, 'Democrats' Wins Could Help Bring Down Confederate Statues' *Associated Press* (New York, 12 November 2019).
- 77 *Ibid.*
- 78 See n 42 above.
- 79 See n 76 above.
- 80 Sarah Rankin and Alan Suderman, 'Northam: "Discussions Ongoing" About Prominent Lee Statue' *Associated Press* (New York, 9 January 2020) www.570news.com/2020/01/09/northam-discussions-ongoing-about-prominent-lee-statue accessed 18 August 2020.
- 81 Mark Robinson, 'Richmond City Council Asks Virginia For Authority Over Confederate Monuments' *Richmond Times-Dispatch* (Richmond, 6 January 2020) 'Richmond City Council asks Virginia for authority over Confederate monuments' Newsbreak 1 July 2020 <https://www.newsbreak.com/virginia/richmond/realestate/1485549657916/richmond-city-council-asks-virginia-for-authority-over-confederate-monuments> accessed 18 August 2020.
- 82 Gregory S Schneider, 'Northam Calls Lee Statues "Offensive," Promotes Efforts to Boost Black History' *Washington Post* (Washington, DC, 9 January 2020) www.washingtonpost.com/local/virginia-politics/northam-calls-lee-statues-offensive-promotes-efforts-to-boost-black-history/2020/01/09/0607072c-3305-11ea-9313-6c8ba89b1b9fb_story.html accessed 18 August 2020.
- 83 Virginia's Legislative Information System, 2020 Session, House Bill No 1537, offered 10 January 2020 <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+HB1537> accessed 18 August 2020.
- 84 'A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials for any war or conflict, or for any engagement of such war or conflict, to include the following monuments or memorial, for conflicts ranging from diverse 17th, 18th and 19th century wars that included the American Revolution and the "War Between the States," as well as the two world wars and more recent conflicts in Korea, Vietnam, various engagements in the Middle East, as well as the "Global War on Terrorism."'
- 85 For text of Senate Bill 183, see <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB183> accessed 18 August 2020. For text of House Bill 1537, see <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1537> accessed 18 August 2020.
- 86 Sarah Rankin, 'Virginia Lawmakers pass bill allowing Confederate monument removals' *WHSV TV* (Harrisonburg, 8 March 2020) www.wHSV.com/content/news/Virginia-lawmakers-pass-bill-allowing-Confederate-monument-removals-568629781.html accessed 18 August 2020.
- 87 Judge Moore had issued a final order on 29 January 2020 that gave the city 90 days to either pay \$365,430.60 in full or in monthly instalments of \$73,866.12 until the full payment is paid. Richard E Moore, Final Order, *Payne v City of Charlottesville*, 16 Cir CL17145 (2019b), 29 January 2020.
- 88 Lewis Martin, email correspondence, 13 March 2020.

Case Study III: Why Rhodes Fell

Cecil Rhodes Statue, Cape Town, South Africa



Credit: Danie van der Merwe/Wikipedia (public domain)

Summary

In spring 2015, a staged provocation by a University of Cape Town student against the statue of a prominent benefactor, Cecil Rhodes, resulted in mass protests by students, faculty and staff that included the occupation of a university building, a coordinated social media campaign and a public debate that assumed national and then international attention, launching the global Rhodes Must Fall movement.

This case study examines the role that statues or monuments can play as catalysts for protest movements, as well as the complexities that can arise over their evolving historical, moral and legal status in times of transition. The case study also highlights the potential and limitations of established administrative response mechanisms to protest movements driven by the imperatives of social justice, grassroots activism and media attention.

Introduction

On 9 March 2015, Chumani Maxwele, a fourth-year student of Political Science at the University of Cape Town (UCT), staged a protest against racial discrimination and the generally slow pace of transformation at the university by throwing a bucket of excrement at a bronze statue of Cecil Rhodes, a businessman and benefactor who had donated the land for the university campus. Maxwele had filled a plastic container with excrement from Khayelitsha, an impoverished township just west of Cape Town, for his protest action. ‘It was a Monday night and I went to Khayelitsha to steal the poo from the portable flush toilets,’ Maxwele later recalled. ‘Seeing the statue every day pained me; it made me very angry. It is not just a statue, as many claim – Rhodes didn’t want Black people. Remember that, at some point, UCT also didn’t want Black people.’¹ As the 30-year-old son of a miner and a domestic worker, Maxwele belonged to a post-apartheid generation disillusioned with the slow pace of change in South Africa. ‘We acknowledge our parents’ achievements fighting against apartheid,’ Maxwele said, ‘but we are saying now it is about time for us to reflect on our pain, our suffering collectively.’²

On that Monday afternoon in March, Maxwele wore a pink construction helmet and a sign, ‘Exhibit Black Assimilation @ UCT’ and carried a plastic canister with excrement. He was joined by a handful of fellow protesters. After a brief scuffle with university security, recorded on video and posted on the internet, Maxwele threw the excrement on the base of the statue. ‘As Black students we are disgusted by the fact that this statue still stands here today as it is a symbol of white supremacy,’ he said. ‘How we can be living in a time of transformation when this statue still stands and our hall is named after Jameson, who was a brutal lieutenant under Rhodes.’³ Maxwele continued: ‘This poo that we are throwing on the statue represents the shame of Black people. By throwing it on the statue we are throwing our shame to whites’ affluence.’⁴

The ten-foot bronze statue, created by the British sculptor Marion Walgate in 1934, depicted Rhodes in a three-piece suit, with his chin in his hand, gazing into the distance. Situated at the centre of the university campus, just below Jameson Hall, the statue sat atop a granite pedestal inscribed with the words, ‘I Dream my Dream by Rock and Heath

and Pine of Empire to the Northward. Aye, one Empire from Lion's Head to Line.' Lion's Head is a mountain peak in Cape Town. The 'Line' refers to Egypt, suggesting a British colonial vision that embraced the African continent. When Cecil John Rhodes died in 1902, he was one of the wealthiest men in the world, having established a vast mining empire that compromised 8.8 million square kilometres of land through annexations that include present-day Malawi, Zambia and Zimbabwe, which in the colonial era was called Rhodesia. He was also an unapologetic racist. 'Just fancy those parts that are at present inhabited by the most despicable specimens of human beings,' Rhodes said of Africa, 'what an alteration there would be if they were brought under Anglo-Saxon influence.' Rhodes claimed that 'if the whites maintain their position as the supreme race, the day may come when we shall all be thankful that we have the natives in their proper place'.⁵

Origins of the Rhodes Must Fall movement

The public debate over Rhodes' legacy began in January 2015 with a series of articles in local and national South African newspapers. On 19 January 2015, Siona O'Connell, a young Black female faculty member at UCT, who had earned her PhD in African Studies and Curation of the Archive, published a provocative article in the *Cape Argus* titled 'What UCT is Not Telling Their First-Years', in which she criticised the slow pace of change at UCT.⁶

'There is not a single "Black African" South African woman who is a full professor at UCT,' O'Connell wrote, noting that, by 2013, the number of Black academics at UCT was 48 out of a total of 1,405. 'UCT will soon be welcoming its latest cohort of eager first-year students to its spectacular campus,' O'Connell observed, 'but I doubt that these eager young minds will be told that their chances of being taught by a Black professor will be incredibly slim.'⁷ In seeking to bring attention to the injustices experienced by Black South Africans, O'Connell added her voice to that of UCT sociologist Associate Professor Xolela Mangcu, who was already a widely published public intellectual. Mangcu had written articles on racism at UCT, including one titled 'Ripping the Veil Off UCT's Whiter Shades of Pale'.⁸

O'Connell drew particular attention to the Rhodes statue. She claimed it exemplified the systemic and intergenerational reach of racism and colonialism, a reminder not only for the generations born during apartheid's State of Emergency and Mass Democratic Movement (1985–1989) and the Convention for a Democratic South Africa (CODESA) children (1990–1993), but also the younger 'born frees' (1994), all of whom had had significant expectations of the new, equitable and just South Africa. O'Connell recalled the endemic racism one still sensed at the university and in the surrounding white neighbourhoods, which had been cleared of people of colour during the forced removals of the 1960s and 1970s. Even though UCT had embarked on a 'transformation' agenda in the 1990s, there was still no united front on 'Blackness' among Black academics at UCT. O'Connell's article engendered an immediate backlash from white staff, students and the general public. She is said to have received '800 hate emails'.⁹ It also sparked a wider debate in the press. Caroline Ncube, Associate Professor and Head of the Department of Commercial Law at UCT, addressed

institutional inequalities in an article in the *Mail & Guardian*, in which she described the university's transformation process as 'fudge', or dodge, to avoid serious change.¹⁰ Ncube's articles appeared on Friday, 6 March 2015. The following Monday, Maxwele splattered excrement on the Rhodes statue outside Jameson Hall.

The spontaneous protest brought a firm and immediate response from the UCT administration, which had already scheduled a university-wide discussion for the following week on 'Heritage, Signage and Symbolism' which was intended to address the Rhodes statue. 'The university has procedures in place to allow students to hold peaceful and safe protests on issues that concern them,' a university spokesperson said. 'The protesters did not follow such procedures, and by dumping excrement in a public place they violated the law.'¹¹ The university intended to investigate the incident and threatened 'legal steps if it is established that there was unlawful behaviour'.

UCT Vice-Chancellor Max Price was attending the African Higher Education Summit in Senegal, but the acting Vice-Chancellor, Sandra Klopper, addressed the incident in Price's absence. 'While we respect the right of our students to protest and, in so doing, draw attention to the complex issues that confront all of us at UCT and in society at large,' Klopper wrote in an open letter, 'this is not a licence to engage in actions that, in our view, are reprehensible.' Klopper described the 'use of excrement as a form of protest' as 'unacceptable' and condemned 'such action in the strongest terms'. Like the spokesperson, Klopper also referred to administrative process. 'It is regrettable,' she wrote, 'that in this instance, the protesters did not follow the established procedures.'¹² According to Klopper, the university administration was already working with the Student Representative Council (SRC) on a long-term plan to debate and discuss a range of issues related to the 'transformation', including the Rhodes statue. The SRC is the elected student body that serves to interface with the university administration. 'A series of discussions that will be scheduled over the rest of this year will commence on March 16,' Koppler added. 'The first topic will be Heritage, Signage and Symbolism.'¹³

The SRC responded with its own statement the next day, distancing itself from Maxwele's attack on the Rhodes statue. 'Contrary to what has been reported in the media, the SRC nor any SRC members were involved in organizing the protest,' SRC President Ramabina Mahapa stated on 11 March 2015. 'Furthermore no SRC members threw any substance at the Rhodes statue.'¹⁴ Mahapa did, however, report that the council endorsed, by unanimous vote, the removal of the Rhodes statue. Mahapa took the occasion to recall that Rhodes had introduced the 'first racial policies in this country' that permitted 'Black people to be utilized as cheap exploited labour' in mines owned by Rhodes. 'Rhodes has been praised for donating this land to the university, building the South African economy and bringing "civilization" to this country,' Mahapa wrote. 'But for the majority of South Africans this is a false narrative, how can a colonizer donate land that was never his land in the first place?'¹⁵

The following day, the SRC called on the student body to join a 'mass meeting' on the plaza between Jameson Hall and the Rhodes statue. In a wide-ranging debate on the climate of alienation felt by many Black students resulting from the lack of action by the

university to address institutional transformation, the call for the removal of the Rhodes statue was reiterated several times. The issue of institutional and symbolic racism and lack of discernible transformation, particularly the lack of Black academic staff and the absence of Black scholarship and published research embedded in the courses offered at the university, was often repeated. Crucial at this meeting was the intervention by Black academics who supported the protest and denounced the visible lack of transformation within the academy. Associate Professor Mangcu from the Department of Sociology expressed his solidarity with the students. 'Too many times the issues raised here have completely been disregarded,' Mangcu said. 'I hope that this gathering will be the energy not just behind the removal of the Rhodes statue, but the transformation of this institution for its own good.' Mangcu called for the university not to view the call for the statue's removal in isolation, but to see it 'tied to staff transformation and curriculum [change]' among other things.¹⁶

Maxwele was also present. Wearing his pink helmet, Maxwele recalled a debate organised by Humanities Dean Sakhela Buhlungu the previous October, where Vice-Chancellor Price spoke of the statue in relation to the Eurocentricity prevalent at the university. 'Interestingly also was Dr Price's observation that Black people at UCT feel uncomfortable,' Maxwele said.¹⁷ Maxwele thanked Price for 'igniting a spirit of activism' among UCT students. Maxwele's provocative act of throwing excrement was challenged by some students, and a variety of suggestions about the future disposition of the statue were advanced. The meeting ended with a firm commitment to demand removal of the statue and to resist co-option into plans designed by university administrators.

The demand was restated on 16 March at the scheduled discussion on 'Heritage, Signage and Symbolism', chaired by the Deputy Vice-Chancellor Professor Crain Soudien.¹⁸ The carefully planned seminar, where heritage professionals and academic experts were to address the assembled audience of staff and students, was disrupted by students insisting that SRC President Mahapa address the audience first. When Mahapa was given the floor, he began his remarks by denouncing the Rhodes statue as a symbol of oppression and stolen land. He insisted that any future discussions could only begin after the Rhodes statue had been removed. Mahapa then staged a walk out. The seminar, after a brief discussion as to whether it should continue without student involvement, was abandoned.¹⁹ Students proceeded to cover the Rhodes statue in black plastic.

Price returned from Senegal to Cape Town that same day to find the institution in turmoil. Price consulted senior colleagues and the Chair and Vice-Chair of the University Council, the university's governing body. The SRC refused to meet with Price. The following day, the Academics Union Executive (AUE), representing the university's staff, joined the rising protest. In a statement supporting the removal of the Rhodes statue, and acknowledging student alienation, the AUE called for the addressing of institutional racism inherent in the naming of buildings and siting of objects on campus. For the AUE, the presence of these symbols represented a failure to engage meaningfully with South Africa's past; it was a 'heritage that hurts'. The AUE considered Maxwele's provocation as the necessary 'extreme action to bring the university to a realisation that urgent remedial action is required on the statue, and more

importantly, for what the statue symbolises for the institution's commitment to transformation, is itself testament to a past systemic failure to successfully engage with and pay attention to the experiences of marginalised voices on campus, especially Black students, academics and other staff. The Academics Union saw itself as complicit in this failure²⁰ and issued a public statement supporting the removal of the statue.²¹

On 18 March, Price addressed 'students and colleagues' in an open letter. 'Last week's student protests have resulted in a massive outpouring of anger and frustration,' Price wrote. 'Much about the issue of the statue, much more about experiences of institutional racism, aggravated by students' perceptions that they are not being heard.'²² Price knew that faculty had expressed similar frustrations. He understood that the series of consultations, scheduled to begin with the failed 'Heritage, Signage and Symbolism' debate, had now been overtaken by events. He proposed a more 'accelerated process'. But Price was firm on the statue. 'Only the University Council can take the decision to move the Rhodes statue,' Price wrote, noting that the university would then need to 'seek approval from Heritage Western Cape', the provincial authority responsible for heritage protection.

Price then offered his personal opinion. Admitting that as Vice-Chancellor, his opinions were generally equated with university policy, Price took exception with the Rhodes statue. Since the statue was an internal university matter, Price said, he was now speaking as a member of the campus community. 'I have previously stated that the Rhodes statue is indeed a symbol of the UCT's colonial past,' Price wrote. 'Many have noted that as it currently stands, the statue of Rhodes is unmediated by any critical commentary or historical contextualisation.' Price outlined several remedies. One option was to place a 'plaque on its base that acknowledges the many injustices of colonial conquest', possibly enhanced with a counter-monument 'located alongside Rhodes, to "speak back" by way of alternative values and convictions'. However, Price was concerned that the continued presence of the statue, 'located in pride of place, at the focal point of the campus', had the wrong connotations of Rhodes as 'hero, patron, role model'. 'I do not think the statue should be destroyed or hidden away,' Price concluded. 'I just think it should not be *there* – it should be moved'. Price said he was scheduling a university-wide meeting for Wednesday the following week, 25 March, for a general discussion about the statue.

A day after Price's letter of attempted conciliation, students and UCT staff marched from the Upper Campus, where the Rhodes statue was located, to the Vice-Chancellor's office in the Bremner Building, demanding the removal of the Rhodes statue. Although Price met and applauded the students for raising the transformation issues and calling for the statue's removal, it was left to the Senate and the University Council to make decisions. Price called for, in somewhat ambiguous terms, an inclusive approach so 'no-one is left out'. In a gesture of conciliation, Price let the students occupy the university administrative offices for the weekend. But on Monday, one occupier noted, 'people arrived for work and were very surprised to see that we were all still here'.²³ As many as 50 students were overnighing in the offices, with hundreds more joining the occupation during the day. The Mafeje Room became the centre for self-organised alternative curriculum programmes,

including debates, lectures, films and workshops on strategies for decolonial efforts, that is, overcoming systemic legacies of colonial rule that continued to exist.²⁴ When asked about the continued occupation of the Bremner Building, Price recalled the student uprisings of his own youth. ‘Most of us went through this in the ‘70s and ‘80s,’ Price told a local news service. ‘It was formative. This will be formative for these students. It would be wonderful to have a moment like 1968 again.’²⁵ Price had the university administrators continue their work in other locations or from home.

On 24 March, Price issued a second open letter, calling UCT an ‘argumentative’ university, but also underscoring that progress towards the removal of the Rhodes statue was being made. Price outlined a timetable for meetings and decisions to be made. These included a University Assembly, scheduled for Thursday that week, as well as special meetings of the Senate and University Council, out of which, it was suggested, would emerge a decision to remove the Rhodes statue. In response, the Black Academic Caucus, a collective of Black academics committed to transformation in higher education, issued a public statement, noting that the Rhodes statue was a key sign of the larger symbolic landscape of the university’s failure to transform. They mentioned not only the ‘artefacts and names allocated to space across our campuses’, but the ‘underrepresentation and under-valuing of Black academic staff at all levels’, as well as the ‘offensive discourse around standards and performance’ and the curricula ‘that largely disregards African knowledges and practice in all their complexity’. All of this, the caucus claimed, contributed to an alienating institutional culture for Black staff and students across the institution. ‘We see these as key areas on which the university must focus in order to advance real transformation.’²⁶

On 25 March, as per the Vice-Chancellor’s timeline, the University Assembly was convened in Jameson Hall, co-chaired by Barney Pityana, a former Vice-Chancellor of the University of South Africa, and Student Parliament Speaker Keenan Hendrickse. Almost immediately, a student from the audience demanded that Pityana step down as Co-Chair, noting that Pityana had criticised the Rhodes Must Fall movement and could not be relied on to serve as a neutral Chair of the meeting. After a brief consultation on stage between the two Co-Chairs, Pityana stepped down and was replaced by Kgotsi Chikane, one of the student organisers of the #RhodesMustFall campaign. Price made a brief statement, but it was clear that the assembly belonged to the students. The debate over the Rhodes statue was quickly overtaken by issues of systemic inequity and racism. Students offered testimonials of racist emails, telephone calls and threats to physical safety.²⁷ ‘Heritage, signs and symbolism were superseded by the harder issues synonymous with transformation at Wednesday night’s University Assembly in a jam-packed Jameson Hall,’ the university website reported. ‘These were equity, institutional culture and racism, curricula, higher education, and colonialism.’²⁸ But amid the ‘vociferous and impassioned’ calls for change, one thing was clear: the Rhodes statue had to be ‘removed as a precursor to accelerated transformation’.²⁹ The UCT news website reported on the contentious meeting in a headline, ‘Cry for transformation rings out at packed assembly’.³⁰

By late March, the debate over the Rhodes statue and the broader issues of transformation were resonating beyond the UCT campus. In the first days following

the 9 March attack on the Rhodes statue, Chikane, who had replaced Pityana on stage, had sought to enlist the support of Njongonkulu Ndungane, a prominent Anglican bishop who had served prison time on Robben Island for his anti-apartheid activism. 'I write this letter to you not as an attack on your person, though I must note that your silence on matters of transformation at UCT is disconcerting,' Chikane wrote. 'I write this letter as an appraisal of the institutionalised racism that continues to persist within UCT. This letter is addressed to you because I can no longer put my trust in the Office of the Vice Chancellor or Senate to lead any form of meaningful transformation at this institution.'³¹ Chikane complained about a form of 'institutionalised racism' that was 'unlike the other forms of obvious, obscene and repugnant acts of racism' that was ubiquitous in other educational institutions in South Africa higher education.³² 'Ours is worse. Ours is systemic. Ours is subliminal,' Chikane wrote. 'It is the form of racism that makes you ignorant about your subjugation because you are never challenged to seriously engage on critical matters.' He mentioned a statue of Saartjie (Sarah) Baartman in the university library; Baartman was an African woman who was taken to Europe and displayed as the 'Hottentot Venus' in the late 19th century. 'The privilege of being able to walk past a statue of and have no idea that simply placing her on display, with no justification,' Chikane wrote, 'is an insult to her legacy and painfully offensive to many students.'³³

By late March, the student movement had gained a groundswell of support from within the wider community of Black professionals who were former United Democratic Front (UDF) activists, such as formations like the UCT Association of Black Alumni (UCTABA). Notably, many of these were people who studied at UCT under apartheid on special permits from the Minister of Education because they were Black. (Under apartheid, special permission to study at a white university had to be obtained from the Minister of Education). 'As the Western Cape chapter of UCTABA who have been engaging the UCT Vice Chancellor Dr Max Price over a considerable period about fundamental and sustainable transformation of the institution, we deem it appropriate to now publicly express our view on the polemic surrounding the removal or not of the so-called Rhodes statue at UCT,' Advocate Rod Solomons, Chairperson of UCTABA Western Cape, wrote. 'We wish to commend the SRC and the broader progressive student body for so forcefully raising the issue of the removal of the Rhodes statue and by implication jolting the university leadership to grapple with the bigger issue of real transformation in a more direct way.'³⁴ He spoke of the 'so-called Rhodes statue' as 'code for something else that is bubbling under at UCT and at many of our universities and colleges'. In particular, he cited 'untransformed staff and student composition and workers' conditions of employment' among the most pressing issues. 'We read in the media that the Vice-Chancellor has indicated that he will recommend to the University Council to remove the statue and we commend him on this stance,' Solomons continued. 'Council needs to swiftly endorse his recommendation and as matter of urgency he needs to ratchet up the pace of broader transformation at UCT.'³⁵

Opinion pieces began to flood both print and online media. Various constituents on and off campus began to make their voices heard. The political party Economic Freedom Fighters, who draw a significant part of their electoral support from students, issued a statement that the Rhodes statue had to go.³⁶ The Minister of Higher Education also issued a statement supporting the removal of the Rhodes statue. Important opinion makers also took to YouTube, including Eusebius Mackaiser, a popular radio show host and political scientist, who had studied at the University of Oxford as a Rhodes Scholar. On 26 March 2015, a day after the University Assembly, Mackaiser published an opinion piece in *The New York Times* titled 'South Africa's Odious Monument to Cecil John Rhodes'. 'Twenty years after apartheid ended, South African universities remain a testament to the country's colonial heritage in terms of what they teach, who does the teaching, and the morally odious symbols that haunt our campuses or lurk in their very names,' Mackaiser wrote. 'By 2013, only three per cent of academic staff at U.C.T. were Black, and there are only two full professors who are Black in the faculty of Humanities.' Mackaiser also took aim at Rhodes. 'Shedding some of these symbols would indicate institutional recognition that these protests are legitimate, and that some symbols are morally repulsive to a majority of South Africans,' he wrote. 'After they are removed, we can move on with the harder work of transforming educational institutions in a more fundamental way.'³⁷

Leslie Bank, Director and Professor of Fort Hare's Institute of Social and Economic Research, north of Port Elizabeth, in the eastern part of the country, was unwilling to reduce the problems symbolically to Rhodes or even to a racial issue.³⁸ 'Surely it is about the kind of universities we want rather than the colour of the leadership and academics?' Bank said. 'The actions of the students at UCT legitimately highlight the problem of having a potent colonial symbol like Rhodes appearing prominently on the grounds of a South African university without qualification, justification and signage. Why is there nothing to indicate exactly how and why he is there, and what the university thinks of this presence, his history and legacy [...] It should have been dealt with long before vice chancellor Max Price took office', indicating Price's predecessors, Mamphela Ramphele and Ndebele Njabulo, both of whom are Black South Africans.³⁹

Albie Sachs, a former judge on the Constitutional Court of South Africa and an iconic figure in the struggle against apartheid, entered the debate, arguing for retaining the Rhodes statue. 'Instead of extinguishing the man,' he wrote, 'we should keep him alive on campus and force him to witness our constitutional democracy.'⁴⁰ Sachs went on to suggest that:

'UCT lay down the principles based on the antiracist values of our Constitution, which should guide the transformation of the Rhodes statue; invite the public and professionals to produce designs for the creation of an imaginative and renovated space in which the statue should be located; and, finally, establish a broadly based panel, in which the current generation of students would have a strong voice, to choose the most appropriate entry. In this way, we could have the last laugh on Rhodes.'⁴¹

In an interview, Zethu Matebeni,⁴² an academic at UCT, wondered, like Sachs, about the fate of the statue:

‘It is not clear what will happen to this particular statue, but important conversations about statues and artworks that were destroyed or deemed offensive in post-apartheid South Africa should be considered for museums. The Rhodes statue, as a colonial artefact in the present, should form part of this archive. While it is a disturbing sight at an institution of higher learning, its legacy should never be wiped out of history. This legacy should always be represented as an ongoing conversation about the role and position of colonial and apartheid beneficiaries in democratic South Africa. In what ways could these people be held accountable for the atrocities they continue to perpetuate on everyday lives of the colonised? In what ways can their histories shape different futures?’

Heritage protection legislation

On 23 March 2015, five days after Price’s first letter expressing his sympathy with the student protests but insisting that the fate of the Rhodes statue would be left to the University Council, the Vice-Chancellor received a stern rebuke from the Heritage Association of South Africa (HASA). Founded in 1959, the HASA is the largest and oldest conservation lobby in South Africa. The HASA provides an umbrella organisation for conservation and preservation groups across the country, and serves as a watchdog for the National Heritage Resources Act (NHRA), which protects South Africa’s national patrimony. ‘In light of the Rhodes debacle, HASA would condemn in the strongest possible terms the removal or destruction of public monuments or memorials if such actions do not comply with the spirit and intentions of the Act,’ the HASA said in a statement on 23 March 2015. ‘We are therefore deeply disturbed by media reports that Price the Vice-Chancellor of UCT was quoted as saying that “the university council was the only body that could make a decision on whether to move the statue”.’ The HASA mentioned, in particular, Price’s stated intention to remove the Rhodes statue. ‘In this, the Vice Chancellor is surely in the wrong, because in terms of Section 34 of the National Heritage Resources Act, no structure older than 60 years may be altered without a permit from the appropriate heritage authority, and in terms of Section 37, are protected in the same manner as places that are entered in the Heritage Register – that is, they may not be changed without a permit.’⁴³ The HASA was also ‘rather taken aback that the university did not have a transformation policy and programme in place to deal with its public memorials, spaces and place names – and that it did not secure the support from its student population for such a programme’.

The NHRA consolidated nearly a century of heritage protection legislation, dating back to the Bushman Relics Act of 1911, which aimed to protect the anthropological – not conceived as historical – contents of graves, rock shelters, middens and shell mounds. In 1923, the National Monuments Act was brought into force to protect monuments and built structures. A statutory commission was set up to preserve natural and historic monuments of the Union of South Africa. In 1934, the power of the commission was increased through the Natural and Historical Monuments, Relics and Antiquities Act. During apartheid, the National Monuments Act was passed in 1969, which remained in place until 1998.

The NHRA was introduced in 1999 in order to reflect the values and spirit of Nelson Mandela's post-apartheid reconciliation efforts, as expressed and embedded in the provisions of the 1996 South African Constitution. The NHRA recognised and made provision for a wider variety of cultural heritage other than those mainly associated with Afrikanerdom and British colonialism. The NHRA paid particular attention to Black history, especially struggle and resistance history, but still placed the emphasis on sites, monuments and the built environment.

The NHRA considers all heritage, past and present, manifest (as in the privileged heritage of the past).⁴⁴ As a framework for the management of heritage resources, the NHRA makes provision for three grades of ranking consistent with the three levels of government: national significance, provincial significance and local heritage worthy of conservation.⁴⁵

Although there is some ambiguity with this section of the NHRA in terms of the Constitution, because cultural heritage is not a local government competence, the main point is that all three categories enjoyed protection in formal terms, that is, that all heritage sites, whether previously and historically acknowledged and those still to be identified, in whichever grades they were placed, should be formally registered as the area they are found and as objects, which are then managed as historic-cultural sites, structures and monuments; archaeological, palaeontological and meteorite sites; burial grounds and graves; and public monuments and memorials.⁴⁶ The Rhodes statue fell into the public monument and memorial group of sites and objects. The NHRA served a dual purpose for post-apartheid South Africa. It recognised, embraced, promoted and protected the heritage of the previously marginalised communities; it also provided assurance to white South Africans that their own heritage would be protected and preserved. The representatives of Western Cape Heritage made these protections explicit in a 'media alert' relating to the Rhodes statue:

'The Rhodes statue situated on the campus of the UCT forms part of the declared provincial heritage site known as the Upper Campus. Section 27((18) of the National Heritage Resources Act, 1999, provides that no person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the relevant heritage resources authority, in this case Heritage Western Cape (HWC).'⁴⁷

Resolution, removal, resonance

While awaiting word from HWC, Price met with the Senior Leadership Group of the university administration on 26 March, where it was agreed the statue would be removed. It was also agreed, in response to SRC demands, to move the University Council meeting forward by a week, to 9 April. SRC president Mahapa agreed to student cooperation in the process. Price also met with the UCT Senate. 'On Friday, I tabled a motion to the Senate, on behalf of the Senior Leadership Group, to remove the Rhodes statue from its current position,' Price reported in his third open letter. 'An amendment was proposed by the SRC

to remove the statue permanently from the campus.⁴⁸ The amendment was supported, as was a further amendment that while awaiting a final decision from the University Council and HWC, 'the statue should be boarded up'. The amended proposal passed with 181 votes, one objection and three abstentions.

Faced with the practical legal challenges raised by Rhodes Must Fall's dramatic and highly public demand for the removal of a statue, UCT and HWC resorted to a provision in NHRA legislation that allowed them to remove a statue that was under threat of damage.⁴⁹ It was only the second instance in more than a decade and a half that such a permit had been issued, and it was done with important qualifications:⁵⁰

'In the light of concerns for the safety of the statue, an urgent application was made to HWC for the removal and temporary safe-keeping of the Rhodes statue by the University. HWC has issued a permit with conditions, including the appointment of a suitably qualified and experienced heritage architect to oversee the removal and storage of the statue until the formal consultation processes can be concluded, a recommendation regarding the future of the statue formulated and a formal application to HWC be submitted within 90 days. HWC has also been advised that safe off-site storage facilities have been arranged by the University for the statue.'

At a special sitting of the University Council, on 8 April 2015, the decision was taken to relocate the Rhodes statue to a 'safe location which has been approved by Heritage Western Cape', under the auspices of a conservation architect and heritage consultant. Photographers and videographers were invited to record the event 'in front of Jan Smuts Hall'.⁵¹

As scheduled, preparations were made for the next day to remove the Rhodes statue. The university community and wider public were invited to the event, commencing with several speeches on transformation, along with singing, in front of Bremner Building, after which several hundred students, faculty and staff proceeded 'toward the middle campus, across the Rustenberg slave burial grounds, through the tunnel and across the former whites only rugby field, to the Rhodes Statue'.⁵² This is where hundreds had gathered to watch the removal of the statue by a red crane. For days preceding this eventual 'burial', the architectural space around the statue (which included the steps on Madiba circle (named after Nelson Mandela) became not only one of public contestation and racial stand-offs, but also a ceremonial space for theatrical demonstrations of mutual mourning. Thus, for example, the Rhodes statue was covered in various ways: with a white cloth that on such occasions it appeared as the death ritual in preparation for an Islamic burial, the Janazah;⁵³ with a red cloth, which in Chinese burial custom would have denoted the fearsome return of the 'ghost' of Rhodes; unceremoniously tied with bulging black refuse bags (such as when a body is recovered following a tragedy); and Rhodes' eyes were chaotically spray-painted bright orange. The burial 'shrouds' were removed, shifting the meaning of the statue from the 'deceased' state to an encasement within a wooden box as if mimicking 'live' imprisonment, as the statue sat eerily in protective custody of UCT management, its historic gaze north-east towards Cairo perhaps unintentionally barred. When the statue was finally removed, a group of Black male students whipped the face of Rhodes repeatedly as they accompanied 'the corpse' on

the removal van ('hearse') to a consigned 'resting place' and archive. After the removal, a wreath was placed by an unknown person at the site of 'burial'/'removal' and an unnamed artist spray-painted the ghost of Rhodes as a long black shadow on the steps of the site. Where Rhodes once sat there remained a grey painted wooden box and his haunting large black painted shadow.⁵⁴

The international media were on hand. 'The BBC's Mohammed Allie told *Focus On Africa Radio* that there was a "festive atmosphere" as students, academics, members of political parties and ordinary Cape Town residents came to witness a "historic moment for South Africa",' the BBC reported. 'The crowd cheered as the statue was being lifted of [sic] its plinth. Once it was removed some students jumped on it and started hitting it with wooden sticks and covering the face with plastic.'⁵⁵ There were also darker resonances.

Two days after the removal, Price enumerated in another official statement incidents that he found disturbing and said would not be tolerated. Price cited disruptions at the University Council meeting on 8 April, as well as the continued occupation of the Bremner Building, which was vacated by the SRC but remained occupied by Rhodes Must Fall. 'I am also aware of the incidents of chants of "one settler one bullet" as was heard at both the Council meeting on 8 April and at the occasion of the removal of the statue on 9 April,' Price wrote, referring to an apartheid-era call for violence against white South Africans. 'I wish to express my dismay that this has happened, condemn all acts of intimidation and reckless utterances as they have no place in our democracy and are in serious conflict with the values of the University.'⁵⁶ Similarly, Price expressed 'disgust' at 'the volume and vitriol of racist comments' by white students on online platforms, as well as in graffiti around campus. Price said he would call on police if necessary to clear the Bremner Building and he would prosecute anyone found to be engaged in hate speech. 'Our task has been to defend the idea of a university as a space of debate and not to allow the future of the statue to be determined prior to the conclusion of that discussion,' Price wrote. 'We believe that this deliberative process to engage UCT stakeholders on the issue of the Rhodes statue and on wider issues of transformation at UCT was successful'. The same year that the Rhodes Must Fall protests erupted at UCT, the larger '#FeesMustFall'⁵⁷ movement brought many campuses in South Africa to a standstill throughout 2015 and 2016. #FeesMustFall represented 'an attempt to make sense of the experiences of black bodies in a white, liberal University through decolonial theories',⁵⁸ and a manifestation of the frustrations felt by many 'born free', who entered universities that had in many respects failed to adapt to include Black South Africans.

Rhodes Must Fall goes global

Rhodes Must Fall at UCT made headlines around the world, sparking similar calls for statue removal in Africa, the US and Europe. On 11 April 2015, two days after the removal of the Rhodes statue, protesters splashed white paint on a statue of Mahatma Gandhi outside the courthouse in the South African city of Johannesburg.⁵⁹ The protesters, inspired by Rhodes Must Fall, carried placards reading 'Racist Gandhi must fall', a reference to disparaging remarks Gandhi had made about Black Africans when he was a young lawyer in South Africa.

In June 2016, at the University of Ghana, student and faculty protests erupted over a statue of Mahatma Gandhi donated by the President of India, Pranab Mukherjee (2012–2017), as a symbol of the countries' close relationship. A petition calling for removal posed the question, 'How will the historian teach and explain that Gandhi was uncharitable in his attitude towards the Black race and see that we're glorifying him by erecting a statue on our campus?'⁶⁰ As tensions mounted, the monument was vandalised when the signature spectacles were removed from the bronze statue on 4 October 2016. That same month, after diplomatic tensions with the government of India, the Gandhi Must Fall campaign secured government support, and two years later, the statue was finally removed.

The Rhodes Must Fall movement also resonated in the US, where a national debate had begun on monuments and symbols of slavery-era legacies following the killing of nine Black parishioners by a white supremacist at a church in Charleston, South Carolina, in June 2015. On 20 October 2015, students at Harvard Law School endorsed the Rhodes Must Fall movement on Facebook and Twitter, and announced the creation of the 'Royall Must Fall' movement at Harvard, protesting the university's commemoration of the 19th-century benefactor, Isaac Royall, Jr, whose family had owned plantations in Antigua and whose crest, three sheaves of wheat, had been incorporated into the Harvard Law School escutcheon.⁶¹ Echoing the sentiments of the Rhodes Must Fall movement, and using the term 'Black Lives Matter', they saw the law school crest as a sign of deeper, systemic problems. On 3 March 2016, a committee of students, faculty, staff and alumni, appointed by the dean, recommended the crest be 'retired'. Eleven days later, the recommendation was accepted and the victory announced on Twitter: 'Royall Has Fallen'.⁶²

The strongest Rhodes Must Fall resonances were felt at institutions with Rhodes affiliations. In the Eastern Cape, there was a strong debate about the renaming of Rhodes University, founded in 1904. (A 15-9 vote by the University Council decided to retain the name.)⁶³ In Zimbabwe, debate centred on whether Rhodes' remains should be removed from the Matobo Hills where he is buried.⁶⁴ In the UK, deliberations at the University of Oxford, where Rhodes' identity was deeply woven into the institutional identity, were particularly fraught. Rhodes had created an endowment for Rhodes Scholarships, which were administered in Rhodes House, a temple-like structure on the university campus. Rhodes had also funded an ornate new building for Oriel College on the High Street, which included a statue of Rhodes in a three-piece suit in a niche above the entrance.

Concerns over Rhodes' overt racism had been expressed in England, even during his lifetime. In 1899, 88 dons of the University of Oxford community had signed a petition protesting the university's plan to award Rhodes an honorary degree.⁶⁵ The *Sheffield Telegraph* called him 'a genius inspired by evil' in an article from 1911.⁶⁶ The British writer Evelyn Waugh suggested, in 1930, that a statue of Rhodes over the entrance to Oriel College at Oxford should be 'dynamited'.⁶⁷ The writer GK Chesterton wrote that what Rhodes 'called his ideals were the dregs of a Darwinism that had already grown not only stagnant, but poisonous'. By the late 20th century, concerns over Rhodes were generally overlooked or forgotten. 'No one at Oxford, or anywhere else in the UK, talked much about Rhodes before the current

protests began,' one Oxford professor observed. 'Portraits and statues of dead white men are like air in Oxford, ubiquitous and generally unremarked. My only recollection of talking about Rhodes is toasting him ("To the founder!") at Rhodes House dinners. Other scholars would sometimes refer to him as "Uncle Cecil".'⁶⁸

On 19 March 2015, amid the protests in Cape Town, two Oxford students, Annie Teriba and Bi Kwo, organised a 'Solidarity Action' in support of the Rhodes Must Fall movement, which led to the creation of Rhodes Must Fall Oxford (RMFO). According to RMFO co-founder Ntokozo Qwabe, the Oxford protesters 'constructed their call for the removal of the Rhodes statue at Oriel College on similar demands made by students in Cape Town'.⁶⁹ RMFO complained of the 'plague of colonial iconography' on the university campus, which included the India Institute with carved caricatures of South Asians. They also demanded a 'reform of the Eurocentric curriculum' and assertive action to address the 'under representation' of minorities 'among the staff and students'.

RMFO divided the Oxford community. An event at the Oxford Union, a student forum that hosts debates, saw heated exchanges, with one speaker comparing Rhodes to Adolf Hitler in terms of racial ideology. Each side accused the other of 'erasing history'. RMFO was present at the debate in silent protest and then launched a public critique of the Oxford Union for serving a 'Colonial Comeback' cocktail after the debate. This event was publicised with a poster with an image of black hands in chains.⁷⁰

As the demand for the removal of Rhodes intensified, along with calls for the renaming of Rhodes House, the national press joined the dispute. On 3 November 2015, an article in *The Times* warned that Oriel College 'would be foolish to engage with the insatiable student cult of identity politics'. *The Times* stated bluntly, 'Rhodes must stand'. On 18 December 2015, Daniel Hannan wrote in *The Telegraph* of 'an Oxonian mob, using the same cretinous #RhodesMustFall hashtag' and 'utter imbecility'. Tony Abbott, former Prime Minister of Australia and Rhodes Scholar, warned that Oxford's reputation would be damaged if it 'were to substitute moral vanity for fair-minded enquiry'. In January 2016, Oxford University Chancellor Chris Patten addressed the issue of RMFO on Radio 4's *Today*. In a 13 January 2016 interview, Patten expressed his incomprehension at the RMFO's aims and added, on the topic of Rhodes' legacy, that the Rhodes Scholarship had been endorsed by Nelson Mandela himself, who 'regarded Rhodes and himself as having a common cause'. Patten concluded that, 'if people at a university aren't prepared to demonstrate the sort of generosity which Nelson Mandela showed towards Rhodes and towards history [...] then maybe they should think about being educated elsewhere'.⁷¹ Patten's statement elicited howls of outrage.

Despite street protests and intensified student activism, the university held its ground. In late January 2016, Oriel College said that after 'careful consideration' it was decided the statue would remain, and issued a public statement: 'The college believes the recent debate has underlined that the continuing presence of these historical artefacts is an important reminder of the complexity of history and of the legacies of colonialism still felt today,' the statement said. 'By adding context, we can help draw attention to this history, do justice to the complexity of the debate, and be true to our educational mission.'⁷²

The Black Lives Matter protests that followed the killing of George Floyd in May 2020 forced Oriel College to revisit the Rhodes statue. On 18 June, the governors of Oriel College voted to remove the Rhodes statue ‘after a thoughtful period of debate and reflection’ and in ‘full awareness of the impact these decisions are likely to have in Britain and around the world’.⁷³ They also announced plans to form a commission ‘tasked with considering the issue of the Rhodes legacy, including the statue, and how to improve access, attendance and experiences’ of minority students and faculty at the college. The recommendations are to be made in 2021.⁷⁴

The RMFO described the college’s move as a ‘timid response’ but acknowledged that progress was finally being made. ‘The unprecedented protests of June and July 2020 and the meaningful relationships that have grown from them have shown us that the tide of change has come to our tiny corner in Oxford,’ the RMFO statement said, ‘and that the call to decolonise, from the university and the community, has rung through the governing body at Oriel College to other parts of the town and the globe.’⁷⁵

Conclusions

On 11 March 2016, a year after the protests that led to the removal of the Rhodes statue at UCT, Vice-Chancellor Price issued a communique reflecting on the lessons the university administration had learned from the experience. ‘As I see it, many on the campus had not been opposed to transformation but had felt this was someone else’s task and that they could just get on with their regular academic or administrative business,’ Price wrote. ‘Others felt that the relatively slow, evolutionary pace that had characterised previous efforts at transformation was appropriate for a complex institution like a university, in which change is bound to provoke disagreement, uncertainty or conflict, and therefore was likely to be a slow process if it were to be suitably inclusive.’⁷⁶ Price observed that the protests had placed ‘the issue of transformation centre stage’ at UCT and produced ‘a high degree of consensus about the need to act more quickly and decisively in respect of transformation generally, and brought home to people that transformation affects everyone and is everyone’s responsibility’.

The case of the Rhodes statue at UCT highlights the fact that contestations over public monuments are frequently symptomatic of deeper, more complex dynamics, be they social, economic, political or cultural, particularly when dealing with issues of inequality, injustice or unresolved historical legacies. As the Vice-Chancellor indicated, the university administration was aware of the need to relocate the Rhodes statue, and even of the need for broader transformation at the university. The university was already engaged in the transformation process, most significantly through the appointment of a new academic dean in 2014, and administrative structures in place for engaging the student body, through the 15-member SRC, and a dedicated website for students to post grievances. What the university leadership had misjudged was the depth of the sense of disenfranchisement, as well as resentment over tuition fees, faculty appointments, curriculum, accommodation – there were 6,680 beds for 27,000 students – and a sense of pervasive discrimination felt by Black students.⁷⁷

By not providing serious and effective recourse, the university administration compelled students to seek alternative processes for addressing these issues, including public demonstrations, such as the protest action against the statue, the dissemination of grievances through the mainstream and social media, and the marginalisation of established processes for remedy, for example, the SRC, through the Rhodes Must Fall movement. The failure of administrative processes and the engagement of grassroots activism led to a more complex, multidimensional protest, with an increasingly wide range of demands, and with more strident voices coming to the fore. The leadership of the Rhodes Must Fall movement proved particularly effective at engaging select university faculty, as well as the national and international media, in elevating the profile of their demands, placing further pressure on the university administration. The issue moved from one of equity to 'decoloniality', in which students challenged the legitimacy of the very structures the university – based on colonial precedents – had in place for addressing students' demands. The university administration continually found itself in a reactive, defensive position, as illustrated during the University Assembly on the 25 March, which began with the controversial call for the Chair of the convocation, Pityana, to step down, a demand to which he conceded. Forced to accelerate the decision-making process, the university was compelled to reschedule a Senate vote, violate heritage protection provision explicitly outlined in national legislation and order the removal rather than relocation of the statue, all within a 30-day period following years of internal, administrative deliberation. At the same time, the UCT administration showed itself to be adaptive and sympathetic to student demands, relinquishing authority and physical space, that is, the Bremner Building, and avoiding potentially more inflammatory confrontations.

References

Bank, Leslie, 'Leslie Bank Debates the Future of UCT's Rhodes Statue,' (University of Cape Town News, 1 April 2015) www.news.uct.ac.za/article/-2015-03-16-students-campaign-for-rhodes-statue-removal.

Bester, Junior, 'Protesters Throw Poo on Rhodes Statue' (IOL, 10 March 2015) www.iol.co.za/news/south-africa/western-cape/protesters-throw-poo-on-rhodes-statue-1829526.

Calata, Abigail, 'Students Campaign for Rhodes Statue Removal' (University of Cape Town News, 16 March 2016) www.news.uct.ac.za/article/-2015-03-16-students-campaign-for-rhodes-statue-removal.

'Cecil Rhodes Statue to Be Kept By Oxford University College' (BBC, 26 January 2016) www.bbc.com/news/uk-england-oxfordshire-35435805.

Chikane, Rekgotsofetse, *Breaking a Rainbow, Building a Nation: The Politics Behind #MustFall movements* (Johannesburg: Picador Africa, 2018).

Chikane, Kgotsi, Letter to Archbishop Ndungane in 'UCT Rhodes Statue Protest – Both Sides' (IOL, 13 March 2015) www.iol.co.za/news/opinion/uct-rhodes-statue-protest-both-sides-1831688.

Coughlan, Sean, 'Oxford College Wants to Remove Rhodes Statue' (BBC, 18 June 2020) www.bbc.com/news/education-53082545.

'EFF Backs Call For Rhodes Statue to Go' *News24* (Cape Town, 17 March 2015) www.news24.com/News24/EFF-backs-call-for-Rhodes-statue-to-go-20150317.

'Ghana: Statue of Mahatma Gandhi', IHJR Contested Histories, May 2019.

Harvard Law School, 'Royall Must Fall: The Shield is Retired' <https://exhibits.law.harvard.edu/royall-must-fall-shield-retired>.

Heinrich Böll Stiftung, Interview with Zethu Matebeni, UCT Academic (19 February 2018) <https://za.boell.org/en/2018/02/19/rhodesmustfall-it-was-never-just-about-statue>.

Klopper, Sandra, Open letter by Acting Vice Chancellor Professor in 'UCT Rhodes Statue Protest – Both Sides' (IOL, 13 March 2015) www.iol.co.za/news/opinion/uct-rhodes-statue-protest-both-sides-1831688.

Mahapa, Ramabina, Student Representative Council Press Release on UCT Student Protest, University of Cape Town Students' Representative Council, 11 March 2015 www.news.uct.ac.za/images/archive/dailynews/2015/SRC%20Statement%20on%20UCT%20Student%20protest.pdf.

'Mahatma Gandhi Statue Vandalised in Johannesburg' (BBC, 13 April 2013) www.bbc.com/news/world-africa-32287972.

McKaiser, Eusebius, 'South Africa's Odious Monument to Cecil John Rhodes' *The New York Times* (New York, 26 March 2015) www.nytimes.com/2015/03/27/opinion/eusebius-mckaiser-south-africas-odious-monument-cecil-john-rhodes.html.

Muslim Judicial Council, 'About Islam at the Cape' <https://mjc.org.za/education/islam/about-islam-at-the-cape>.

National Heritage Resources Act, Republic of South Africa Government Gazette, vol 406, no 19974, 28 April 1999 www.gov.za/documents/national-heritage-resources-act.

Ncube, Caroline, 'Rhodes: Views from a Black Associate Professor at UCT' *Mail & Guardian Thought Leader* (Johannesburg, 30 March 2015) <https://thoughtleader.co.za/readerblog/2015/03/30/rhodes-views-from-a-Black-associate-professor-at-uct>.

'Newsmaker – Chumani Maxwele: No regrets for throwing faeces at Rhodes statue' *News24* (Cape Town, 29 March 2015) www.news24.com/news24/archives/city-press/Newsmaker-Chumani-Maxwele-No-regrets-for-throwing-faeces-at-Rhodes-statue-20150429.

'No Name Change for Rhodes University Following Council Vote' *Mail & Guardian* (Johannesburg, 6 December 2017) <https://mg.co.za/article/2017-12-06-no-name-change-for-rhodes-university-following-council-vote/>.

Ntongana, Thembela, 'UCT Students Protest Against Accommodation Shortage' (GroundUp, 15 February 2016) www.groundup.org.za/article/shackville-uct.

O'Connell, Siona, 'What UCT's Not Telling Their First Years' (IOL, 19 January 2015) www.iol.co.za/capeargus/what-ucts-not-telling-their-first-years-1806441.

Oriel College, University of Oxford 'Membership and Details of Oriel Rhodes Commission Announced', 20 July 2020 www.oriel.ox.ac.uk/about-college/news-events/news/membership-and-details-oriel-rhodes-commission-inquiry-announced.

Price, Max, 'VC Desk: On Transformation: Looking Back at 2015' (University of Cape Town News, 11 March 2016) www.news.uct.ac.za/article/-2016-03-11-vc-desk-on-transformation-looking-back-at-2015released-12h00-11-march-2016.

Price, Max, 'From the VC's Desk: Rhodes Statue Protests and Transformation' (University of Cape Town News, 18 March 2015) www.news.uct.ac.za/article/-2015-03-18-from-the-vcs-desk-rhodes-statue-protests-and-transformation.

Price, Max, 'From the VC's Desk: Update on Rhodes Statue and Occupation of Bremner Building' (University of Cape Town News, 28 March 2015) www.news.uct.ac.za/article/-2015-03-28-from-the-vcs-desk-update-on-rhodes-statue-and-occupation-of-bremner-building.

Price, Max, 'Rhodes Must Fall: Bremner Occupiers Have Crossed the Line – Max Price' (Politicsweb, 11 April 2015) www.politicsweb.co.za/opinion/rhodes-must-fall-bremner-occupiers-have-crossed-th.

'"Remove Rhodes" Remains from Njele' *The Patriot* (Harare, 30 May 2019).

'Rhodes Statue Removed in Cape Town as Crowds Celebrate' (BBC, 9 April 2015) www.bbc.com/news/world-africa-32236922.

Sachs, Albie, 'The Rhodes debate: How We Can Have the Last Laugh' *City Press* (Johannesburg, 29 March 2015). Republished, University of Cape Town News, 30 March 2015 www.news.uct.ac.za/article/-2015-03-30-the-rhodes-debate-how-we-can-have-the-last-laugh. Citations refer to the University of Cape Town News version.

Shahid Vawda et al, *Rhodes Must Fall: Pursuing Decoloniality Through Cultural Heritage Monuments*, report submitted to IHJR, 10 January 2020. Paper available on request: jansen@ihjr.org.

Solomons, Rod, 'UCT Association of Black Alumni (UCTBA) View on Rhodes Statue' (University of Cape Town News, 29 March 2015) www.news.uct.ac.za/article/-2015-03-29-uct-association-of-black-alumni-uctaba-view-on-rhodes-statue.

South Africa Department of Education, *Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions*, 30 November 2008 www.ukzn.ac.za/wp-content/miscFiles/publications/ReportonHEandTransformation.pdf.

Stoltz, Jacques, 'History is Not for the Sensitive – HASA Comments on the Rhodes Statue Saga' (The Heritage Portal, 23 March 2015) updated 28 October 2015 www.theheritageportal.co.za/article/history-not-sensitive-hasa-comments-rhodes-statue-saga.

Swingler, Helen, 'Climate of Trust Needed for Transformation' (University of Cape Town News, 17 March 2015) www.news.uct.ac.za/article/-2015-03-17-climate-of-trust-needed-for-transformation.

Swingler, Helen, 'Cry for Transformation Rings Out at Packed Assembly' (University of Cape Town News, 25 March 2015) www.news.uct.ac.za/article/-2015-03-25-cry-for-transformation-rings-out-at-packed-assembly.

Tse, Lucas, 'Legacies of Cecil Rhodes at Oxford,' *Contested Histories Case Studies Series*, Spring 2020, p 2 www.euroclio.eu/wp-content/uploads/2020/06/1_CHCSS_Rhodes-at-Oxford.pdf.

'UCT and Transformation: Part One' (GroundUp, 9 April 2015) www.groundup.org.za/article/uct-and-transformation-part-one_2820.

'UCT: A Campus At Odds With Itself' *Mail & Guardian* (Johannesburg, 8 September 2014) <http://mg.co.za/article/2014-09-08-uct-a-campus-at-odds-with-itself>.

University of Cape Town South Africa, 'University Assembly: The Rhodes Statue and Transformation', YouTube, 26 March 2015 www.youtube.com/watch?v=eWVJnBVnyPc.

'We Love UCT: Says Student who Covered Rhodes in Shit' *The Journalist* (Cape Town, 25 March 2015) www.thejournalist.org.za/spotlight/we-love-uct-says-student-who-covered-rhodes-in-shit.

Weale, Sally, 'Future of Oxford's Cecil Rhodes Statue to Be Decided by January' *The Guardian* (London, 21 July 2020) www.theguardian.com/education/2020/jul/21/future-of-cecil-rhodes-statue-to-be-decided-by-inquiry.

Weiss, Blue and Mu Yang Shi, Presentation on Cecil Rhodes, All Souls College, Oxford, 27 March 2018.

Western Cape Government, 'Media Alert: Memorials and Public Monuments', 10 April 2015 www.westerncape.gov.za/gc-news/104/36352.

Endnotes

- 1 'Newsmaker – Chumani Maxwele: No Regrets for Throwing Faeces at Rhodes Statue' *News24* (Cape Town, 29 March 2015) www.news24.com/news24/archives/city-press/Newsmaker-Chumani-Maxwele-No-regrets-for-throwing-faeces-at-Rhodes-statue-20150429 accessed 24 August 2020.
- 2 'We Love UCT: Says Student who Covered Rhodes in Shit' *The Journalist* (Cape Town, 25 March 2015) www.thejournalist.org.za/spotlight/we-love-uct-says-student-who-covered-rhodes-in-shit accessed 24 August 2020.
- 3 Leander Starr Jameson was a colonial-era administrator and associate of Rhodes.
- 4 See n 2 above.
- 5 Lucas Tse, 'Legacies of Cecil Rhodes at Oxford' *Contested Histories Case Studies Series*, Spring 2020, p 2 www.euroclio.eu/wp-content/uploads/2020/06/1_CHCSS_Rhodes-at-Oxford.pdf accessed 24 August 2020.
- 6 Siona O'Connell, 'What UCT's Not Telling Their First Years' (IOL, 19 January 2015) www.iol.co.za/capeargus/what-ucts-not-telling-their-first-years-1806441 accessed 24 August 2020.
- 7 *Ibid.*
- 8 'UCT: A Campus at Odds with Itself' *Mail & Guardian* (Johannesburg, 8 September 2014) <http://mg.co.za/article/2014-09-08-uct-a-campus-at-odds-with-itself> accessed 24 August 2020.
- 9 Shahid Vawda et al, *Rhodes Must Fall: Pursuing Decoloniality Through Cultural Heritage Monuments*, report submitted to the IHJR, 10 January 2020, p 33. Paper available on request: jansen@ihjr.org.
- 10 Caroline Ncube, 'Rhodes: Views From a Black Associate Professor at UCT' *Mail & Guardian Thought Leader* (Johannesburg, 30 March 2015) <https://thoughtleader.co.za/readerblog/2015/03/30/rhodes-views-from-a-Black-associate-professor-at-uct> accessed 24 August 2020.
- 11 Junior Bester 'Protesters Throw Poo on Rhodes Statue' (IOL, 10 March 2015) www.iol.co.za/news/south-africa/western-cape/protesters-throw-poo-on-rhodes-statue-1829526 accessed 24 August 2020.
- 12 Sandra Klopper, Open letter by Acting Vice Chancellor Professor in 'UCT Rhodes statue protest – both sides' (IOL, 13 March 2015) www.iol.co.za/news/opinion/uct-rhodes-statue-protest-both-sides-1831688 accessed 24 August 2020.
- 13 *Ibid.*
- 14 Ramabina Mahapa, Student Representative Council Press Release on UCT Student Protest, University of Cape Town Students' Representative Council, 11 March 2015, www.news.uct.ac.za/images/archive/dailynews/2015/SRC%20Statement%20on%20UCT%20Student%20protest.pdf accessed 24 August 2020.
- 15 *Ibid.*
- 16 Abigail Calata, 'Students Campaign for Rhodes Statue Removal' (University of Cape Town News, 16 March 2016) www.news.uct.ac.za/article/-2015-03-16-students-campaign-for-rhodes-statue-removal accessed 24 August 2020.
- 17 *Ibid.*
- 18 See n 9 above, 11.

- 19 Helen Swingler, 'Climate of Trust Needed for Transformation' (University of Cape Town News, 17 March 2015) www.news.uct.ac.za/article/-2015-03-17-climate-of-trust-needed-for-transformation accessed 24 August 2020.
- 20 *Ibid.*
- 21 See n 9 above, 36.
- 22 Max Price, 'From the VC's Desk: Rhodes Statue Protests and Transformation' (University of Cape Town News, 18 March 2015) www.news.uct.ac.za/article/-2015-03-18-from-the-vcs-desk-rhodes-statue-protests-and-transformation accessed 24 August 2020.
- 23 'UCT and Transformation: Part One' (GroundUp, 9 April 2015), www.groundup.org.za/article/uct-and-transformation-part-one_2820 accessed 24 August 2020.
- 24 See n 9 above, 32: The room is named after Archie Mafeje, a leading scholar of African studies, who was refused a teaching post in 1968; 600 students had occupied the Bremner Building at the time in protest.
- 25 See n 23 above.
- 26 See n 9 above, 13.
- 27 University of Cape Town South Africa, 'University Assembly: The Rhodes Statue and Transformation' YouTube, 26 March 2015 www.youtube.com/watch?v=eWVJnBVnyPc accessed 24 August 2020.
- 28 Helen Swingler, 'Cry for Transformation Rings Out at Packed Assembly' (University of Cape Town News, 25 March 2015) www.news.uct.ac.za/article/-2015-03-25-cry-for-transformation-rings-out-at-packed-assembly accessed 24 August 2020.
- 29 *Ibid.*
- 30 *Ibid.*
- 31 Kgotsi Chikane, Letter to Archbishop Ndungane in 'UCT Rhodes Statue Protest – Both Sides' (IOL, 13 March 2015) www.iol.co.za/news/opinion/uct-rhodes-statue-protest-both-sides-1831688 accessed 24 August 2020.
- 32 Chikane may have been alluding to an incident mentioned in a report commissioned by the South Africa Department of Education and chaired by Professor Crain Soudien. The report opens with the description of a video made by four young white Afrikaner male students at a residence hall at the University of the Free State depicting the students forcing a group of elderly Black (cleaning) workers, four women and one man, to eat food into which one of the students had apparently urinated. The video was meant as a protest against the university's change in policy to integrate the residence halls. *Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions*, 30 November 2008, p 23, www.ukzn.ac.za/wp-content/miscFiles/publications/ReportonHEandTransformation.pdf accessed 24 August 2020. Chikape also published his reflections in Rekgotsofetse. Chikane, *Breaking a Rainbow, Building a Nation: The Politics Behind #MustFall movements* (Johannesburg: Picador Africa, 2018).
- 33 See n 31 above.
- 34 See n 9 above, 36.
- 35 Rod Solomons, 'UCT Association of Black Alumni (UCTBA) View on Rhodes Statue' (University of Cape Town News, 29 March 2015) www.news.uct.ac.za/article/-2015-03-29-uct-association-of-black-alumni-uctaba-view-on-rhodes-statue accessed 24 August 2020.
- 36 'EFF Backs Call for Rhodes Statue to Go' *News24* (Cape Town, 17 March 2015) www.news24.com/News24/EFF-backs-call-for-Rhodes-statue-to-go-20150317 accessed 24 August 2020.
- 37 Eusebius McKaiser, 'South Africa's Odious Monument to Cecil John Rhodes' *The New York Times* (New York, 26 March 2015) www.nytimes.com/2015/03/27/opinion/eusebius-mckaiser-south-africas-odious-monument-cecil-john-rhodes.html accessed 24 August 2020.
- 38 Leslie Bank, 'Leslie Bank Debates the Future of UCT's Rhodes Statue' (University of Cape Town News, 1 April 2015) www.news.uct.ac.za/article/-2015-04-01-leslie-bank-debates-the-future-of-ucts-rhodes-statue accessed 24 August 2020.
- 39 See n 9 above, 35.
- 40 Albie Sachs, 'The Rhodes Debate: How We Can Have the Last Laugh' *City Press* (Johannesburg, 29 March 2015). Republished in University of Cape Town News, 30 March 2015 www.news.uct.ac.za/article/-2015-03-30-the-rhodes-debate-how-we-can-have-the-last-laugh accessed 24 August 2020. Citations refer to the University of Cape Town News version.

- 41 *Ibid.*
- 42 Heinrich Böll Stiftung, Interview with Zethu Matebeni, UCT academic (19 February 2018) <https://za.boell.org/en/2018/02/19/rhodesmustfall-it-was-never-just-about-statue> accessed 24 August 2020.
- 43 Jacques Stoltz, 'History is Not for the Sensitive – HASA Comments on the Rhodes Statue Saga' (The Heritage Portal, 23 March 2015) updated 28 October 2015 www.theheritageportal.co.za/article/history-not-sensitive-hasa-comments-rhodes-statue-saga accessed 24 August 2020.
- 44 See National Heritage Resources Act, c I, pt 1, s 3 for a definition and description of national estate. Republic of South Africa Government Gazette vol 406, no 19974, 28 April 1999 www.gov.za/documents/national-heritage-resources-act accessed 24 August 2020.
- 45 NHRA, c III, s 7(i).
- 46 NHRA, c II, pts 1 and 2.
- 47 Western Cape Government, 'Media Alert: Memorials and Public Monuments', 10 April 2015 www.westerncape.gov.za/gc-news/104/36352 accessed 24 August 2020.
- 48 Max Price, 'From the VC's Desk: Update on Rhodes Statue and Occupation of Bremner Building' (University of Cape Town News, 28 March 2015) www.news.uct.ac.za/article/-2015-03-28-from-the-vcs-desk-update-on-rhodes-statue-and-occupation-of-bremner-building accessed 24 August 2020.
- 49 See n 47. The permit was issued under NHRA Chapter III, General Provisions, pt 1, ss 48–49.
- 50 See n 47 above.
- 51 *Ibid.*
- 52 See n 9 above, 37.
- 53 Islam is a central element in the social ecology of Cape Town. Among the first slaves brought to the Cape by the Dutch from their colonies in Asia were Muslims. See Muslim Judicial Council, 'About Islam at the Cape' <https://mjc.org.za/education/islam/about-islam-at-the-cape> accessed 24 August 2020.
- 54 See n 9 above, 38.
- 55 'Rhodes Statue Removed in Cape Town as Crowds Celebrate' (BBC, 9 April 2015) www.bbc.com/news/world-africa-32236922 accessed 24 August 2020.
- 56 Max Price, 'Rhodes Must Fall: Bremner Occupiers Have Crossed the Line – Max Price' (Politicsweb, 11 April 2015) www.politicsweb.co.za/news-and-analysis/rhodes-must-fall-bremner-occupiers-have-crossed-th accessed 24 August 2020.
- 57 For more on #FeesMustFall, see Susan Booyesen (ed), *Fees Must Fall: Student Revolt, Decolonisation and Governance in South Africa* (Wits University Press, 2016).
- 58 Abdul Kayum Ahmed, 'The Rise of Fallism: #RhodesMustFall and the movement to decolonise the University', PhD Dissertation (Columbia University, 2019) <https://academiccommons.columbia.edu/doi/10.7916/d8-n7n3-e372> accessed 28 September 2020.
- 59 'Mahatma Gandhi Statue Vandalised in Johannesburg' (BBC, 13 April 2013) www.bbc.com/news/world-africa-32287972 accessed 24 August 2020.
- 60 'Ghana: Statue of Mahatma Gandhi', IHJR Contested Histories, May 2019.
- 61 Harvard Law School, 'Royall Must Fall: The Shield is Retired' accessed 13 August 2020 <https://exhibits.law.harvard.edu/royall-must-fall-shield-retired> accessed 24 August 2020.
- 62 *Ibid.*
- 63 The council felt that the stature of Rhodes University, 'amongst the best universities in the world', coupled with the reputational and financial costs involved in 'rebranding' mitigated against a name change. 'No Name Change for Rhodes University Following Council Vote' *Mail & Guardian* (Johannesburg, 6 December 2017) <https://mg.co.za/article/2017-12-06-no-name-change-for-rhodes-university-following-council-vote> accessed 24 August 2020.
- 64 "'Remove Rhodes' Remains from Njele' *The Patriot* (Harare, 30 May 2019).
- 65 Balliol College, University of Oxford, 'Balliol and Decolonisation' www.balliol.ox.ac.uk/balliol-and-decolonisation accessed 24 August 2020.
- 66 Blue Weiss and Mu Yang Shi, Presentation on Cecil Rhodes, All Souls College, Oxford, 27 March 2018.
- 67 *Ibid.*
- 68 Lucas Tse, 'Legacies of Cecil Rhodes at Oxford,' *Contested Histories Case Studies Series*, Spring 2020, p 2 www.euroclio.eu/wp-content/uploads/2020/06/1_CHCSS_Rhodes-at-Oxford.pdf accessed 24 August 2020.

69 *Ibid.*

70 *Ibid.*

71 *Ibid.*

72 'Cecil Rhodes Statue to Be Kept by Oxford University College' (BBC, 26 January 2016) www.bbc.com/news/uk-england-oxfordshire-35435805 accessed 24 August 2020.

73 Sean Coughlan, 'Oxford College Wants to Remove Rhodes Statue' (BBC, 18 June 2020) www.bbc.com/news/education-53082545 accessed 24 August 2020.

74 Oriel College, University of Oxford, 'Membership and Details of Oriel Rhodes Commission Announced', 20 July 2020 www.oriel.ox.ac.uk/about-college/news-events/news/membership-and-details-oriel-rhodes-commission-inquiry-announced accessed 24 August 2020. On 30 June 2018, Price completed a ten-year term as vice-chancellor.

75 Sally Weale, 'Future of Oxford's Cecil Rhodes Statue to Be Decided by January' *The Guardian* (London, 21 July 2020).

76 Max Price, 'VC Desk: On transformation: Looking Back at 2015' (University of Cape Town News, 11 March 2016) www.news.uct.ac.za/article/-2016-03-11-vc-desk-on-transformation-looking-back-at-2015released-12h00-11-march-2016 accessed 24 August 2020.

77 Thembele Ntongana, 'UCT Students Protest Against Accommodation Shortage' (GroundUp 15 February 2016) www.groundup.org.za/article/shackville-uct accessed 24 August 2020.

Case Study IV: Politics of former slave ports

Nantes and Bordeaux, France



Credit: Stephane Mahe/REUTERS

In compliance with national legislation requiring municipalities to address legacies of the trade of enslaved persons and colonialism in public spaces, the cities of Nantes and Bordeaux, France's two largest slavery-era ports, responded with measures that reflected their particular understanding of their historic role in the trade, as well as the local politics, demographics and community identity within each city.

This case study examines the complexities of municipal responses to a national agenda when addressing historical injustices, as well as the practical constraints of modern urban life and legal frameworks, including defamation laws. Particular attention is given to the role of local politics and community identity, as well as the ethical and legal considerations related to acknowledging the descendants of the enslaved victims, alongside those of contested historical figures.

Introduction

On 25 March 2012, Jean-Marc Ayrault, the Mayor of the French port city of Nantes and future Prime Minister of France (2012–2014), officially opened the Memorial for the Abolition of Slavery, a memorial promenade and visitor centre commemorating the role of Nantes in the transatlantic trade in enslaved persons. The inauguration provided ‘an invitation’, according to Ayrault, for Nantes ‘to reflect on a dark chapter in [our] history’. The site of the memorial promenade, located on the right bank of the Loire River, marks the departure point where French slave-trade ships once docked.¹

The memorial promenade consists of 2,000 glass bricks, most engraved with the name of a slave ship and its date of departure from Nantes. Several bricks name slave-trading posts, ports of sale and ports of call. The installation extends for 400 metres, or nearly a quarter of a mile along the *quai* that once serviced the city's flourishing slave-trade activities. From the *quai*, a staircase leads to a narrow exhibition space underground, dedicated to the abolition of slavery. ‘This monument is one of the most important memorials in the world devoted to the slave trade and its abolition’, the memorial website claims. ‘It is a solemn reminder of Nantes’ history as the most active slave-trading port in 18th century France.’²

While Nantes was praised nationally and internationally for confronting its slave-trade legacies, some local critics wondered whether a museum would have been better than the €6.9m installation.³ Others saw the memorial, along with a one-mile commemorative path marked by 11 historical plaques running through the city centre, as only the beginning of Nantes's confrontation with its past. Civil society organisations called attention to legacies of slavery manifest in street names. Le Conseil Représentatif des Associations Noires (CRAN), or the Representative Council of Black Associations, called for the replacement of street names honouring former traders of enslaved persons. Another activist group, Association Mémoires et Partages, or Association of Memory and Sharing, argued against erasure of street names, saying the city should add context-providing plaques to roads instead. Although Ayrault supported the idea of placarding, some Nantes residents feared that placards could ‘stigmatise’ and ‘humiliate’ descendants of traders of enslaved persons who still live in Nantes, and potentially violate Article 34 of the French Law of 29 July 1881, which explicitly prohibits the public dissemination of information ‘intended to attack the honour or the consideration of descendants, spouses, or legal heirs’.⁴ Bordeaux, the second-largest slave-trading port in France faced many similar debates.

The following case studies of the former French slave-trading ports of Nantes and Bordeaux explore the legacy of France's trade in enslaved persons and the practical challenges faced by municipal authorities when asked to address public street names linked to historical injustice. These two cases examine the roles of civil society actors and leaders, and the complex historical, social and legal issues that must be considered when engaging with legacies of historical injustice in a responsible and effective manner.

Historical context

From the early 16th to the late 19th centuries, between 10 and 12.5 million enslaved people were forcibly transported from sub-Saharan Africa to the Americas,⁵ of whom about 1.2 million were ferried on ships owned by French slave traders.⁶ As part of a 'triangular trade', expeditions of merchant ships left French harbours and reached the West African coast, where goods were exchanged for enslaved people, who were then transported either to colonies in the Americas or back to harbours in mainland France. France ranked third among slave-trading nations behind Great Britain and Portugal.⁷ Regulating this trade in France was the Code Noir (Black Code), introduced in 1685 and developed by Jean-Baptiste Colbert, Minister of Finance to Louis XIV. It defined both the rights and obligations of those who owned enslaved people, as well as of those enslaved.⁸ The Code Noir was considered 'one of the most extensive official documents on race, slavery, and freedom ever drawn up in Europe'.⁹

Slavery was abolished in France in 1794 following the French Revolution, but abolition was subsequently annulled by Napoleon Bonaparte with the law of 20 May 1802 on 'trade in Blacks and administration in the colonies',¹⁰ allegedly on the urging of his then wife Josephine, whose family owned a sugar plantation in Martinique. A second and final abolition of slavery occurred in France in April 1848, during the Second Republic,¹¹ when Victor Schoelcher was Deputy Secretary of State for Colonies.

Following the 1848 abolition, French historian Françoise Vergès suggests that for more than a century the abolitionists were given precedence as central characters over the slaves themselves in France's 'national myth'.¹² In 1998, the French state celebrated the 150th anniversary of the second abolition of slavery in the colonies and recognised the event as a historic trauma for enslaved persons and their descendants, who were granted 'victim status'.¹³ Critics felt that the abolitionists, represented by the figure of Schoelcher, were celebrated, while those enslaved and their revolts were forgotten. In response, a silent march was conducted on 23 May 1998, and hence the creation of the March 98 Committee (Comité Marche du 23 mai 1998 or CM98),¹⁴ which questioned the dominant narrative's focus on abolition rather than the institution of slavery.¹⁵ Since the 150th anniversary, thanks to diverse efforts, commemoration has become more inclusive in France.

Taubira Law (Loi Taubira) and commemoration

On 10 May 2001, the French National Assembly adopted the Loi Taubira, recognising the trade and enslavement of people as a crime against humanity within the French penal code and placing the legacies of the slavery-era on the national agenda.¹⁶ The creation of the law was driven by associations in France's overseas departments, which wanted France to finally face its history of trading in enslaved persons. Professor Emmanuel Jos with the Martiniquan association *Devoir de Mémoire* provided the justification for establishing the law, and Christiane Taubira, a member of France's National Assembly, advocated strongly for it.¹⁷ The law, named after her, was officially registered as the 'Law of 21 May 2001, intended formally to recognise the trade and enslavement of persons as crimes against humanity'. Unlike the French memory law on Holocaust denial, which includes penal sanctions, the Loi Taubira does not criminalise the denial of the trade of enslaved persons.¹⁸

Along with recognising the trade of enslaved persons as a breach of international humanitarian law (Article 1), the Taubira Law also mandated the opening of archives related to the trade for research and the inclusion of the history of the trade in the national curriculum (Article 2), as well as two initiatives (Article 4): the establishment of a 'national day' of commemoration and the creation of a committee 'responsible for proposing, throughout the national territory, locations and activities that guarantee the longevity of the memory of this atrocity through successive generations'.¹⁹ In accordance with Article 4, the *Comité pour la Mémoire de l'Esclavage* or the Committee for the Memory of Slavery, was established in 2004 and tasked with organising the annual national day of commemoration on 10 May.²⁰ In November 2005, the Minister of Education sent out a circular which included links to pedagogical materials, and encouraged teachers to cover the topic of slavery in the classroom, particularly on 10 May. Another circular in 2006 included texts on the subject, among them primary source documents and poems for teachers' use.²¹ A 2009 decree²² expanded the role of the Committee for the Memory of Slavery, and in 2013,²³ under Ayrault, the committee gained national status as the National Committee for the Memory and History of Slavery (*Comité National pour la Mémoire et l'Histoire de l'Esclavage* or CNMHE).²⁴

On 13 November 2019, the CNMHE was replaced by official decree with the National Foundation for the Memory of Slavery, headed by former Prime Minister Ayrault, with a budget of €2.2m. The new foundation was given an ambitious mandate, which included ensuring that the role of France in the history of slavery is recognised nationally, and compelling the country to make the legacies of slavery and colonialism an integral part of French identity.²⁵ The aim was to foster a non-confrontational memory of slavery, open museums and create public access to history, and promote an inclusive process with memory stakeholders in French overseas territories, mainland France and Africa. As part of its mandate, the foundation was tasked with planning a new public memorial site near the *Hôtel de la Marine* located in a prestigious place in Paris, in the *Jardin des Tuileries* (site of the National Convention, by which the abolition of slavery was first adopted in 1794).

This memorial seeks to incorporate another project, the Names Memorial, initiated in 2016 by CM98. The Names Memorial is also endorsed by the *Fondation Esclavage et Réconciliation*,

or Slavery and Reconciliation Foundation, a group born from the memory work of CM98 and financed by *békésé*, descendants of colonists, but with a mission geared towards reconciliation among the different societies and groups connected by the slave trade.²⁶ The Names Memorial is intended to display the names and registration numbers of the 200,000 slaves who obtained freedom in 1848 in Guadeloupe, Guiana, La Réunion, Martinique and Mayotte.²⁷ Critics of the Names Memorial feel that by commemorating only those enslaved persons freed by the Second Republic, it fails to honour the many other unnamed ones who perished throughout France's slavery period.²⁸ The intention behind the proposed monument is to instil pride in the descendants of those listed and to help craft a new view in France towards people from overseas territories, highlighting that trauma from the past continues to impede those territories' development.²⁹ Together, the creation of these institutions for the remembrance of slavery promote a more open dialogue in France over the legacies of slavery, including at the municipal level in regard to renaming in public spaces.

Legal considerations

Implementing national legislation or a ministerial mandate at the municipal level comes with a range of practical considerations. The passage of decentralisation laws, in 1982, which vested the renaming of public thoroughfares with local authorities, leaves renaming to the discretion of the mayor or municipal council, though there is recourse.³⁰ The administrative judge also has the power to review names in cases they are asked to review, and citizens can participate in choosing the name of a street simply by sending a written or oral request to the mayor, who will then decide what action to take. In this delicate exercise, the mayor often opts for consultation when naming new public roads. If the inhabitants of a municipality can be consulted on the choice of street names, they can also, like the sub-prefect or the prefect, challenge them before an administrative court: the law offers them a period of two months after the publication of the deliberations to object.³¹

For the respective municipalities in particular, two arguments emerge against changing street names: first, the disruption of the city plan for the inhabitants is complicated from an administrative point of view since everyone on the street in question has to change their address, and second, the stigmatisation of the name being removed for the descendants, or, in the case of placarding, the reputational damage from the public display of disreputable activities. Technical difficulties can arise concerning the installation of new placards. To place a second plaque on a building, the owner of the building must agree. In the case of a condominium, it can be complicated by the presence of multiple residents.³²

Other considerations that come into play were summarised by the Ministry of the Interior in a communiqué dated 11 August 2016: 'The attribution of a name to a public space must not be of such a nature as to cause disturbances to public order, nor to offend the sensitivity of the people, nor to damage the image of the city or the district concerned.' The Interior Minister also addressed the question of whether one must obtain permission from a descendant or heir in order to name a street after an ancestor: 'No legislative or regulatory provision requires consultation of, or a request for authorisation from, a possible heir or

descendant of a person whose name will be used to name a public place.’³³ However, to avoid controversy, many communities choose to consult with the relevant stakeholders before a decision is taken, especially in cases that may give rise to debate, even if there are no legal obligations for elected officials to do so.

Since the passage of the Loi Taubira, several municipalities in France have taken active roles in confronting the legacy of slavery embedded in landscapes as monuments, statues and street names that honour historic figures associated with slavery or the trade in enslaved persons. For example, in Paris, Rue Richepanse, a street in the elegant 1st Arrondissement, just two blocks from the Jardin des Tuileries, was originally named after Antoine Richepanse, a general under Napoleon Bonaparte who contributed to the reimposition of slavery in Guadeloupe in 1802. In 2002, the mayor changed the name to Rue du Chevalier de Saint-Georges, honouring Joseph Boulogne, Chevalier de Saint-Georges, the son of an enslaved Black woman and an aristocratic plantation owner, who arrived in Paris in the 18th century and became a notable composer.³⁴ The mayor’s adviser said the choice was clear for the new name: ‘We wanted to pick a positive hero.’³⁵ The names of both Richepanse and Boulogne are presented together on a plaque as a way of preserving and contrasting both historical memories.

Cities across France have faced similar decisions. In Marseille, the Bordeaux Black Slave Trade Memorial Foundation (Bordelais Fondation du Mémorial De La Traite des Noirs) identified five street names as honouring historical figures involved in the trade in enslaved persons. Among them is Rue Colbert, named after the former minister of Louis XIV and author of the first version of the Code Noir.³⁶ When civil society organisations first began investigating the legacies of slavery in Nantes and Bordeaux, they found that more than a dozen street names honoured persons directly connected to the cities’ history of slavery.

Legacy of slavery: French port cities

The four largest French cities that served as slave ports were Nantes, Bordeaux, La Rochelle on the west coast and Le Havre at the mouth of the Seine. Collectively, these four cities were involved in around 4,220 French slave-trade expeditions, 80 per cent of which took place in the 18th century. Most expeditions were involved in the triangular trade, in which French ships transported finished goods to coastal West Africa, then transported slaves to the Americas and returned to France with products like sugar, tobacco and cotton.³⁷

By the 18th century, Nantes was France’s leading slave-trade port, responsible for 41.3 per cent of all expeditions (a total of 1,744).³⁸ Ranking second, Bordeaux counted 508 expeditions.³⁹ Large fortunes were built on slavery, traces of which are still evident in Bordeaux and Nantes today. Traders of enslaved persons invested heavily in their hometown’s development and funded new buildings or subsidised social establishments with the profits they made. While the slave traders themselves were the main actors who actively participated in the trade and enslavement of people, they were supported by a multitude of secondary actors, such as corporations, as well as sailors, shipyard workers, metallurgical and textile industries, refineries, artisans, shopkeepers, seamstresses, innkeepers, winegrowers

and their families, who benefitted without always being fully aware of their collaboration. Hundreds of thousands of French people participated directly or indirectly in the trade of enslaved persons. The accumulation of capital from the trade and the exploitation of enslaved persons in the colonies fostered economic growth in France, even for those only indirectly involved.⁴⁰

The trade of enslaved persons transformed Nantes, which in 1664 was France's eighth-largest port, into the country's largest port by 1700. By the middle of the 18th century, Nantes boasted at least 15 sugar refineries and nine cotton mills, the latter helping make the city the largest manufacturer of printed cloth in the country. The city's wealthy merchants constructed elegant, neoclassical villas, such as the Hôtel Grou, which has now been registered as a *monument historique* by the French Ministry of Culture.⁴¹ In February 1794, Nantes dispatched commercial delegates to Paris to protest the official abolition of slavery by the Convention, the elected assembly in the post-revolution period.⁴²

With the abolition of the trade in enslaved persons, Nantes declined as a trading port, eclipsed by Marseille and Le Havre, and gradually developed an industrial base to replace the lost commerce. The legacy was forgotten amid the general silence around the issue for the next century and a half. In 1985, the municipality of Nantes initially refused to support the International Colloquium on the Slave Trade, organised by Serge Daget on the 300th anniversary of the passage of the Code Noir in 1685.⁴³ But four years later, in 1989, the city made a strategic break with the silence of the past, initiated by Ayrault. Long before Bordeaux or other former slave-trading ports, Nantes began to take political responsibility for the treatment of the memory of slavery and the trade in enslaved persons, and became a catalyst for other communities.

Since 1989, Nantes has provided political responses supported by financial investment. The city government supported two non-profit associations *Anneaux de la mémoire*, or *Shackles of Memory*,⁴⁴ and *Mémoire de l'Outre-mer*, or *Memory of Overseas*,⁴⁵ as well as a notably large exhibition, also titled, 'Les Anneaux de la mémoire', or 'The Shackles of Memory', in 1992, which welcomed 400,000 visitors.⁴⁶ Later, *Memories of Overseas* petitioned the Nantes government to put up a plaque commemorating the suffering of enslaved people, but when the project stalled, the group commissioned its own monument of an enslaved man breaking his chains. The statue was vandalised; opponents broke off an arm and rewound the chains. Following this event, the Nantes government stepped up to institutionalise these efforts through ongoing cooperation between the city government and civic associations.⁴⁷

In 2012, after 28 years of debate, Nantes unveiled the *Mémorial de l'abolition de l'esclavage*, or *Memorial to the Abolition of Slavery*, on the *Quai de la Fosse*.⁴⁸ 'It wasn't an easy path,' Mayor Ayrault recalled. 'But after initial resistance from reactionaries in the town, the majority of people and politicians ended up backing the plan.'⁴⁹ The city museum of Nantes, situated in the *Château des Ducs*, explains slavery and the trafficking of enslaved persons. There is also a city walk of 1.5 kilometres with 11 informational plaques between *Château des Ducs de Bretagne* and *Quai de la Fosse*, with its memorial promenade.⁵⁰ Ayrault

spoke of ‘a kind of memory work’ that was intended to demonstrate that Nantes was openly confronting its past. ‘It’s an invitation to reflect on a dark chapter in the history of our city,’ he said.⁵¹

The Memorial to the Abolition of Slavery consists of a permanent exhibition, with a low ceiling to create the sense of the interior of a slave ship, along with a commemorative promenade. The memorial site created by Polish artist Krzysztof Wodiczko and American architect Julian Bonder was designed as a memory of the past, but also a warning for the present.⁵² At Quai de la Fosse, Article 4 of the 1948 UN Declaration for Human Rights is displayed: ‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.’⁵³ The glass bricks embedded in the promenade are each engraved with the name of a slave ship and the year of its departure from the port, for example, ‘Le Colbert. Navire Négrier. Parti de Nantes en 1776’ or ‘The Colbert. Slave Ship. Departed Nantes in 1776’. The memorial also includes memorial bricks to recent tragedies related to human trafficking. One glass brick is engraved with ‘Inconnu. Âge inconnu. Mort Noyé. Trouvé mort. 25/04/18,’ or ‘Unknown. Age unknown. Drowned. Found dead. 25 April 2018.’⁵⁴

The conceptualising, financing and commissioning of the Memorial to the Abolition of Slavery required political and financial commitment, but was uncomplicated since the installation ran along the harbour and had little impact on residential areas. Conversely, the deliberations around the potential renaming of streets and the installation of narrative placards in Nantes proved to be more fraught, both at the national and local level. There has been an ongoing debate in France over street names associated with the trade in enslaved persons, spurred in part by the non-profit activist organisation, CRAN,⁵⁵ which was created in November 2005 and serves as an umbrella for approximately 120 organisations representing Black communities in France.⁵⁶ CRAN has launched a national campaign calling for the renaming of streets associated with the trade.

An article written by the President of CRAN, Louis-Georges Tin, targeted towns across France, including Nantes and Bordeaux, that honour slave traders with street names and building names. CRAN insisted on the removal and renaming of the streets associated with slavery. According to Tin, naming a street after an individual ‘celebrates a figure in history’. Naming streets after people who contributed to trafficking, slavery and colonisation, thus presents a contradiction. While these individuals should not be erased from the national narrative, he contends that they should not be celebrated by a plaque. For Tin, street names should pay tribute to the men and women who fought against slavery and colonisation, and the lack of recognition for these actors denies a part of France’s history. He raises the following question: why do city officials consider it better to leave names of people who participated in what has been recognised as a crime against humanity rather than paying tribute to the resistance fighters? According to Tin, the street signs do not have to explain historical figures, but rather serve to pay homage.⁵⁷

Conversely, another activist group, Association Mémoires et Partages, argued for retaining street names and adding contextualising plaques. ‘To erase names would be too easy,’ Karfa Diallo,

founder of the association, argued. ‘It doesn’t suffice to break the thermometer in the hope that the fever will go down.’⁵⁸ Diallo saw placarding as the most effective and instructive method for addressing slavery-era legacies memorialised by street names. In late 2017, Association Mémoires et Partages launched a campaign using social media and the hashtag #Expliquetaruedenégrier, or ‘Explain your slave trader street’, encouraging citizens to identify problematic street names.⁵⁹ The association also published a letter template for citizens to send to their mayor calling for officials to take action regarding the matter.⁶⁰ The campaign grew in popularity, with politicians participating as well.⁶¹ Recently, in 2020, following the international outrage over George Floyd’s death in America and protests over systemic racism, Diallo submitted an open letter to the mayors of several cities after local French elections. He urged that street names be contextualised with plaques, and that at least one street in each city be renamed.⁶²

According to Diallo, citizens were eager to reinterpret these signs, in contrast to Tin’s agenda for CRAN that called for the erasure of ‘names of shame’, which he wanted replaced with new names more deserving of recognition.⁶³ Diallo argued that streets and squares are fundamentally democratic spaces, where history can be presented, confronted and debated rather than erased or obscured. Placarding contested monuments or adding explanatory texts to street signs offers an opportunity to contextualise problematic historical figures or events.⁶⁴ Diallo elaborated:

‘We cannot guarantee that people will read these explanatory signs, but they have the merit of existing: the information is available. There is a French culture which always seeks to erase the traces of the previous regime, but what is the result? Racism has not been eradicated [...] We are not looking for revenge or punishment [...] If we erase all the signs of humiliation of men, how can we believe that it existed? [...] The explanation of these names] seems to us more effective than renaming or erasing. We don’t inherit from nothing. We have to push people to reinterpret this heritage, to debate.’⁶⁵

In January 2018, Diallo’s association, Mémoires et Partages, was invited to Nantes to discuss the idea of placarding, along with Flam Africa.⁶⁶ A local organisation that promotes social and cultural activities, Flam Africa also supported the idea of retaining the street names and adding narrative plaques. ‘We cannot continue to honour slave traders who made their living on slavery, which is recognised as a crime against humanity,’ said Alassane Guisse, Vice-President of Flam Africa.⁶⁷ The meeting included Olivier Chateau, the Nantes official in charge of heritage for the municipality, who represented the town and was joined by Olivier Absalon, Director of Heritage and Archaeology of Nantes. A week after the meeting, the municipality released to the press their decision to add signs explaining the street names after thorough historical research.⁶⁸ Chateau stated that ‘he understood the demands of the association’.⁶⁹

The city identified six streets honouring local traders of enslaved persons: Bourgaud-Ducoudray, Colbert, Guillaume-Grou, Guillon, Kervégan and Millet. Plans were made to conduct historical research, place plaques on each of the identified streets and create an electronic platform, ‘Wikipatrimoine’,⁷⁰ to provide complete information on the historical figures.⁷¹ In addition, the city launched an audit to be conducted by an external firm to propose recommendations for new projects related to the memory of the trade of enslaved persons and

slavery in public spaces.⁷² In the end, however, the city decided to place only one explanatory panel, in Rue Kervégan, one of Nantes's classic old-town streets. The large metal panel has a period portrait of Christophe-Clair de Kervégan and a brief narrative on his role in the trade of enslaved persons. Sharing the panel is a portrait of Olympe de Gouges, a French playwright, feminist and anti-slavery activist. 'Rather than erasing or stigmatizing, we prefer to explain what happened, to conduct pedagogy in a public space,' Deputy Mayor Chateau explained. 'We preferred to bet on a large, more visible panel, which allows one to understand the process.'⁷³

Nantes historian Jean-Clément Martin argued that neither renaming streets nor affixing an explanatory panel were viable solutions to questions of memory. Removing a street name 'would create an incredible break in collective memories. Their names form layers of history developed over decades, which helps to understand the evolution and contradictions of history. To erase these traces too brutally would be to impose an official history, at the risk of creating unsaid taboos.' He also considered that 'the proposal to hang explanatory panels under the names of certain streets does not seem to be a good solution to maintain memory either, because even a plaque would not succeed in rendering the complexity of a character in history'.⁷⁴ These contradictions reflected, according to him, the fact that memories are not unified because they bear witness to the different traditions and sensitivities that have followed one another in time. The complexities of placarding were made especially evident in the deliberations over the street names in the sister slave-trading city of Bordeaux.

Bordeaux: complexities and contradictions

As with Nantes, Bordeaux long relied upon and prospered from the trade in enslaved people. Beyond the fact that it was France's second-largest slave-trading port after Nantes, a large number of Bordeaux residents owned plantations on the islands, and thus possessed large numbers of enslaved persons. In Saint Domingue, modern-day Haiti, 40 per cent of the settlers were from Bordeaux.⁷⁵ But Bordeaux has had more difficulty in confronting its past than Nantes, oscillating between 'silence and allusion',⁷⁶ and 'silence and oblivion'.⁷⁷

Hubert Bonin, author of *Tabous de Bordeaux*, or *Taboos of Bordeaux*, devotes a chapter to 'Bordeaux and the slave trade'. The silence is maintained by what Bonin refers to as an 'academic gap': there has been no 'major research cluster' on the maritime and overseas economic history of Bordeaux or on the trade history of the region. He argues that municipalities and local universities neglected to focus on the study of slavery in the area, and what little work has been done is insufficiently valued. The silence is due in part to the fact that the descendants of the families involved in these forms of commerce did not wish to rekindle the memory of this 'dark and troubled' period.⁷⁸

There was also Bordeaux's distinctive role in the transatlantic trade of enslaved persons. Unlike Nantes, Le Havre, La Rochelle and Bayonne, which were involved in the triangular trade – Europe-Africa-Americas – more than 90 per cent of Bordeaux's transatlantic trade was involved in *droiture*, direct commerce between Bordeaux and the Caribbean which involved the

exchange of finished products, especially wine and cloth, for raw materials, mainly raw sugar and tobacco, without any direct engagement in the transport of enslaved persons between Africa and the Americas.⁷⁹

Given this community climate and heritage, Bordeaux confronted its legacy of slavery and colonialism more gradually than Nantes. Local academics have been hesitant to take a strong position, focusing instead on 'peaceful research' to avoid revealing how local elites accumulated their wealth thanks to participation in the trade of enslaved persons.⁸⁰ Some archives and records of the period were thought possibly to have been destroyed.⁸¹ But the city gradually moved towards recognition and commemoration. In 1981–1982, the exhibition 'Bordeaux, rum and the West Indies' at the local museum, Musée d'Aquitaine, mentioned the trade of enslaved persons, but the introduction to the exhibition catalogue, written by the mayor, made no reference to Bordeaux's role in it. In 1999, the Musée d'Aquitaine presented another exhibition, 'Reflections on the Antilles', and this time, the mayor did mention the trade.

Following the introduction of the Loi Taubira, Bordeaux began a more sustained engagement with its slavery-era legacies. In July 2005, Bordeaux established a commission to assess the memory of slavery in the city and report to Hugues Martin, Deputy Mayor. The report dismissed the idea of plaques contextualising street names because it might shame families and 'shock the population'.⁸² Yet Bordeaux worked to honour slavery's legacy in other ways. At the time, the city had a cul-de-sac named after Toussaint Louverture, a freed slave and land owner, who led the successful slave revolt in Saint Domingue in the early 1790s and rebuffed Napoleon in 1802, when France sought to reimpose slavery on the island. Although the second revolution eventually succeeded in driving the French from the island, Louverture was taken prisoner and brought to France, where he died in 1803. In 2020, on the 10 May anniversary of the abolition of slavery, *Mémoires et Partages* demanded that Bordeaux open the dead-end cul-de-sac and honour Louverture with an avenue.⁸³ The Bordeaux City Council named a square after Louverture and placed a commemorative plaque in memory of his son, Isaac Louverture, on the building at 44 Rue Fondaudège, the last home of Isaac Louverture, now buried in the cemetery of La Chartreuse. A bust of Toussaint Louverture was placed in the Parc aux Angéliques in 2005.⁸⁴ In May 2009, exhibition rooms dedicated to the trade of enslaved persons and slavery opened in the Musée d'Aquitaine.⁸⁵

That same year, a campaign was launched to change the name of streets honouring traders of enslaved persons from Bordeaux. The initiative collected several thousand signatures.⁸⁶ However, the initiative faced pushback from Bordeaux leadership. Mayor Alain Juppé dismissed the proposal as 'absurd'.⁸⁷ Juppé also opposed naming what was originally the Bacalan-Bastide Bridge the Toussaint Louverture Bridge. Instead, he proposed the name Chaban-Delmas, in honour of a former Bordeaux mayor and resistance leader in World War Two.⁸⁸

In 2012, *Mémoires et Partages* offered the first guided tour of Bordeaux, centred on a critical reading of street names related to Bordeaux's role in the trade of enslaved persons. Diallo described the tours as giving meaning to the stigmas of history and teasing out the 'traces' of freedom and justice.⁸⁹ At the time, Diallo had identified at least 22 streets in Bordeaux named after former traders.⁹⁰ However, he acknowledged that the list of contested

street names was not exhaustive. Marik Fetouh, Deputy Mayor responsible for equality, citizenship and the fight against discrimination, admitted that ‘identifying who’s to blame is difficult’.⁹¹ After consulting the city archives, officials could conclude with ‘certitude’ that only six streets carried the names of slave traders.⁹² Bordeaux’s archives suggest that the process of naming streets after notable men of the city can be dated to 1864. Records indicate that in the second half of the 19th century the municipality was confronted with newly built streets in need of names and judged the names of existing streets to be old or outdated. The municipality opted for modernising names and consequently decided to honour well-known figures who contributed to the city’s interests.⁹³

In 2014 the street names controversy made headlines again after *Mémoires et Partages* launched another national campaign within the context of local elections, publishing on its website a letter from French President François Hollande, in which he encouraged local elected representatives to address signage related to the trade of enslaved persons.⁹⁴ The matter was taken up officially when Bordeaux Mayor Juppé decided to establish a new Memory Commission, the mandate of which was to assess previous measures on commemoration and propose further measures. The commission was also tasked with reviewing the controversy over street names and proposing solutions. In 2018 it published a final report: *The Memory of Slavery and the Slave Trade in Bordeaux*.⁹⁵

In this report, the commission re-evaluated the relationship between the city and its history of slavery, proposing a break with the city’s previous ‘posture of silence’. Its report, submitted on 10 May 2018, the national commemoration day, represented two years of work involving contact with more than 1,000 citizens through an online questionnaire and interviews with 40 others affiliated with cultural or political organisations.⁹⁶ The commission reflected upon previous initiatives, and took into consideration responses to the questionnaire about citizens’ awareness of existing memorial sites regarding the trade in enslaved persons. The questionnaire revealed a significant lack of communication when it came to existing memory sites. Citizens were unaware of initiatives offered by Bordeaux and a strong majority admitted that they did not visit any sites in Bordeaux associated with the trade. Those interviewed compared Bordeaux to Nantes, considered a model in terms of politics of memory. According to them, Bordeaux was lacking a symbolic site of memory and opportunities for dialogue where citizens, and more specifically students, could be educated about slavery and Bordeaux’s role in the trade. Reluctant to evoke memories of its slave-trading past, Bordeaux was accused of having made the choice of oblivion over memory for fear of tarnishing the reputation of this ‘sleeping beauty’.⁹⁷ As a result, the commission suggested ten proposals for implementation. Among the proposals, the report recommended ‘better communication around May 10, considered to be little known, and to make sure that the reflection carried out around the memory of slavery and the slave trade is not the business of just one week per year [...] Setting up lectures in high schools on the themes of slavery and trafficking seems to be necessary in order to reinforce teaching by interactions with guests who are experts on the subject’.⁹⁸

The commission also made concrete proposals regarding streets, squares and bridges honouring Bordeaux residents involved in the trade in enslaved persons. Of the 22

potential streets in Bordeaux related to the trade, the municipality ultimately identified six for placarding – Cours Journu-Aubert, Passage Feger, Place Mareilhac, Rue David Gradis, Rue Gramont and Rue (Pierre et Paul) Desse – and commissioned plaques for each.⁹⁹ The commission proposed adding Quick Response (QR) codes to installations under relevant street signs or on buildings. Through a digital link, online pages containing a biography of the historical figure would be accessible to users.¹⁰⁰ Historian Bonin was tasked with creating these biographies, which he published on his website the following month after suggesting them to the municipal council.¹⁰¹ The plaques attempt to provide multidimensional context for each person, explaining his involvement in the trade, as well as other notable contributions to Bordeaux. For example, the plaque for Rue David Gradis states that he supplied ten ships for the trade of enslaved persons, but he also bought land that became the city's first Jewish cemetery.¹⁰² Rue Desse 'honours' two local sailors, Pierre Desse and his nephew Paul Desse, and the plaque notes that he was the captain of four slaving expeditions and the saviour of 92 Dutch sailors on a sinking ship.¹⁰³

The narrative texts¹⁰⁴ for the six street names were officially unveiled on 2 December 2019 for the International Day of Remembrance of the Abolition of Slavery,¹⁰⁵ along with a statue erected in the garden of the city hall showing the faces of three blindfolded slaves.¹⁰⁶ As per the commission's recommendations, Bordeaux also commissioned a statue of Modeste Testas, a woman who had been taken into slavery in East Africa and sold in West Africa to the Testas brothers from Bordeaux, who owned a sugar mill on Saint Domingue. She died at the age of 101 in the US as a landholder and free woman, having been bequeathed land and freedom in her former master's will.¹⁰⁷ Unlike the bust of Louverture, which stood in a small park, the life-size bronze of Testas was positioned on the bank of the river in the centre of town. 'It was important that this work testifies to the experience of a slave with an exceptional path in connection with Bordeaux,' said Deputy Mayor Fetouh.¹⁰⁸

In addition to placarding the six streets and erecting statues, the 2018 report proposed that Bordeaux develop a partnership between the Musée Aquitaine and museums in other parts of the world connected to the trade in enslaved persons and slavery,¹⁰⁹ similar to the partnership between the Shackles of Memory in Nantes and the Smithsonian system in Washington, DC.¹¹⁰ Bordeaux also announced plans to create a prize to be awarded to a doctoral thesis or a scientific publication on slavery or the slave trade.¹¹¹ The municipality anticipated inclusion by UNESCO into its programme, 'The Slave Route',¹¹² and created online an explanatory site, which allows viewers to browse a map of the city marked with different places of memory.¹¹³ With these implementations, the action plan that resulted from the 2018 commission is considered to be 80 per cent complete.

Attempting to rename streets proved more challenging. Prior to placarding the six streets, on 17 December 2018, Bordeaux City Council voted to name a road after Frantz Fanon, a champion of decolonisation and the anti-colonial struggle who was born in the Caribbean. Internet commentators affiliated with the Rassemblement National, or National Rally, the former right-wing Front National, and the conservative *pieds-noirs*

(French who fled from Algeria at the time of its independence), denounced naming a street after Fanon as an inappropriate tribute. They raised questions about links between Fanon and the Front de Libération Nationale, the movement which led the struggle for Algeria's independence from France (1962-1964), and pointed to his support for violence against colonisers in the anti-colonial struggle.¹¹⁴

In response, before the end of his term, Mayor Juppé decided to shelve the decision on the street renaming to calm the controversy over the Fanon legacy. Juppé said in a press release that 'the naming of the roads of our town should be an opportunity to pay tribute to people who embody shared values'.¹¹⁵ Deputy Mayor Fetouh concurred that naming a street after Fanon, 'only reopens old wounds when what is really needed is soothing and peace. It is therefore better to choose people who cannot lend themselves to controversy, even if there are several reasons for Frantz Fanon to be honoured'.¹¹⁶ In addition, Mireille Fanon Mendes France, Fanon's daughter, wrote a letter informing the Mayor of Bordeaux that she did not want her father's name to be used for the road because it would associate his legacy of anti-colonialism with Bordeaux's colonial history.¹¹⁷ Regarding the refusal of the mayor to name the street after Frantz Fanon, Tin argued that the decision represented 'institutional racism', and supported the existence of 'a massive, often passive revisionism that can turn out to be active when the historical facts are known and recognised'.¹¹⁸

A similar contestation involved a commercial thoroughfare, Cours Balguerie-Stuttenberg, that crosses the city to the small harbour. When Diallo included the street in the list of 'incriminated streets', a local teacher and historian, Eric Saugera, pointed out that the Balguerie-Stuttenberg family had planned to dispatch a slave ship, but that the project never materialised. 'If he could have, Balguerie-Stuttenberg would have dispatched a boat,' Diallo noted, arguing that the very intention incriminated the family.¹¹⁹ Axelle Balguerie-Stuttenberg, a descendant of the Balguerie-Stuttenberg lineage, cautioned that while she supported plaques with context, '[i]t is necessary to avoid stigmatizing the names of the descendants of slave traders'.¹²⁰ She also complained to the mayor's office, citing potential 'defamation' of the family name. The deputy mayor responded. 'When we considered that the Cours Balguerie-Stuttenberg was a slave trader street, the descendants complained of defamation of their ancestors,' Fetouh explained, 'because the slave trader was Balguerie Junior and not Balguerie-Stuttenberg.'¹²¹

Following the report's recommendations, *Mémoires et Partages* suggested a further project, *Mémorial de l'esclavage*, a proposed memorial to the victims of slavery, which would provide the community with a space for education, exhibitions, conferences and so on. However, the city indicated little interest, pointing to the significant steps that Bordeaux had already taken in the remembrance of slavery. Fetouh also said that such a memorial would require excessive public funds.¹²²

Summary

The experiences of Nantes and Bordeaux in confronting the legacies of the trade in enslaved persons reflect a response to a national agenda that also attempts to accommodate the unique complexities and nuances of municipal dynamics and history. The role of municipal leadership was central in both cases; the process of acknowledging slavery legacies moved at the pace set by city leadership. Both cities have come to embrace their legacies with the trade in substantive and meaningful ways, even when the pace of engagement has varied, by encouraging initiatives that acknowledge their role in the trade and seek to educate others in the wake of controversies around streets named after traders of enslaved persons. The controversy over street names has provoked deep debate concerning the responsibility of remembrance, but has also revealed the complex nature of making such adjustments.

According to Tin, the major challenge is better to understand a multi-perspective view of history. As he sees it, 'there is not just one crime against humanity, but several crimes against humanity including the capture of some and the murder of others, the deportation, the enslavement of several generations and the abuse suffered, as well as the colonization of different territories'.¹²³ In Bordeaux, Diallo describes himself as a 'memory worker' and sees it as his job to ensure that the memory of slavery was everywhere in the public space,¹²⁴ in contrast to the Bordeaux city government, which has viewed the memory work on slavery as part of a more general public policy aimed at promoting a sense of inclusiveness and social cohesion.

In Nantes, City Councillor Gildas Salaün noted that the preview screening of the film *Les Routes de l'esclavage*, or *The Roads of Slavery*,¹²⁵ in 2018, which brought together 800 people, was a 'turning point in the acceptance of this question which seems more peaceful'. The city councillor supported the idea that citizens should not be 'enslaved by slavery', that the residents had to be allowed to live together without imposing repentance on one another.¹²⁶ And although Bordeaux was criticised for its reluctance to acknowledge the city's past with slavery, the commission's investigative report was a serious step in addressing this reluctance and taking remedial measures. Not unlike Diallo's preference for open, public spaces of memory among the city landscape over enclosed museum spaces, both Nantes and Bordeaux embraced memorial practices that could serve as models for other municipalities seeking to address complex historical legacies.

In examining the cases of street renaming in Nantes and Bordeaux, 'lessons learned' for municipalities challenged with renaming streets linked to complex and shameful heritage should consider that education of the public and the decision-makers themselves is an essential component. The process undertaken by the commission in Bordeaux revealed the lack of awareness among residents of the city regarding existing memory sites and the history of Bordeaux's involvement with colonial-era slavery. It was also clear that those with decision-making authority needed a thorough understanding of the roots of the controversy and the effects of controversial heritage on members of the community. Evidence-based research needs to be conducted in order to arrive at an objective and responsible determination.

Municipal archives and those of local newspapers can be important sources for understanding the history and nature of disputes and commemorations.

Civil society organisations are often the main engines for bringing awareness of injustices and are often key advocates, but they can also have competing or conflicting agendas. In the era of social media, the most strident voices may not be the most representative or the most constructive, and can result in the polarisation of opinion. As was seen in Nantes and Bordeaux, effective change is generally undertaken in cooperation with municipal authorities in dialogue with civil society organisations and public opinion leaders.

Legal dynamics need to be understood and made transparent to the constituents involved. Street renaming can be a sensitive issue for residents. They need to understand the reasons why a change is proposed, and their concerns need to be taken into account. Practical consequences of a name change for a resident should be assessed prior to the decision and measures determined to address those consequences communicated.

The experiences in Nantes and Bordeaux suggest a number of practical lessons when considering the renaming of streets. First, there is a need for rigorous and comprehensive research in advance of any decision-making, and the engagement of experts with relevant experience; corresponding historical documents should be made accessible to the public, both at the local and national level. One must also seek to engage the full range of stakeholders in constructive dialogue and information sharing, while resisting the inclination to accede to the most strident or vocal constituencies, and that the best solutions are those that can provide common ground for the widest range of stakeholder communities. There should also be a concomitant education initiative, including the development of school curricula, local educational programmes, permanent or temporary exhibitions in museums, or memorials, with the goal of promoting anti-discrimination policies at the local and national level and a better integration among the full range of stakeholder communities.

References

‘Axelle Balguerie: “il faut éviter de stigmatiser les noms des descendants des armateurs négriers”’ 3 *Nouvelle Aquitaine* (4 October 2017) <https://france3-regions.francetvinfo.fr/nouvelle-aquitaine/gironde/bordeaux/axelle-balguerie-il-faut-eviter-stigmatiser-noms-descendants-armateurs-negriers-1340293.html>.

‘Bordeaux au XVIIIe siècle: Le commerce atlantique et l’esclavage’, Musée d’Aquitaine Bordeaux www.musee-aquitaine-bordeaux.fr/sites/musee-aquitaine.fr/files/5._bordeaux_le_commerce_atlantique_et_lesclavage.pdf.

‘Bordeaux doit être exemplaire – Matthieu Rouveyre écrit à Alain Juppé’ (Mémoires et Partages, 20 February 2018) <http://memoiresetpartages.com/bordeaux-etre-exemplaire-matthieu-rouveyre-ecrit-a-alain-juppe>.

‘Bordeaux: et si le pont Bacalan-Bastide s’appelait pont Toussaint-Louverture ?’ *Sud Ouest* (Bordeaux, 10 May 2012) www.sudouest.fr/2012/05/10/et-s-il-s-appelait-pont-toussaint-louverture-711079-710.php.

‘Bordeaux et son passé négrier: cinq plaques de rue explicatives installées en toute discrétion’ *SudOuest* (Bordeaux, 11 June 2020) www.sudouest.fr/2020/06/11/bordeaux-cinq-plaques-de-rue-pour-expliquer-son-passe-negrier-7556634-2780.php.

‘Comité Marche du 23 mai 1998 – CM98’, Cartographie des Mémoires de l’Esclavage, University of Edinburgh www.mmoe.llc.ed.ac.uk/en/association/comit%C3%A9-marche-du-23-mai-1998-cm98.

‘Conseil Représentatif des Associations Noires – CRAN’, Cartographie des Mémoires de l’Esclavage, University of Edinburgh www.mmoe.llc.ed.ac.uk/en/association/conseil-r%C3%A9presentatif-des-associations-noires-cran.

‘Découvrir’, Mémorial de l’Abolition de l’Esclavage – Nantes, Le Voyage à Nantes <http://memorial.nantes.fr/decouvrir>.

Emory University, ‘Estimates’, The Trans-Atlantic Slave Trade Database www.slavevoyages.org/assessment/estimates.

‘Esclavage: opération #expliquetaruedenegrier à La Rochelle en mémoire de la traite transatlantique’ *Outre-mer la 1ère* (Hauts-de-Seine, 7 December 2017) <https://la1ere.francetvinfo.fr/esclavage-operation-expliquetaruedenegrier-rochelle-memoire-traite-transatlantique-539673.html>.

‘Fiscal Year 2020, Budget Justification to Congress’, Smithsonian Institution, March 2019, p 117 www.si.edu/sites/default/files/about/fy2020-budgetrequestcongress.pdf.

‘Haiti – Memory: Bordeaux inaugurates the statue of a slave of the Haitian sculptor, C. Woodly’, (Haiti Libre, 5 December 2019) www.haitilibre.com/en/news-27707-haiti-memory-bordeaux-inaugurates-the-statue-of-a-slave-of-the-haitian-sculptor-c-woodly.html.

‘Histoire – Bordeaux et la traite atlantique européenne’, Mémoire de l’Esclavage et de la Traite Négrière, Mairie de Bordeaux 2020 www.memoire-esclavage-bordeaux.fr/histoire.

‘Hollande et Macron ensemble lors de la cérémonie de commémoration de l’abolition de l’esclavage’ *Le Monde* (Paris, 10 May 2017) www.lemonde.fr/election-presidentielle-2017/video/2017/05/10/hollande-et-macron-ensemble-l-abolition-de-l-esclavage_5125606_4854003.html.

Hubert Bonin, 'Débats autour de noms de rue à Bordeaux attribués à d'éventuels négriers', <http://hubertbonin.fr/debats-autour-de-noms-de-rue-a-bordeaux-attribues-a-deventuels-negriers/>

'La Fondation pour la mémoire de l'esclavage officiellement créée' *Le Figaro* (Paris, 13 November 2019) www.lefigaro.fr/flash-actu/la-fondation-pour-la-memoire-de-l-esclavage-officiellement-creee-20191113.

'La mémoire de l'esclavage et de la traite négrière à Bordeaux, Rapport Final,' 3 May 2018 www.bordeaux.fr/p114617/commission-de-reflexion-sur-la-traite-negriere-et-l-esclavage.

'La Question Des Rues De Négriers - Le Député Loic Prud'homme prend position...' (Mémoires et Partages, 17 February 2018) <http://memoiresetpartages.com/question-rues-de-negriers-depute-loic-prudhomme-prend-position>.

'Le Mémorial National de la Traite Négrière et de l'Esclavage Colonial' (CM98, 23 May 2017) http://cm98.fr/wp-content/uploads/2018/04/me%CC%81morial_des_noms_2018_public.pdf.

'Les Grands Thématiques: Traite Négrière Atlantique', Château des Ducs de Bretagne/Musée d'Histoire de Nantes www.chateaunantes.fr/thematiques/traite-negriere-atlantique.

'Marseille, port négrier, assume ton histoire – Conférence de presse, devant l'Hotel de Ville de Marseille, 20 mars à 17h' (Mémoires et Partages, 7 March 2014) <http://memoiresetpartages.com/marseille-port-negrier-assume-ton-histoire-conference-de-presse-devant-lhotel-de-ville-de-marseille-20-mars-a-17h/>.

'Mémoires de la traite négrière, de l'esclavage et de leurs abolitions', Comité pour la Mémoire de l'Esclavage, 12 April 2005 www.cnmhe.fr/IMG/pdf/Rapport_memoire_esclavage.pdf.

'Mémoires de la traite négrière, de l'esclavage et de leurs abolitions', Comité pour la Mémoire de l'Esclavage, January 2007, pp 28–32 www.cnmhe.fr/IMG/pdf/rapport-CPME-2006-PDF.pdf.

'Memorial by Krzysztof Wodiczko and Julian Bonder (MDes '96) unveiled in Nantes, France', Harvard University Graduate School of Design www.gsd.harvard.edu/2012/04/memorial-by-krzysztof-wodiczko-and-julian-bonder-mdess-96-to.

'Modeste Testas', Histoire et Bordeaux, *Mairie de Bordeaux* www.bordeaux.fr/p137697/modeste-testas.

‘Monuments Historiques: liste des Immeubles protégés au titre des Monuments Historiques’, République Française www.data.gouv.fr/fr/datasets/monuments-historiques-liste-des-immeubles-proteges-au-titre-des-monuments-historiques.

‘Nantes: Avec le Mémorial à l’abolition de l’esclavage, 5 ans d’un passé négrier enfin assumé’ (20 Minutes, 26 March 2017) www.20minutes.fr/nantes/2037715-20170326-nantes-memorial-abolition-esclavage-5-ans-passe-negrier-enfin-assume.

‘Rapport officiel remis à M. Hugues Martin Député-Maire de Bordeaux par M. Denis TILLINAC Journaliste, Ecrivain et Président du Comité’, Comité de Réflexion et de Propositions sur la Traite des noirs à Bordeaux, 10 May 2006 www.bordeaux.fr/images/ebx/fr/groupePiecesJointes/4870/3/pieceJointeSpec/101303/file/rapport_tillinac.pdf.

‘The Memorial in the City, an Urban Itinerary’, Mémorial de l’abolition de l’esclavage – Nantes, Le Voyage à Nantes, memorial.nantes.fr/en/the-memorial-in-the-city.

AFP, ‘Débaptiser les rues de négriers’ *Le Figaro* (Paris, 14 September 2009) www.lefigaro.fr/flash-actu/2009/09/14/01011-20090914FILWWW00549-bordeauxdebaptiser-les-rues-de-negriers.php.

Auriane, ‘Nantes. Des Panneaux Explicatifs Dans Les Rues Qui Portent Le Nom D’un Négrier’ *Le Bonbon* (Paris, 29 January 2018) www.lebonbon.fr/nantes/news/nantes-des-panneaux-explicatifs-dans-les-rues-qui-portent-le-nom-d-un-negrier.

Bonin, Hubert, *Les Tabous de Bordeaux* (Le Festin 2010).

Bosredon, Mickaël, ‘Bordeaux: A peine présenté, le projet de mémorial contre l’esclavage fait déjà polémique’ (20 Minutes, 9 October 2019) www.20minutes.fr/bordeaux/2623071-20191008-bordeaux-peine-presente-projet-memorial-contre-esclavage-fait-deja-polemique.

Brenon, Frédéric, ‘Nantes: La ville va ajouter des panneaux dans les rues portant un nom de négrier’ (20 Minutes, 25 January 2018) www.20minutes.fr/nantes/2208411-20180125-nantes-ville-va-ajouter-panneaux-rues-portant-nom-negrier.

Brenon, Frédéric, ‘Nantes: Pourquoi la ville a renoncé aux plaques explicatives dans les rues portant un nom de famille négrière’ (20 Minutes, 15 June 2020) www.20minutes.fr/nantes/2800155-20200615-nantes-pourquoi-ville-renonce-plaques-explicatives-rues-portant-nom-famille-negriere.

Carl, Patrick. ‘Première Victoire – Nantes décide de réparer l’injustice des rues de négriers’ (Mémoires et Partages, 26 January 2018) <http://memoiresetpartages.com/premiere-victoire-nantes-decide-de-reparer-linjustice-rues-de-negriers>.

Cauna, Jacques, *au temps des isles à sucre: Histoire d'une plantation de Saint-Domingue au XVIIIe siècle* (ACCT/Karthala 1987).

Chambras, Aline, 'Bordeaux, la difficile mémoire de l'esclavage' *Rue89 Bordeaux* (Bordeaux, 9 May 2014) <https://rue89bordeaux.com/2014/05/bordeaux-difficile-memoire-lesclavage>.

Cottias, Myriam, 'Bilan du Comité National pour la Mémoire et l'Histoire de l'Esclavage', 2013–2016, Rapport officiel remis au gouvernement (official report to the government; unpublished).

Defawe, Jean-Philippe, 'Nantes inscrit son passé de port négrier dans la ville' (Le Moniteur, 22 March 2012) www.lemoniteur.fr/article/nantes-inscrit-son-passe-de-port-negrier-dans-la-ville.1490849.

Diallo, Karfa, 'Bordeaux – Ouvrir «l'Impasse Toussaint Louverture» pour honorer la liberté...' (Mémoires et Partages, 5 May 2020) <http://memoiresetpartages.com/bordeaux-ouvrir-limpasse-toussaint-louverture-pour-honorer-la-liberte>.

Diallo, Karfa, 'Lettre Ouverte au Maire de Bordeaux – «Faut-il débaptiser les rues de négriers?»' (Mémoires et Partages, 28 September 2017) <http://memoiresetpartages.com/lettre-ouverte-maire-de-bordeaux-faut-debaptiser-rues-de-negriers-karfa-diallo>.

Dumas, Laurent Ribadeau, 'La ville de Bordeaux face à son passé négrier' (*Franceinfo*, 12 August 2019) www.francetvinfo.fr/monde/afrique/culture-africaine/la-ville-de-bordeaux-face-a-son-passe-negrier_3731931.html.

Enault, Nicolas (2017), 'Cartes. Ces rues françaises qui portent encore des noms de négriers' *Franceinfo* (Paris, 26 August 2017) www.francetvinfo.fr/societe/cartes-ces-rues-francaises-qui-portent-encore-des-noms-de-negriers_2330921.html.

France, Mireille Fanon Mendes, 'Rue Frantz Fanon à Bordeaux: Lettre à Alain Juppé.' Fondation Frantz Fanon, 13 February 2019 <https://fondation-frantzfanon.com/rue-frantz-fanon-a-bordeaux-lettre-a-alain-juppe/>.

Geggus, David, 'The French Slave Trade: An Overview' (2001) 58(1) *The William and Mary Quarterly* 119 <http://dx.doi.org/10.2307/2674421>.

Hubert, François, 'Annexe 7: Note concernant les rues portant des noms des négriers à Bordeaux', *La mémoire de l'esclavage et de la traite négrière à Bordeaux, Rapport Final*, 3 May 2018, pp 52–55 www.bordeaux.fr/p114617/commission-de-reflexion-sur-la-traite-negriere-et-l-esclavage.

Huppenoire, Camille, 'Des plaques dans les rues pour expliquer le passé négrier de Bordeaux' *France Bleu* (Paris, 2 December 2019) www.francebleu.fr/infos/societe/des-plaques-dans-les-rues-pour-expliquer-le-passe-negrier-de-bordeaux-1575305700.

Hutton, Margot, 'L'association Mémoires et Partages demande aux maires des engagements contre le racisme' *Outre-Mer la 1ère* (Hauts-de-Seine, 1 July 2020) <https://la1ere.francetvinfo.fr/association-memoires-partages-demande-aux-maires-engagements-contre-racisme-849486.html>.

Jammet, Alexandra, 'Bordeaux à la rue pour expliquer son passé négrier?' *Rue89 Bordeaux* (Bordeaux, 20 February 2018) <https://rue89bordeaux.com/2018/02/bordeaux-passe-negrier-nom-des-rues>.

Leclère, Thierry, 'Alain Juppé: Bordeaux a participé à la traite des esclaves, pourquoi le nier?' (Télérama, 5 June 2009) www.telerama.fr/idees/alain-juppe-bordeaux-a-participe-a-la-traite-des-noirs-pourquoi-le-nier,42568.php.

Maraine, Marie-Ange, 'La mémoire du commerce triangulaire et de la traite des noirs au Havre' *Paris Normandie* (Rouen, 1 April 2018) www.paris-normandie.fr/le-havre/la-memoire-du-commerce-triangulaire-et-de-la-traite-des-noirs-au-havre-FO11862272.

Maret, Clémence, 'Les noms des rues permettent de comprendre les contradictions de l'Histoire' (La Croix, 27 August 2017) www.la-croix.com/Culture/noms-rues-permettent-comprendre-contradictions-lHistoire-2017-08-27-1200872267.

Mayer, Claire, 'A Bordeaux, il n'y aura finalement pas de rue Frantz-Fanon' *Le Monde* (Paris, 15 February 2019) www.lemonde.fr/politique/article/2019/02/15/a-bordeaux-la-rue-frantz-fanon-attendra_5423968_823448.html.

Mulholland, Rory, "The Black Mozart" *The Guardian* (London, 12 February 2002) www.theguardian.com/culture/2002/feb/12/artsfeatures.arts.

Okello, Christina, 'Bordeaux Vows to Continue Slavery Remembrance after Reshuffle' rfi (Paris, 22 February 2019) www.rfi.fr/en/france/20190221-bordeaux-vows-push-slavery-remembrance-after-juppe-quits.

Pétrissans-Cavaillès, Danielle, *Sur les traces de la Traite Des Noirs à Bordeaux*, Collection 'Sociétés Africaines Et Diaspora' (DiversCités/L'Harmattan 2004).

Phong, Emilie Tran, 'La Rue Richepance Devient Celle Du Chevalier-De-Saint-Georges' *Le Parisien* (Paris, 4 February 2002) www.leparisien.fr/paris-75/la-rue-richepance-devient-celle-du-chevalier-de-saint-georges-04-02-2002-2002789396.php.

Provenzano, Elsa, 'Bordeaux: Six nouvelles plaques dans les rues pour «un travail de juste mémoire» sur son passé négrier' (20Minutes, 2 December 2019) www.20minutes.fr/bordeaux/2665375-20191202-bordeaux-six-nouvelles-plaques-rues-travail-juste-memoire-passe-negrier.

Rubin, Alissa J, 'They Threw Themselves into the Sea, 14 Black Women, All Together' *The New York Times* (New York, 30 October 2018) www.nytimes.com/2018/10/30/world/europe/france-nantes-slave-trade-museum-memorial.html.

Saugera, Eric, *La traite des Noirs en 30 questions* (Geste Editions 2003).

Schmidt, Nelly, 'Slavery and its Abolition, French colonies, Research and Transmission of Knowledge', Collective Volume, The Slave Route Project, UNESCO www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Nelly_Schmidt_Eng_01.pdf.

Sénat, 'Modalités de dénomination d'un lieu public – Réponse du Ministère de l'intérieur', 8 November 2016 www.senat.fr/questions/base/2015/qSEQ150917787.html.

Simons, Stefan, 'French City Confronts Its Brutal Past' *Der Spiegel* (Hamburg, 24 April 2012) www.spiegel.de/international/europe/nantes-opens-memorial-to-slave-trade-a-829447.html.

Stovall, Tyler, 'Race and the Making of the Nation: Blacks in Modern France' in Michael Gomez (ed), *Diasporic Africa* (New York University Press 2006).

Tin, Louis-Georges, 'Vos héros sont parfois nos bourreaux' *Libération* (Paris, 28 August 2017) www.liberation.fr/debats/2017/08/28/vos-heros-sont-parfois-nos-bourreaux_1592510.

Valognes, Stéphane, 'Nantes, Bordeaux et la mémoire d'esclavage' (2002) 1237 *Hommes & Migrations* 119.

Vergès, Françoise, 'Les troubles de la mémoire' (2005) 45(3–4) *Cahiers d'études africaines* 1143.

Zinzou, Lionel, and Marc-René Bayle (2017) *Mémoire de l'esclavage, devoir d'avenir Rapport de préfiguration de la Fondation pour la mémoire de l'esclavage, de la traite et de leurs abolitions*, pp 1–143 www.interieur.gouv.fr/content/download/101298/797702/file/16094R-pr%C3%A9figuration-fondation-m%C3%A9moire-esclavage.pdf.

Endnotes

- 1 Stefan Simons, 'French City Confronts Its Brutal Past' *Der Spiegel* (Hamburg, 24 April 2012) www.spiegel.de/international/europe/nantes-opens-memorial-to-slave-trade-a-829447.html accessed 24 August 2020.
- 2 Le Mémorial de l'abolition de l'esclavage, homepage <http://memorial.nantes.fr/en> accessed 24 August 2020.
- 3 'Nantes: Avec le Mémorial à l'abolition de l'esclavage, 5 ans d'un passé négrier enfin assumé' (20 Minutes, 26 March 2017) www.20minutes.fr/nantes/2037715-20170326-nantes-memorial-abolition-esclavage-5-ans-passe-negrier-enfin-assume accessed 24 August 2020.
- 4 Loi du 29 juillet 1881 sur la liberté de la presse, Légifrance www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig accessed 24 August 2020. The law reads: 'Articles 31, 32, and 33 are not applicable to defamations or insults directed toward a dead person's memory except in the case where the authors of defamation or insult intended to violate the honor or consideration of the living heirs, spouse or universal legatees. Whether or not the authors of defamation or insult intended to violate the honor or consideration of the living heirs, spouse or universal legatees, the latter could use the right to respond according to Article 13.'
- 5 Emory University, 'Estimates', The Trans-Atlantic Slave Trade Database www.slavevoyages.org/assessment/estimates accessed 24 August 2020.
- 6 David Geggus, 'The French Slave Trade: An Overview' (2001) 58(1) *The William and Mary Quarterly* 119 <http://dx.doi.org/10.2307/2674421> accessed 29 July 2020.
- 7 Eric Saugera, *La traite des Noirs en 30 questions* (Geste Editions 2003).
- 8 *Le code noir ou Edit du roy* (Chez Claude Girard 1735) <https://archive.org/details/lecodenoirouedi00fran> accessed 24 August 2020.
- 9 Tyler Stovall, 'Race and the Making of the Nation: Blacks in Modern France' in Michael Gomez (ed), *Diasporic Africa* (New York University Press 2006).
- 10 Loi du 20 mai 1802 du 30 floréal an X relative à la traite des nègres et au régime des colonies.
- 11 Décret du 27 avril 1848 relatif à l'abolition de l'esclavage dans les colonies et possessions françaises.
- 12 Françoise Vergès, 'Les troubles de la mémoire' (2005) 45(3-4) *Cahiers d'études africaines* 1143.
- 13 *Ibid.*
- 14 'Comité Marche du 23 mai 1998 – CM98', Cartographie des Mémoires de l'Esclavage, University of Edinburgh www.mmoe.llc.ed.ac.uk/en/association/comite%20C3%A9-marche-du-23-mai-1998-cm98 accessed 9 August 2020.
- 15 Nelly Schmidt, 'Slavery and its Abolition, French Colonies, Research and Transmission of Knowledge', Collective Volume, The Slave Route Project, UNESCO www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Nelly_Schmidt_Eng_01.pdf accessed 24 August 2020.
- 16 Loi no 2001-434 du 21 mai 2001 tendant à la reconnaissance de la traite et de l'esclavage en tant que crime contre l'humanité.
- 17 Myriam Cottias, Email message to editor, 7 August 2020.
- 18 Loi no 90-615 du 13 juillet 1990 tendant à réprimer tout acte raciste, antisémite ou xénophobe.
- 19 Loi no 2001-434 du 21 mai 2001 tendant à la reconnaissance de la traite et de l'esclavage en tant que crime contre l'humanité.
- 20 'Mémoires de la traite négrière, de l'esclavage et de leurs abolitions', Comité pour la Mémoire de l'Esclavage, 12 April 2005 www.cnmhe.fr/IMG/pdf/Rapport_memoire_esclavage.pdf accessed 24 August 2020. The date 10 May recognises the date of the National Assembly's adoption of the Law Taubira. The annual commemoration, first held in 2006, is attended by high-ranking members of the state, including the president, mayor of Paris and minister of education, and takes place in front of a memorial in the Jardin du Luxembourg, located near the Senate building. The location of the memorial near the Senate is an intentional reminder of the role played by politicians in legally supporting and financing, then outlawing, the slave trade. See 'Hollande et Macron Ensemble Lors de la Cérémonie de Commémoration de l'Abolition de l'Esclavage' *Le Monde* (Paris, 10 May 2017) www.lemonde.fr/election-presidentielle-2017/video/2017/05/10/hollande-et-macron-ensemble-l-abolition-de-l-esclavage_5125606_4854003.html accessed 24 August 2020.
- 21 'Mémoires de la traite négrière, de l'esclavage et de leurs abolitions', Comité pour la Mémoire de l'Esclavage, January 2007, pp 28–32 www.cnmhe.fr/IMG/pdf/rapport-CPME-2006-PDF.pdf accessed 24 August 2020.

- 22 Décret no 2009-506 du 6 mai 2009.
- 23 Décret no 2013-382 du 6 mai 2013.
- 24 The committee's scope included increasing and consolidating knowledge of the history of slavery, supporting citizen's initiatives and establishing spaces for dialogue and information. CNMHE also proposed the creation of a foundation that would provide more structure and support to its mission and activities. See Myriam Cottias, 'Bilan du Comité National pour la Mémoire et l'Histoire de l'Esclavage, 2013–2016'.
- 25 'La Fondation pour la mémoire de l'esclavage officiellement créée' *Le Figaro* (Paris, 13 November 2019) www.lefigaro.fr/flash-actu/la-fondation-pour-la-memoire-de-l-esclavage-officiellement-creee-20191113 accessed 24 August 2020.
- 26 See www.fondation-fer.org accessed 24 August 2020.
- 27 See n 17 above. See also Zinzou, Lionel and Marc-René Bayle (2017) 'Mémoire de l'esclavage, devoir d'avenir Rapport de Préfiguration de la Fondation Pour la Mémoire De l'Esclavage, de la Traite et de Leurs Abolitions,' pp 1–143 www.interieur.gouv.fr/content/download/101298/797702/file/16094R-pr-%C3%A9figuration-fondation-m-%C3%A9moire-esclavage.pdf accessed 24 August 2020.
- 28 See n 17 above.
- 29 'Le Mémorial National de la Traite Négrière et de l'Esclavage Colonial' (CM98, 23 May 2017) http://cm98.fr/wp-content/uploads/2018/04/me%CC%81morial_des_noms_2018_public.pdf accessed 24 August 2020.
- 30 Loi no 82-213 du 2 mars 1982 relative aux droits et libertés des communes, des départements et des régions. See also l'article L2121-29 du code général des collectivités territoriales.
- 31 Yves Doutriaux, Email message to editor, 9 August 2020.
- 32 Yves Doutriaux, Email message to editor, 14 August 2020.
- 33 Sénat, 'Modalités de dénomination d'un lieu public – Réponse du Ministère de l'intérieur', 8 November 2016 www.senat.fr/questions/base/2015/qSEQ150917787.html accessed 24 August 2020.
- 34 Emilie Tran Phong, 'La Rue Richepance Devient Celle Du Chevalier-De-Saint-Georges' *Le Parisien* (Paris, 4 February 2002) www.leparisien.fr/paris-75/la-rue-richepance-devient-celle-du-chevalier-de-saint-georges-04-02-2002-2002789396.php accessed 24 August 2020.
- 35 Rory Mulholland, 'The Black Mozart' *The Guardian* (London, 12 February 2002) www.theguardian.com/culture/2002/feb/12/artsfeatures.arts accessed 24 August 2020.
- 36 Nicolas Enault, 'Ces Rues Françaises Qui Portent Encore Des Noms De Négriers' *Franceinfo* (Paris, 26 August 2017) www.francetvinfo.fr/societe/cartes-ces-rues-francaises-qui-portent-encore-des-noms-de-negriers_2330921.html accessed 24 August 2020.
- 37 See n 7 above, pp 59; see also 'Nantes, the Slave Trade and Slavery', Le Mémorial de l'abolition de l'esclavage <http://memorial.nantes.fr/en/nantes-the-slave-trade-and-slavery/#contenu> accessed 24 August 2020.
- 38 See n 7 above, pp 18. Le Mémorial de l'abolition de l'esclavage puts the number at 1,714, 'Nantes, the Slave Trade and Slavery'. Geggus puts the number at 1,708.
- 39 See n 7 above. Le Mémorial de l'abolition de l'esclavage puts Bordeaux behind La Rochelle and Le Havre with 419 expeditions, 'Nantes, the Slave Trade and Slavery'. Geggus puts the number at 415.
- 40 See n 7 above, pp 45.
- 41 'Monuments Historiques: liste des Immeubles protégés au titre des Monuments Historiques', République Française www.data.gouv.fr/fr/datasets/monuments-historiques-liste-des-immeubles-proteges-au-titre-des-monuments-historiques accessed 24 August 2020.
- 42 'Les Grands Thématiques: Traite Négrière Atlantique', Château des Ducs de Bretagne/Musée d'Histoire de Nantes www.chateaunantes.fr/thematiques/traite-negriere-atlantique accessed 24 August 2020.
- 43 See n 7 above, pp 62
- 44 'Les Anneaux de la Mémoire, de 1991 à Aujourd'hui' www.anneauxdelamemoire.org/histoire accessed 24 August 2020.
- 45 'Qui sommes-nous?', Mémoire de l'Outre-mer www.outremer44.com/l-association/qui-sommes-nous accessed 24 August 2020.
- 46 See n 44 above.

- 47 Alissa J Rubin, 'They Threw Themselves into the Sea, 14 Black Women, All Together' *The New York Times* (New York, 30 October 2018) www.nytimes.com/2018/10/30/world/europe/france-nantes-slave-trade-museum-memorial.html accessed 24 August 2020.
- 48 'Découvrir', Mémorial de l'Abolition de l'Esclavage – Nantes, Le Voyage à Nantes <http://memorial.nantes.fr/découvrir> accessed 24 August 2020.
- 49 See n 1 above.
- 50 'The Memorial in the City, an Urban Itinerary', *Mémorial de l'Abolition de l'Esclavage – Nantes, Le Voyage à Nantes* <http://memorial.nantes.fr/en/the-memorial-in-the-city> accessed 24 August 2020.
- 51 See n 1 above.
- 52 'Memorial by Krzysztof Wodiczko and Julian Bonder (MDes '96) unveiled in Nantes, France', Harvard University Graduate School of Design www.gsd.harvard.edu/2012/04/memorial-by-krzysztof-wodiczko-and-julian-bonder-mdes-96-to accessed 24 August 2020.
- 53 Jean-Philippe Defawe, 'Nantes inscrit son passé de port négrier dans la ville' (*Le Moniteur*, 22 March 2012) www.lemoniteur.fr/article/nantes-inscrit-son-passe-de-port-negrier-dans-la-ville.1490849 accessed 24 August 2020.
- 54 See n 48 above.
- 55 For more on glass bricks dedicated to more recent tragedies see 'Nantes: Des noms de migrants collés sur les plaques des navires négriers' 20Minutes (8 April 2019) <https://www.20minutes.fr/nantes/2491583-20190408-nantes-noms-migrants-collés-plaques-navires-negriers>
- 56 'Conseil Représentatif des Associations Noires – CRAN', Cartographie des Mémoires de l'Esclavage, University of Edinburgh www.mmoe.llc.ed.ac.uk/en/association/conseil-r%C3%A9presentatif-des-associations-noires-cran accessed 12 August 2020.
- 57 Louis-Georges Tin, 'Vos héros sont parfois nos bourreaux' *Libération* (Paris, 28 August 2017) www.liberation.fr/debats/2017/08/28/vos-heros-sont-parfois-nos-bourreaux_1592510 accessed 24 August 2020.
- 58 Marie-Ange Maraine, 'La mémoire du commerce triangulaire et de la traite des noirs au Havre' *Paris Normandie* (Rouen, 1 April 2018) www.paris-normandie.fr/le-havre/la-memoire-du-commerce-triangulaire-et-de-la-traite-des-noirs-au-havre-FO11862272 accessed 24 August 2020.
- 59 'Esclavage: opération #expliquetaruedenegrier à La Rochelle en mémoire de la traite transatlantique' *Outre-mer la 1ère* (Hauts-de-Seine, 7 December 2017) <https://la1ere.francetvinfo.fr/esclavage-operation-expliquetaruedenegrier-rochelle-memoire-traite-transatlantique-539673.html> accessed 24 August 2020; see also Alexandra Jammet, 'Bordeaux à la rue pour expliquer son passé négrier?' *Rue89 Bordeaux* (Bordeaux, 20 February 2018) <https://rue89bordeaux.com/2018/02/bordeaux-passe-negrier-nom-des-rues> accessed 24 August 2020.
- 60 'Bordeaux doit être exemplaire – Matthieu Rouveyre écrit à Alain Juppé' (Mémoires et Partages, 20 February 2018) <http://memoiresetpartages.com/bordeaux-etre-exemplaire-matthieu-rouveyre-ecrit-a-alain-juppe> accessed 24 August 2020.
- 61 'La Question des Rues de Négriers – Le Député Loïc Prud'homme prend position...' (Mémoires et Partages, 17 February 2018) <http://memoiresetpartages.com/question-rues-de-negriers-depute-loic-prudhomme-prend-position> accessed 24 August 2020.
- 62 Margot Hutton, 'L'association Mémoires et Partages demande aux maires des engagements contre le racisme' *Outre-Mer la 1ère* (Hauts-de-Seine, 1 July 2020) <https://la1ere.francetvinfo.fr/association-memoires-partages-demande-aux-maires-engagements-contre-racisme-849486.html> accessed 24 August 2020.
- 63 See n 58 above.
- 64 Karfa Diallo, 'Lettre Ouverte au Maire de Bordeaux – «Faut-il débaptiser les rues de négriers?»' (Mémoires et Partages, 28 September 2017) <http://memoiresetpartages.com/lettre-ouverte-maire-de-bordeaux-faut-debaptiser-rues-de-negriers-karfa-diallo> accessed 24 August 2020.
- 65 Pauline Vermeren, Interview with Karfa Diallo, Founder and President of the Association Mémoires & Partages (22 October 2019).
- 66 'Flam Africa' (Flam Africa, 2013) <http://flamafrika.com> accessed 24 August 2020.
- 67 Frédéric Brenon, 'Nantes: La ville va ajouter des panneaux dans les rues portant un nom de négrier' (20 Minutes, 25 January 2018) www.20minutes.fr/nantes/2208411-20180125-nantes-ville-va-ajouter-panneaux-rues-portant-nom-negrier accessed 24 August 2020.

- 68 Patrick Carl, 'Première Victoire – Nantes décide de réparer l'injustice des rues de négriers' (Mémoires et Partages, 26 January 2018) <http://memoiresetpartages.com/premiere-victoire-nantes-decide-de-reparer-linjustice-rues-de-negriers> accessed 24 August 2020.
- 69 See n 67 above.
- 70 See www.nantes.fr/home/ville-de-nantes/culture/patrimoine-et-archeologie/wikipatrimoine.html accessed 24 August 2020.
- 71 Auriane, 'Nantes. Des Panneaux Explicatifs Dans Les Rues Qui Portent Le Nom D'un Négrier' *Le Bonbon* (Paris, 29 January 2018) www.lebonbon.fr/nantes/news/nantes-des-panneaux-explicatifs-dans-les-rues-qui-portent-le-nom-d-un-negrier accessed 24 August 2020.
- 72 See n 67 above.
- 73 Frédéric Brénon, 'Nantes: Pourquoi la ville a renoncé aux plaques explicatives dans les rues portant un nom de famille négrière' (20 Minutes, 15 June 2020) www.20minutes.fr/nantes/2800155-20200615-nantes-pourquoi-ville-renonce-plaques-explicatives-rues-portant-nom-famille-negriere accessed 24 August 2020.
- 74 Clémence Maret, 'Les noms des rues permettent de comprendre les contradictions de l'Histoire' (La Croix, 27 August 2017) www.la-croix.com/Culture/noms-rues-permettent-comprendre-contradictions-lHistoire-2017-08-27-1200872267 accessed 24 August 2020.
- 75 Jacques Cauna, *Au Temps Des Isles à Sucre: Histoire D'une Plantation De Saint-Domingue Au XVIIIe Siècle*, Hommes Et Sociétés (ACCT/Karthala 1987).
- 76 Stéphane Valognes, 'Nantes, Bordeaux et la mémoire d'esclavage' (2002) 1237 *Hommes & Migrations* 119.
- 77 Danielle Pétrissans-Cavaillès, *Sur Les Traces De La Traite Des Noirs à Bordeaux*, Collection 'Sociétés Africaines Et Diaspora' (DiversCités/L'Harmattan 2004).
- 78 Hubert Bonin, *Les Tabous De Bordeaux* (Le Festin 2010).
- 79 'Histoire – Bordeaux et la traite atlantique européen', Mémoire d'Esclavage et de la Traite Négrière, Mairie de Bordeaux 2020 www.memoire-esclavage-bordeaux.fr/histoire accessed 24 August 2020. See also 'Bordeaux au XVIIIe siècle: Le commerce atlantique et l'esclavage', Musée d'Aquitaine Bordeaux www.musee-aquitaine-bordeaux.fr/sites/musee-aquitaine.fr/files/5._bordeaux_le_commerce_atlantique_et_lesclavage.pdf accessed 24 August 2020.
- 80 Aline Chambras, 'Bordeaux, la difficile mémoire de l'esclavage' *Rue89 Bordeaux* (Bordeaux, 9 May 2014) <https://rue89bordeaux.com/2014/05/bordeaux-difficile-memoire-lesclavage> accessed 24 August 2020. See also n 78 above.
- 81 See n 78 above.
- 82 'Rapport officiel remis à M Hugues Martin Député-Maire de Bordeaux par M Denis Tillinac Journaliste, Ecrivain et Président du Comité', Comité de Réflexion et de Propositions sur la Traite des noirs à Bordeaux, 10 May 2006 www.bordeaux.fr/images/ebx/fr/groupePiecesJointes/4870/3/pieceJointeSpec/101303/file/rapport_tillinac.pdf accessed 24 August 2020.
- 83 Karfa Diallo, 'Bordeaux – Ouvrir 'l'Impasse Toussaint Louverture' pour honorer la liberté' (Mémoires et Partages, 5 May 2020) <http://memoiresetpartages.com/bordeaux-ouvrir-limpasse-toussaint-louverture-pour-honorer-la-liberte> accessed 24 August 2020.
- 84 'Square Toussaint Louverture', Bordeaux, Découvrir et Sortir www.bordeaux.fr/121192 accessed 24 August 2020.
- 85 Today, there are three other museums with exhibits relevant to the history of the slave trade: the Musée des Arts Décoratifs, which deals with the impact of the slave trade on relationships with the colonies; le Musée National des Douanes; and the Musée des Beaux-Arts, which includes a series of paintings of slave traders and their families in Bordeaux from 1750–1800.
- 86 AFP, 'Débaptiser les rues de négriers' *Le Figaro* (Paris, 14 September 2009) www.lefigaro.fr/flash-actu/2009/09/14/01011-20090914FILWWW00549-bordeauxdebaptiser-les-rues-de-negriers.php accessed 24 August 2020.
- 87 Thierry Leclère, 'Alain Juppé: «Bordeaux a participé à la traite des esclaves, pourquoi le nier?»' (Télérama, 5 June 2009) www.telerama.fr/idees/alain-juppe-bordeaux-a-participe-a-la-traite-des-noirs-pourquoi-le-nier,42568.php accessed 24 August 2020.
- 88 'Bordeaux: et si le pont Bacalan-Bastide s'appelait pont Toussaint-Louverture?' *Sud Ouest* (Bordeaux, 10 May 2012) www.sudouest.fr/2012/05/10/et-si-s-appelait-pont-toussaint-louverture-711079-710.php accessed 24 August 2020.

- 89 'Les Visites-Guidées', Mémoires et Partages <http://memoiresetpartages.com/visite-guidee> accessed 24 August 2020.
- 90 See n 68 above. See also Laurent Ribadeau Dumas, 'La ville de Bordeaux face à son passé négrier' *Franceinfo* (Paris, 12 August 2019) www.francetvinfo.fr/monde/afrique/culture-africaine/la-ville-de-bordeaux-face-a-son-passe-negrier_3731931.html accessed 24 August 2020.
- 91 Christina Okello, 'Bordeaux Vows to Continue Slavery Remembrance after Reshuffle' rfi (Paris, 22 February 2019) www.rfi.fr/en/france/20190221-bordeaux-vows-push-slavery-remembrance-after-juppe-quits accessed 24 August 2020.
- 92 Alexandra Jammet, 'Bordeaux à la rue pour expliquer son passé négrier?' Rue89Bordeaux 20 February 2018 <https://rue89bordeaux.com/2018/02/bordeaux-passe-negrier-nom-des-rues/>
- 93 François Hubert, 'Annexe 7: Note concernant les rues portant des noms des négriers à Bordeaux', 'La mémoire de l'esclavage et de la traite négrière à Bordeaux, Rapport Final,' 3 May 2018, pp 52–55 www.bordeaux.fr/p114617/commission-de-reflexion-sur-la-traite-negriere-et-l-esclavage accessed 24 August 2020.
- 94 'Marseille, port négrier, assume ton histoire – Conférence de presse, devant l'Hotel de Ville de Marseille, 20 mars à 17h' (Mémoires et Partages, 7 March 2014) <http://memoiresetpartages.com/marseille-port-negrier-assume-ton-histoire-conference-de-presse-devant-lhotel-de-ville-de-marseille-20-mars-a-17h> accessed 24 August 2020.
- 95 'La Mémoire de l'esclavage et de la Traite Négrière à Bordeaux, Rapport Final' 3 May 2018. www.bordeaux.fr/p114617/commission-de-reflexion-sur-la-traite-negriere-et-l-esclavage accessed 24 August 2020. The commission was composed of Marik Fetouh, representative of the municipality; Carole Lemée, anthropologist and member of the council for the Foundation for the Memory of Deportation; René Otayek, researcher and president of Institute of the Africas; François Hubert, anthropologist and former Director of the Musée d'Aquitaine; Myriam Cottias, Director of Centre international de recherches sur les esclavages (CIRES or International Research Centre for slavery and post slavery) at Centre national de la recherche scientifique (CNRS or National Centre for Scientific Research); Yoann Lopez, sociologist in charge of memory, cultural diversity and civic rights for the municipality; and Karfa Diallo, founding member of the association Mémoires & Partages until the end of 2017, when he was asked to withdraw from the commission and become a privileged interlocutor instead due to conflicts of interest.
- 96 *Ibid.*, 4.
- 97 See n 7 above.
- 98 See n 95 above, 33.
- 99 Camille Huppenoire, 'Des Plaques Dans Les Rues Pour Expliquer Le Passé Négrier De Bordeaux' *France Bleu* (Paris, 2 December 2019) www.francebleu.fr/infos/societe/des-plaques-dans-les-rues-pour-expliquer-le-passe-negrier-de-bordeaux-1575305700 accessed 24 August 2020.
- 100 *Ibid.*
- 101 'Débats autour de noms de rue à Bordeaux attribués à d'éventuels négriers', Hubert Bonin, Professeur d'histoire économique contemporaine <http://hubertbonin.fr/debats-autour-de-noms-de-rue-a-bordeaux-attribues-a-deventuels-negriers> accessed 24 August 2020.
- 102 'Bordeaux et son passé négrier: cinq plaques de rue explicatives installées en toute discrétion' *SudOuest* (Bordeaux, 11 June 2020) www.sudouest.fr/2020/06/11/bordeaux-cinq-plaques-de-rue-pour-expliquer-son-passe-negrier-7556634-2780.php accessed 24 August 2020.
- 103 Elsa Provenzano, 'Bordeaux: Six nouvelles plaques dans les rues pour «un travail de juste mémoire» sur son passé négrier' (20Minutes, 2 December 2019) www.20minutes.fr/bordeaux/2665375-20191202-bordeaux-six-nouvelles-plaques-rues-travail-juste-memoire-passe-negrier accessed 24 August 2020.
- 104 Other plaques included Rue Gramont, which was named after Jacques-Barthélemy Gramont, 'one of the five merchants who were part of the nine-member commission representing Bordeaux with Napoleon Bonaparte during the debate on the restoration of the slave trade in 1801–1802, whose report argues in favor of "Freedom of trade" and therefore the slave trade'. Another street, Rue Mareilhac, was named after a former Mayor of Bordeaux, who 'invested in the transatlantic trade', and, like Gramont, when consulted on the proposed slave trade law of 1801–1802, provided an opinion 'favorable to his investments overseas'. See n 94 above.
- 105 The International Day for the Abolition of Slavery, 2 December, marks the date of the adoption, by the General Assembly, of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (resolution 317(IV) of 2 December 1949).

- 106 See n 99 above.
- 107 'Modeste Testas', Histoire et Bordeaux, *Mairie de Bordeaux* www.bordeaux.fr/p137697/modeste-testas accessed 24 August 2020.
- 108 'Haiti – Memory: Bordeaux inaugurates the statue of a slave of the Haitian sculptor, C. Woodly' (Haiti Libre, 5 December 2019) www.haitilibre.com/en/news-27707-haiti-memory-bordeaux-inaugurates-the-statue-of-a-slave-of-the-haitian-sculptor-c-woodly.html accessed 24 August 2020.
- 109 See n 96 above, 34.
- 110 'Fiscal Year 2020, Budget Justification to Congress', Smithsonian Institution, March 2019, p 117 www.si.edu/sites/default/files/about/fy2020-budgetrequestcongress.pdf accessed 24 August 2020.
- 111 See n 95 above, 34.
- 112 See www.unesco.org/new/fr/social-and-human-sciences/themes/slave-route accessed 24 August 2020.
- 113 See www.memoire-esclavage-bordeaux.fr accessed 24 August 2020.
- 114 Claire Mayer, 'A Bordeaux, il n'y aura finalement pas de rue Frantz-Fanon' *Le Monde* (Paris, 15 February 2019) www.lemonde.fr/politique/article/2019/02/15/a-bordeaux-la-rue-frantz-fanon-attendra_5423968_823448.html accessed 24 August 2020.
- 115 *Ibid.*
- 116 Pauline Vermeren, Interview with Marik Fetouh, Adjoint au maire chargé de l'égalité, la citoyenneté et la lutte contre les discriminations (23 October 2019).
- 117 Mireille Fanon Mendes France, 'Rue Frantz Fanon à Bordeaux: Lettre à Alain Juppé', Fondation Frantz Fanon, 13 February 2019 https://fondation-frantzfanon.com/rue-frantz-fanon-a-bordeaux-lettre-a-alain-juppe/?fbclid=IwAR0b3gQeQ3OXdcxO_1iIo-vl0gCbWYID3x4vqbbfG-vzivu99T9GDhQIso8 accessed 24 August 2020.
- 118 Pauline Vermeren, Interview with Louis-Georges Tin, Ancien président du CRAN-Conseil représentatif des associations noires (30 September 2019).
- 119 See n 80 above.
- 120 'Axelle Balguerier: «il faut éviter de stigmatiser les noms des descendants des armateurs négriers»' 3 *Nouvelle Aquitaine* (Paris, 4 October 2017) <https://france3-regions.francetvinfo.fr/nouvelle-aquitaine/gironde/bordeaux/axelle-balguerier-il-faut-eviter-stigmatiser-noms-descendants-armateurs-negriers-1340293.html> accessed 24 August 2020.
- 121 See n 92 above.
- 122 Mickaël Bosredon, 'Bordeaux: A peine présenté, le projet de mémorial contre l'esclavage fait déjà polémique' (20 Minutes, 9 October 2019) www.20minutes.fr/bordeaux/2623071-20191008-bordeaux-peine-presente-projet-memorial-contre-esclavage-fait-deja-polemique accessed 24 August 2020.
- 123 See n 118 above.
- 124 See n 65 above.
- 125 'Avant-Première, Documentaire «Les Routes de l'Esclavage»', 30 March 2018 <http://memorial.nantes.fr/2018/03/30/premiere-documentaire-routes-de-lesclavage> accessed 24 August 2020.
- 126 Pauline Vermeren, Interview with Gildas Salaün (Conseiller municipal) (29 October 2019).

Case Study V: Colonial legacies in Senegal

Louis Faidherbe Statue, Saint-Louis, Senegal



When gale-force winds and heavy rainfall toppled the statue of colonial ruler Louis Faidherbe in the Senegalese capital city of Saint-Louis in 2017, it was seen by some as a sign that the time had come to erase a prominent legacy of French colonial rule. The complicated factor was that the century-old bronze statue was part of a World Heritage site protected by UNESCO, and also linked to tourist income and development aid from France.

This case study examines the social, political and legal complexities that can arise when local beliefs and public sentiment conflict with national legal obligations to international treaties or conventions, as well as the pragmatic considerations of inter-state relations, tourism and foreign development aid.

Introduction

The proliferation of movements for the decolonisation of history and of commemoration policies, which occurred in all countries affected by slavery and colonialism after the violence in Charlottesville, Virginia, in 2017, did not leave Senegal untouched. In the north of that country, at the mouth of the river Senegal, stands Saint-Louis: the first town to be founded by the French in West Africa, in 1659, and, due to the river, the entry point for French colonisation of the interior.¹

In the early hours of 5 September 2017, the statue of Faidherbe, in the centre of the square of the same name in Saint-Louis, collapsed after heavy rain accompanied by gale-force winds. This event happened in a particular context – just a few hours before the 43rd commemoration of the Magal of the Two Rakkas, dedicated to Cheikh Ahmadou Bamba (1853–1927), a Muslim religious leader who peacefully opposed French colonisation and founded the powerful Mouride brotherhood from the 1880s onwards. This event, the prayer of the *two rakkas* – two genuflections that Bamba is believed to have made in the governor's office after the verdict in his trial by the *conseil privé* on 5 September 1895² – is firmly anchored in the collective memory of Mouride believers. It is commemorated each year in the Place Faidherbe and brings together large numbers of the marabout's followers, coming from all regions of Senegal.³ The morning of 5 September 2017 was no exception.

The collapse of the statue caused a great sensation among the Mouride believers, activists, and especially, young Senegalese of all faiths and sects. A spontaneous protest⁴ arose by chance, stimulated by an unprecedented level of publicity around the question of the Faidherbe statue, including demands for it to be replaced by one of the religious leader.⁵

This passionate demand was not welcomed by the political authorities, either local or national. At that point, there was concern that the city of Saint-Louis was in danger of losing its status as a UNESCO World Heritage site. Moreover, by virtue of that status, since 2012 the city had benefitted from a fund allocated by the French Development Agency (Agence française de développement or AFD) for the restoration and embellishment of squares likely to attract tourism, including, notably, the Place Faidherbe. This state of affairs may explain why authorities hurried to re-erect the statue on 21 September 2017, disregarding growing protests on social media, both national and international in scope. Several movements sprang up campaigning for the removal of the statue and, more generally, the decolonisation of public spaces. The slogan 'France dégage' (roughly, 'France out') was spreading throughout

former French colonies to such an extent that French President Emmanuel Macron could speak of ‘an anti-French feeling in Africa’.⁶ Pan-African movements, along with many young Africans and Africans living in the diaspora, wanted to be done with the dominant French presence in Africa, along with symbols of colonialism in their public spaces.

The Faidherbe statue

The monument to Faidherbe in Saint-Louis was built in 1886 and inaugurated on 20 March 1887,⁷ the year when the conquest of Senegal was virtually completed. The statue itself was constructed five years later in 1891, an important year in the development of Senegal and of West Africa in general, marking the stabilisation of its territorial expansion and of the conquered territories. The stabilisation came at a high price. Thousands of Senegalese were killed and numerous villages burned. One activist called it ‘pacification by force of guns and bayonets.’⁸

The sculptor Adolphe-Désiré Crauk, known as Gustave Crauk, came from Valenciennes, France, and had won the prestigious *grand prix de Rome* in 1851 to study art in Rome. He met Faidherbe as early as 1871 and sketched him from life.⁹ The bronze statue, on foot and life-size, weighs 350 kilograms and portrays Faidherbe in the pose of a proud general. On the plinth, a marble plaque bears the inscription ‘A son gouverneur L. Faidherbe, le Sénégal reconnaissant’ (‘In gratitude, from Senegal to its governor, L. Faidherbe’). The statue had been commissioned by the colonial administration as part of the embellishment¹⁰ of the city begun in 1881 with the stele at Sor¹¹ honouring soldiers who had died in the yellow fever epidemic (1878) and the construction of the Dakar-Saint-Louis railway station in 1885. Thus, in 1887, the administration had the monument in memory of former Governor Faidherbe built in the Place du Gouvernement, ready to receive the statue. Faidherbe was chosen because he fulfilled the criteria established by the administration for the erection of a monument in memory of an individual known for their exceptional services and irreproachable life, both public and private.¹²

It was not until December 1977 – 17 years after Senegal became independent – that the writer and film-maker Ousmane Sembène wrote a critical open letter to the country’s Francophile President Senghor.¹³ The letter, in response to the censoring of Sembène’s film *Ceddo*, denounced the presence of statues of Faidherbe in different parts of Senegal, including the capital, Dakar.¹⁴ This letter must have had an effect, since on the night of 13–14 August 1983, the statue of Faidherbe in front of the palace and of the military headquarters of the presidency in Dakar was removed.¹⁵ However, other Faidherbe statues remained, notably the one in Saint-Louis, which is still an emblem of that city.

Louis Léon César Faidherbe

Born in Lille in 1818, Louis Léon César Faidherbe, better known as Louis Faidherbe, an engineer and alumnus of the prestigious Ecole Polytechnique, planned and carried out the conquest and ‘pacification’ of Senegal.¹⁶ After founding Saint-Louis in 1659, France finally established control over Senegal in 1816, having regained possession under the 1814

Treaty of Paris.¹⁷ The next 40 years saw various, mainly unsuccessful, attempts at commercial and economic development, during which French merchants became impatient with the constantly increasing taxes (*coutumes*) owed to pay to local rulers. A group of merchants with powerful connections in Bordeaux lobbied successfully for Faidherbe, who had demonstrated his military skills in Côte d'Ivoire and the Futa Toro (the middle Senegal valley), to be made Governor of Senegal. They wanted a man of rigour, who understood the politics of Senegal and could be relied on to subjugate the 'Trarza Moors',¹⁸ while freeing trade in the region from local taxes and customs. Appointed governor on 12 December 1854, Faidherbe held the post until 1861, and again from 1863 to 1865. The economic future of Senegal depended on Faidherbe. With his arrival, it became a regular policy to resort to violence in order to ensure the security of the Saint-Louis merchants and freedom of trade throughout Senegambia.¹⁹ But the Senegal valley region remained Faidherbe's priority. This northern part of Senegambia contained not only the big gum arabic and groundnut producers, but also the local monarchs capable of paralysing the region's commercial economy, as well as navigation on the Senegal river.²⁰ Faidherbe declared war on these rulers, becoming the architect of free navigation and security of commerce in the valley. As a consequence of his actions, fiscal reforms ended the *coutumes* which, for more than three centuries, had formed a symbolic tie between the Europeans and the local rulers. Thus, the states of Senegambia lost political and territorial sovereignty in their own country. The end of the *coutumes* marked the beginning of a new French policy in Senegambia: colonial conquest.

Faidherbe also used his training as an engineer to launch large-scale works aimed at breaking the isolation of the colony and facilitating its conquest, pacification and exploitation. The city of Saint-Louis, capital of Senegal and its dependencies at the time, benefitted significantly from Faidherbe's colonial policy: solid buildings in brick and stucco, a new bridge, protection against fire, a clear street plan and a building to house a Muslim tribunal, which dealt with questions of marriage, bequests and so on.²¹ In short, for the Senegalese, Faidherbe has a mixed reputation: as the traditionalist historian Amadou Bakhaw Diow has summarised, 'many Senegalese have ambivalent feelings about him: he is seen sometimes as a colonial conqueror confronting armed resistance from the Senegalese kingdoms, and sometimes as the creator of the modern state and liberator of the Black Senegalese from extortion by the Moors of neighbouring Mauritania'.²²

Detailed history of the controversy

On the night of Monday 4 to the early hours of Tuesday 5 September 2017, Faidherbe's statue in Saint-Louis, capital of northern Senegal, collapsed after heavy rain and violent gales. This event, which might otherwise have gone unnoticed, took on great significance because it coincided with the Magal of the Two Rakkas, which brings a large number of Mouride pilgrims to the city every year. While the statue was still lying on the ground,²³ the Saint-Louis municipality placed barriers around it in order to protect it from the crowd. This led to heated discussions about what could have caused this spectacular fall to happen

just a few hours before the ceremony began. The pilgrims detected the hand of the 19th-century founder of their movement, Cheikh Ahmadou Bamba Mbacké, because, for the first time, the Two Rakkas had been dedicated to the founder himself rather than another religious leader.²⁴ According to the youth leader of a political party, what Mbacké had been demanding for years had ‘happened last night, on the eve of the celebration of the Two Rakkas in Saint-Louis. Faidherbe’s statue has fallen, confirming yet once more the victory of Ahmadou Bamba over the colonist’.²⁵ Moreover, people pointed eagerly to ‘the fact that the great trees surrounding the site had not been blown down, whereas a few months earlier the wind had uprooted them while leaving the monument to the colonial general untouched’²⁶ – which confirmed to the faithful their belief that ‘mystic phenomena’²⁷ were at work, and that the square must be renamed ‘Place Cheikh Ahmadou Bamba’.²⁸ Others, however, suggested that there had been ‘acts of unbolting’.²⁹ In particular, the local news site *Ndarinfo*³⁰ fed the rumours by headlining its report on the event, ‘Collapse of Faidherbe’s Statue: Spectacular Fall or Unbolting?’³¹ For their part, the organisers of the ceremony – the *kurel*³² of the Two Rakkas of Saint-Louis – denied that the Mouride *talibé* (faithful) were in any way involved in the statue’s collapse.³³

Nevertheless, the explanation cannot be ruled out since the Place Faidherbe is seldom empty, and it seems unlikely that anyone would have had the chance to take down the statue without being seen. One branch of the brotherhood, comprising the most fanatical members, Baye Fall, had, during a Two Rakkas ceremony in 2014, covered the statue with the multicoloured *boubous* (traditional Senegalese costume) that they generally wear, provoking the wrath of some of Saint-Louis’s inhabitants who denounced it as a scandal, according to one commentator.³⁴ This was confirmed by Ferdinand de Jong, Senior Lecturer at the University of East Anglia, who writes that ‘The Murid pilgrims do not feel any obligation towards Faidherbe. In fact, they reject that both the bridge and the square are named after him. Each year, they plead for the square and the bridge to be renamed after Bamba instead. One year, some militant *Baye Fall*, followers of Cheikh Ibra Fall, even tried to topple the statue of Faidherbe.’³⁵

The most plausible hypothesis was provided by a technician who insisted, in a comment posted on *Ndarinfo* on the day of the discovery, on the fragility of the two rods that held the statue upright for decades, and ‘which had doubtless shifted over a long period, causing “M. Faidherbe” to totter several times on his pedestal during violent storms without anyone noticing, until at last the one this morning overcame him’.³⁶ In other words, he said, the wind had finally won out, and logic required that the Ministry of Culture, which had responsibility for statues of this kind, should assess the damage with a view to undertaking repairs.³⁷

For their part, the authorities and the Ministry of Culture also favoured the climate, and the age of the statue, as explanations. On the very day after it fell, 6 September, the statue was removed and provisionally transferred to the Rognât Sud complex – the headquarters of the local fire brigade. Abdoul Aziz Guissé, Director of Scheduled Cultural Heritage (*patrimoine culturel classé*), representing the Ministry of Culture,³⁸ supervised the operation,

at the request of the municipal authorities of the city of Saint-Louis, with the help of the French public works company Eiffage, so as to keep the statue safe pending repair.

As to the reasons for its collapse, Guissé stated that ‘after examining the statue, experts stressed that, owing to the dilapidated state of its iron clamps, which had completely rusted, and of its rotten wood, together with the strength of the rains and bad weather on the Monday, the base could no longer support its weight’.³⁹ In short, as the administrator of the island of Saint-Louis confirmed, its fall was caused by violent winds that were too strong for the heavily rusted clamps holding it to its base.⁴⁰ The spontaneous protest of the Mourides received extensive coverage in the local press because of the brotherhood’s important state connections and the role it has played in elections since colonial times.⁴¹ All the local media pointed mainly to the coincidence of the statue’s fall with the ceremony, and also to the pilgrims’ demand that it be replaced; whereas the international press (France 24,⁴² BBC, etc) minimised the role of the commemoration, stressing rather that it was a ‘dream opportunity’ to vandalise the statue which, according to *Nouvel obs*, ‘was trampled on, like a hunting trophy, by tens of Senegalese who struck warlike poses, placing their foot on the general’s head, and posted photos on social media’.⁴³ What is more, ‘it was sprayed with white paint like a mere wall, making it impossible to see the homage of the Senegalese people that had been carved in stone in 1886’.⁴⁴

Some people posted photomontages on the web, considering it high time to rename the square after a historic Senegalese figure; and in some of these, the Faidherbe statue had been replaced by the marabout Cheikh Ahmadou Bamba.⁴⁵ This provoked the wrath of some members of the religious brotherhood, who considered ‘that the scale of the man goes far beyond these earthly fripperies, comparable to masonic symbols, since he always obeyed the teaching of the Koran, which forbids statues representing individuals’.⁴⁶ The Director of Scheduled Cultural Heritage sought to settle the question by declaring that, in the case of Saint-Louis, ‘there will never be a statue of Ahmadou Bamba to replace that of Faidherbe since it is absolutely contrary to the precepts of Islam and of the Mouride brotherhood to turn Bamba into a stone or a piece of metal’.⁴⁷ (This view of Islam as it relates to statues, and sculpture in general, has indeed influenced the current behaviour of some Saint-Louis residents, who take no notice of the Faidherbe statue, and prefer to take no part in the debate.⁴⁸) The protests of the Mouride faithful did succeed in bringing the issue to the attention of local people, many of whom were illiterate and, until then, had been unaware of what was at stake. The protests also piqued the interest of international media, something that no previous protest had ever achieved.

It should also be noted that for many of the younger people, colonial symbols such as the statue of Faidherbe represent a humiliation and insult to their ancestors who fought against the colonisers. There are several historical, political and social factors that have contributed significantly to an awakening of young people to the future of Africa and its relations with the former colonial powers. For these young people, the lack of economic progress in their countries is the result of colonialism, which broke down Africa’s economic and social structures and brought misery in their own countries, especially those in Francophone Africa.

Many countries continue to depend economically on the West and on international institutions. Today, young Senegalese are mobilised on social media for the removal of the Faidherbe statue, which remains for them a symbol of French presence and domination in Senegal. In relations with the West, they look for freedom, recognition and dignity. In their eyes, the removal of Faidherbe's statue would be a powerful symbol in the struggle against inequalities and different forms of racial oppression, past and present.

There have been several campaigns by young Senegalese to bring down the Faidherbe statue, including the pan-Africanist movement *Se Mett* (2011–2012), members of which, alongside some local supporters, vandalised the statue by throwing eggs at it, draping it in traditional boubous, and even posting photomontages of Faidherbe covered in toilet rolls on the internet.⁴⁹ On 7 September 2014, a blogger and cyberactivist posted a contribution on a Facebook page, *ça m'interpelle* ('I feel concerned'),⁵⁰ calling for a debate on whether to conserve the statue or take it down.⁵¹ The blogger also launched a Facebook campaign in 2014–2015, seeking 5,000 signatures for a petition, 'let's pull down this shameful statue'.⁵²

As for the protest by the Mouride pilgrims, it was temporarily curtailed when the grandson of Cheikh Ahmadou Bamba came to lead the prayers in the ceremony of the Two Rakkas on 5 September 2017 in the presence of Mayor Amadou Mansour Faye. The grandson made a point of setting the record straight regarding the statue, asking the population, and especially the young people, to educate themselves and to go beyond certain debates, notably the one about changing the name of the Place Faidherbe. In his view, this agitation for removing the statue was unnecessary since Cheikh Ahmadou Bamba had shown his defiance of colonial authority, as could be seen from the 'human tide' that had gathered to pray in the square.⁵³

By contrast, the protest reached a veritable paroxysm when the Mayor announced that the statue would be put back.⁵⁴ The Mayor's statement suggested that the municipal authorities seemed to take account only of the Mouride protests. As in 2014,⁵⁵ they ignored the debate on social media, regarding it as a 'spontaneous protest' which would not have been so widespread had it not happened to coincide with the religious celebration.⁵⁶ The Mayor's Chief of Staff, Seydina Ababacar Biteye, explained the decision by saying that one cannot 'deny a part of Senegalese history'.⁵⁷

The Mayor's statement provoked more reactions than the fall of the statue itself. The spontaneous protest now gained wider public attention. Indeed the debate continued in the press, through interviews, articles and editorials online, and especially on social media. On 7 September 2017, philosopher Khadim Ndiaye published an open letter to the Mayor on *ndarinfo*⁵⁸ and on the website of the French association *Faidherbe doit tomber*⁵⁹ (Faidherbe Must Fall), denouncing the authorities' decision and eliciting several comments on that theme. But the debate was more intense on social media, notably Facebook, where the letter was forwarded more than 300 times.⁶⁰ Meanwhile, on 6 September the satirical journalist Ibrahima Fall had joined the debate through his Facebook page, arguing that 'it must be put back at once. It would be much too easy, if we're rewriting history, to reduce the response of the descendants of the victims of colonialism to a mere caprice of the weather.'⁶¹ And finally, also on Facebook, the administrator of the page *Senegalmetis*, which had more than 20,000 followers,

came out in favour of keeping the statue, arguing that ‘changing the name of a street (or taking down a statue) is justified only when the individual honoured has absolutely no connection with Senegal (eg, Georges Pompidou, Gabriel Fauré, Albert Sarraut, Nicolas Carnot, Adolphe Thiers or André Maginot). By contrast, when he is part of our history, let’s have the courage to respect him, since then it’s a matter of our shared past’.⁶² It’s regrettable, however, that while the debate about the statue was carried on in various settings – the street and the media, both traditional and online – it was not pursued at the academic level, especially not in Senegalese universities, where various eminent historians, whose views on this discussion about the celebration of colonialism through monuments would have been valuable, preferred to keep silent. One of the few well-known historians who did share his views was Professor Iba Der Thiam, in a radio interview a year later, in 2019. A former education minister, who had changed the names of several schools while in office, Thiam described the statue as the ‘symbol of an incomplete decolonisation’, and said he ‘would like to see the Faïdherbe statue pulled down’.⁶³ The historian-cum-politician confirmed Faïdherbe’s crimes, and gave his support to the young people who were protesting against colonial symbols. But it should be noted that he had never raised the question of colonial symbols in Senegalese public space while holding a succession of high political offices in the preceding 20 years.

Decision-making process

The decision to reinstall the statue was not a complicated process. After the fall of the statue, the Mayor of Saint-Louis⁶⁴ did not call for a study, or consult with representatives from civil society organisations or associations. There were no official debates about the preservation of the statue, its removal or its replacement by a Senegalese historic figure. According to the administrator of the site, ‘following the incident, we did not encounter any difficulties, and the administrative authorities simply took the decision to move the statue to a safe place, in view of the heritage and historic symbol that this statue represents. Restoring it to its place is a necessity, in order to preserve our historical memory for the benefit of future generations’.⁶⁵

The authorities took a narrow view of repair, considering only its technical aspect. The director of cultural heritage had said, when the statue was moved, that the appropriate technical services, working with the Ministry of Culture and of the Scheduled Historic Heritage, would study the ways and means of repairing the Faïdherbe statue, a work that belonged to Senegal’s history, in spite of its loaded symbolism relating to French colonisation.

As a result, two weeks after the statement from the municipal and state authorities, on 21 September at 0600 (while many residents were still asleep) the statue was reinstalled under heavy police guard. No press release was issued, either by the Mayor or the Committee for the Protection of the Island of Saint-Louis, which had been established in 2011 under the leadership of the governor of the region, and included all parties involved in heritage management and conservation (ministries, local authorities, associations for heritage protection and improvement, Icomos-Senegal, civil society, elected officials, etc). The statue

was enclosed and under police guard for the entire day. It was also raised by several metres, further frustrating protesters, including blogger Amadou Dicko, who was interviewed by France 24.⁶⁶

Once the reinstatement of the statue was discovered, it received extensive coverage from the media, which solicited residents for their opinion. It was on the front page of all the local newspapers and websites, with sported headlines such as: ‘Thrown down by a storm, the Faidherbe statue back in place’;⁶⁷ ‘Despite the Mourides’ protests, Mansour Faye decides to reinstall the controversial Faidherbe statue’;⁶⁸ ‘Faidherbe versus wind and tide’;⁶⁹ ‘Despite protests Saint-Louis restores the statue of a French colonial governor’;⁷⁰ ‘The statue back in place despite protests’;⁷¹ and so on. Many people rose up against this gesture, feeling that the time had come to remove the statue of the old colonialist. But many people disagreed. For example, a heritage administrator argued that it was the Mayor’s duty to protect and safeguard the statue and display it to advantage. One official told the newspaper *Enquête*: ‘Louis Faidherbe is part of our history. Whatever happens we can’t, and will never be able to, expunge him from our past. Whether you think him good or bad makes no difference.’⁷²

Moreover, the website *seneweb.com*, which reproduced the France 24 report on 21 September, registered 15,436 hits and 115 comments⁷³ about the reinstatement. In the comments opinions were divided. While some thought that the statue should be pulled down or replaced by other historic figures, others favoured preserving it as part of Senegal’s history, and especially of Faidherbe’s achievement in that part of Saint-Louis, which he had done much to improve. The late journalist Golbert Diagne, interviewed by the BBC, thought that ‘without the works carried out by Faidherbe, Saint-Louis would never have been recognised in 1895 as the leading city in West Africa. To destroy the statue of Faidherbe, who built, among other things, a bridge which is unlike any other in the world, would be an injustice.’⁷⁴

However, many expressed anger against the Mayor, accusing him of ignoring the views of the population. One journalist, for instance, suggested that ‘the mayor of Saint-Louis cares nothing for the protests about Faidherbe’s statue, which supposedly fell victim to the weather’;⁷⁵ and that the reinstatement of the former French governor’s statue ‘infuriates almost the entire Mouride brotherhood and a large part of Saint-Louis’s population’.⁷⁶ Finally, the Senegalese Association Against the Celebration of Faidherbe (*Collectif sénégalais contre la célébration de Faidherbe*)⁷⁷ was set up on 10 April 2018 to work with the French Faidherbe Must Fall association in fighting against the presence of the statue, after many denunciations including one by Khadim Ndiaye,⁷⁸ who became one of its most influential members. Its efforts were directed mainly towards social media.

From another point of view, the position of the municipal authorities, and the state, was understandable, given that the fall of the statue had occurred in a particular context: at the beginning of 2017 Saint-Louis was – and still is – threatened with demotion from its UNESCO World Heritage status. After listing a certain number of shortcomings in the conservation of the site of the island of Saint-Louis,⁷⁹ Senegal had been asked

‘to submit to the World Heritage Centre, before 1st February 2018, an updated report on the state of the site and on the implementation of the aforementioned points,

to be examined by the World Heritage Committee at its 42nd session in 2018, with a view to considering, if the specified progress has not been achieved, the possible inscription of the site on the List of World Heritage in Danger'.⁸⁰ The monument, the Place Faidherbe and the bridge were all included among the elements that had justified Saint-Louis's inclusion in UNESCO's World Heritage of Humanity in 2000. Consequently, the removal or replacement of the Faidherbe statue would make the city's inscription on the 'heritage in danger' list very likely.

Moreover, in 2012, the AFD had signed an agreement with Senegal to provide CFA francs 15bn for the protection of Saint-Louis's heritage.⁸¹ This was to be used for restoring the squares and quays as a means to increase the city's added value as a tourist attraction, and was therefore entitled Tourist Development Programme (programme de développement touristique). It was behind schedule. In 2015, the Mayor had announced the launch of 'works to develop, embellish and restore the Place Faidherbe and its surroundings, to make them more attractive'.⁸² The work, scheduled to take 16 months, did not begin until 12 September 2019, with the result that the Faidherbe statue was temporarily moved to the Senegal Research and Documentation Centre (Centre de Recherches et de Documentation du Sénégal) in Saint-Louis⁸³ – giving rise to rumours of its permanent removal. According to the Works Coordinator of the Tourist Development Programme, this 'restoration of the Place Faidherbe', costing CFA francs 1.5bn, will make it possible to improve this 'life space' so that it can accommodate more cultural and leisure activities, as well as other large-scale events, thereby increasing the attraction of the northern capital for tourists and making Saint-Louis more 'saleable' as a destination.⁸⁴

Legal context

The historic island of Saint-Louis was classified as a World Heritage of Humanity by UNESCO in 2000⁸⁵ thanks to, among other things, the architectural homogeneity of its urban setting, including such physical attributes as the historic monuments, squares and quays – all of which tell the city's story. The Place Faidherbe, with its statue, bears witness to this colonial history. The normative instruments of UNESCO's 1972 Convention, which define the criteria for the classification and management of the sites, prohibit all acts of demolition, dismembering or denaturing of the assets on which the inscription of the site on the World Heritage list was based. Moreover, it is the State Party that requests the classification, and is bound to respect UNESCO's rules.⁸⁶ In 2017, in response to a question from a journalist about the impact failure to put back the Faidherbe statue would have, the director of cultural heritage summed up the situation as follows:

'When it comes to UNESCO, Saint-Louis was classified on the basis of its classified historic heritage. What was classified in Saint-Louis was much more the physical attributes of this urban tissue, this architectural heritage. That is why, when you demolish a house in Saint-Louis, you're threatened with being put on the "in danger" list. I say a house, but there are major historic monuments such as Government

House, the Place Faidherbe, and the two Rognâts.⁸⁷ It's more or less everything round the fortress, everything that dictated the rectangular plan of the city of Saint-Louis. Take away any part of all that, and it's a problem for UNESCO. It was Senegal that got Saint-Louis on to the World Heritage list, and so Senegal accepts its responsibilities as a State Party. It's not a way of denying history. History is there: we assume it, but we do so positively.⁸⁸

By contrast, the same heritage director also said that 'if, in the context of a political intention to reconstruct history, the state decides to rename squares, streets or schools, that change is submitted to UNESCO, which will decide whether it is in conformity'.⁸⁹

Conclusions

The collapse of the Faidherbe statue in Saint-Louis and its subsequent restoration can hardly be considered a model for decision-makers. The process involved neither consultation with civil society representatives nor consideration of public opinion. Only the spontaneous protest of the Mourides, resulting from the coincidence of the statue's fall with the commemoration of their founder's prayer in the office of the colonial governor in 1895, was taken into account – as is shown by the Mayor's statement the following day. Clearly the stakes were high, especially given Senegal's commitments to UNESCO and the AFD, but a consultation was surely needed to frame the debate, and find ways and means to achieve a consensus, or at least a method for settling the matter, for instance, by ensuring that the public was better informed.

Today, after the worldwide anti-racist demonstrations that followed the death of the African American George Floyd, monuments and statues linked to French colonial history or the trade in enslaved persons are once again at the centre of polemics about memory. If the protest movement in Europe has been on such a large scale, it is because it is fed by present-day discrimination, and the racism that Black communities still face. Statues representing major figures of colonialism and the trade in enslaved persons have been targeted by people demonstrating against racism and discrimination. In Bristol, demonstrators pulled down the statue of the trader of enslaved persons Edward Colston. In London, they scrawled 'Was a racist' on the statue of Winston Churchill. In Brussels, the statue of former King of the Belgians, Leopold II, was defiled: he is accused of exterminating millions of Congolese. In France, anti-racist demonstrations have been held everywhere. In Lille, demonstrators have called for Faidherbe's statue to be toppled, calling him 'the father of French imperialism'.⁹⁰ In Paris, there are calls to pull down the statue of Jean-Baptiste, a minister of Louis XIV and author of the 'Code Noir', which regulated a violent system of slavery in France's American colonies. French President Macron declared in a speech on 14 June 2020 that '[t]he Republic will not erase any trace or any name from its history. The Republic will not pull down any statue. Rather, we must together take a lucid view of our history as a whole, and of all our memories.'⁹¹ According to historian Françoise Vergès, 'the removal of statues is a matter of justice, and has nothing to do with erasing history. On the contrary, it involves

correcting a historical narrative which, at present, is exclusively and essentially that of white hegemony'.⁹² Indeed, monuments and statues are not 'history'. They reflect political, social or cultural choices.

In Senegal, the murder of George Floyd has revived the debate over Faidherbe's statue on social networks and online media, but not on the same scale as that of 2017. It is led mainly by Khadim Ndiaye, of the Collectif sénégalais contre la célébration de Faidherbe, who is continuing his campaign to have the statue removed. Other voices have been raised at the local level, notably that of the coordinator of the Saint-Louis Civic Forum, Mame Latyr Fall, who argues that a decision must be taken by the authorities before the public pulls down the statue, and proposes that a referendum on the question be held.⁹³ On the other side of the argument, a former journalist living in Saint-Louis, El Hadj Tall, thinks the statue should not be touched.⁹⁴ A new association called the Ndomo ndar yi initiative (Initiative of the Natives of Saint-Louis), led by Abdou Karim Cissé, organised a wide online consultation. The first results show young people in favour of destroying the statue, while older people wish to preserve it. Cissé plans to present the results of his investigation to the city council.⁹⁵ Others, such as Mbaye Thiam, a Senegalese historian,⁹⁶ favour removing the statue and placing it in a museum of colonial history. Moreover, candidates in the 2021 municipal elections are taking a stance over the issue. One candidate, Mary Teuw Niane, a former Minister of Higher Education, wrote on his Facebook page on 13 June 2020 that he plans to remove the statue and transfer it to the CRDS as soon as he is elected Mayor of Saint-Louis. And finally, the imam of Saint-Louis's great mosque took the Faidherbe statue as the theme of his Friday sermon on 19 June, also calling for it to be pulled down, and provoking lively comments on the internet.⁹⁷ As for the city and state authorities, they are refusing to comment on this general protest movement. Nevertheless, it seems uncertain whether the Faidherbe statue will be returned to its plinth once the renovation on the square is completed, and if it is, that may provoke an even stormier debate than the one in 2017.

References

Books and journal articles

Araujo, Anna Lucia, *Politics of Memory: Making Slavery Visible in the Public Space* (Routledge 2012).

Assmann, Aleida, 'Transformations between History and Memory' (Spring 2008) 75(1) *Social Research: An International Quarterly*.

Berlioux, Étienne-Félix, *André BRUE ou l'origine de la colonie française du Sénégal* (Librairie de Guillaumin et Cie 1874).

- Diouf, Mamadou, *Le Kajoor au XIX^e siècle. Pouvoir cedido et conquête coloniale* (Karthala 1990).
- Faidherbe, L, *Le Sénégal. La France dans l'Afrique occidentale* (Librairie Hachette et Cie 1889).
- Grailles, Bénédicte, 'Louis Faidherbe, Général républicain et fils du Nord entre image d'épinal et culte régional (1870–1914)' (2003/2) 350 *Revue du Nord*.
- Johnson, G Wesley, *Naissance du Sénégal contemporain. Aux origines de la vie politique moderne (1900–1920)* (Karthala 1991).
- de Jong, Ferdinand, 'The Murid Maggal of Saint-Louis Senegal' (2010) 197 *Cahiers d'études africaines*.
- Maran, René, *Les Pionniers de l'Empire: J. André Brüe, Joseph-François Dupleix, René Madec, Pigneaux de Behaine* (A Michel 1955).
- Masson, Paul, 'Une double énigme: André Brüe' (1932) *Revue d'Histoire des Colonies*.
- Ngalamulume, J Kalala, 'Leisure in Colonial Saint-Louis (Sénégal), 1850–1920', in Paul Tiyambe Zeleza and Cassandra Rachel Veney (eds), *Leisure in Urban Africa* (Africa World Press, 2003).
- O'Brien, Donal B Cruise, *The Mourids of Senegal. The political and Economic organisation of an Islamic Brotherhood* (Clarendon Press 1971).
- Robinson, David and Triaud, Jean Louis, *Le temps des marabouts. Itinéraires et stratégies islamiques en Afrique française VI1880–1960* (Karthala 1997).
- Rosière, Pierre, *La Garde rouge de Dakar: spahis et gendarmes du Sénégal, Les Gardes d'honneur* 1984.
- Saint-Martin, Yves-Jean, *Le Sénégal sous le second empire. Naissance d'un empire colonial (1850–1871)* (Karthala 1989).
- Saint-Martin, Yves-Jean, 'Une source de l'histoire coloniale du Sénégal. Les rapports de situation politique (1874–1891)' (1965) *Revue française d'Histoire d'Outre-mer*.
- Sène, Cheikh, 'Économie de traite et fiscalité: la question des coutumes en Sénégal, de l'ère négrière à la conquête coloniale XVIIIe-XIXe siècle', *Thèse de doctorat Histoire*, Université Paris 1 Panthéon Sorbonne, 2020.

UNESCO, '41st session of the World Heritage Committee', 2–12 July 2017 <https://whc.unesco.org/en/sessions/41com>.

UNESCO, 'Ile de Saint-Louis', <https://whc.unesco.org/fr/list/956>.

UNESCO, 'Convention Concernant la Protection du Patrimoine Mondial Culturel et Naturel', 16 November 1972 <https://whc.unesco.org/archive/convention-fr.pdf>

NA, *Annales sénégalaises de 1854 à 1885, suivies de traités passés avec les indigènes* (Maisonneuve 1885)

News reports

'À Saint-Louis du Sénégal, la statue de la discorde' (*Les Observateurs*, 23 September 2014) <https://observers.france24.com/fr/20140923-saint-louis-senegal-statue-louis-faidherbe-polemique-colonialisme>.

APS, 'Saint-Louis: le maire annonce des "travaux de requalification" de la Place Faidherbe' (Seneweb, 21 May 2015) www.seneweb.com/news/Societe/saint-louis-le-maire-annonce-des-travaux_n_155524.html.

'Au Sénégal, la statue d'un colon français s'écroule et provoque des réactions hostiles' (*Les Observateurs*, 5 September 2017) <https://observers.france24.com/fr/20170905-senegal-statue-faidherbe-colon-francais-saint-louis-colonialisme>.

Bigue, Bob, 'Abdoul Aziz Guissé: "La place Faidherbe est un symbole"' (*EnquetePlus*, 4 October 2017) www.enqueteplus.com/content/abdoul-aziz-guisse-directeur-du-patrimoine-culturel-%E2%80%98%E2%80%99la-place-faidherbe-est-un-symbole%E2%80%99%E2%80%99.

'Collectif sénégalais contre la célébration de Faidherbe', Facebook page, created 12 February 2018 www.facebook.com/CollectifSenegalaisContreFaidherbe?_rdc=2&_rdr.

Correau, Laurent, 'Sur les traces de l'exil de Cheikh Ahmadou Bamba', RFI, 25 January 2020 <https://www.rfi.fr/fr/afrique/20110125-traces-exil-cheikh-ahmadou-bamba-entretien-mourides-cheikh-anta-babou>

'Déboulonnons cette statue honteuse', Facebook page, created 28 September 2014 www.facebook.com/D%C3%A9boulonnons-cette-statue-honteuse-640445972740169/.

Dieng, Serigne Babacar, 'On ne veut plus de Louis Faidherbe comme statue à Saint-Louis, la colonisation appartient au passé!!!' (Actusen, 21 September 2017) <https://actusen.sn/on-ne-veut-plus-de-louis-faidherbe-comme-statue-a-saint-louis-la-colonisation-appartient-au-passe-par-serigne-babacar-dieng/>, Aliou, 'Bradage du Littoral: l'Audit du Foncier Réclamé' (Emedia.sn, 15 June 2020) <https://emedia.sn/BRADAGE-DU-LITTORAL-L-AUDIT-DU-FONCIER-RECLAME.html>.

Diop, Fatoumata, 'Saint-Louis: La mairie va remettre la statue de Faidherbe "à sa place"' (Homeview Senegal, 9 September 2017) <http://homeviewsenegal.com/index.php/2017/09/05/saint-louis-la-mairie-va-remettre-la-statue-de-faidherbe-a-sa-place>.

'Faidherbe Contre Vents et Marées' (*Sene News*, 21 September 2017) www.senepius.com/societe/faidherbe-contre-vents-et-marees.

Fall Marie, 'Saint-Louis, un financement de 1.5 milliards pour les travaux de requalification de la place Faidherbe, de l'Avenue Jean Mermoz, etc' (Chroniques.ns, 12 September 2019) <https://chroniques.sn/actualites/saint-louis-un-financement-de-15-milliard-pour-les-travaux-de-requalification-de-la-place-faidherbe-de-lavenue-jean-mermoz/>.

'France: Le collectif «Faidherbe doit tomber» met la pression sur Martine Aubry' (Dakaractu, 24 May 2018) www.dakaractu.com/France-Le-collectif-Faidherbe-doit-tomber-met-la-pression-sur-Martine-Aubry_a152254.html.

Funes, Nathalie, 'Sénégal: faut-il déboulonner Faidherbe, symbole du colonialisme?' (*Nouvel Observateur*, 26 October 2018) www.nouvelobs.com/monde/afrique/20181026.OBS4546/senegal-faut-il-deboulonner-faidherbe-symbole-du-colonialisme.html.

Gogoua, Ferdinand, Interview with Khadim Ndiaye (BBC, 11 April 2018) www.bbc.com/afrique/media-43721429.

'Golbert Diagne: Pourquoi l'indépendance du Sénégal en 1960 est une erreur et pour quelles raisons je défends Faidherbe?' (Ndarinfo, 7 June 2018) www.ndarinfo.com/Golbert-DIAGNE-Pourquoi-l-independance-du-Senegal-en-1960-est-une-erreur-et-pour-quelles-raisons-je-defends-Faidherbe_a21993.html.

Khadre Gaye, Abdou, 'Faidherbe, ce héros colonial brûleur de villages nègres' (*SenePlus*, 24 July 2018) www.senepius.com/opinions/faidherbe-ce-heros-colonial-bruleur-de-villages-negres.

'La Statue de Faidherbe Replacée Malgré la Polémique' (*Intelligences.Info*, 22 September 2017) <https://intelligences.info/article-1362-la-statue-de-faidherbe-replace-malgr-la-polmique.html>.

'La statue Faïdherbe rasée? La vérité autour de la polémique qui secoue Saint-Louis !' (*Sene. News* 15 June 2020) www.senenews.com/actualites/la-statue-faidherbe-rasee-la-verite-autour-de-la-polemique-qui-secoue-saint-louis_313809.html.

'Marie Teuw Niane: «Si je suis élu Maire de Saint Louis, la statue de Faïdherbe sera enlevée...»' (*Sene News*, 15 June 2020) www.senenews.com/actualites/marie-teuw-niane-si-je-suis-elu-maire-de-saint-louis-la-statue-de-faidherbe-sera-enlevee_313769.html.

Ndiaye, Khadim, 'Cheikh Anta Diop et Sembene Ousmane contre Senghor «on ne décolonisera pas l'Afrique avec les langues étrangères' Facebook article, posted 20 January 2016 https://web.facebook.com/notes/khadim-ndiaye/cheikh-anta-diop-et-sembene-ousmane-contre-senghor-on-ne-d%C3%A9colonisera-pas-lafriq/998245823555241/?_rdc=1&_rdr.

Ndiaye, Khadim, 'Lettre ouverte au maire Mansour Faye: le sanguinaire Général Faïdherbe ne mérite pas d'avoir une statue au Sénégal' (*Ndarinfo*, 7 September 2017) www.ndarinfo.com/Lettre-ouverte-au-maire-Mansour-FAYE-le-sanguinaire-General-Faidherbe-ne-merite-pas-d-avoir-une-statue-au-Senegal_a19832.html.

Ngom, Doudou, 'Stupéfaction: Le Sénégal remercie la France de l'avoir colonisé' (*Seneweb*, 8 September 2014) www.seneweb.com/news/Opinion/stupefaction-le-senegal-remercie-la-france-de-l-avoir-colonise_n_134735.html.

Perchet, Dominique, 'Monument au général Faïdherbe – St-Louis du Sénégal' (*E-Monumen.net*, 15 January 2012) <https://e-monumen.net/patrimoine-monumental/monument-au-general-faidherbe-st-louis-du-senegal>.

'Saint-Louis Déboulonnée par un orage: La statue de Faïdherbe remise à sa place' (*Le Quotidien*, 22 September 2017) www.lequotidien.sn/saint-louis-deboulonnee-par-un-orage-la-statue-de-faidherbe-remise-a-sa-place~.

'Saint-Louis: Faïdherbe s'est effondré À la veille De La Célébration Des Deux Rakkas De Ndar' (*Ndarinfo*, 5 September 2017) www.ndarinfo.com/Effondrement-de-la-statue-de-Faidherbe-chute-spectaculaire-ou-deboulonnage-Video_a19820.html.

'Saint-Louis: la statue Faïdherbe transférée provisoirement à Rognât sud' (*Dakaractu*, 6 September 2017) https://www.dakaractu.com/Saint-Louis-la-statue-Faidherbe-transferee-provisoirement-a-Rognat-sud_a138120.html.

Sané, Yankhoba, 'Saint-Louis: Les raisons de la remise de la statue Faïdherbe à sa place' (*SansLimitesn*, 25 September 2017) <https://sanslimitesn.com/saint-louis-raisons-de-remise-de-statue-faidherbe-a-place>.

‘Sénégal: la société civile mobilisée pour retirer les symboles du colonialisme’ (RFI, 15 June 2020) www.rfi.fr/fr/afrique/20200615-s%C3%A9n%C3%A9gal-soci%C3%A9t%C3%A9-civile-mobilis%C3%A9e-retirer-symboles-colonialisme and www.youtube.com/watch?v=HrobVLhKoTE.

Sene Media, ‘Saint-Louis: Polémique sur la statue de Faidherbe: Serigne Mame Mor Mbacké siffle la fin’ (SeneMedia 26 November 2020) www.senemedia.com/article-12924-saint-louis-polemique-sur-la-statue-de-faidherbe.html.

Willane, Babacar, ‘La conviction de Iba Der Thiam’ (Enquetepius, 11 June 2018) www.enquetepius.com/content/dessert-pour-tirailleurs-decolonisation-la-conviction-de-iba-der-thiam.

‘Faidherbe vu du Sénégal’, Faidherbe doit tomber! <https://faidherbedoitommer.org/faidherbe-vu-du-senegal>.

‘Les sanglantes expéditions militaires de Faidherbe au Sénégal (1855–1864)’, Faidherbe doit tomber! <https://faidherbedoitommer.org/les-sanglantes-expeditions-militaires-de-faidherbe-au-senegal>.

‘Qui veut (encore) célébrer le ‘père de l’impérialisme français?’ Faidherbe doit tomber! <https://faidherbedoitommer.org>.

Endnotes

- 1 The city of Saint-Louis is built on an island a few miles from the mouth of the river, which at that point runs due south, parallel to the ocean, from which it is separated by a narrow strip of land, the Langue de Barbarie.
- 2 Laurent Correau, ‘Sur les traces de l’exil de Cheikh Ahmadou Bamba’, 25 January 2011 <https://faidherbedoitommer.org/faidherbe-vu-du-senegal> accessed 28 August 2020.
- 3 Ferdinand de Jong, ‘The Murid Maggal of Saint-Louis Senegal’ (2010) 197 *Cahiers d’études africaines* 123.
- 4 Abdoul Aziz Guissé, Email to Dr Sokhna Sané (12 May 2020).
- 5 ‘La statue de Faidherbe s’écroule et provoque des réactions hostiles’, (Leralnet, 6 September 2017) www.leral.net/La-statue-de-Faidherbe-s-ecroule-et-provoque-des-reactions-hostiles_a209740.html accessed 28 August 2020.
- 6 Ibrahima Bayo Jr, ‘Visite de Macron au Sénégal: pour l’éducation mais dans la contestation!’ *La Afrique Tribune* (Paris, 1 February 2018).
- 7 Dominique Perchet, Monument au général Faidherbe – St-Louis du Sénégal, 15 January 2012 <https://e-monumen.net/patrimoine-monumental/monument-au-general-faidherbe-st-louis-du-senegal> accessed 28 August 2020.
- 8 Florian Bobin, ‘In Senegal and France, “Faidherbe Must Fall”’. *Review of African Political Economy* (7 July 2020) <https://roape.net/2020/07/07/in-senegal-and-france-faidherbe-must-fall/> See also Yves-Jean Saint-Martin, ‘Une source de l’histoire coloniale du Sénégal. Les rapports de situation politique (1874–1891)’ (1965) *Revue française d’Histoire d’Outre-mer* 160.
- 9 Grailles Bénédicte, ‘Louis Faidherbe, Général républicain et fils du Nord entre image d’épinal et culte régional (1870–1914)’ (2003/2) 350 *Revue du Nord* 359.

- 10 Kalala J Ngalamulume, 'Leisure in Colonial Saint-Louis (Sénégal), 1850–1920', in Paul Tiyambe Zeleza and Cassandra Rachel Veney (eds), *Leisure in Urban Africa* (Africa World Press, 1 February 2003) 71.
- 11 A district of Saint-Louis on the left (mainland) bank of the river Senegal.
- 12 See n 10 above, 80.
- 13 Khadim Ndiaye, 'Cheikh Anta Diop et Sembene Ousmane contre Senghor: «on ne décolonisera pas l'Afrique avec les langues étrangères»', Facebook article, posted 20 January 2016 https://web.facebook.com/notes/khadim-ndiaye/cheikh-anta-diop-et-sembene-ousmane-contre-senghor-on-ne-d%C3%A9colonisera-pas-lafriq/99824582355241/?_rdc=1&_rdr accessed 28 August 2020.
- 14 'Faidherbe vu du Sénégal', Faidherbe doit tomber!
- 15 Perchet, Monument au général Faidherbe.
- 16 Yves-Jean Saint-Martin, *Le Sénégal sous le second Empire. Naissance d'un empire colonial (1850–1871)* (Karthala, 1989) 242–43.
- 17 The Treaty of Paris, signed on 30 May 1814, ended the war between France and Britain (and her allies). Britain had taken Senegal from the French in 1809.
- 18 The Emirate of Trarza was a precolonial state in what is today southwest Mauritania.
- 19 ie, the region comprising both Senegal and the then British colony of Gambia.
- 20 Sène Cheikh, *Économie de traite et fiscalité: la question des coutumes en Sénégambie, de l'ère négrière à la conquête coloniale XVIIe-XIXe siècle*, Thèse de doctorat Histoire, Université Paris 1 Panthéon Sorbonne, 2020, p 515.
- 21 G Wesley Johnson, *Naissance du Sénégal contemporain. Aux origines de la vie politique moderne (1900–1920)* (Karthala, 1991) 41.
- 22 'France: Le collectif «Faidherbe doit tomber» met la pression sur Martine Aubry' (Dakaractu, 24 May 2018) www.dakaractu.com/France-Le-collectif-Faidherbe-doit-tomber-met-la-pression-sur-Martine-Aubry_a152254.html accessed 28 August 2020.
- 23 Les Observateurs, 'Au Sénégal, la statue d'un colon français s'écroule et provoque des réactions hostiles', (Les Observateurs, 5 September 2017) <https://observers.france24.com/fr/20170905-senegal-statue-faidherbe-colon-francais-saint-louis-colonialisme> accessed 28 August 2020.
- 24 'Saint-Louis:Faidherbe s'est effondré À la veille De La Célébration Des Deux Rakkas De Ndar' (Ndarinfo, 5 September 2017) www.ndarinfo.com/Effondrement-de-la-statue-de-Faidherbe-chute-spectaculaire-ou-debouloonnage-Video_a19820.html accessed 28 August 2020.
- 25 *Ibid.*
- 26 'Effondrement de la statue Faidherbe, chute spectaculaire ou déboulonnage?' (Ndarinfo, 5 September 2017) www.ndarinfo.com/Effondrement-de-la-statue-de-Faidherbe-chute-spectaculaire-ou-debouloonnage-Video_a19820.html accessed 28 August 2020.
- 27 *Ibid.*
- 28 *Ibid.*
- 29 *Ibid.*
- 30 Ndar is the Wolof name for Saint-Louis. Wolof is Senegal's most widely spoken language.
- 31 See n 26 above.
- 32 *Kurel* is a Wolof word meaning 'group'.
- 33 Fatoumata Diop, 'Saint-Louis: La mairie va remettre la statue de Faidherbe «à sa place»' (Homeviews Sénégal, 5 September 2017) <http://homeviewssenegal.com/index.php/2017/09/05/saint-louis-la-mairie-va-remettre-la-statue-de-faidherbe-a-sa-place> accessed 28 August 2020.
- 34 'À Saint-Louis du Sénégal, la statue de la discorde' (Les Observateurs, 23 September 2014) <https://observers.france24.com/fr/20140923-saint-louis-senegal-statue-louis-faidherbe-polemique-colonialisme?fbclid=IwAR0SSvx518qJh9DIElZrV9usPHgFOA5ORRaK40AKxcCTzFjOsblItiMVks> accessed 28 August 2020.
- 35 See n 3 above, 8.
- 36 See n 26 above.
- 37 *Ibid.*
- 38 'Saint Louis: La statue Faidherbe transférée provisoirement à Rognât Sud' (*L'Essentiel*, 7 September 2017) www.lessentiel.sn/Saint-Louis-La-statue-Faidherbe-transferee-provisoirement-a-Rognat-Sud_a3664.html and <http://news.adakar.com/h/90732.html> accessed 28 August 2020.

- 39 *Ibid.*
- 40 Moustapha Ndiaye, Email to Dr Sokhna Sané (12 May 2020).
- 41 See Donal B Cruise O'Brien, *The Mourides of Senegal. The Political and Economic Organisation of an Islamic Brotherhood* (Clarendon Press 1971) 321; David Robinson and Jean Louis Triaud (eds), *Le temps des marabouts. Itinéraires et stratégies islamiques en Afrique française V1880–1960* (Karthala 1997) 584.
- 42 France24, 'Une statue coloniale au sol au Sénégal et un village kurde millénaire menacé de disparition', YouTube video, posted 18 September 2017 www.youtube.com/watch?v=1A4FURpcls accessed 28 August 2020.
- 43 Nathalie Funes, 'Sénégal: faut-il déboulonner Faïdherbe, symbole du colonialisme?' (Nouvel Observateur, 26 October 2018) www.nouvelobs.com/monde/afrique/20181026.OBS4546/senegal-faut-il-deboulonner-faidherbe-symbole-du-colonialisme.html accessed 28 August 2020.
- 44 *Ibid.*
- 45 See n 23 above.
- 46 Serigne Babacar Dieng, 'On ne veut plus de Louis Faïdherbe comme statue à Saint-Louis, la colonisation appartient au passé!!!' (Actusen, 21 September 2017) <https://actusen.sn/on-ne-veut-plus-de-louis-faidherbe-comme-statue-a-saint-louis-la-colonisation-appartient-au-passe-par-serigne-babacar-dieng> accessed 28 August 2020.
- 47 See n 4 above.
- 48 Doudou Ngom, 'Stupéfaction: Le Sénégal remercie la France de l'avoir colonisé' (Seneweb, 8 September 2014) www.seneweb.com/news/Opinion/stupefaction-le-senegal-remercie-la-france-de-l-avoir-colonise_n_134735.html accessed 28 August 2020.
- 49 See n 34 above.
- 50 Could be translated as 'the heckler'.
- 51 See n 34 above.
- 52 Déboulonnons cette statue honteuse's Facebook page, created 28 September 2014 www.facebook.com/D%C3%A9boulonnons-cette-statue-honteuse-640445972740169 accessed 28 August 2020.
- 53 Sene Media, 'Saint-Louis: Polémique sur la statue de Faïdherbe – Serigne Mame Mor Mbacké siffle la fin', www.senemedia.com/article-12924-saint-louis-polemique-sur-la-statue-de-faidherbe.html accessed 19 August 2020.
- 54 'Faïdherbe ne bouge pas' (SenePlus, 6 September 2017) www.senepius.com/societe/faidherbe-ne-bouge-pas accessed 28 August 2020.
- 55 See n 34 above.
- 56 See n 4 above.
- 57 See n 23 above.
- 58 Khadim Ndiaye, 'Lettre ouverte au maire Mansour Faye: le sanguinaire Général Faïdherbe ne mérite pas d'avoir une statue au Sénégal' (Ndarinfo, 7 September 2017) www.ndarinfo.com/Lettre-ouverte-au-maire-Mansour-FAYE-le-sanguinaire-General-Faidherbe-ne-merite-pas-d-avoir-une-statue-au-Senegal_a19832.html accessed 28 August 2020.
- 59 'Les sanglantes expéditions militaires de Faïdherbe au Sénégal (1855–1864)', Faïdherbe doit tomber!
- 60 'La statue de Faïdherbe remplacée malgré la polémique' (Intelligences.Info, 22 September 2017) <https://intelligences.info/article-1362-la-statue-de-faidherbe-replace-malgr-la-polmique.html> accessed 28 August 2020.
- 61 *Ibid.*
- 62 *Ibid.*
- 63 Babacar Willane, 'La conviction de Iba Der Thiam', 11 June 2018 www.enqueteplus.com/content/dessert-pour-tirailleurs-decolonisation-la-conviction-de-iba-der-thiam accessed 28 August 2020.
- 64 SenePlus, 'Faïdherbe ne bouge pas', posted 6 September 2017 www.senepius.com/societe/faidherbe-ne-bouge-pas accessed 28 August 2020.
- 65 See n 4 above.
- 66 See n 23 above.
- 67 'Saint-Louis Déboulonnée par un orage: La statue de Faïdherbe remise à sa place' (Le Quotidien, 22 September 2017) www.lequotidien.sn/saint-louis-deboulonnee-par-un-orage-la-statue-de-faidherbe-remise-a-sa-place~ accessed 28 August 2020.

- 68 SansLimites, 'Malgré la contestation des Mourides, Mansour Faye décide de réinstallé la contestée statue de Faïdherbe', posted 23 September 2017 <https://sanslimitesn.com/video-malgre-contestation-mourides-mansour-faye-decide-de-reinstalle-contestee-statue-de-faidherbe> accessed 28 August 2020.
- 69 'Faïdherbe Contre Vents et Marées' (Sene News, 21 September 2017) www.senepius.com/societe/faidherbe-contre-vents-et-marees accessed 28 August 2020.
- 70 See n 23 above.
- 71 See n 60 above.
- 72 Yankhoba Sané, 'Saint-Louis: Les raisons de la remise de la statue Faïdherbe à sa place'.
- 73 'La statue Faïdherbe replacée' (Ndarinfo YouTube video, posted 21 September 2017) www.youtube.com/watch?v=W6WpMhOKG8 accessed 28 August 2020.
- 74 'GolbertDiagne: «Pourquoi l'indépendance du Sénégal en 1960 est une erreur et pour quelles raisons je défends Faïdherbe?»' (Ndarinfo, 7 June 2018) www.ndarinfo.com/Golbert-DIAGNE-Pourquoi-l-independance-du-Senegal-en-1960-est-une-erreur-et-pour-queelles-raisons-je-defends-Faidherbe_a21993.html accessed 28 August 2020.
- 75 See n 68 above.
- 76 *Ibid.*
- 77 Collectif sénégalais contre la célébration de Faïdherbe', Facebook page, created 12 February 2018 www.facebook.com/CollectifSenegalaisContreFaidherbe?_rdc=2&_rdr accessed 28 August 2020.
- 78 Khadim Ndiaye (BBC, 11 April 2018) www.bbc.com/afrique/media-43721429#:~:inhttp://whc.unesco.org/fr/soc accessed 28 August 2020.
- 79 UNESCO, '41st session of the World Heritage Committee', 2–12 July 2017 <https://whc.unesco.org/en/sessions/41com> accessed 28 August 2020.
- 80 *Ibid.*
- 81 Bob Bigue, 'Abdoul Aziz Guissé: "La place Faïdherbe est un symbole"' (EnquetePlus, 4 October 2017) www.enqueteplus.com/content/abdoul-aziz-guisse-directeur-du-patrimoine-culturel-%E2%80%98%E2%80%99la-place-faidherbe-est-un-symbole%E2%80%99%E2%80%99 accessed 28 August 2020.
- 82 APS, 'Saint-Louis: le maire annonce des "travaux de requalification" de la Place Faïdherbe' (Seneweb, 21 May 2015) www.seneweb.com/news/Societe/saint-louis-le-maire-annonce-des-travaux_n_155524.html accessed 28 August 2020.
- 83 Sene News, 15 June 2020 https://www.senenews.com/actualites/la-statue-faidherbe-rasee-la-verite-autour-de-la-polemique-qui-secoue-saint-louis_313809.html
- 84 Marie Fall, 'Saint-Louis, un financement de 1.5 milliards pour les travaux de requalification de la place Faïdherbe, de l'Avenue Jean Mermoz, etc', 12 September 2019 <http://chroniques.sn/actualites/saint-louis-un-financement-de-15-milliard-pour-les-travaux-de-requalification-de-la-place-faidherbe-de-lavenue-jean-mermoz> accessed 28 August 2020.
- 85 UNESCO, 'Ile de Saint-Louis' <https://whc.unesco.org/fr/list/956> accessed 19 August 2020.
- 86 UNESCO, 'Convention Concernant la Protection du Patrimoine Mondial Culturel et Naturel', 16 November 1972 <https://whc.unesco.org/archive/convention-fr.pdf> accessed 28 August 2020.
- 87 'The military barracks, called Rognat Nord and Rognat Sud, were constructed in 1837 in the centre of the town, on both sides of the Place Faïdherbe' <https://whc.unesco.org/document/154686> accessed 28 August 2020.
- 88 See n 81 above.
- 89 See n 4 above.
- 90 During the night of 19 June, the words 'colon' (colonialist) and 'assassin' were sprayed on this statue; and on the weekend of 4–5 July, red paint was thrown over it www.bfmtv.com/grand-lille/lille-la-statue-du-general-faidherbe-une-nouvelle-fois-degradee-la-mairie-va-porter-plainte_AV-202007060113.html accessed 5 August 2020. After the first incident, the Mayor of Lille, Martine Aubry, said that she intended to place an explanatory plaque by the statue in order to illuminate 'all aspects of the individual'. She added that 'if General Faïdherbe is there, it's not because of his conquest of Senegal but because he won a battle that was very important for Lille – the battle of Bapaume against the Prussians' (in 1871) <https://l-frii.com/france-la-statue-du-general-faidherbe-a-nouveau-vandalisee-photo> accessed 6 August 2020.

- 91 Speech of the President of the French Republic, Emmanuel Macron (14 June 2020).
- 92 Posted 16 June 2020 www.facebook.com/watch/?ref=search&v=609976029621741&external_log_id=3c902751-288c-43c6-b6c7-0dfb076b26da&q=fran%C3%A7oise%20verges accessed 28 August 2020.
- 93 RFI, 15 June 2020 <https://www.rfi.fr/fr/afrique/20200615-s%C3%A9n%C3%A9gal-soci%C3%A9t%C3%A9-civile-mobilis%C3%A9-retirer-symboles-colonialisme>
- 94 *Ibid.*
- 95 *Ibid.*
- 96 Aliou Diouf, 'Bradage du Littoral: l'Audit du Foncier Réclamé' (Emedia.sn, 15 June 2020) <https://emedia.sn/BRADAGE-DU-LITTORAL-L-AUDIT-DU-FONCIER-RECLAME.html> accessed 28 August 2020.
- 97 Thiebeu Ndiay, 'Retrait de la statue de Faidherbe: La fatwa de l'imam ratib de la ville de Saint-Louis' (Seneweb, 20 June 2020) www.seneweb.com/news/Video/retrait-de-la-statue-de-faidherbe-la-fat_n_321253.html accessed 28 August 2020.

Case Study VI: Red Army as liberator or occupier?

Bronze Soldier of Tallinn, Estonia



Credit: Aleksei Verhovski/Shutterstock

Almost two decades after Estonia regained independence, the relocation of a bronze memorial to Red Army soldiers who died in the Second World War resulted in two days of rioting by members of the country's large ethnic Russian minority. The 'Bronze Nights' marked the breaking point in an ongoing 'war of monuments' in Estonia that exposed ethnic divisions within the country, and damaged political and economic relations with neighbouring Russia.

This case study explores the sensitivities of dealing with monuments in a multi-ethnic society in which historical events are perceived or interpreted from alternative, and occasionally conflicting, perspectives. This case study also examines the collateral impact of historical disputes on regional stability when a minority community has a shared historical experience or narrative with communities in neighbouring states.

Introduction

In April 2007, the relocation of a bronze, Soviet-era war memorial from a public park in the Estonian capital of Tallinn to a military cemetery on the outskirts of the city resulted in two nights of rioting, looting and street violence by the country's Russian ethnic minority population. Government security forces responded with tear gas, water cannons and riot sticks. There were hundreds of arrests, dozens of injuries and one related fatality.¹ The 'Bronze Nights', as the disturbances came to be known, ruptured a tenuous but stable concordance between the Estonian government and the country's large ethnic Russian community – around a quarter of the country's population – that has persisted since the dissolution of the Soviet Union in 1993.² In addition to exposing deep ethnic divides within Estonian society, the riots also exacerbated tensions with the neighbouring Russian Federation, resulting in the disruption and suspension of oil deliveries and trade between the two countries and the threat of destabilising regional security.³

The 'Bronze Soldier of Tallinn', officially known as the Monument to the Liberators of Tallinn and re-designated the Monument to the Fallen of the Second World War after Estonian independence in 1991, commemorated the Soviet victory over Nazi forces at the end of the Second World War.⁴ For Estonia's ethnic Russian community, the arrival of the Red Army in Tallinn was viewed as 'liberation' after four years of oppressive Nazi rule and was framed as a key moment within the broader context of the 'Great Patriotic War', in which the Soviet Union is credited with defeating Nazi Germany at the cost of more than 20,000,000 lives.⁵ The statue thereby represented the pride of many of Estonia's ethnic Russian citizens. For most ethnic Estonians, on the other hand, the arrival of Red Army forces was viewed as an 'occupation' rather than 'liberation' by the Soviet Union, resulting in a half century of political oppression, persecution, deportation and forced mass immigration that distorted the country's historic demographic balance.

This case study examines the social and political dynamics leading up to and precipitating the Bronze Nights; the actual events surrounding the relocation of the monument, along with the concomitant violence; and the subsequent consequences for Estonia's domestic politics, relations with the Russian Federation and regional security. Particular attention is given to decision-making processes and legal frameworks concerning the episode.

The relocation of the Bronze Soldier of Tallinn is one event in a decades-long regional purging of Soviet-era statues, memorials, street names and other iconography following the revolutions of 1989 in Central and Eastern Europe, and the subsequent dissolution of the Soviet Union in 1993. The responses to Soviet iconography varied significantly from country to country, depending on domestic politics, historical experiences and regional dynamics. While thousands of monuments and statues of iconic figures like Karl Marx and Vladimir Ilvich Lenin, as well as those of local communist figures, were removed almost immediately, many others remained in public spaces for the next two decades. In Lithuania and Hungary, private-sector initiatives led to the creation of statue parks, which accommodated discarded Soviet-era statues and monuments.⁶ In Ukraine, the removal of thousands of Lenin monuments, known as *Leninopad*, or ‘Lenin Fall’, came in successive waves, with the country’s largest Lenin statue, in the city of Kharkiv, remaining in place until September 2014, when protesters sawed the legs off the massive statue and pulled it to the ground.⁷ In Poland, despite a process of street renaming that began in 1989, by 2016 there remained an estimated 1,000 streets with Soviet-era names. On 1 September 2017, a law entered into force prohibiting street names that ‘propagated’ communist or totalitarian ideologies. A government-controlled research centre, the Institute of National Remembrance, issued a list of 130 proscribed names that included references to the Red Army, Polish People’s Army and Polish Workers’ Party, as well as historical figures like Karl Marx and Rosa Luxemburg. Municipalities were given three months to rename the streets; name changes required the approval of the Institute of National Remembrance.⁸

In the Czech Republic, a monumental bronze statue of the Soviet general, Ivan Konev, was still standing in an affluent suburb of Prague until spring 2020. Konev led the Red Army in its ‘liberation’ of Prague at the end of the Second World War and subsequently played a key role in the crushing of the Hungarian Uprising by Warsaw Pact forces in 1956. He was also alleged to have been involved in the suppression of the Prague Spring in 1968. Despite the protests of local pro-Russian activists in Prague, as well as accusations from Moscow of the ‘defiling of symbols of Russia’s military glory’, the statue was removed on 3 April 2020.⁹ According to Amy MacKinnon, staff writer for the journal *Foreign Policy*, ‘[t]he dispute over the statue of Red Army Marshal Ivan Konev cuts to the heart of ongoing efforts by Central and Eastern European countries to re-evaluate their history since the fall of the Berlin Wall’. Jiri Pehe, Director of New York University’s centre in Prague, claims, ‘[t]he Czech Republic is just like some other East European countries. Thirty years after the fall of communism, it is going through a certain reinterpretation of certain events’.¹⁰

The re-scripting of the narrative landscape in Estonia followed this similar pattern of uneven and belated responses, but also embodied Estonia’s specific characteristics, such as its particular demographics, that resulted in what became known as the ‘war of the monuments’.¹¹ A third of Estonia’s population consists of ethnic minorities, mostly Russian, who were settled within its borders as part of Soviet-era demographic policies. In portions of the country inhabited by ethnic Estonians, most Soviet-era war memorials were removed soon after the dissolution of the Soviet Union, while in the easternmost coastal city of Narva,

for example, where only four per cent of the population is ethnic Estonian, the Soviet-era monuments and memorials, including a memorial that features an original T-34 Red Army tank, remain in place.¹² A war memorial in the central square serves as the gathering place for the annual unofficial commemorations of the end of the Second World War on 9 May, which was celebrated as Victory Day during the Soviet era and remains an official holiday in the Russian Federation. Similarly, in the capital city of Tallinn, where the population is divided almost evenly between Estonians and ethnic Russians, the Bronze Soldier of Tallinn also served as a gathering place for unofficial commemorations on 9 May. The official day to commemorate the end of the war, however, is 8 May, the day on which the rest of Europe commemorates the end of the war in Europe. Consequently, the unprecedented political and social response to the relocation of the Bronze Soldier was the result not only of the conflicting historical narratives concerning ‘liberation’ and ‘occupation’, but also the particular demographics of the city of Tallinn.

Background: historical and social context

Various foreign powers, including Denmark, Germany, Norway, Russia and Sweden, have ruled territory and traded control of present-day Estonia since the early Middle Ages. The first Republic of Estonia was founded after the Estonian War of Independence, which lasted from 1918 to 1920, when the Estonians defeated the Soviets to the east and Baltic Germans to the south. The war ended on 2 February 1920 with the Peace Treaty of Tartu, in which the Soviets recognised *de jure* the independence of Estonia.¹³

In 1940, Estonia was annexed by the Soviet Union under the terms of the Molotov–Ribbentrop Pact, a non-aggression treaty between Nazi Germany and the Soviet Union, signed in August 1939. The pact set the stage for the invasion of Poland the following month. In June 1941, when Germany invaded the Soviet Union, Estonia came under Nazi occupation. In September 1944, the German forces withdrew from Estonia before a major Red Army offensive, abandoning Tallinn and permitting the Estonians to reassert control over their capital. On 18 September 1944, the National Committee of the Republic of Estonia moved to re-establish Estonian independence, proclaiming the establishment of the Provisional Government of Estonia. Four days later, on 22 September 1944, the Red Army entered Tallinn and asserted Soviet authority. It became a crucial moment for future historical narratives. For the Russians, the arrival of the Red Army was viewed as ‘liberation’. For many Estonians, it represented the beginning of a half-century of ‘occupation’.

In spring 1945, following the end of the war, the remains of 12 Red Army soldiers were interred on a hillock in Tõnismägi Park, and, on 12 June 1945, Tõnismägi was officially renamed Liberators’ Square to commemorate the fallen who had fought to ‘liberate’ Tallinn from fascism.¹⁴ A wooden memorial topped with a star was constructed to mark the burial site. On 8 May 1946, two schoolgirls, 15-year-old Ageeda Paavel and 14-year-old Aili Jürgenson, used explosives to demolish the memorial in retaliation against Soviet authorities who had destroyed monuments dedicated to the 1918 Estonian War of Independence. Years later, Paavel described the action she took with Jürgenson:

‘Our beloved monuments started to disappear one after another. They had to be paid back somehow and the so-called Liberators’ Monument on Tõnismägi was picked. It was situated in the square of the current ‘bronze man’ on the side facing the church. It was about a metre-high wooden pyramid, which was only about 20 centimetres in diameter; it was of a plain blue colour and its top was decorated by a red tin pentagon [...] Juhan [Juhan Kuusk] gave us the explosives and instructions. There was nothing really difficult about it.’¹⁵

Jürgenson confirmed the retaliatory nature of the attack: ‘How long should we watch this red star, a memorial for Russian looters?’ Jürgenson pondered. ‘At the time when all our statues are being destroyed [...] We decided that if such robbers are raging in Estonia, they should see how one of their memorials gets blown up. We could have just doused the wooden thing with gasoline and set fire to it, but we wanted it to go with a bang!’¹⁶

News reports of the attack were censored, but word spread about the two schoolgirls, and similar acts followed with other monuments around Estonia. The teenagers were deported to a forced labour camp in the Soviet Union and only returned to Estonia in 1970. In February 1998, Paavel and Jürgenson were awarded the Estonian Order of the Cross of the Eagle for their fight against the Soviet regime by then-President Lennart Meri.¹⁷

The memorial dynamited by Paavel and Jürgenson had originally been installed only as a temporary marker. As early as 1945, Soviet authorities expressed the intention to create a monument to mark the fifth anniversary of the founding of the Estonian Soviet Socialist Republic that had been established on 21 July 1940, a year before the Nazi invasion. A competition was held, and a design by the Estonian architect Arnold Alas was selected. Alas was commissioned to realise the project in cooperation with the sculptor Enn Roos.¹⁸ After some delay, the memorial was unveiled on 22 September 1947, the third anniversary of the entrance of the Red Army into Tallinn.

Originally dedicated to the ‘liberators’ of Tallinn, people nicknamed it the ‘Bronze Soldier’ since it featured a two-metre-high bronze statue of a mourning soldier in a Red Army uniform. Among Estonians of Russian ethnicity, the memorial was known as ‘Alyosha’, an affectionate diminutive form of the name Aleksey.¹⁹ In 1964, the memorial was supplemented with an eternal flame dedicated to the Unknown Soldier. The Bronze Soldier of Tallinn was the first Soviet memorial in Estonia and soon became the most significant memorial in the country, serving as the site of annual commemorations on 22 September, which marks the Red Army entry into Tallinn, and 9 May, which marks the Soviet victory over Nazi Germany.

Estonian independence 1991

When Estonian independence was restored in 1991, the new government abandoned the Soviet narrative of the Bronze Soldier as a symbol of liberation and focused on an interpretation of the end of the war as the beginning of the traumatic experience of Soviet occupation and oppression. Although the narrative was adjusted, the memorial remained an important site for the annual commemorations for the Russian-speaking community,

which comprised approximately 33 per cent of Estonia's 1.3 million population.²⁰ Although the Russian-speaking minority was the dominant political force in the country during the Soviet era, ethnic Estonians found new economic opportunities and political power in the 1990s, resulting in economic and social inequality between these two ethnic communities.²¹ Since 1991, all government agencies and organisations have primarily been headed by Estonians. Governmental action to foster integration among the communities was limited, particularly with regard to reconciling the competing memories of the Second World War. The traditional Soviet narrative of the 'Great Patriotic War' had been specifically designed to be multi-ethnic and inclusive as a means of unifying the diverse peoples and republics of the Soviet Union around a shared historical experience, commemorating the over 20,000,000 Soviet citizens who died in the war.²² However, as an ideologically imposed and Russian-dominated narrative, it excluded the experiences of individual nations or peoples, which in turn marginalised experiences pertaining to the Holocaust or the quick succession of German occupation and Soviet domination. The Soviet-era narrative of the Great Patriotic War was adopted and promoted by the Russian Federation following the dissolution of the Soviet Union. However, with the re-establishment of independence, Estonia reframed its nation's historical narrative pertaining to the Soviet era as one of occupation, loss of national sovereignty and deportations. Two different understandings of the recent past have thereby coexisted within the country. One scholar has aptly characterised this coexistence as a choice between 'whether the war and the subsequent communist period should be remembered primarily as occupation or liberation'.²³

Despite its projection of a Russian-dominated narrative and Soviet-era aesthetics, the Bronze Soldier survived the initial wave of purged Soviet-era symbols and monuments and was re-contextualised. The original commemorative plaques and the text, which read, 'Eternal honour to the fallen heroes who fell for the liberation and independence of our country', were removed.²⁴ In 1995, two plaques in Estonian and Russian were added to embrace a more generic commemoration of all the dead of Second World War. The new text read, 'To the fallen of the Second World War'.²⁵ That same year, a competition was held to gather proposals for the redesign of the monument, and a winning design suggested the addition of a seven-metre-high steel cross as a counter-monument, as well as black granite pedestals and an oak tree as a symbol of Estonian national identity.²⁶ The design was never realised. In 2004, following the withdrawal of the last Russian troops from Estonian territory, a few changes were introduced in the peripheral space to reduce the 'ideological weight' of the statue: diagonal footpaths replaced the direct access to the memorial, new trees were planted and the eternal flame was removed.²⁷

Origin of the 'War of Monuments'

For the first decade after Estonia's reclaimed independence, the two ethnic narratives coexisted in relative calm. In 2004, a memorial to the Estonian soldiers who fought alongside the German army in the Second World War was erected in Lihula, a town in West Estonia.

The Lihula monument was a bronze bas-relief representing an Estonian soldier in a Second World War uniform that apparently bore Nazi military iconography.²⁸ The memorial was first erected on 14 July 2002 in Pärnu, a seaside city in West Estonia, with the inscription, 'To all Estonian soldiers who fell in the second war of liberation and for a free Europe 1940–1945'.²⁹ Due to its potential association with Nazi military symbolism, the memorial was removed nine days after its installation.³⁰ The sudden removal was met with a crowd of teenagers throwing stones at the crane undertaking the removal.³¹ This episode was the first time in Estonia that a governmental decision to remove a memorial caused such a reaction.

On 20 August 2004, the same monument was re-erected in Lihula. This move was undertaken at the behest of the chairman of the local council, Tiit Madisson, a well-known political dissident and belligerently nationalist historian.³² The dedication plaque was more explicitly anti-Soviet: 'To Estonian men who fought in 1940–1945 against Bolshevism and for the restoration of Estonian independence'. The initial idea was to erect the memorial beside a secondary school, but eventually it was installed in the cemetery overlooking a memorial to the Red Army. Several Estonian veterans and neo-Nazis attended the unveiling.³³

This event was covered by the media in Russia and Western European countries. As expected, the establishment of a memorial potentially associated with Nazi symbolism elicited criticism from the European Union, the Russian Federation and Jewish organisations, including the Chief Rabbi of Estonia and Russia's Jewish Communities Federation.³⁴ Pressure also came from the US embassy in Tallinn. For this reason, the government removed the memorial again two weeks after its installation in advance of a meeting of foreign ministers of the EU Member States.³⁵

The removal was undertaken at dusk, without notice to the public or to the veterans that funded its construction. Police with dogs surrounded the memorial. A crowd threw stones at the crane entrusted with the removal, causing an injury to the driver.³⁶ The following year, in October 2005, the government returned the Lihula monument to its owners and paid the costs for its relocation to the Museum of the Struggle for Estonia's Freedom, a private museum established on 23 June 1994 in Lagedi, near Tallinn.³⁷

The removal and relocation of the Lihula monument enraged some Estonians who believed that Estonian soldiers fighting in the Second World War deserved proper commemoration. The media also drew attention to the public display of other totalitarian symbols still standing in Estonia, focusing on more than 100 monuments.³⁸ Conversely, the Russian media in Estonia reported the Lihula case and the subsequent vandalism of Soviet monuments as a 'rehabilitation of fascism' in Estonia. The Lihula incident sparked a debate about the ban on the public use of symbols of totalitarian regimes and alternative, politically correct ways of commemorating those who fought for a free Estonia. The removal of the Lihula monument thereby elevated tensions concerning the public display of Soviet monuments and memorials. A seemingly logical question followed from this public debate: if a monument celebrating Estonian soldiers in German army uniforms is removed, then shouldn't monuments inherited from the Soviets also be removed?³⁹

The focus of this rising discontent fell particularly on the Bronze Soldier, still standing in a prominent position in central Tallinn. In September 2004, the conservative party Pro Patria Union made the first appeal for the removal of the Bronze Soldier.⁴⁰ Then, on 9 May 2005, the day traditionally celebrated by Russians as their World War Two Victory Day, the Bronze Soldier was desecrated with red paint. However, public opinion at the time indicated that these events had only limited impact: 67 per cent of Estonia's population was satisfied with the memorial in its original location. A public poll showed that 29 per cent of ethnic Estonians – and an overwhelming majority of Russian-speakers – were opposed to the idea of relocating the memorial, and 18 per cent were undecided.⁴¹

Bills proposed in Parliament

Beginning in autumn 2005, several bills were proposed in the Estonian Parliament to recognise 22 September as a day of 'occupation', as opposed to a day of 'liberation'. On 15 November 2005, Parliament rejected a bill proposed by Pro Patria Union, which sought to declare 22 September as a day commemorating the resistance to the Red Army and to 'prohibit any incompatible public events on this day'.⁴² On 24 November 2005, Pro Patria Union again proposed a similar bill, which did not pass the first reading. On 7 February 2006, the ruling Centre Party, Reform Party and the People's Union of Estonia introduced their own bill to declare 22 September as 'the day of memory of sufferings connected with occupation'. Once again, the bill was not enacted. Finally, on 15 February 2007, elected members of Pro Patria and Res Publica Union proposed a new bill declaring 22 September 'the day of memory of resistance'.⁴³ Parliament enacted this bill and incorporated it in the Public Holidays and Days of National Importance Act.⁴⁴

Meanwhile, the Bronze Soldier remained a site for commemorations by the Russian-speaking community living in Tallinn. On 9 May, considered one of the most important national holidays in the Russian Federation today, Estonian's ethnic Russians laid flowers at the base of the memorial to celebrate the anniversary of the Red Army victory over Nazi Germany, even after the government abandoned the day as a national holiday following Estonian independence. Similarly, the Bronze Soldier remained a gathering place for ethnic Russians on 22 September, commemorated by Russian veterans as the day the Red Army entered Tallinn in 1944.⁴⁵

Plans for relocation

On 4 May 2006, Pro Patria and Res Publica Union demanded that Tallinn City Council present a precise plan to relocate the memorial and the remains of the Red Army soldiers to a cemetery.⁴⁶ At that point, the issue of the Bronze Soldier became heated and was manifested in various forms: demonstrations, public meetings, pickets and small-scale clashes. On 9 May 2006, Russian-speaking citizens gathered at the Bronze Soldier for the annual Victory Day to lay wreaths and commemorate the fallen Red Army soldiers. Several Soviet flags were placed at the site. During the commemorations, two Estonian nationalist activists walked through

the crowd carrying an Estonian flag and a banner saying ‘Estonian people – don’t forget: these soldiers occupied our land and deported our people!’⁴⁷ To prevent a confrontation, the police removed the Estonian flag and evacuated the two activists in a van.

In response, Prime Minister Andrus Ansip announced that he was against any intervention or relocation because the memorial was located on a burial site. That same day, the Bronze Soldier was painted with the colours of the Estonian national blue-black-white tricolour. To protect the memorial from further vandalism and any attempt at removal, a group of young Russian-speakers formed the so-called *Nochnoy Dozor*, or Night Watch, a volunteer organisation that later developed into a political activist organisation.⁴⁸ Estonian TV stations escalated tensions by asking why the national flag could not be freely shown in Estonia, while carrying the Soviet flag was permitted. In a televised interview, one of the two nationalists, Jüri Böhm, admitted that his action was a provocation intended to let the flag be desecrated as a means to ‘awaken’ Estonian society.⁴⁹ Media reports about the removal of the Estonian flag therefore resulted in a heated public debate. An increasing number of Estonians began viewing the Bronze Soldier as a controversial symbol that was no longer compatible with current Estonian culture and society.

On 20 May 2006, Madisson, an instigator of the Lihula statue controversy, assembled a group of approximately 200 protesters in front of the Bronze Soldier, demanding its relocation outside Tallinn.⁵⁰ Several neo-Nazis and Estonian nationalists were part of the crowd. At the same time, a crowd of Russian-speakers gathered at the site to defend the memorial. Shouting matches and scuffles broke out, and a man was seen wrapping the memorial with a green scarf, which was quickly removed by police. During a televised interview that month, the Estonian journalist and politician Jüri Liim publicly threatened to bomb the memorial if it was still standing by the next Victory Day.⁵¹

On 25 May 2006, Prime Minister Ansip reversed course and stated his intention to relocate the statue before Victory Day 2007. A day later, as tensions mounted, the Minister of the Interior Kalle Laanet forbade any public rallies and meetings around the Bronze Soldier. Ansip told journalists that because the memorial was a symbol of occupation and a national security issue that left no alternatives, the memorial should be transferred as soon as possible.⁵² This statement was made in connection with the approaching parliamentary elections in March 2007. The relocation thus became a central election campaign promise that provided the Reform Party with ‘unprecedented popularity’ among those who strongly supported removing the memorial from its original location.⁵³

Legal dynamics

Jurisdiction over the Bronze Soldier at the time of Prime Minister Ansip’s request to relocate the statue was held by the Centre Party, the ruling party in the municipality of Tallinn.⁵⁴ The Centre Party stood in opposition to Ansip’s Reform Party and was led by Economic Affairs Minister Edgar Savisaar. Savisaar was also the main representative of the Russian-speaking electorate. When Ansip announced the relocation in May 2006, Savisaar publicly opposed

the governmental initiative to relocate the monument.⁵⁵ In order to situate authority over the issue in the hands of the government, Ansip's ruling Reform Party, with the aid of some opposition parties, initiated two bills in autumn 2006 that provided the legal basis for the government to remove and relocate the Bronze Soldier: the War Graves Protection Act and the Law on the Removal of a Forbidden Structure.⁵⁶

The War Graves Protection Act was passed by Parliament on 10 January 2007 and came into force ten days later.⁵⁷ The act, which references Article 34 of the Geneva Convention, stated that the remains of buried soldiers have to be relocated if their burial site is in an inappropriate place; the decision is to be made by the Ministry of Defence.⁵⁸ It also enabled the Ministry to establish a Military Graves Committee tasked with providing recommendations to the prime minister on matters concerning the security of burial sites and the reburial of remains. It also permitted the relocation of memorial structures. The law was supported by a majority of Parliament and opposed by only a few Russian-speaking deputies of the Centre Party.⁵⁹

The Law on the Removal of a Forbidden Structure was designed to prevent the display and installation in a public space of monuments or objects related to states or militaries that invaded or occupied Estonia.⁶⁰ The Ministry of Justice was entrusted with specific authority to remove and relocate monuments left over from previous regimes. Law-makers in support of the bill added a clause that obliged the government to remove the Bronze Soldier within 30 days after the law went into effect. On 15 February 2007, Parliament passed the Law on Forbidden Structures with a vote of 46 to 44. However, the bill never became law, despite support from Parliament, with the exception of a few Russian-speaking deputies of the Centre Party.⁶¹ President Toomas Hendrik Ilves vetoed the bill, asserting that it did not comply with the Estonian Constitution: he claimed the bill was in conflict with six paragraphs of the Estonian Constitution, specifically, paragraphs 4, 10, 12, 59, 86 and 146.⁶² In particular, Ilves cited section 4 of the Constitution, which stated that the Estonian Parliament could not decide on matters that fall within the competence of other national institutions mandated by the constitution.⁶³

The defeat of the Law on the Removal of a Forbidden Structure prompted the government to invoke the War Graves Protection Act, leading it to ask the Ministry of Defence to convene the Committee on War Graves. On 9 March 2007, the committee issued a recommendation to exhume and rebury the remains buried under the Bronze Soldier and relocate the monument.

The Committee cited section 8: 'Remains subject to reburial and deciding of reburial':

'On the basis of this Act the remains are subject to reburial if a war grave is located in an unsuitable place. In particular, parks, other green areas and buildings within densely populated areas outside cemeteries as well as places in which mass events are organised or the constructions not related to the graves are located and other places which preclude dignified treatment of a war grave are unsuitable places for a war grave. The War Graves Committee shall determine the unsuitability of the location of a war grave. The minister responsible for the area shall decide, on the proposal of the War Graves Committee, which remains are to be reburied to which cemetery.'⁶⁴

The Ministry of Defence was entrusted with the actual exhumation and relocation. On 4 April 2007, the Tallinn City government filed a complaint against the Ministry of Defence with the Tallinn Administrative Court to halt the relocation of the statue, claiming that moving the Bronze Soldier would have ‘irreversible consequences at the city, national and international level’.⁶⁵ The court rejected the complaint because it did not specify the exact nature of the consequences.⁶⁶ The city was given 21 days to clarify the complaint. The Tallinn City government submitted a response, but the court rejected the submission and dismissed the appeal on 10 April.⁶⁷

Decision taken and the Bronze Nights

An open letter to the government by 12 professors was published in several Estonian magazines on 23–24 April 2007, outlining the potential consequences of relocation. They warned that moving the memorial risked damaging domestic stability and the country’s international credibility. They also expressed concern that relocation could fracture the tenuous concordance between Estonia’s two main ethnic communities, forcing a debate that could polarise these communities, expose differences in their conflicting historical narratives and cause irreparable damage in relations between the Russian-speaking and ethnic Estonian communities.⁶⁸ Despite these warnings, Ansip stood firm. The government made the decision to relocate the Bronze Soldier quickly and without public notice.

On 26 April, at 0430, the Bronze Soldier and the immediate periphery were covered with a tent, enclosed within a fence and protected by police. It was officially explained that there was no intention to remove the memorial at that stage and that the tent only served to carry out the archaeological works to exhume the buried remains.⁶⁹ Nevertheless, starting at 1000, a large crowd gathered around the fence. The media reported that the crowd was mainly comprised of young Russian-speaking people and citizens of the Russian Federation. By the evening of 26 April, the crowd reached about 1,500 people.⁷⁰ It was clear that the demonstrators had come to defend the Bronze Soldier against the removal. Shouting ‘shame’ and ‘fascists’, they threw empty bottles at the police controlling the area. By the evening, the protest had grown unruly.⁷¹ As the police sought to disperse the protesters, forcing them away from the National Library next to the memorial, the crowd dispersed into the surrounding streets and began vandalising property, breaking shop windows and overturning vehicles. Unable to control the situation, the police resorted to using tear gas and water cannons, and began making arrests.

During the same night, 26 April 2007, the Ansip government convened an extraordinary meeting of the cabinet, which decided to respond to the emergency by removing the Bronze Soldier immediately. In the early morning of 27 April, the memorial was removed from the park by heavy moving equipment. However, the protests in central Tallinn continued the following night and spread to other Estonian cities with large Russian-speaking populations in the northeast.⁷² These two nights of rioting became known as the ‘Bronze Nights’ or the ‘Crystal Nights’, the latter referring to the large number of glass fragments from broken

windows and bottles, serving as an historic allusion to the Night of Broken Glass in Nazi Germany.⁷³ During the riots, 156 people were injured, including 29 policemen. A 20-year-old Russian citizen, Dmitri Ganin, died during the riots under circumstances that remain unclear. To avoid further conflict, the police prefect prohibited any public meeting or street event from 30 April to 11 May. Between 1400 on 28 April and 2 May, the sale of alcohol was prohibited in Estonia, though some shops continued to sell it illegally.

The Bronze Soldier was subsequently relocated to the Defence Forces Cemetery, the foremost military cemetery in Estonia, where approximately 5,000 soldiers are buried, including 550 who died in the Estonian War of Independence.⁷⁴ On 2 May 2007, Prime Minister Ansip addressed Parliament and stated:

‘If the monument located in one of the busiest locations in [the] city centre symbolised for some of us occupants and deporters, for others the memory of the dead and grief, and for some people nostalgia for a totalitarian state that has disappeared, then it really could not be a monument unifying our society. As it has been stated here several times before – relocating the monument being the focal point for political provocations to a more suitable location had become the only option from the point of view of national security [...] As I have confirmed to you before – it was the Government’s wish to complete the excavation of remains first and only then relocate the monument with full honours and a suitable ceremony. The wave of vandalism that started in Tallinn at night on April 26, the attacks of the criminals against the safety and property of Estonian people, left the crisis management committee and the extraordinary meeting of the cabinet no choice. In order to prevent violent conflicts, the Government had to react decisively and quickly. Something had to be done right away. On the night of April 26th we had two choices – whether to take control of the situation, together with all the responsibilities relating to the future, or to allow the control to be taken by those who had come to the streets for rioting. We assumed responsibility and decided the course of events.’⁷⁵

Russian response

The Russian Minister of Foreign Affairs, Sergei Lavrov, had previously expressed concern about the situation in Estonia on Victory Day in 2006, when the memorial was painted with the Estonian tricolour. On this occasion, he stated that Russia ‘had learned with anger of the facts of desecration in downtown Tallinn of the Monument to the Soviet Liberator Soldier’.⁷⁶ He made clear that Russia was worried about the fact that, instead of acting against the ‘vandals’ who desecrated the memorial with paint, the Estonian government launched a campaign ‘to dismantle and “transfer” the Liberator Soldier Monument from the centre of the capital as soon as possible’. Specifically, Lavrov accused Estonian President Tomas Ilves and Prime Minister Ansip of actively participating in this campaign. ‘In Russia, which paid an incalculable [sic] price for the victory over fascism, such actions cannot but evoke condemnation,’ Lavrov said. ‘The stance held by official Estonian authorities obviously does

not square with their repeated declarations of a striving to strengthen trust and cooperation with our country.⁷⁷ In response, Ansip stated that only Estonia has the authority to decide over domestic issues such as the management of monuments, making the relocation a matter of national dignity and pride: ‘the question can be expressed as follows: whose word counts in Estonia? Does the word from the Kremlin count or is Estonia an independent state [...]?’⁷⁸

The relocation of the Bronze Soldier exacerbated tensions between Estonia and Russia to their highest levels since the collapse of the Soviet Union. Within days of the relocation, trade between Russia and Estonia was directly impacted. Estonian trucks were halted at the border. The transit of Russian goods to Estonian ports dropped by 60 per cent. Russian coal deliveries to Estonia ceased entirely. The massive fertiliser company, Akron, suspended all investment in Estonia, citing the relocation of the Bronze Soldier as the cause.

The ‘actions by Russia that were hostile to Estonia’ continued.⁷⁹ Russian oil transit through Estonia drastically declined and Estonian companies with links to Russia had difficulties continuing their businesses. In April 2007, three large supermarket networks banned Estonian goods.⁸⁰ A month later, the Moscow Mayor Yuri Luzhkov urged businesses and consumers to boycott Estonian goods and to sever all ties with Estonian companies. Tallinn experienced direct material losses from the riots: the estimated damage was between €1.5m and €3m.⁸¹

Beginning in late April, a series of cyberattacks targeted critical infrastructure across Estonia. Although the Russian Federation denied responsibility, the sources of the attacks appeared to originate within Russia.⁸² A 2007 North Atlantic Treaty Organization (NATO) report stated:

‘The initial low-tech attacks began on 26 April, the day the excavation works began, followed by a much more sophisticated and well-coordinated attack beginning on 4 May and peaking on 9 May (Victory Day, a national holiday in the Russian Federation which commemorates victory over Nazi Germany in the “Great Patriotic War”). The attacks were dynamic, changing in response to counter-measures and ceasing at a precise time and also synchronised to other actions by Russia that were hostile to Estonia, such as the severing of commercially important rail links, with no notice, for alleged “repairs”.’⁸³

On 8 May 2007, the government and diplomatic officials held a ceremony and paid homage to the Bronze Soldier for the first time at the new location.⁸⁴ On the same day, the government declared 8 May as a day of remembrance for the victims of the Second World War, which then conflicted with the traditional Russian 9 May Victory Day, but corresponded with commemorations in other European countries.⁸⁵ The Russian Ambassador to Estonia, Nikolay Uspensky, declined the invitation and did not attend the re-establishment of the Bronze Soldier. He explained that his absence was an ‘expression of Russia’s highest-level disapproval of the removal of the monument, the exhumation, and the accompanying attempts to revise history to suit the political conjuncture’.⁸⁶ The Ambassador laid a wreath at the relocated Bronze Soldier on the next day, Victory Day 2007, together with thousands of Russian-speakers who came to commemorate their dead. They covered the ground surrounding the Bronze Soldier with flowers and other Russian commemorative objects.⁸⁷

The politics of identity

Some scholars described the relocation of the Bronze Soldier's relocation as a 'bifurcation point', a 'benchmark' in contemporary Estonian history, an event that exposed the polarisation between the two largest communities living in Estonia: the ethnic Estonians and the Russian-speaking population.⁸⁸ Broadly, it is possible to speak about two great mnemonic communities. On the one hand, there is the predominantly Russian-speaking mnemonic community that embraces the heritage of the Great Patriotic War, guided by the narrative pattern of 'Triumph Over Alien Forces'. On the other hand, there is the predominantly Estonian-speaking mnemonic community promoting the heritage of the Estonian War of Independence and the historical narrative of 'The Great Battle For Freedom'. While the former identifies itself based on the Estonian memory landscape mainly in relation to Soviet-era monuments, primarily the Bronze Soldier, the latter finds support in the War of Independence monuments.⁸⁹

Several scholars have viewed the Bronze Soldier controversy as a reflection of conflict between ethnic identities. The Bronze Soldier crisis, however, can also be seen as political conflict.⁹⁰ As Maria Mälksoo, an expert on international security and memory politics, explained, the conflict originating from memory divisions was then appropriated by political groups for ideological purposes: 'The "Bronze Soldier" has been a seemingly poly-referential realm of memory that has symbolised for the Estonians and Russians their different experiences of WWII, leading to the monument's appropriation for different ideological and political purposes respectively'.⁹¹ Also, Marek Tamm, a professor of cultural history at Tallinn University, contends that the 'war of monuments' in Estonia was primarily caused by radical political activists able to mobilise public opinion through the media.⁹² From its founding in 2006, the Night Watch made several public statements dubbing Estonian officials as Nazis. After the relocation, they asked for the resignation of the government. The Estonian media in turn depicted the Night Watch as a pro-Kremlin association with suspicious links with Russia.⁹³

In light of the parliamentary elections of 4 March 2007, the main political coalitions used the relocation of the Bronze Soldier as a campaign issue to escalate tensions between the different segments of Estonian society and thus gain political power.⁹⁴ The main political cleavage existed between the Reform Party of Ansip, which supported the relocation, and the Centre Party of Savisaar, which opposed the relocation as the main representative of the Russian-speaking electorate. The Reform Party surged in its popularity and won the elections, while the Centre Party lost ten per cent of its votes, most of which may have been lost to the Constitutional Party, a political party mainly supported by Russian-speakers with close ties to the Night Watch.⁹⁵

Relations between Estonia and Russia have always been complex. After 1991, Russia never understood the need for Estonia to develop its statehood, which originated in 1918 during the War of Independence.⁹⁶ Furthermore, Russia considered Estonia's memberships of the EU and NATO as a negative development in their relations. But the most sensitive issue has always been the rights of the Russian-speaking population of Estonia; more specifically, the

Russian government considered the strict language and citizenship policies as a violation of the human rights of the Russian-speaking communities living in Estonia, often used as an argument for Russia's antagonism towards Estonian politics.

Unsurprisingly, the media were polarised in their response to the relocation and exhumations. The Estonian government used mass media to gain support and build loyalty among the ethnic Estonian population, while Russian TV broadcasters, targeting Estonia's Russian-speaking community, presented Estonia as a fascist country not respectful of the Russian victory in the Second World War and the costs to the Soviet Union of the victory. After the unrest of April 2007, Russian mass media portrayed Ganin as a martyr tortured by police while he was protecting the memorial to the liberators of Tallinn.⁹⁷

According to the authors of a special monitoring report, carried out at the request of the Non-Estonians' Integration Foundation, from May to July 2006:

'among the statements in [the media] the prevailing ones were that ethnic Estonians' attitude to the transfer of the monument stood in opposition to that of ethnic Russians and that the Bronze Soldier as a "monument of occupation" should not be situated in the city centre. In addition, in the Russian-language media a prevalent opinion is that the wish of Estonians to transfer the monument is nationalistic (if not fascist) in its substance. Hence the conclusion follows that both in the Estonian and Russian language media-space a national consciousness plays a very important role in arguments for or against the transfer of the monument.'⁹⁸

Russian online media tried to justify the riots of April 2007 with fake news: an online article in *Sputnik* reported that the memorial was cut up to be removed from its location.⁹⁹ A picture of the damaged memorial was shared online. After the removal, several videos were shared on the internet showing arrests made by the Estonian police with a threatening musical background. After the relocation, the Russian nationalist youth group Nashi organised an anti-Estonian protest in front of the Estonian Embassy in Moscow.¹⁰⁰ Demonstrators were sleeping in tents, wearing Red Army uniforms, holding banners against 'eSStonia' and collecting signatures for a petition that sought to relocate the Estonian embassy outside the centre of Moscow.¹⁰¹ They prepared posters with the Estonian Ambassador depicted with a toothbrush moustache. They also attempted to attack Estonian representatives and the vehicle of the Swedish Ambassador, who was coming to show support during the barricade.¹⁰² In July 2007, Nashi also organised a public commemoration of Ganin, the Russian killed during the riots of April 2007, in Moscow. The Estonian government harshly condemned the barricade, stating that it was a political rally sponsored by the Kremlin that pretended to defend the rights of the Russian-speaking residents of Estonia for bigger political games.¹⁰³ The government also called for a combined European response.

Since then, monuments and memorials have continued to play a role in Estonia's identity politics. In June 2009, two years after the controversy, the Ansip government erected a War of Independence Victory Column approximately 500 metres from the Bronze Soldier's original location. The column commemorates those who served in the Estonian War of Independence, from 1918 to 1920. Although the monument was viewed

by some as a continuation of the ‘monument wars’, public attention focused primarily on the lack of participative planning practices and lack of transparency concerning the financing of the monument. Entrusted to carry out the development phase of the design, the Ministry of Defence made several changes to the original plan without including public input. The same year, a replica of the original Lihula Second World War monument was temporarily exhibited in Lihula by members of the Estonian Conservative People’s Party (Eesti Konservatiivne Rahvaerakond). The Russian embassy expressed concern that the Estonian authorities had turned a blind eye to the commemoration of the soldiers fighting alongside the Germans in the Second World War. Nearly a decade later, the Russian embassy in Tallinn again felt compelled to address what it viewed as disturbing commemorations. In June 2018, in Mustla, a town in the southern part of Estonia, a local memorial society unveiled a commemorative plaque dedicated to Alfons Rebane, a decorated officer who fought in the ranks of both the Wehrmacht and Waffen-SS.¹⁰⁴ The Russian Ambassador likened these formal memorials to the spontaneous vandalism of August 2018 towards the monument to Jews and Roma, built 30 kilometres east of Tallinn at an execution site of 6,000 Jewish and Roma Holocaust victims. ‘We note with growing concern that the glorification of former fighters who served in the Waffen-SS, an organisation declared criminal by the Nuremberg trials, is taking on the nature of a cult in Estonia,’ the Ambassador noted, ‘combined with ignorance of the generally accepted assessments given to the anti-human nature of the Nazi regime, the horrendous violence committed by Hitler’s followers and their henchmen, including in the territories occupied by Germans in World War II, among them Estonia.’¹⁰⁵

The debate concerning the removal of the Bronze Soldier was among the most dramatic and divisive public controversies regarding the removal of a Soviet-era memorial within the former Soviet Bloc. The event exposed underlying ethnic tensions in a country many considered a ‘transition miracle’ for regaining independence without bloodshed and managing to accommodate the country’s two major ethnic groups: the ethnic Estonians and Russian-speaking Estonians. The controversy not only exposed divisions within Estonian society, but also exacerbated these differences and further polarised the two communities. Aleksei Semjonov is Director of the Legal Information Centre for Human Rights in Tallinn, a non-governmental organisation closely associated with the interests of Estonia’s Russian-speaking minority. Looking back on the conflict, Semjonov saw the dispute as a seismic shift in Estonian society: ‘There is no doubt that the April events concerning the Bronze Soldier will become a benchmark in the contemporary history of the state of Estonia,’ Semjonov wrote a year after the events. ‘It is the bifurcation point, the point of division, separating “before” and “after”. For Estonian society these events are even more important than joining NATO or [the] European Union. Before April 2007 we lived in one country and now we are getting used to living in another one.’¹⁰⁶

The dispute underscored the two communities’ different understandings of the past, in particular the aftermath of the Second World War. As indicated in this study, for Russian-speaking Estonians, the Red Army victory on the Eastern Front liberated Europe

from fascism, and it is thereby offensive to view this victory as the beginning of a Soviet occupation, which remains the viewpoint for many ethnic Estonians. The media amplified these differences, exacerbating tensions and further polarising public opinion. Most consequentially, the monument was instrumentalised for political purposes between two of the main factions within the government. The centre-right Reform Party of Ansip, which gained a large number of supporters and won the election, campaigned on the promise of relocating the statue. The Centre Party of Savisaar, the most popular party among the Russian-speaking electorate, made opposition to the relocation central to its election platform. In the Bronze Soldier crisis, memory, identity, ideology and politics became inextricably linked, and led to a deep rupturing of Estonia's social contract with its two largest ethnic communities.

The government never disclosed whether it discussed the issue of relocation in the Roundtable for National Minorities, formed in 1993 by then-President Lennart Meri. Estonian authorities have regularly used this institution to host discussions with representatives of non-Estonian ethnic groups, but this was not the case with the Bronze Soldier's relocation. The Tallinn municipality did organise a special roundtable in summer 2006 to compensate for this lack of consultation, but the Minister of Defence Jaak Aaviksoo only participated once on 26 April 2007, a few hours before the riots started. Ansip simply explained that dialogue with the opponents of the relocation would be impossible.¹⁰⁷ He also refused to engage in dialogue with the Night Watch, the group of Russian activists formed in 2006 to defend the memorial. Ironically, in relation to the Lihula case, Ansip stated that he could not imagine a situation where a legitimate state removes a memorial clandestinely.¹⁰⁸ Yet he did remove the Bronze Soldier without giving the public any opportunity to participate in the decision over the relocation.

While it would have been impractical, indeed impossible, to bridge the differing interpretations of the past and create a uniform national memory shared by the whole or even the majority of society, the possibility had existed for a multi-perspective conception of the country's history, allowing for different and even opposing interpretations of the past, including in spatial representations and public practices of commemoration. Entering into a dialogue with communities that have different views on the past can prevent major issues like the Bronze Soldier crisis. One could argue that if the Russian-speaking community had not been marginalised from the outset in the decision-making process leading to the relocation, a consensus might have been reached on the logic and appropriateness of relocating the statue from a small urban park to a more respectful location in an important military cemetery a few kilometres away. It should be noted that the Tallinn municipal authorities did organise various roundtables before the events escalated, with the involvement of representatives from the Russian-speaking community, but these roundtables had no significant impact on developments.

The relocation could have been transformed from a polarising event into a participatory process through dialogue with the full range of stakeholders. A participatory process during the redesign and relocation of monuments and memorials, as suggested by Professor Tamm,

could have broadened engagement to create an inclusive memorial landscape that could avoid – or at least lessen – conflicts between different mnemonic communities: ‘Consensus on interpreting the past will probably always remain unachievable, while finding common ground as to the plans for the future might be a completely realistic aim,’ Tamm has observed. ‘Instead of monumentally asserting the perspective of one’s own mnemonic community, the aim should therefore be to recognise the difference of various past experiences, and to look for common ground in the future aims.’¹⁰⁹

‘Many of them [Russians in Estonia] did not approve of the pro-Soviet nostalgia, and many of them understood why the Estonians found the statue problematic,’ Kadri Liik, Senior Policy Fellow at the European Council on Foreign Relations, wrote in the *Estonian Ministry of Foreign Affairs Yearbook* a few months after the relocation:

‘But what they firmly condemn is the manner in which the statue was relocated: the process by which it was done remained unclear to them, and it was not accompanied by any serious and coherent explanations by the authorities. And this is the most serious shortcoming of the Estonian government: the whole process of relocation was treated as a technical and bureaucratic one; care was taken that everything was legally correct, but no attempt was made to reach the hearts and minds of the people most affected.’¹¹⁰

A further complicating factor may have been the role of the Russian Federation’s increasingly assertive ‘compatriots policy’, which sought to engage with and agitate ethnic Russian communities beyond the borders of Russia. The Estonian Security Services determined that the Kremlin promoted a policy that advocated and financed efforts to ‘identify, preserve and popularise cultural and historical monuments related to Russia’s historical past abroad’, and to ‘assist the Russian War History Society and Russian compatriot organisations and activists in the establishment of memorials, monuments and memorial plaques dedicated to Russia’s war history and victory’.¹¹¹

The case of the Bronze Soldier of Tallinn highlights the importance that monuments and public markers can play in shaping the identity of communities and provides important examples for decision-makers of practices to avoid when seeking to create a more inclusive sense of community within multi-ethnic societies. At the same time, it demonstrates the limitations of monuments in adapting to evolving political or demographic conditions and, more importantly, the ability of both domestic and foreign actors to exploit these statues for the sake of identity politics. Above all else, the case underscores the limitation of protections provided by legal frameworks, which can be politicised, undermined and even overridden by legislative majorities. Such developments, as is seen in this case study, can thereby entrench long-term ethnic and political divisions within pluralistic societies.

References

- Amnesty International, 'Amnesty International Report 2010: The State of the World's Human Rights' (2010) www.amnesty.org/en/documents/pol10/001/2010/en.
- Ansip, Andrus, 'Prime Minister Andrus Ansip's Speech in Riigikogu.' Government of the Republic of Estonia, 2 May 2007 www.valitsus.ee/en/news/prime-minister-andrus-ansips-speech-riigikogu.
- Asari, Eva-Maria, 'Integration Strategy 2008–2013' Office of the Minister for Population and Ethnic Affairs (2007).
- Bellentani, Federico, 'Relocating the Past: The Case of the Bronze Soldier of Tallinn' (2008) 5 Translation: A Transdisciplinary Journal 131–149.
- Bellentani, Federico, *The Meanings of the Built Environment. A Semiotic and Geographical Approach to Monuments in the Post-Soviet Era* (De Gruyter Mouton 2020) scheduled for 18 January 2021 according to De Gruyter's website.
- Belobrovtsseva, Irina and Aurika Meimre, 'The War of the Monuments: Estonian case II', *Forum on Public Policy: A Journal of the Oxford Round Table* (Gale Academic Onefile 2008).
- Bleiberg, Larry, 'Hungary's solution for controversial statues: A museum/sculpture park that doesn't glorify but doesn't ignore' *Los Angeles Times*, (Los Angeles, 13 October 2017 www.latimes.com/travel/la-tr-hungary-controversial-statues-20171013-story.html).
- BNS, 'Eestlased ei poolda pronkssõduri omaalgatuslikku kõrvaldamist', *Postimees*, (Tallinn, 23 May 2006) www.postimees.ee/1548531/eestlased-ei-poolda-pronkssoduri-omaalgatuslikku-korvaldamist.
- Brüggemann, Karsten and Andrew Kasekemp, 'The Politics of History and the "War of Monuments" in Estonia' (2008) 36(3) *Nationalities Papers* 425.
- Burch, Stuart and David J Smith, 'Empty Spaces and the Value of Symbols: Estonia's "War of Monuments" from Another Angle' (2007) 59(6) *Europe-Asia Studies* 913.
- Central Intelligence Agency, *The World Factbook: Europe: Estonia* www.cia.gov/library/publications/the-world-factbook/geos/print_en.html.
- Cavegn, Dario, 'Monument of contention: How the Bronze Soldier was removed' *ERR* (Tallinn, 25 April 2017) <https://news.err.ee/592070/monument-of-contention-how-the-bronze-soldier-was-removed>.

Ehala, Martin, 'The Bronze Soldier: Identity Threat and Maintenance in Estonia' (2009) 40(1) *Journal of Baltic Studies* 139.

'Estonian Government Cuts up WWII Memorial' *Sputnik* (Moscow, 27 April 2007) <https://sputniknews.com/world/2007042764546318>.

Estonian Parliament, 'Muinsuskaitse seadus [Heritage Conservation Act]', 1 April 2002 www.riigiteataja.ee/en/eli/517062015012/consolide.

Estonian Parliament, 'Pühade ja tähtpäevade seadus [Public Holidays and Days of National Importance Act]', 23 February 1998 www.riigiteataja.ee/en/eli/ee/Riigikogu/act/525062018003/consolide.

Estonian Parliament, 'Sõjahaudade kaitse seadus [Protection of War Graves Act]', 10 January 2007 www.riigiteataja.ee/en/eli/508042019007/consolide.

Estonian Parliament, 'Keelatud Rajatise Kõrvaldamise Seadus [Law on the Removal of a Forbidden Structure]', 22 February 2007 www.riigiteataja.ee/akt/12795949.

Estonian Parliament, 'XI Riigikogu, II istungjärg, 3 detsember 2007 [Stenographic Record of the XI Parliament, II Session, 3 December 2007, <http://stenogrammid.riigikogu.ee/en/200712031500>].

Herzog, Stephen, 'Revisiting the Estonian Cyber Attacks: Digital Threats and Multinational Responses' (2011) 4(2) *Journal of Strategic Security* 49.

Kasekamp, Andres, *A History of the Baltic States* (Palgrave 2018).

Kattago, Siobhan, 'War Memorials and the Politics of Memory: the Soviet War Memorial in Tallinn' (2009) 16(1) *Constellations* 150.

Kattago, Siobhan, 'Memory, Pluralism and the Agony of Politics' (2010) 41(3) *Journal of Baltic Studies* 383.

Kattago, Siobhan, *Memory and Representation in Contemporary Europe: The Persistence of the Past* (Ashgate 2012).

Koch, Tuuli, 'Edgar Savisaar: Pronkssoduri tüli õhutavad poliitilised äpud' *Postimees* (Tallinn, 8 June 2006) www.postimees.ee/1552459/edgar-savisaar-pronkssoduri-tuli-ohutavad-poliitilised-apud.

Kunnas, Kaja, 'Venemaa: eestlased kaotasid 13. Tõnismäele maetuära' *Postimees* (Tallinn, 14 June 2007) www.postimees.ee/1671735/venemaa-eestlased-kaotasid-13-tonismaele-maetu-ara.

Lee, Steven, 'After Violent Night, Estonia Removes a Soviet-Era Memorial' *The New York Times* (New York, 27 April 2007) www.nytimes.com/2007/04/28/world/europe/28estonia.html.

Legal Information Centre for Human Rights, 'Bronze Soldier: April Crisis' (2007) www.lichr.ee/home/wp-content/uploads/2014/05/engbn.pdf.

Lehti, Marko et al, 'Never-Ending Second World War: Public Performances of National Dignity and the Drama of the Bronze Soldier' (2008) 39(4) *Journal of Baltic Studies* 393.

Liik, Kadri, 'The "Bronze Year" of Estonia-Russia Relations', *Estonian Ministry of Foreign Affairs Yearbook* (2007) 72.

Maclean, Rory, *Pravda Ha Ha: True Travels to the End of Europe* (Bloomsbury Publishing 2019).

Mäekivi, Mirjam, 'Ansi ei välista pronkssõduri saatuse otsustamist riigikogus', *Postimees* (Tallinn, 29 June 2006) www.postimees.ee/1557601/ansip-ei-valista-pronkssoduri-saatuse-otsustamist-riigikogus.

Mälksoo, Maria, 'Liminality and Contested Europeanness: Conflicting Memory Politics in the Baltic Space' in Eiki Berg and Piret Ehin (eds), *Identity and Foreign Policy: Baltic-Russian Relations and European Integration* (Ashgate 2009) 69.

Masing, Kadri, 'President jättis keelatud rajatise kõrvaldamise seaduse välja kuulutamata', *Eesti Päevaleht*, 22 February 2007 <https://epl.delfi.ee/eeesti/president-jattis-keelatud-rajatise-korvaldamise-seaduse-valja-kuulutamata?id=51076753>.

Ministry of Foreign Affairs of the Russian Federation, 'Statement of the Ministry of Foreign Affairs of the Russian Federation Regarding Desecration in Estonia of the Monument to the Soviet Soldiers Who Fell in the Years of the Great Patriotic War', 23 May 2006 www.mid.ru/en/web/guest/maps/ee/-/asset_publisher/mo1LgbIkjBfRf/content/id/403238.

NATO StratCom, '2007 cyber attacks on Estonia' www.stratcomcoe.org/hybrid-threats-2007-cyber-attacks-estonia.

Pääbo, Heiko, 'War of Memories: Explaining "Memorials War" in Estonia' (2008) 10 *Baltic Security and Defence Review* 5.

'Plaque commemorating SS recipient of Iron Cross to be unveiled in Mustla' *ERR* (Tallinn, 22 June 2018) <https://news.err.ee/841549/plaque-commemorating-ss-recipient-of-iron-cross-to-be-unveiled-in-mustla>.

'Prague removes statue of Soviet General Konev', *Deutsche Welle* (Bonn, 3 April 2020) www.dw.com/en/prague-removes-statue-of-soviet-general-konev/a-53010658.

Raun, Alo, 'Nurjus Savisaare katse kohtu kaudu kaevamisi takistada' *Postimees* (Tallinn, 12 April 2007) www.postimees.ee/1649741/nurjus-savisaare-katse-kohtu-kaudu-kaevamisi-takistada.

Raun, Alo, 'Tallinn loodab endiselt kohtu abil Tõnismäe kaevamisi takistada' *Postimees* (Tallinn, 17 April 2007) www.postimees.ee/1651303/tallinn-loodab-endiselt-kohtu-abil-tonismae-kaevamisi-takistada.

Riigi Teataja [State Gazette], 'The Constitution of the Republic of Estonia. RT 1992, 26, 349; RT I, 27.04.2011, 2' www.riigiteataja.ee/en.

Selg, Peeter, 'A Political-Semiotic Introduction to the Estonian 'Bronze-Night' Discourse' (2013) 12(1) *Journal of Language and Politics* 80.

Smith, David J, "'Woe from Stones": Commemoration, Identity Politics and Estonia's "War of Monuments"' (2008) 39(4) *Journal of Baltic Studies* 419.

Statistics Estonia, 'RV0222U: Population by sex, ethnic nationality and county, 1 January, administrative division as at 01.01.2018', 1 January 2018 <http://andmebaas.stat.ee>.

Tamm, Marek, 'Conflicting Communities of Memory: War Monuments and Monument Wars in Contemporary Estonia' in Raivo Vetik (ed), *Nation-Building in the Context of Post-Communist Transformation and Globalization: The Case of Estonia* (Peter Lang 2012).

The National WWII Museum, 'Research Starters: Worldwide Deaths in World War II' www.nationalww2museum.org/students-teachers/student-resources/research-starters/research-starters-worldwide-deaths-world-war.

Torsti, Pilvi, 'Why Do History Politics Matter? The Case of the Estonian Bronze Soldier' in Juhani Aunesluoma and Pauli Kettunen (eds), *The Cold War and the Politics of History* (Helda 2008).

Wertsch, James V, 'A Clash of Deep Memories' (2008) 1 *Profession* 46.

Whyte, Andrew, 'Plaque commemorating SS recipient of Iron Cross to be unveiled in Mustla' *ERR* (Tallinn, 22 June 2018) <https://news.err.ee/841549/plaque-commemorating-ss-recipient-of-iron-cross-to-be-unveiled-in-mustla>.

Whyte, Andrew, 'Russian embassy blasts Lihula World War Two monument reinstallation' *ERR* (Tallinn, 3 September 2018) <https://news.err.ee/858342/russian-embassy-blasts-lihula-world-war-two-monument-reinstallation>.

Ždanoka, Tatjana, 'Parliamentary Question: Subject: War Memorial Riots in Tallinn' European Parliament, 14 May 2007 www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2007-2496+0+DOC+XML+V0//EN.

Zhdannikov, Dmitry, 'Russia halts Estonia fuel transit amid statue row' *Reuters* (London, 2 May 2007) www.reuters.com/article/us-russia-estonia-energy-idUSL0264696120070502.

www.youtube.com/watch?v=DV5HtjT1EFU&t=321s – Police removing the Russian-speaking crowd from the National Library on the evening of 26 April, the following riots over the night and the protest in the morning of 27 April.

www.youtube.com/watch?v=VjPw3pYGELA&t=305s – A short analysis from an Estonian point of view on why the disorders occurred, broadcast on 29 April, on the TV show Aeg Luubis (channel: ETV Pluss). Towards the end, a group of schoolchildren shouting 'Fascists!' in front of Aleksandr Nevskij Cathedral is shown.

www.youtube.com/watch?v=cJtvuKiw37I – A comedy show directed by Algis Greitai and Radio Show with the Bronze Soldier as a subject.

www.youtube.com/watch?v=D2ZCmPiaQUs&t=503s – A video showing police brutality. From 8.50, images from the harbour terminal where many detainees were brought.

www.youtube.com/watch?v=D04ptK8HZas&list=PL8B6BFA66AC2D662B – Jüri Böhm protests with the Estonian flag during the 9 May celebrations and his interview stating that his action was a provocation to awaken the Estonian society.

www.youtube.com/watch?v=D6o59dhA25Y – Jüri Liim publicly threatens to bomb the Bronze Soldier.

www.youtube.com/watch?v=QwVxZ_WURVA&t=70s – Film by Oleg Besedin and Sergey Chaulin for *Svoya Igra* (Russian TV NTV, on air 1 May 2017). The film is dedicated to the 10th anniversary of relocation of the Bronze Soldier. It discusses the Estonian government rethinking the role of the memorial, the proposals for the relocation, the actions of the Russian-speaking community and the youth organisation Night Watch. Large part of the video reports the Russian-speaking witnesses of the events of 26–27 April 2007. The last ten minutes are dedicated to the death of Dmitry Ganin and the economic losses for the Estonian economy.

www.youtube.com/watch?v=eeB27M0Lak4 – The protest organised by Nashi in front of the Estonian Embassy in Moscow. Video by AP Archive, 21 July 2015.

Endnotes

- 1 Steven Lee, 'Estonia Removes Soviet-Era War Memorial After a Night of Violence' *The New York Times* (New York, 27 April 2007) www.nytimes.com/2007/04/28/world/europe/28estonia.html accessed 19 August 2020.
- 2 Central Intelligence Agency, *The World Factbook: Europe: Estonia* www.cia.gov/library/publications/the-world-factbook/geos/en.html accessed 19 July 2020.
- 3 Dmitry Zhdannikov, 'Russia Halts Estonia Fuel Transit amid Statue Row' *Reuters* (London, 2 May 2007) www.reuters.com/article/us-russia-estonia-energy-idUSL0264696120070502 accessed 19 August 2020.
- 4 James V Wertsch, 'A Clash of Deep Memories' (2008) (1) *Profession* 46 www.jstor.org/stable/25595882 accessed 19 August 2020.
- 5 The National WWII Museum, 'Research Starters: Worldwide Deaths in World War II' www.nationalww2museum.org/students-teachers/student-resources/research-starters/research-starters-worldwide-deaths-world-war accessed 19 July 2020.
- 6 Larry Bleiberg, 'Hungary's Solution for Controversial Statues: A Museum/Sculpture Park that Doesn't Glorify but Doesn't Ignore' *Los Angeles Times* (Los Angeles, 13 October 2017) www.latimes.com/travel/la-tr-hungary-controversial-statues-20171013-story.html accessed 19 August 2020.
- 7 Eve Blau, Julie Buckler and Kelly O'Neill, 'Leninopad in Ukraine', Faculty of Arts and Sciences, Harvard University http://dighist.fas.harvard.edu/projects/eurasia/exhibits/show/raining_lenins/case-studies accessed 19 August 2020.
- 8 Anna Wojcik and Ulad Belavusau, 'Street Renaming after the Change of Political Regime: Legal and Policy Recommendations from Human Rights Perspectives' (2018), TMC Asser Institute for International & European Law Policy Brief 2018-01(2018) 5 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3169184 accessed 19 August 2020.
- 9 'Prague Removes Statue of Soviet General Konev' *Deutsche Welle* (Bonn, 3 April 2020) www.dw.com/en/prague-removes-statue-of-soviet-general-konev/a-53010658 accessed 19 August 2020.
- 10 Amy MacKinnon, 'As Putin Seeks to Reinvent History, Russia-Czech Relations Hit a New Low' *Foreign Policy* (2 Washington, DC, 9 April 2020) <https://foreignpolicy.com/2020/04/29/russia-czech-republic-relations-new-low-poison-plot> accessed 19 August 2020.
- 11 Stuart Burch and David J Smith, 'Empty Spaces and the Value of Symbols: Estonia's "War of Monuments" from Another Angle' (2007) 59(6) *Europe-Asia Studies* 919 www.jstor.org/stable/20451410 accessed 19 August 2020.
- 12 Siobhan Kattago, 'Commemorating Liberation and Occupation: War Memorials along the Road to Narva' (2008) 39(4) *Journal of Baltic Studies* 433 www.jstor.org/stable/43212848 accessed 19 August 2020.
- 13 Andres Kasekamp, *A History of the Baltic States* (Palgrave Macmillan 2010), 104
- 14 Marek Tamm, 'Conflicting Communities of Memory: War Monuments and Monument Wars in Contemporary Estonia' in Raivo Vetik (ed), *Nation-Building in the Context of Post-Communist Transformation and Globalization: The Case of Estonia* (Peter Lang 2012), 54.

- 15 Martin Ehala, 'The Bronze Soldier: Identity Threat and Maintenance in Estonia' (2009) 40(1) *Journal of Baltic Studies* 140 www.jstor.org/stable/43212867 accessed 19 August 2020.
- 16 'Two Estonian schoolgirls blew up a Soviet War monument to avenge the destruction of war memorials to the Estonian War of Independence' *TIMENOTE* <https://timenote.info/en/events/Two-Estonian-schoolgirls-blew-up-a-Soviet-War-monument-to-avenge-the-destruction-of-war-memorials-to-the-Estonian-War-of-Independence>
- See also Rory Maclean, *Pravda Ha Ha: True Travels to the End of Europe* (Bloomsbury Publishing 2019), 212.
- 17 Paavel and Jürgenson are the only women awarded the Order of the Cross of the Eagle.
- 18 See n 14 above, 54.
- 19 Siobhan Kattago, *Memory and Representation in Contemporary Europe: The Persistence of the Past* (Ashgate 2012), 77. Alyosha commonly refers to a statue of a single soldier in a Red Army uniform. This name comes from the Alyosha Monument in Plovdiv, Bulgaria, based on the model of Aleksey Skurlatov, a soldier of the 3rd Ukrainian Front.
- 20 RV0222U: Population by sex, ethnic nationality and county, 1 January, administrative division as at 01.01.2018 (1 January 2018), distributed by Eesti Statistika <http://andmebaas.stat.ee> accessed 19 August 2020. According to Statistics Estonia (2018), ethnic Estonians are 68.5 per cent and ethnic-Russians 24.8 per cent of the total population. In Tallinn, the Russian population is 36.7 per cent. In this paper, 'Russian-speakers' refer to individuals that speak the Russian language, may be in possession of Estonian citizenship and do not define their identity as 'ethnic Estonian'. They can be ethnic-Russians or other primary Russian-speaking communities that found themselves living in Estonia after the collapse of the Soviet Union, and their descendants.
- 21 See n 15 above, 147.
- 22 See n 5 above.
- 23 Siobhan Kattago, 'Memory, Pluralism and the Agony of Politics' (2010) 41(3) *Journal of Baltic Studies* 383.
- 24 See n 14 above, 62.
- 25 Siobhan Kattago, "War Memorials and the Politics of Memory: the Soviet War Memorial in Tallinn", *Constellations*, Vol 16 (1) 19 March 2009
- 26 See n 15 above, 141.
- 27 *Ibid*, 140.
- 28 During the war, Estonian soldiers fought alongside the German army.
- 29 See n 14 above, 64.
- 30 Alekszandr Guzhov, Legal Information Centre for Human Rights, 'Bronze Soldier: April Crisis' (2007) Tallinn : Inimõiguste Teabekeskus, 2008, 10 www.lichr.ee/home/wp-content/uploads/2014/05/engbn.pdf accessed 19 August 2020.
- 31 *Ibid*, 11.
- 32 *Ibid*, 10.
- 33 *Ibid*, 10.
- 34 Marko Lehti, Matti Jutila and Markku Jokisipilä, 'Never-Ending Second World War: Public Performances of National Dignity and the Drama of the Bronze Soldier' (2008) 39(4) *Journal of Baltic Studies*, 397 <https://doi.org/10.1080/01629770802461175> accessed 19 August 2020.
- 35 See n 30 above, 11.
- 36 *Ibid*, 11.
- 37 Karsten Brüggemann and Andres Kasekamp, 'The Politics of History and the 'War of Monuments' in Estonia' (2008) 36(3) *Nationalities Papers* 443.
- 38 *Ibid*, 432.
- 39 See n 34 above, 398.
- 40 See n 30 above, 12.
- 41 BNS, 'Eestlased ei Poolda Pronkssõduri Omaalgatuslikku Kõrvaldamist' *Postimees* (Tallinn, 23 May 2006) www.postimees.ee/1548531/eestlased-ei-poolda-pronkssoduri-omaalgatuslikku-korvaldamist accessed 19 August 2020.
- 42 See n 30 above, 15.

- 43 *Ibid.*
- 44 Pühade ja tähtpäevade seadus (Public Holidays and Days of National Importance Act) s 3 (1998) www.riigiteataja.ee/en/eli/ee/Riigikogu/act/525062018003/consolide accessed 19 August 2020.
- 45 See n 25 above.
- 46 Dario Cavegn, 'Monument of Contention: How the Bronze Soldier Was Removed' *ERR* (Tallinn, 25 April 2017) <https://news.err.ee/592070/monument-of-contention-how-the-bronze-soldier-was-removed> accessed 19 August 2020.
- 47 See n 34 above, 399.
- 48 See n 30 above, 13.
- 49 Interview with Jüri Böhm (Tallinn, Estonia, 9 May 2006) www.youtube.com/watch?v=D04ptK8HZas&list=PL8B6BFA66AC2D662B accessed 19 August 2020.
- 50 See n 37 above, 434.
- 51 Interview with Jüri Liim (May 2006) www.youtube.com/watch?v=D6o59dhA25Y accessed 19 August 2020.
- 52 Peeter Selg, 'A Political-Semiotic Introduction to the Estonian "Bronze-Night" Discourse' (2013) 12(1) *Journal of Language and Politics* 81 <https://doi.org/10.1075/jlp.12.1.04sel> accessed 19 August 2020.
- 53 See n 15 above, 142.
- 54 The municipality of Tallinn has been governed by the Centre Party since December 2001, with the exception of the period October 2004 – November 2005, when the conservative party Res Publica came to power. Edgar Savisaar served as Mayor of Tallinn from December 2001 to October 2004 and from April 2007 to September 2015. Savisaar was Minister of Economic Affairs and Communication from April 2005 to March 2007.
- 55 Edgar Savisaar, 'Pronkssoduri tüli ohutavad poliitilised apud' *Postimees* (Tallinn, 8 June 2006) www.postimees.ee/1552459/edgar-savisaar-pronkssoduri-tuli-ohutavad-poliitilised-apud accessed 19 August 2020.
- 56 The conservative union Pro Patria and Res Publica Union. On 4 June 2006, Pro Patria Union and Res Publica Party merged. They held the name Pro Patria and Res Publica Union until June 2018, when the party changed its name to Isamaa (Fatherland).
- 57 Sõjahaudade kaitse seadus (Protection of War Graves Act) (10 January 2007) www.riigiteataja.ee/en/eli/508042019007/consolide accessed 19 August 2020.
- 58 *Ibid.* On the Geneva Convention and war dead see Article 34(2)(b) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. For more on legal instruments dealing with war dead, see Anna Petrig, 'The war dead and their graves', *International Review of the Red Cross*, Vol 91 (870) June 2009.
- 59 See n 30 above, 15.
- 60 Keelatud Rajatise Kõrvaldamise Seadus (Law on the Removal of a Forbidden Structure) (22 February 2007b) www.riigiteataja.ee/akt/12795949 accessed 19 August 2020.
- 61 See n 30 above, 15.
- 62 Irina Belobrovitseva and Aurika Meimre, 'The War of the Monuments: Estonian Case II', *Forum on Public Policy: A Journal of the Oxford Round Table* (Gale Academic Onefile 2008).
- 63 The Constitution of the Republic of Estonia, Riigi Teataja 1992, 26, 349; RT I (2011) www.riigiteataja.ee/en/eli/ee/rhvv/act/530102013003/consolide accessed 19 August 2020 s 4. The activities of the Riigikogu (Estonian Parliament), the President, the Government of the Republic and the courts are organised in accordance with the principles of separation and balance of powers (Riigi Teataja 1992).
- 64 See n 57 above.
- 65 Alo Raun, 'Nurjus Savisaare katse kohtu kaudu kaevamisi takistada' *Postimees* 12 April 2007 www.postimees.ee/1649741/nurjus-savisaare-katse-kohtu-kaudu-kaevamisi-takistada
- 66 See n 37 above, 435.
- 67 Alo Raun, 'Tallinn loodab endiselt kohtu abil Tõnismäe kaevamisi takistada' *Postimees*, 17 April 2007 <https://www.postimees.ee/1651303/tallinn-loodab-endiselt-kohtu-abil-tonismae-kaevamisi-takistada>
- 68 See n 52 above, 91–92.
- 69 See n 15 above, 142–43.
- 70 'Soviet Memorial Causes Rift between Estonia and Russia.' *Der Spiegel*, 27 April 2007. <https://www.spiegel.de/international/europe/deadly-riots-in-tallinn-soviet-memorial-causes-rift-between-estonia-and-russia-a-479809.html>

- 71 See n 15 above, 142–43; police removing the Russian-speaking crowd from the National Library on the evening of 26 April, following riots over the night and the protest in the morning of 27 April www.youtube.com/watch?v=DV5HjT1EFU&t=321s accessed 19 August 2020.
- 72 See n 30 above, 17.
- 73 A short analysis from an Estonian point of view on why the disorders occurred, broadcast on 29 April on the TV show *Aeg Luubis* (channel: ETV Pluss). At the end, a group of schoolchildren shouting ‘fascists!’ in front of Aleksandr Nevskij Cathedral is shown www.youtube.com/watch?v=VjPw3pYGELA&t=305s accessed 19 August 2020.
- 74 Visit Estonia, ‘Defence Forces Cemetery’ visitestonia.com accessed 25 July 2020.
- 75 Andrus Ansip, ‘Prime Minister Andrus Ansip’s Speech in Riigikogu’ (Address to Riigikogu, Tallinn, Estonia, 2 May 2007) www.valitsus.ee/en/news/prime-minister-andrus-ansips-speech-riigikogu visitestonia.com.
- 76 Ministry of Foreign Affairs of the Russian Federation, ‘Statement of the Ministry of Foreign Affairs of the Russian Federation Regarding Desecration in Estonia of the Monument to the Soviet Soldiers Who Fell in the Years of the Great Patriotic War’, 23 May 2006 www.mid.ru/en/web/guest/maps/ee/-/asset_publisher/mo1LgbIkjBRf/content/id/403238 accessed 19 August 2020.
- 77 *Ibid.*
- 78 Ansip, quoted in n 37 above, 436.
- 79 See n 37 above, 436.
- 80 Pilvi Torsti, ‘Why Do History Politics Matter? The Case of the Estonian Bronze Soldier’ in Juhani Aunesluoma and Pauli Kettunen (eds), *The Cold War and the Politics of History* (Edita Publishing Ltd 2008), 33.
- 81 *Ibid.*, 33; see n 70 above, 181.
- 82 NATO StratCom, ‘2007 cyber attacks on Estonia’, 52 www.stratcomcoe.org/hybrid-threats-2007-cyber-attacks-estonia accessed 19 August 2020. The NATO report states: ‘The Russian government denied any involvement; however, the cyber attacks were accompanied by hostile political rhetoric by Russian officials, unfriendly economic measures, and refusal to cooperate with the Estonian investigation in the aftermath of the attacks, all of which likely encouraged the perpetrators.’
- 83 *Ibid.*, 53.
- 84 See n 15 above, 143.
- 85 See n 34 above, 402.
- 86 Kaja Kunnas, ‘Venemaa: eestlased kaotasid 13. Tõnismäele maetu ära’ *Postimees* (Tallinn, 14 June 2007).
- 87 See n 15 above, 143.
- 88 See n 30 above, 7.
- 89 See n 14 above, 66–67.
- 90 Federico Bellentani, ‘Relocating the Past: The Case of the Bronze Soldier of Tallinn’ (2008) issue 5 *Translation: A Transdisciplinary Journal* 146.
- 91 Maria Mälksoo, ‘Liminality and the Politics of the Transitional’ in Eiki Berg and Piret Ehin (eds), *Identity and Foreign Policy: Baltic-Russian Relations and European Integration* (Ashgate 2009), 71
- 92 See n 14 above, 67.
- 93 See n 30 above, 20.
- 94 Heiko Pääbo, ‘War of Memories: Explaining “Memorials War” in Estonia’ (2008) 10 *Baltic Security and Defence Review*, 14.
- 95 *Ibid.*, 15.
- 96 Kadri Liik, ‘The “Bronze Year” of Estonia-Russia Relations’, *Estonian Ministry of Foreign Affairs Yearbook* (2007), 72 https://vm.ee/sites/default/files/content-editors/web-static/053/Kadri_Liik.pdf accessed 19 August 2020.
- 97 See n 94 above, 14.
- 98 Legal Information Centre for Human Rights, Special Monitoring Report requested by Non-Estonians Integration Foundation in n 30 above, 14.
- 99 ‘Estonian Government Cuts up WWII Memorial’ *Sputnik* (Moscow, 27 April 2007) <https://sputniknews.com/world/2007042764546318> accessed 10 November 2019.
- 100 Video by AP Archive, 21 July 2015. The protest organised by Nashi in front of the Estonian Embassy in Moscow www.youtube.com/watch?v=eeB27M0Lak4 accessed 19 August 2020.

101 See n 34 above, 401.

102 David J Smith, “‘Woe from Stones’: Commemoration, Identity Politics and Estonia’s “War of Monuments”” (2008) 39(4) *Journal of Baltic Studies*, 426 <https://doi.org/10.1080/01629770802461191> accessed 19 August 2020.

103 See n 34 above, 401.

104 ‘Plaque Commemorating SS Recipient of Iron Cross to Be Unveiled in Mustla’ *ERR* (Tallinn, 22 June 2018) <https://news.err.ee/841549/plaque-commemorating-ss-recipient-of-iron-cross-to-be-unveiled-in-mustla> accessed 19 August 2020.

105 Statement from the Russian Embassy, quoted in ‘Russian embassy blasts Lihula World War Two monument reinstallation’ *ERR* (Tallinn, 9 September 2018) <https://news.err.ee/858342/russian-embassy-blasts-lihula-world-war-two-monument-reinstallation> accessed 19 August 2020.

106 Aleksei Semjonov in n 30 above,

107 See n 30 above, 7.

108 Mirjam Mäekivi, ‘Ansip ei Välista Pronkssõduri Saatuse Otsustamist Riigikogus’ *Postimees* (Tallinn, 29 June 2006) www.postimees.ee/1557601/ansip-ei-valista-pronkssoduri-saatuse-otsustamist-riigikogus accessed 19 August 2020.

109 See n 14 above, 67–68

110 See n 96, 75.

111 ‘ISS: Russia exploiting war memorials to stir up conflicts abroad’ *ERR* (Tallinn, 12 April 2018) <https://news.err.ee/746397/iss-russia-exploiting-war-memorials-to-stir-up-conflicts-abroad>.

Case Study VII: Commemorating 'comfort women'

Statue of Peace: Asia, America, Europe



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In February 2017, an amicus curiae brief was submitted to the US Supreme Court on behalf of the Japanese government questioning whether it was ‘constitutionally permissible’ for an American city ‘to disrupt the United States’ foreign policy’. The high court appeal was part of a foreign policy initiative by Japan to prevent the installation of statues of ‘comfort women’, a euphemism for sex slaves used by the Japanese military during the Second World War. Japan believed the statues were damaging to its international reputation and impeding strategic alliances in East Asia.

This case study examines the emotive power of public monuments to convey historical injustices, and their potential for impacting diplomatic relations at the highest levels of government. It also explores the potential and limitations of a government regarding controlling its country’s historical narrative beyond its territorial limits.

Introduction

On 14 December 2011, a ‘Statue of Peace’ was erected outside the Japanese Embassy in Seoul by a civil society organisation known as the Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan. The unveiling of the ‘Statue of Peace’ on that Wednesday took place during the 1,000th weekly rally of ‘comfort women’. It is estimated that as many as 200,000 ‘comfort women’ were forced into sexual slavery by the Japanese military during the Second World War; the statue serves as a physical representation of civil society activists’ demands for an official apology and compensation from the Japanese government.

The life-size bronze depicts a dignified 15-year-old girl sitting with her hands on her lap, wearing a full-length *hanbok*, a traditional Korean dress. The girl has roughly chopped hair, in stark contrast to the traditional long, braided style that most girls wore at that time, evoking the experience of those who had their hair forcibly cut; according to one of the artists,¹ it also signals many women’s sense of alienation from their families and Korean society as a result of their sexual exploitation. A small bird on the girl’s shoulder represents the women’s quest for ‘freedom and peace’.² The girl is barefoot, with her heels hovering slightly above the ground. This represents ‘the life stories of those women who couldn’t have their presence properly recognised on this land and who couldn’t live an ordinary and comfortable life with nothing to depend on’. An empty chair, also in bronze, commemorates the ‘comfort women’ who had already passed away and invites passers-by literally to sit in a ‘comfort woman’s’ place.³ Former ‘comfort women’, like Ahn Jeom-sun, visit the statue regularly.⁴

On that Wednesday in mid-December, an estimated 5,000 people assembled in the street outside the Japanese Embassy, including five former ‘comfort women’, who embraced the statue in a symbolic gesture of solidarity. ‘Young girls were dragged to other countries as slaves of the Japanese military,’ one 85-year-old victim said. ‘I demand that the ambassador of Japan tell the Japanese government to apologize before we all die.’⁵ The unveiling drew global attention. *The New York Times* ran the headline, ‘Statue Deepens Dispute Over Wartime Sexual Slavery’. The statue was placed in order to be seen every day by those in the Japanese Embassy across the street.⁶

In the decade that followed, the 'Statue of Peace' became the focus of an increasingly fraught dispute between Korea and Japan, occupying the attention of political leadership, intruding on international summits and eventually leading to the severing of diplomatic relations between two strategic allies, imperilling a relationship vital to an American security framework in East Asia. This case demonstrates the emotive power of statues and monuments to shape historical narrative and the symbolic importance they can hold, not just domestically, but also internationally.

Background

The term 'comfort women' is used to describe women and girls who were recruited by the Japanese military to work in so-called 'comfort stations' to provide sexual services to soldiers during the War in the Pacific. It is estimated that as many as 200,000 women were involved, primarily from Korea, but also from other countries under Japanese control during the Second World War, including China, Malaysia, the Philippines, Taiwan and the Dutch East Indies. While some women volunteered, notably sex workers, many women have testified that they were coerced into sexual slavery.⁷ Although Japan originally contested the use of the term 'slavery' in reference to the 'comfort women', in 1996, the former UN Special Rapporteur on violence against women, Radhika Coomaraswamy, stated unequivocally that she considered 'the case of women forced to render sexual services in wartime by and/or for the use of the armed forces a practice of military sexual slavery'.⁸ Through this system, the 'comfort women' were subsequently subjected to extreme physical and sexual violence in 'comfort stations', resulting in long-term physical and psychological damage, and in many cases, death. On their return to Korea after the war, many felt rejected by society and carried a profound sense of guilt, helplessness and shame.⁹

The Japanese government long denied its complicity in the 'comfort women' system, arguing that private contractors rather than state-sanctioned military officers were responsible for the practice. In the late 1980s, the academic Yun Chung-Ok presented her findings regarding the Imperial Japanese wartime policy of 'comfort women'; the publication of her research triggered the expansion in public awareness over the 'comfort women' issue, and shortly thereafter, many survivors of such wartime violence began to speak out.¹⁰ Subsequently, the Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan was formed in November 1990, comprising 37 Korean women's groups, including Korean Church Women United and the Korean Women's Associations United. The aim of the organisation was to petition the Japanese government for a public apology and financial compensation for surviving victims, and an acknowledgment of 'comfort women' in the country's national history curriculum.¹¹

On 14 August 1991, Kim Hak-soon, a former 'comfort woman', broke the silence among the former 'comfort women' to speak publicly of her ordeal. 'My whole body and soul still shiver just thinking and talking about my experience,' Her testimony helped pave the way for other women to come forward as well. The Korean Council created a hotline in 1992

for victims and their relatives to tell their stories; 390 people called in during a three-month period.¹² Five months after Kim Hak-soon's testimony, starting on 14 January 1992, victims and their supporters began gathering every Wednesday afternoon outside the Japanese Embassy in Seoul to demand redress. These protests became known as the 'Wednesday Demonstrations', and in August 2019, protesters marked the 1,400th gathering.¹³

In response to mounting pressure and thanks to research conducted by Yoshiaki Yoshimi which unearthed documentation about the 'comfort women' system that indisputably implicated the Japanese military, the Japanese government acknowledged in 1993 the participation of administrative personnel in the systematic forcible 'recruitment' of women to work at 'comfort stations'.¹⁴ However, it maintained at the time that any rights to compensation for individual survivors could not be invoked by states such as Korea due to normalisation of relations after the war, in particular, an agreement signed on 27 June 1965: the Treaty on Basic Relations between Japan and the Republic of Korea. Negotiated in the post-war era when South Korea was beginning to expand its economy, the treaty re-established diplomatic relations between the two countries. Article II addressed 'the rights and interests of the two High Contracting Parties and their peoples (including juridical persons) and the claims between the High Contracting Parties and between their peoples.'¹⁵ As such any issues were 'settled finally', and Japan provided Korea with \$800m in economic assistance. The 1965 treaty – encouraged strongly by the US, which was heavily involved economically and militarily in South Korea and Japan during the Cold War – normalised bilateral relations and provided legal precedent for claiming that calls for legal reparations had already been clarified.¹⁶

On 7 February 1994, a delegation of six former 'comfort women', five representatives of the Korean Council for Women Drafted into Military Sexual Slavery and Park Woon-Sun, a lawyer and future Mayor of Seoul,¹⁷ appeared at the Tokyo Prosecutor's Office to demand an official investigation into perpetrators of sexual slavery. 'The Tokyo Prosecutors' Office refused to receive a formal submission,' noted Totsuka Etsuro, a Japanese human rights lawyer who was present. 'Under then [World War Two era] Japanese domestic criminal law, abductions by deception of women to military designated comfort stations were punishable.' Sex slavery was also a crime against humanity under international humanitarian law.¹⁸

While Japan refused to prosecute, it did apologise. After Kim Hak-soon's testimony and the following litigation, Japanese Prime Minister, Kiichi Miyazawa, apologised directly in an address to the Korean National Assembly and again to President Roh Tae Woo during state visit talks. He expressed 'remorse' and offered an 'apology' for Japan's use of 'comfort women'.¹⁹ In August 1993, the Japanese government issued a milestone apology, known as the Kono Statement, when it admitted that its 'administrative/military personnel directly took part in the recruitment' of women for the purpose of working in 'comfort stations', and they did so 'under a coercive atmosphere'. Chief Cabinet Secretary Yohei Kono extended the government's 'sincerest apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women'.²⁰

Japanese Prime Minister Tomiichi Murayama, a progressive from the Socialist Party, used the 50th anniversary of the end of the Second World War to recall 'scars of war'. They included, he said, 'the involvement of the Japanese military forces' in recruiting 'comfort women' that 'seriously stained the honour and dignity of many women'. He expressed public regret. 'This is entirely inexcusable,' he said. 'I offer my profound apology to all those who, as wartime comfort women, suffered emotional and physical wounds that can never be closed.'²¹ The following year, in June 1996, the Ministry of Education approved seven new junior high school social studies texts. Each textbook contained a sentence referring to 'military comfort women' (*ju gūn ianfu* in Japanese). The reference sparked a fierce backlash in conservative circles.²²

While some Japanese politicians were taking the responsibility of apologising seriously, some conservative elites pushed back against apologising for an event they perceived to be disputed. In January 1995, two academics, Nobukatsu Fujioka and Kanji Nishio, formed the Liberalist History Research Group (*Jiyū shugi shikan kenkyū kai*). In several publications, Fujioka and his colleagues challenged the government's decision to include lines about 'comfort women' in textbooks, claiming that first-hand testimonies could not be 'substantiated', and therefore the passages should be removed.²³ While academics largely agreed that the majority of former 'comfort women' were systematically and often coercively recruited by military forces from occupied wartime territories,²⁴ some 'liberal' historians asserted that many of the so-called 'comfort women' were not forced labourers, but prostitutes who voluntarily joined the military camps to provide sexual services to soldiers. The basis of this claim was twofold: before and during the Second World War, sex work was legal; simultaneously, although the Japanese government shifted to a conscription system for women by 1942, prior to that, women were recruited to work in the military via 'voluntary' participation. Some women did volunteer for job opportunities in factories and hospitals which came with the promise of monetary compensation; later, many found that they had been misled. Thus, the claim is that the so-called 'comfort women' were actually sex workers who voluntarily offered their labour to the Japanese imperial army.²⁵

Shinzō Abe, who served his first term as Prime Minister in 2006, continued to reverse the penitence behind years of apologies over sexual slavery in the Japanese military during the Second World War. 'There is no evidence to prove there was coercion, nothing to support it,' Abe said at a press conference on 1 March 2007. 'So, in respect to this declaration, you have to keep in mind that things have changed greatly.'²⁶ Abe's remarks sparked international outrage, including from Japan's closest ally, the US. A US State Department spokesman said that the US 'certainly would want to see the Japanese continue to address' the issue of 'comfort women' and 'to deal with it in a forthright and responsible manner that acknowledges the gravity of the crimes that were committed'.²⁷ The US was in a strategic balancing act, seeking to promote rapprochement between Japan and Korea, its two closest allies in the region. *The New York Times* was struck by the State Department's uncharacteristically undiplomatic rebuke: 'That kind of critical language is rarely used against Japan by Washington, which has tried to stay clear of the history-related problems that have roiled East Asia in recent years.'²⁸ On 30 July 2007, the US House of Representatives passed House Resolution 121, demanding that Japan 'formally acknowledge, apologize, and accept historical responsibility for its Imperial Armed

Force's coercion of young women into sexual slavery (comfort women) during its colonial and wartime occupation of Asia'. The resolution pointedly suggested that 'it would help to resolve recurring questions about the sincerity and status of prior statements, if the Prime Minister of Japan were to make such an apology as a public statement in his official capacity'.²⁹

In addition to an apology, activists have urged the Japanese government to provide compensation for surviving 'comfort women'.³⁰ Providing reparations, which is one of the Korean Council's core demands, would serve two purposes. First, it would compel Japan to take full responsibility for the 'comfort system'. Second, it would meet the immediate needs of many survivors, who live in impoverished conditions.³¹ The first major effort by Japan to compensate victims was the Asian Women's Fund, which Prime Minister Murayama opened in 1995 'as an expression of atonement'.³² The fund collected private donations, as well as government money, and was operated by the government as a non-profit foundation in order to distribute several thousand dollars of 'atonement money' to each survivor, with a handwritten letter of apology from the Prime Minister. The Korean Council dismissed this effort because it blurred formal government responsibility by soliciting private donations and failing specifically to acknowledge any war crimes. The Korean Council urged survivors to refuse the money, and even condemned the women who accepted it.³³ A second compensation project was agreed upon in 2015 by Prime Minister Abe and President Park Geun-hye, discussed below. Protesters continued to assemble every Wednesday outside the Japanese Embassy in Seoul. As the 1,000th weekly protest of the 'Wednesday Demonstrations' approached, a statue was commissioned to keep a permanent vigil outside the Japanese Embassy in Seoul.

Statue of Peace in Seoul

The installation of the Statue of Peace, across the street from the Japanese Embassy in Seoul, at 6 Yulgok-ro, Junghak-dong, Jongno-gu, on 14 December 2011, came just three days before a weekend summit meeting between the Korean President Lee Myung-bak and Japanese Prime Minister Yoshihiko Noda. The placement of the statue was not contested by local authorities.³⁴ The Japanese ambassador to Seoul protested the installation to the Korean government, citing a violation of the 1961 Vienna Convention.³⁵

Under paragraph 2 of Article 22 of the Vienna Convention on Diplomatic Relations, the 'receiving State' of a diplomatic mission is 'under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity'.³⁶ The Korean government forwarded the complaint to the Seoul City Council; the Mayor at the time, who had been recently elected, was Park Won-soon, the lawyer who accompanied the delegation of 'comfort women' to the Tokyo Prosecutor's Office in the early 1990s. 'We have conveyed Japan's concerns to the council,' Korean Foreign Ministry spokesman Cho Byung-jae said at a news briefing a day before the planned installation. 'However, a former 'comfort woman' victim passed away even today, leaving only 63 survivors. In this situation, we in the Foreign Ministry are not in a position to tell the victims to change or scrap the plan to erect the monument.'³⁷

The Korean government's defiant position was driven, in part, by a domestic constitutional mandate. Three months earlier, on 30 August 2011, Korea's Constitutional Court ruled in favour of the 'comfort women' plaintiffs, who argued that the Korean government failed fully to pursue their rights vis-à-vis the Japanese government. The court identified that, regardless of how likely a diplomatic outcome may be, under the 1965 Normalization Treaty, if diplomacy fails to resolve a dispute over interpretation of the document, the state may use arbitration on appeal by the surviving 'comfort women', which claimed President Lee's government was in violation of Korea's Constitution for the 'non-exercise' of the final settlement of the 'comfort women' issue with Japan. Citing the Preamble to Korea's Constitution, along with Article 10, which guarantees the individual's human rights, and Article 2, which protects citizens abroad, the claimants argued that the Korean government was required to seek apology and redress on behalf of Korea's 'comfort women'. Following the ruling, the Lee Myung-bak government formally reached out to Japan to conduct talks concerning dispute resolution for the 'comfort women' under the 1965 treaty.³⁸

The unveiling of the statue took place three days before Korea's President was to meet with Japan's Prime Minister, in Kyoto, Japan, to discuss the common interests of Japan and Korea within the broader security framework the US had been developing for East Asia to keep China and North Korea in check. Protesters wanted the 'comfort women' issue discussed as well. 'President Lee Myung-bak cannot say he doesn't know that white-haired grannies come out here, rain or shine, week after week,' one former 'comfort woman' told the BBC. 'President Lee should call on Japan to correct the wrongs of the past, so that things which need apologies can receive them, and compensation can be given.'³⁹

The diplomatic contretemps over the statue, along with the high court ruling, forced the issue of 'comfort women' in general, and the statue specifically, onto the summit agenda. After underscoring the shared role as 'allies of the United States' and shared 'interests such as peace and prosperity of East Asia', President Lee broached the topic of the 'comfort women'. 'On the issue of comfort women, President Lee pointed out that this is an important issue that needs to be addressed,' stated the Japanese Foreign Ministry protocol of the meeting records. The Korean President spoke of the 'true bravery' required to find a solution. The Japanese Prime Minister said that Japan's 'legal position' had been made 'consistently clear'. Noda spoke of previous 'humanitarian efforts' and his willingness to 'explore ideas from a humanitarian point of view'. 'On the issue of construction of the statue in front of the Japanese Embassy in Seoul,' the protocol commits to record, 'Prime Minister Noda expressed his regret to the President over the construction and requested its early removal.'⁴⁰

Over the next few years, Japan-Korea relations soured, in large part due to their contested history. Both countries elected leaders with firm views about the past: Shinzō Abe, with his tendency to downplay Japanese involvement, was awarded a second term, and in Korea, Park Geun-hye took a tough stance on the apology issue. A few days after her inauguration, President Park stated: 'The dynamic of (Japan) being the aggressor and (Korea) being the victim will never change, even after the passage of a thousand years [...] Japan should have a correct view of history and assume a responsible attitude to open up the era of Northeast Asia

in the 21st century as a partner.⁴¹ Prime Minister Abe returned to his mid-2000s rhetoric, asserting in August 2015 that, 'Japan has repeatedly expressed the feelings of deep remorse and heartfelt apology for its actions during the war [...] We must not let our children, grandchildren, and even future generations to come, who have nothing to do with that war, be predestined to apologize.'⁴²

Yet despite the tension that dominated Japan-Korea relations at this time, on 28 December 2015, the Foreign Ministers of Japan and Korea held a joint press conference. Japan's Foreign Minister Fumio Kishida said the sexual exploitation of women by the Japanese military 'was a grave affront to the honour and dignity of large numbers of women and the government of Japan is painfully aware of the responsibilities in this regard'. Kishida added that Prime Minister Abe 'expresses anew his most sincere apologies and remorse'. Kishida committed Japan to providing money for a fund for surviving 'comfort women'. In return, Japan requested the removal of the Peace Statue in front of the Japanese Embassy in Seoul. The Korean government said it would 'negotiate with relevant civics groups' about the possible removal of the statue. The joint declaration said the issue of the 'comfort women' was 'resolved finally and irreversibly'. Japan would provide JPY 1bn, or \$8.3m, from the national budget for the 46 remaining former 'comfort women'.⁴³

Just like the Asian Women's Fund 20 years prior, the 2015 fund was met with scepticism because survivors were not consulted, and the prevailing feeling was that Japan still did not take direct responsibility. Civil society organisations and activists argue that it is necessary for the Japanese government directly and officially to compensate surviving 'comfort women' rather than deferring such responsibility to a specially created fund or transferring the money to this group of women by other means. A public opinion poll found that only 25 per cent of Koreans endorsed the agreement.⁴⁴ The Korean Council called the agreement 'shocking' and an example of 'humiliating' diplomacy for giving too much for too little.⁴⁵ Zaid Ra'ad Al Hussein, the UN High Commissioner for Human Rights, also questioned the 2015 agreement. 'Its terms have been questioned by various UN human rights mechanisms, and most importantly by the victims themselves,' the UN High Commissioner said in March 2016, during the 31st session of the Human Rights Council. 'It is fundamentally important that the relevant authorities reach out to these courageous and dignified women; ultimately only they can judge whether they have received genuine redress.'⁴⁶

Particular public ire was raised over Park's promise to relocate the comfort woman statue. 'Removal of the Girl of Peace Statue has become a major issue since the December 28 Agreement,' one observer noted. A Korean nun attending a 'Wednesday Demonstration' that followed the announcement expressed a common sentiment. 'The removal of the Girl of Peace Statue is a condition that is completely unacceptable,' she told the media. 'I chose to be here because I want to protect the statue until the end.'⁴⁷ Ultimately, after a newly elected South Korea President Moon Jae-in decided to review the agreement in response to a public backlash, on 21 November 2018, Korea effectively ended the 2015 agreement when it shut down the Japanese-funded 'comfort women' foundation.⁴⁸

Statue of Peace, Glendale, California

The centrality of the 'comfort women' statue in Japan's negotiations with Korea suggests the symbolic power of monuments, as well as their emotive potential to galvanise activism and draw media attention. The statue was a reminder of an atrocity that left few visible traces on its victims. This immortalising of human trauma was immediate, permanent, evocative and visceral. It was also replicable. The original 1,200 pound bronze casting was created by a husband-wife team of sculptors, Kim Seo-kyung and Kim Eun-sung, and financed by private donations from the community, including students and the police, who were present for the 'Wednesday Demonstrations'.⁴⁹ Even as the Japanese government sought the removal of the statue in front of the Seoul Embassy, requests were being made for replicas.

In 2013, the Korean American Forum of California, an activist organisation created in 2007 to lobby Congress on House Resolution 121, raised funding to commission a casting of the Statue of Peace for a public park in the City of Glendale, California, a suburb just north of Los Angeles. US Congressional Representative, Mike Honda, a Democrat from San Jose, with Japanese heritage, who had introduced House Resolution 121 in 2007, expressed support for the proposed statue. But many in the local Japanese American community objected. The City Council received hundreds of emails and complaints. Some claimed the historical facts were exaggerated or invented. Despite the complaints, the city commission approved the installation, on 9 July 2013, in a majority vote of 4-1.⁵⁰ The statue was unveiled three weeks later with an accompanying brass plaque.⁵¹

In the first section, the plaque provided the facts: 'In memory of more than 200,000 Asian and Dutch women who were removed from their homes in Korea, China, Taiwan, Japan, the Philippines, Thailand, Vietnam, Malaysia, East Timor and Indonesia, to be coerced into sexual slavery by the Imperial Armed Forces of Japan between 1932 and 1945.' The second section provided the context: 'And in celebration of proclamation of "Comfort Women Day" by the City of Glendale on July 30, 2012, and of passing of House Resolution 121 by the United States Congress on July 30, 2007, urging the Japanese Government to accept historical responsibility for these crimes. It is our sincere hope that these unconscionable violations of human rights shall never recur.'⁵²

In February 2014, two plaintiffs, Michiko Shiota Gingery, a Glendale resident, and Koichi Mera, founder and President of a non-profit entity, Global Alliance for Historical Truth (GAHT), filed suit against Glendale in the US District Court for the Central District of California, contending that the statue interfered in the US government's ability to conduct foreign policy and therefore violated the Supremacy Clause of the Constitution.⁵³ The suit was dismissed by Los Angeles US District Judge Percy Anderson, who determined that the statue was 'entirely consistent with the federal government's foreign policy'.⁵⁴ Following the District Court's ruling, Gingery, Mera and GAHT filed another case with the Superior Court of the State of California for the County of Los Angeles.⁵⁵

On 7 June 2016, the plaintiffs appealed the decision to the US Ninth Circuit Court of Appeals in Los Angeles, where the court dismissed the pre-emption claim, stating:

‘These purposes—memorialising victims and expressing hope that others do not suffer a similar fate—are entirely consistent with a local government’s traditional function of communicating its views and values to its citizenry.’ ‘The Constitution places important limits on a municipality’s ability to engage in matters related to foreign affairs,’ Wardlaw continued, ‘[w]e conclude that Glendale has not exceeded those limits by installing a monument to commemorate the Comfort Women.’⁵⁶

By this time, one plaintiff, Glendale resident Gingery, was deceased, but Mera pressed the claim, and on 11 January 2017, filed a Petition for Writ of Certiorari with the US Supreme Court, docket No #16-917, *Koichi Mera and Gaht-US Corporation v City of Glendale*. ‘The city of Glendale, California has inserted itself into a geopolitical dispute,’ the petition claimed, ‘where it has no local responsibility, and taking a position in conflict with the policy of the United States’. Mera refined his appeal to a single issue for the Supreme Court’s consideration: ‘Does the Constitution preempt local government expressive conduct that intrudes on the federal government’s exclusive foreign affairs power?’⁵⁷ In a highly unusual move, the Japanese government submitted an *amicus curiae* brief, submitted on 22 February 2017, in support of the Mera petition.

The brief was an opportunity for Japan to remind the US of its strategic interests in East Asia. ‘This case involves the question whether it is constitutionally permissible for respondent City of Glendale (Glendale),’ the *amicus curiae* brief argued, ‘to disrupt the United States’ foreign policy of impartially encouraging an amicable resolution of the issue between Japan and the Republic of Korea concerning comfort women during World War II.’ The brief emphasised that US policy had been undertaken ‘carefully and consistently’ up until this point and had intentionally ‘avoided making inflammatory statements about the issue’. In sum, the Glendale statue could threaten a cautious US diplomatic agenda.⁵⁸ The brief noted that Japan ‘strongly disagrees that the inscription of the Glendale monument accurately describes the historical record’. It also cited the 1965 agreement stating that ‘the comfort women issue should be handled as a matter of government-to-government diplomacy’.

The US Supreme Court takes roughly 100 to 150 cases each term, out of a pool of 7,000. The vast majority of petitions are declined.⁵⁹ On 27 March 2017, a month after the Japanese government submitted its *amicus curiae* brief, the Supreme Court issued its list of rulings. The decision for 16-917 *Mera, Koichi, et al v Glendale, CA*, was crisp: ‘Petition DENIED’.⁶⁰

Japan’s Chief of Cabinet Secretary Yoshihide Suga called the Supreme Court decision ‘extremely regrettable’.⁶¹ In an opinion piece in the *Japan Times*, Japan’s Foreign Ministry Press Secretary stated that the Glendale statue was ‘incompatible with the position of the Japanese government’ given the wording of both the Vienna Convention on Consular Relations and the 2015 ‘comfort women’ agreement.⁶² Julie Tang, a retired judge on the Superior Court of San Francisco and Co-Chair of the Comfort Women Justice Coalition, applauded the Supreme Court decision. ‘I believe the real motivation behind the lawsuit is to intimidate and chill the local grassroots efforts to build “comfort women” peace memorials,’ Tang told *NBC News*. ‘This tactic backfired [...] Essentially, the US Supreme Court has given a green light for “comfort women” peace memorials to be built anywhere in the US.’⁶³

Proliferation and provocation

By February 2017, as Japan lobbied the US Supreme Court over Glendale's replica of the Seoul Statue of Peace with its *amicus curiae* brief, it was already locked in yet another battle over yet another replica of the Statue of Peace, in the port city of Busan, Korea's second-largest city. On 28 December 2016, a bronze statue of the girl and empty chair was installed on a sidewalk near the Japanese consulate in Busan. Since the first statue in 2011, the image of the young girl has proliferated, not just in Korea, but around the world, including in Australia, China, Germany, the Philippines, Taiwan, and of course, the US. Although there were already 37 statues in towns and cities across Korea, unveiling this particular statue in such close proximity to the Japanese consulate in Busan elicited an official protest. It was installed by an activist group, Youth Make Peace, as a protest on the one-year anniversary of the controversial 2015 'comfort women' agreement.⁶⁴

When a Busan district office noted that the organisers had failed to secure permission from the city to install the statue, it was removed by the police. Protesters took videos of the police action and posted them on the internet. Within hours, the city's website had crashed. Officials were 'overwhelmed' with phone calls and visits; Busan District Mayor Park Sam-seok was even called a 'Japanese collaborator', an insult alluding to Koreans who participated in the Japanese bureaucracy during the colonial period.⁶⁵ Two days after the statue's removal, the Mayor held a news conference. He apologised for the police action and the statue's removal, and promised to reinstall the statue. 'This is an issue between the two nations,' Park said, 'and I realize it's too much for a local office like mine to handle.'⁶⁶ On 31 December 2016, Youth Make Peace held a ceremony celebrating the return of the Statue of Peace to its location near the Japanese consulate.⁶⁷

At a news briefing, Korean Foreign Ministry spokesperson Cho June-hyuck spoke of the need for a 'prudent decision' on the statue 'from the aspect of international protocol and customs regarding the protection of diplomatic relations'.⁶⁸ Another government official spoke on condition of anonymity due to the sensitive nature of the issue. 'We're not against the statue's existence – it is part of history that must be remembered and preserved – but we see that it can stay in a better environment with greater access, such as at a park nearby,' he said. 'But with the unmoving district office, we are trying to come up with other solutions.'⁶⁹ As mentioned above, a Gallup Korea opinion poll indicated that only 25 per cent of Koreans endorsed the 2015 agreement that called for the removal of 'comfort women' statues.⁷⁰

Even as Korea struggled to balance domestic interest with international obligations, Japan moved decisively. The Japanese consulate issued a complaint to the Busan city government and requested the statue's removal. Vice Foreign Minister Shinsuke Sugiyama reportedly called South Korean Ambassador Lee Joon-gyu, referring to the new statue as 'extremely regrettable'. He urged its immediate removal. The Japanese ambassador in Seoul, Yasumasa Nagamine, issued a complaint to Korea's Vice Foreign Minister Lim Sung-nam. Just like in the case of the Seoul statue, Japan cited a violation of the Vienna Convention.⁷¹ In the first week of 2017, Japan's Chief Cabinet Secretary Yoshihide Suga announced the withdrawal of his country's two top diplomats from Seoul over violation

of the 2015 agreement. He also suspended economic talks between the two countries, including a proposed currency swap, and suggested further steps might come in the future:⁷² ‘[The statue will] have an unfavourable impact on the relationship between Japan and South Korea.’⁷³ The Japanese diplomats wouldn’t return to Seoul until April 2017, three months later, in order to address shared concerns over North Korea.⁷⁴

On 3 March 2017, while Japan and Korea were stalemated over the Busan statue, and the US Supreme Court was reviewing Japan’s *amicus curiae* brief on the Glendale statue, yet another bronze Statue of Peace was unveiled in Wiesent, a village of 2,625 inhabitants near the German town of Regensburg, deep in the Bavarian countryside. The bronze replica of the original ‘Statue of Peace’, in Seoul, was originally intended as a gift to Freiburg-im-Breisgau, a university town in the west of the country, but diplomatic pressure, coupled with threats to terminate a twin-city partnership, scuttled the plan. The unveiling of the statue in Wiesent, on International Women’s Day, was attended by 100 visitors, mostly Korean, including Ahn Jeom-sun, a 90-year-old former ‘comfort woman’, who was flown in from Korea for the occasion.⁷⁵ She was photographed embracing the statue. The event made news around the world. The *South China Morning Post* ran the headline, ‘First “Comfort Women” Statue in Europe is Unveiled in Germany’.⁷⁶ It also registered in Tokyo. Japan’s Foreign Minister addressed the Wiesent event at a press conference in Tokyo. ‘These activities related to the building of comfort woman statues in Germany, the United States, and other locations are contradictory to the Japanese government’s position, and we feel such moves are very regrettable,’ Fumio Kishida said. ‘The Government will continue to make contacts with various related parties and explain Japan’s position.’⁷⁷

Although not using the original mould constructed by Kim Seo-kyung and Kim Eun-sung, other girl statues honouring the ‘comfort women’ have proliferated as well. In late 2017, San Francisco unveiled its own statue commemorating the ‘comfort women’ – three girls holding hands and standing on a pedestal, while the figure of Kim Hak-soon stands at eye level – and later designated it a city monument. The move ultimately led the Mayor of Osaka, Hirofumi Yoshimura, to sever the San Francisco-Osaka sister-city relationship.⁷⁸ In 2018, the Taiwanese city of Tainan commemorated the first ‘comfort woman’ statue on the island, also depicting a young woman. Chief Cabinet Secretary Yoshihide Suga referred to the event as ‘extremely disappointing’.⁷⁹ Despite Japan’s efforts, in 2017, there were an estimated 40 statues around the world in remembrance of ‘comfort women’.⁸⁰

Conclusions

The ‘comfort women’ statue underscores the emotive potential of statues and monuments. In all of its locations, the Statue of Peace and similar statues gave physical expression to an historical injustice and provided a focal point for public attention. It also created a striking visual backdrop for media attention which sparked resonance across disparate communities. Initially, the artists merely planned to create a memorial stone to rest in front of the Japanese Embassy in Seoul to mark the 1,000th ‘Wednesday Demonstration’ for the former ‘comfort women’. ‘But we heard

that the Japanese government was against the memorial stone being built, and this offended us as artists,' one of the two sculptors, Kim Seo-kyung, explained. 'If the Japanese government didn't react so excessively, it would probably have just been a small memorial stone.'⁸¹ Instead, the choice of a life-size sculpture of a 15-year-old girl, along with all the symbolic details, signalled the evocative image of a child swept into the unimaginable circumstances of sexual slavery.

The statue also elicits a powerful response because of its physical location in relation to the objects around it. The particular placement of the Seoul statue amid the urban landscape heightened the impact and enhanced the messaging. Instead of standing in a park or public square, a traditional setting for monuments, the statue was positioned on the sidewalk directly across the street from the Japanese Embassy. The direction of the young girl's gaze, fixed on the entrance to the embassy, in order to observe anyone entering or exiting the building, serves to anthropomorphise the past. Furthermore, the bronze casting was of modest size and proportion, allowing new casts to be made and transported for relatively affordable expense. According to the artists, the initial sculpting and casting cost \$32,000, with the costs dropping significantly for new castings.⁸²

Japan argued its position with legal agreements, and pointed to a long history of attempted apologies and forms of compensation. The 'comfort women' statues point to the intersectionality of memory in the public space, and how the interests of distinct groups – political actors, non-governmental actors, victims and citizens – can both overlap and diverge. When Japan and Korea signed the 2015 agreement, non-governmental actors, victims and citizens felt that it missed the mark. One also needs to consider the impact of individual political leaders in these matters, at the municipal, national and international level. The Mayor of Busan was willing to accommodate Japan's request to remove the statue until he was pressured by local activists and public opinion, even against the preferences of Korea's Foreign Ministry. By contrast, authorities in Seoul took a decidedly defiant position on the 'comfort women' issue. Similarly, the policies of Japan were influenced by the staunch nationalistic attitudes of Shinzō Abe, who reversed the traditional accommodation by Japan on 'comfort women' issues. Korea had its own political complications with the scandal surrounding President Park Geun-hye, in 2016, and her resignation the following year.

This case study also demonstrates the potential and limitations of a country to control its historical narrative outside its territorial borders. Japan availed itself of the full range of diplomatic, economic and legal instruments against the statues, with varying degrees of success. It's well known that the best diplomacy is invisible and takes place amiably, with little media attention. Many of these cases made headlines and highlighted diplomatic failures and intractable roadblocks to state relations. But these cases can be instructive as to the types of recourse available to governments. In the case of Busan, cooperation over North Korea concerns undermined Japan's decision to revoke its diplomats in a show of disapproval. In the US, supporting a local fight for legal action failed to convince the Supreme Court.

It is also necessary to understand the impact of these disputes within the broader context of international relations. While the disputes resulted in undeniable tensions between Japan and Korea, they did not disrupt or displace the broader strategic and economic

frameworks between Japan and Korea or Japan and the US, despite the endangerments alleged in the *amicus curiae* brief to the US Supreme Court. In April 2017, three months after the incident with the Busan statue, Japan returned its two top-ranking diplomats to Korea. 'The announcement came as Japan, South Korea and the United States began a three-day naval exercise in waters between South Korea and Japan, a show of strength aimed at North Korea,' *The New York Times* reported on 3 April 2017. 'In the end, more pressing geopolitical concerns trumped the quarrel.'⁸³ 'North Korea has just hijacked all the issues,' said Ken Jimbo, an associate professor of policy management at Keio University in Tokyo. He said there was 'no choice for Tokyo and Seoul but to collaborate with each other'.⁸⁴

It was a position confirmed by Foreign Minister Kishida as early as January 2017 in the midst of the Busan statue controversy. On 13 January 2017, Kishida held a press conference to address the timing of a summit Japan was scheduled to host for China and Korea. During the press conference, a reporter from the Japanese newspaper *Asahi Shimbun* raised the issue of the Busan statue. He asked Kishida to 'please clarify whether the statue issue in Busan will affect the decision on the timing of the Japan-China-ROK summit meeting'. In referencing the timing of the trilateral summit, Kishida made clear, 'Japan has no intention of linking it to the problem regarding construction of the statue of a comfort woman in front of Japan's consulate general in Busan.'⁸⁵

In sum, the 'comfort women' statues in public spaces have served to commemorate the suffering of thousands of women around the world; they have also touched off state conflicts between Japan and its neighbours. As with many issues of historical memory, the 'comfort women' dispute is not fully resolved, and it may never be. Most of the elderly former 'comfort women' have passed away, and the state actors continue to shift both their position and their rhetoric. The 'comfort women' statues underscore the power of the public space to commemorate history and provide both conflict and catharsis to those involved, regardless of formal resolution.

References

'"Comfort women": Japan and South Korea hail agreement' (BBC, 28 December 2015) www.bbc.com/news/world-asia-35190464.

'Deciphering symbolism of girl statue' *The Korea Times* (Seoul, 6 September 2016) www.koreatimesus.com/deciphering-symbolism-of-girl-statue.

'Gingery v City of Glendale, Opinion, No 14-56440 DC No 2:14-cv-01291-PA-AJW, 4 August 2016 <https://cdn.ca9.uscourts.gov/datastore/opinions/2016/08/04/14-56440.pdf> accessed 28 August 2020. 'History of the Movement', *Womenandwar.net*, womenandwar.net/kr/history-of-the-movement.

'Japan Apologizes on Korea Sex Issue' The New York Times (New York, 18 January 1992) "<http://www.nytimes.com/1992/01/18/world/japan-apologizes-on-korea-sex-issue.html>" accessed 28 August 2020.

'Koichi Mera and GAHT-US Corporation v. City of Glendale, BRIEF FOR THE GOVERNMENT OF JAPAN AS AMICUS CURIAE SUPPORTING PETITIONERS, No 16-917 (9th Cir. 2016), Cert. Denied. (US 27 March 2017)' www.mofa.go.jp/files/000231732.pdf.

'Koichi Mera and GAHT-US Corporation v. City of Glendale, PETITION FOR WRIT OF CERTIORARI, No 16-917 (9th Cir. 2016), Cert. Denied. (US 27 March 2017)' <http://gahtjp.org/wp-content/uploads/2017/02/Koichi-Mera-Petition-for-Writ-of-Certiorari.pdf>.

'Korea "comfort women" Put Up Statue at Landmark Rally' (BBC, 14 December 2011) www.bbc.com/news/world-asia-16185314.

'Ministry of Foreign Affairs of Japan, Japan-Republic of Korea Summit Meeting (Summary), 18 December 2011, Kyoto, Japan' https://www.mofa.go.jp/region/asia-paci/korea/summit_1112.html accessed 28 August 2020.

Ministry of Foreign Affairs of Japan, 'Press Conference by Foreign Minister Fumio Kishida', 17 January 2017 www.mofa.go.jp/press/kaiken/kaiken1e_000007.html.

Ministry of Foreign Affairs of Japan, 'Press Conference by Foreign Minister Fumio Kishida', 10 March 2017 www.mofa.go.jp/press/kaiken/kaiken4e_000351.html accessed 28 August 2020.

Ministry of Foreign Affairs of Japan, 'Statement by Prime Minister Tomiichi Murayama on the Occasion of the Establishment of the "Asian Women's Fund" (July 1995)' www.mofa.go.jp/policy/women/fund/state9507.html accessed 18 July 2020.

Ministry of Foreign Affairs of Japan, 'Statement by the Chief Cabinet Secretary Yohei Kono on the Result of the Study on the Issue of "Comfort Women"' (August 4, 1993)' www.mofa.go.jp/policy/women/fund/state9308.html accessed 18 July 2020.

'My Little Statue of Peace Around the World.' KOREA VERBAND. 2017. https://www.koreaverband.de/downloads/Friedensstatue_English.pdf accessed 29 November 2020.

'No. 16-917, Title: Koichi Mera, et al., Petitioners v. City of Glendale, California', Supreme Court of the United States www.supremecourt.gov/Search.aspx?FileName=/docketfiles%5C16-917.htm.

'Park Urges Japan to Reflect on Past Aggression' *The Japan Times* (Tokyo, 2 March 2013) www.japantimes.co.jp/news/2013/03/02/national/history/park-urges-japan-to-reflect-on-past-aggression/#.W8QkCBNKgWo.

'Seoul Faces Dilemma Over "Comfort Women" Statue in Busan' *The Korea Herald* (Seoul, 3 January 2017) HYPERLINK "<http://www.koreaherald.com/view.php?ud=20170103000764>" accessed 28 August 2020.

'Statement by Prime Minister Shinzo Abe of Japan' *The New York Times* (New York, 14 August 2015) www.nytimes.com/2015/08/15/world/asia/full-text-shinzo-abe-statement-japan-ww2-anniversary.html.

'Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, to the Human Rights Council's 31st Session', UN Human Rights Office of the High Commissioner, 10 March 2016 <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E>.

'Statue of "comfort woman" erected outside Japanese Embassy in Seoul' *The Japan Times* (Tokyo, 15 December 2011) www.japantimes.co.jp/news/2011/12/15/national/statue-of-comfort-woman-erected-outside-japanese-embassy-in-seoul.

'Supreme Court Procedures', Administrative Office of the US Courts on behalf of the Federal Judiciary www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/supreme-1.

'The Two Sculptors behind the Girl of Peace Statues', *Innerview*, Arirang Culture, 16 March 2016 www.youtube.com/watch?v=Osz23qBxTNs.

Treaty on Basic Relations between Japan and the Republic of Korea, Art II, 27 June 1965.

United States House of Representatives, 110th Congress, House Resolution 121, 30 July 2007 "<https://www.congress.gov/bill/110th-congress/house-resolution/121#:~:text=121%20%2D%20A%20resolution%20expressing%20the,to%20the%20world%20as%20%22comfort%22>"

Vienna Convention on Diplomatic Relations, Art 22, para 2, 18 April 1961 "https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf"

Abram, Susan, 'Glendale Unveils "Comfort Women" Statue' *Los Angeles Daily News* (Los Angeles, 30 July 2013) www.dailynews.com/2013/07/30/glendale-unveils-comfort-women-statue accessed 28 August 2020

Arrington, Celeste, 'Can Japan and South Korea "Resolve" the Question of Japan's Korean Sex Slaves During WWII?' *The Washington Post* (Washington, DC, 13 January 2016) www.washingtonpost.com/news/monkey-cage/wp/2016/01/13/can-japan-and-korea-resolve-the-question-of-japans-korean-sex-slaves-during-wwii.

Associated Press, 'First "comfort women" statue in Europe is unveiled in Germany', *South China Morning Post* (Hong Kong, 9 March 2017) www.scmp.com/news/world/europe/article/2077424/first-comfort-women-statue-europe-unveiled-germany.

Benzow, Gregg, 'Korea's Former "Comfort Women" Hold 1000th Protest' (DW, 14 December 2011) www.dw.com/en/koreas-former-comfort-women-hold-1000th-protest/a-15601284 accessed 28 August 2020.

Chai, Alice Yun, 'Asian-Pacific Feminist Coalition Politics: The "Chǒngshindae/Jūgunianfu" ("Comfort Women") Movement' (1993) 17 *Korean Studies* 67.

Chinkin, Christine M, 'Women's International Tribunal on Japanese Military Sexual Slavery' (2001) 95(2) *The American Journal of International Law* 335 www.jstor.org/stable/2661399.

Choe, Sang-hun, "'Comfort Woman' Statue Reinstated Near Japan Consulate in South Korea' *The New York Times* (New York, 30 December 2016) www.nytimes.com/2016/12/30/world/asia/south-korea-comfort-women-wwii-japan.html.

Choe, Sang-hun, 'Japan and South Korea Settle Dispute Over Wartime "Comfort Women"' *The New York Times* (New York, 28 December 2015) www.nytimes.com/2015/12/29/world/asia/comfort-women-south-korea-japan.html.

Choe, Sang-hun, 'Seoul Will Investigate #MeToo Accusations Against Dead Mayor' *The New York Times* (New York, 15 July 2020) www.nytimes.com/2020/07/15/world/asia/south-korea-harassment-seoul-mayor.html.

Sang-hun Choe, 'Statue Deepens Dispute Over Wartime Sexual Slavery' *The New York Times* (New York, 15 December 2011) www.nytimes.com/2011/12/16/world/asia/statute-in-seoul-becomes-focal-point-of-dispute-between-south-korea-and-japan.html accessed 28 August 2020.

Constant, Agnes, 'Supreme Court Declines Case over Lawsuit to Remove "Comfort Women" Memorial' (NBC News, 31 March 2017) www.nbcnews.com/news/asian-america/supreme-court-declines-case-over-lawsuit-remove-comfort-women-memorial-n740996.

Eppinger, Monica E, Karen Knop and Annelise Riles, 'Diplomacy and Its Others: The Case of Comfort Women', Saint Louis University School of Law, Scholarship Commons, 2014 <https://scholarship.law.slu.edu/cgi/viewcontent.cgi?article=1014&context=faculty>.

Field, Norma. 'War and Apology: Japan, Asia, the Fiftieth, and After.' (1997) 5(1) *Positions: East Asia Cultures Critique*.

Gruber, Stefan, "'Trostfrau" mahnt zum Frieden', *Mittelbayerische Nachrichten*, 12 March 2017 www.mittelbayerische.de/region/regensburg-land/gemeinden/wiesent/trostfrau-mahnt-zum-frieden-21411-art1496089.html.

Han, Sol and James Griffiths, 'Why this Statue of a Young Girl Caused a Diplomatic Incident' (*CNN*, 10 February 2017) www.cnn.com/2017/02/05/asia/south-korea-comfort-women-statue/index.html.

Hauser, Christine, "'It is Not Coming Down": San Francisco Defends "Comfort Women" Statue as Japan Protests' *The New York Times* (New York, 4 October 2018) www.nytimes.com/2018/10/04/us/osaka-sf-comfort-women-statue.html.

Hu, Elise, "'Comfort Woman" Memorial Statues, A Thorn in Japan's Side, Now Sit on Korean Buses' (*NPR*, 13 November 2017) www.npr.org/sections/parallels/2017/11/13/563838610/comfort-woman-memorial-statues-a-thorn-in-japans-side-now-sit-on-korean-buses.

Johnston, Eric, 'US Supreme Court Refuses to Review Challenge to California "Comfort Women" Statue' *The Japan Times* (Tokyo, 28 March 2017) www.japantimes.co.jp/news/2017/03/28/national/politics-diplomacy/u-s-supreme-court-refuses-review-challenge-california-comfort-women-statue/.

Kang, Hyunmin Michael, 'South Korea Decides to Dismantle "Comfort Women" Reconciliation and Healing Foundation' (*The Diplomat*, 27 November 2018) <https://thediplomat.com/2018/11/south-korea-decides-to-dismantle-comfort-women-reconciliation-and-healing-foundation/>.

Katz, Brigit, 'Taiwan Unveils Its First Statue Honouring "Comfort Women"' *Smithsonian Magazine* (Washington, DC, 17 August 2018) www.smithsonianmag.com/smart-news/taiwan-unveils-its-first-statue-honouring-comfort-women-180970053.

Kim, Soo-yeon, '1,400th protest rally against Japan's wartime sex slavery set for this week' (*Yonhap News Agency*, 13 August 2019) en.yna.co.kr/view/AEN20190813003100315.

Lee, Jeewon, Young-Sook Kwak, Yoon-Jung Kim, et al, 'Psychiatric Sequelae of Former "Comfort Women", Survivors of the Japanese Military Sexual Slavery during World War II' (2018) 15(4) *Psychiatry Investigation* 336 www.openaire.eu/search/publication?articleId=od_____267::170f9422684ddc96e360b0f8797d01bd.

Lind, Jennifer. *Sorry States: Apologies in International Politics*. (Cornell University Press, 2008).

Maruyama, Norio, 'Kingston errs on "comfort women"' *The Japan Times* (Tokyo, 12 May 2017) www.japantimes.co.jp/opinion/2017/05/12/reader-mail/kingston-errs-comfort-women.

Onishi, Norimitsu, 'Abe Rejects Japan's Files on War Sex' *The New York Times* (New York, 2 March 2007) www.nytimes.com/2007/03/02/world/asia/02japan.html.

Onishi, Norimitsu, 'Japan Leader Who Denied State Role in Wartime Sex Slavery Still Apologizes' *The New York Times* (New York, 27 March 2007) www.nytimes.com/2007/03/27/world/asia/27japan.html.

Park, Boram, 'Girl statue should remain to conjure up Japan's wartime atrocities: creator' (*Yonhap News Agency*, 1 September 2018) <https://en.yna.co.kr/view/AEN20160901000200315>.

Park, YM, "Compensation to Fit the Crime: Conceptualizing a Just Paradigm of Reparation for Korean 'Comfort Women'" *Comparative Studies of South Asia, Africa and the Middle East*, (2010) 30(2), pp 204–13.

Pieters, Janene, 'Dutch Comfort Women also want apology from Japan over WWII war crimes.' *NLTimes.nl* (28 December 2015) <https://nltimes.nl/2015/12/28/dutch-comfort-women-also-want-apology-japan-wwii-war-crimes>.

Reynolds, Matt, 'Iconic Statue Faces Diplomatic Hit in 9th Cir.' (Courthouse News Service, 7 June 2016) www.courthousenews.com/iconic-statue-faces-diplomatic-hit-in-9th-cir.

Rich, Motoko, 'Japan Envoy, Recalled Over "Comfort Woman" Statue, Is Returning to Seoul' *The New York Times* (New York, 3 April 2017) www.nytimes.com/2017/04/03/world/asia/japan-ambassador-south-korea-comfort-woman.html.

Saito, Hiro and Yoko Wang, 'Competing Logics of Commemoration' (2014) 57(2) *Sociological Perspectives* 167 <https://journals.sagepub.com/doi/full/10.1177/0731121414524176>.

Sand, Jordan, 'Historians and Public Memory in Japan: The "Comfort Women" Controversy: Introduction' (1999) 11(2) *History & Memory* 117 <https://doi.org/10.1353/ham.2005.0005>.

Soh, Chunghee Sarah, 'The Korean "Comfort Women": Movement for Redress' (1996) 36(12) *Asian Survey* 1226 www.jstor.org/stable/2645577.

Soh, Chunghee Sarah, 'From Imperial Gifts to Sex Slaves: Theorizing Symbolic Representations of the "Comfort Women"' (2000) 3(1) *Social Science Japan Journal* 59 <http://www.jstor.org/stable/30209278>

Soh, Chunghee Sarah, 'Japan's Responsibility Toward Comfort Women Survivors', Japan Policy Research Institute, Working Paper No 77, May 2001 www.jpri.org/publications/workingpapers/wp77.html.

Soh, C. Sarah 'The Comfort Women: Sexual Violence and Post-Colonial Memory in Korea and Japan' (University of Chicago Press, 2008).

Special Rapporteur on Violence against Women, It's Causes and Consequences, Radhika Coomaraswamy, 'Report on the Mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the Issue of Military Sexual Slavery in Wartime', UN Economic and Social Council, Commission on Human Rights, 53rd Session, 4 January 1996.

Sterngold, James, 'Japan Admits Army Forced Women into War Brothels' *The New York Times* (New York, 5 August 1993) www.nytimes.com/1993/08/05/world/japan-admits-army-forced-women-into-war-brothels.html.

Taylor, Adam, 'The Statue of a Wartime Sex Slave Outside Japan's Embassy in South Korea Could Be a Problem' *The Washington Post* (Washington, DC, 29 December 2015) www.washingtonpost.com/news/worldviews/wp/2015/12/29/the-statue-of-a-wartime-sex-slave-outside-japans-embassy-in-south-korea-could-be-a-problem.

Totsuka, Etsuro, 'Proposals for Japan and the ROK to Resolve the "Comfort Women" Issue: Creating Trust and Peace in Light of International Law' (7 January 2013) 11(1) 7 *The Asia-Pacific Journal* <https://apjif.org/2013/11/1/Totsuka-Etsuro/3885/article.html>.

Woo-young, Lee, "'Comfort women' statues resonate with Koreans' *The Korea Herald* (Seoul, 6 March 2016) www.koreaherald.com/view.php?ud=20160303000844.

Yi, Kil J, 'In Search of a Panacea: Japan-Korea Rapprochement and America's "Far Eastern Problems"' (2002) 71(4) *Pacific Historical Review* 633.

Endnotes

- 1 Lee Woo-young, “‘Comfort Women’ Statues Resonate with Koreans’ *The Korea Herald* (Seoul, 3 March 2016) www.koreaherald.com/view.php?ud=20160303000844 accessed 4 December 2018. See also Boram Park, ‘Girl Statue Should Remain to Conjure Up Japan’s Wartime Atrocities: Creator’ (Yonhap News Agency, 1 September 2018) <https://en.yna.co.kr/view/AEN20160901000200315>.
- 2 ‘Deciphering Symbolism of Girl Statue’ *The Korea Times* (Seoul, 6 September 2016) www.koreatimesus.com/deciphering-symbolism-of-girl-statue/ accessed 28 August 2020. See also ‘My Little Statue of Peace Around the World’, a 40-page brochure detailing the creation and meaning of the statue www.koreaverband.de/downloads/Friedensstatue_English.pdf accessed 28 August 2020.
- 3 *Ibid.*
- 4 Elise Hu, “‘Comfort Woman’ Memorial Statues, A Thorn in Japan’s Side, Now Sit on Korean Buses’ (NPR, 13 November 2017) www.npr.org/sections/parallels/2017/11/13/563838610/comfort-woman-memorial-statues-a-thorn-in-japan-side-now-sit-on-korean-buses accessed 4 December 2018.
- 5 Gregg Benzow, ‘Korea’s Former “Comfort Women” Hold 1000th Protest’ (DW, 14 December 2011) www.dw.com/en/koreas-former-comfort-women-hold-1000th-protest/a-15601284 accessed 28 August 2020.
- 6 Sang-hun Choe, ‘Statue Deepens Dispute Over Wartime Sexual Slavery’ *The New York Times* (New York, 15 December 2011) www.nytimes.com/2011/12/16/world/asia/statute-in-seoul-becomes-focal-point-of-dispute-between-south-korea-and-japan.html accessed 28 August 2020.
- 7 Alice Yun Chai, ‘Asian-Pacific Feminist Coalition Politics: The “Ch ngshindae/J gunianfu” (“Comfort Women”) Movement’ (1993) 17 *Korean Studies* 67. For additional information on this complex topic, see Sarah Chunghee Soh, ‘From Imperial Gifts to Sex Slaves: Theorizing Symbolic Representations of the “Comfort Women”’ (2000) 3(1) *Social Science Japan Journal* 59; C. Sarah Soh ‘The Comfort Women: Sexual Violence and Post-Colonial Memory in Korea and Japan’ (University of Chicago Press, 2008); Christine M Chinkin, ‘Women’s International Tribunal on Japanese Military Sexual Slavery’ (2001) 95(2) *The American Journal of International Law* 335 www.jstor.org/stable/2661399 accessed 28 August 2020. It should be noted that some Dutch women living in Indonesia (and imprisoned by the Japanese in concentration camps) are included in this group. Janene Pieters, “Dutch Comfort Women also want apology from Japan over WWII war crimes.” *NLTimes.nl* (28 December 2015) <https://nltimes.nl/2015/12/28/dutch-comfort-women-also-want-apology-japan-wwii-war-crimes> accessed 17 September 2020.
- 8 Special Rapporteur on Violence against Women, It’s Causes and Consequences, Radhika Coomaraswamy, Report on the Mission to the Democratic People’s Republic of Korea, the Republic of Korea and Japan on the Issue of Military Sexual Slavery in Wartime’, UN Economic and Social Council, Commission on Human Rights, 53rd Session, 4 January 1996.
- 9 Jeewon Lee, Young-Sook Kwak, Yoon-Jung Kim, et al, ‘Psychiatric Sequelae of Former “Comfort Women”, Survivors of the Japanese Military Sexual Slavery during World War II’ (2018) 15(4) *Psychiatry Investigation* 336 www.openaire.eu/search/publication?articleId=od_____267::170f9422684ddc96e360b0f8797d01bd accessed 28 August 2020.
- 10 Chunghee Sarah Soh, ‘The Korean “Comfort Women”: Movement for Redress’ 1996 36(12) *Asian Survey* 1226 www.jstor.org/stable/2645577 accessed 28 August 2020.
- 11 Hiro Saito and Yoko Wang, ‘Competing Logics of Commemoration’ (2014) 57(2) *Sociological Perspectives* 167 <https://journals.sagepub.com/doi/full/10.1177/0731121414524176>; ‘History of the Movement,’ *Womenandwar.net*, 정의기억연대, womenandwar.net/kr/history-of-the-movement accessed 28 August 2020.
- 12 See Chai in n 7 above.
- 13 Soo-yeon Kim, ‘1,400th Protest Rally against Japan’s Wartime Sex Slavery Set for This Week’ (Yonhap News Agency, 13 August 2019) en.yna.co.kr/view/AEN20190813003100315 accessed 28 August 2020.
- 14 ‘Norimitsu Onishi, ‘Abe Rejects Japan’s Files on War Sex’ *The New York Times* (New York, 2 March 2007) www.nytimes.com/2007/03/02/world/asia/02japan.html accessed 28 August 2020. See also Sterngold, James. “Japan Admits Army Forced Women into War Brothels.” *The New York Times*, August 5, 1993. <https://www.nytimes.com/1993/08/05/world/japan-admits-army-forced-women-into-war-brothels.html>.
- 15 Art II, Treaty on Basic Relations between Japan and the Republic of Korea, 27 June 1965.
- 16 Kil J Yi, ‘In Search of a Panacea: Japan-Korea Rapprochement and America’s “Far Eastern Problems”’ (2002) 71(4) *Pacific Historical Review* 633. See n 10 above.

- 17 In July 2020, Mayor Park Won-soon allegedly killed himself the day after his secretary went to the police with accusations of sexual assault. Although the criminal case against him was closed upon his death, as is legal custom in South Korea, women's groups still urged a thorough investigation. Sang-hun Choe, 'Seoul Will Investigate #MeToo Accusations Against Dead Mayor' *The New York Times* (New York, 15 July 2020) www.nytimes.com/2020/07/15/world/asia/south-korea-harassment-seoul-mayor.html accessed 28 August 2020.
- 18 Etsuro Totsuka, 'Proposals for Japan and the ROK to Resolve the 'Comfort Women' Issue: Creating Trust and Peace in Light of International Law' (7 January 2013) 11(1) 7 *The Asia-Pacific Journal*. Rome Statute Art 8(2) (b) (xxii)-2 lists sexual slavery as a war crime.
- 19 'Japan Apologizes on Korea Sex Issue' *The New York Times* (New York, 18 January 1992) www.nytimes.com/1992/01/18/world/japan-apologizes-on-korea-sex-issue.html accessed 28 August 2020. Norma Field (1997) defines an ideal historical apology as a truthful acknowledgement of events that demonstrates penitent regret and includes material compensation. Although Japan has issued apologies, they are often criticized as being insufficient. For more information on the history of apology and contestation in Japan, see Norma Field 'War and Apology: Japan, Asia, the Fiftieth, and After.' (1997) 5(1) *Positions: East Asia Cultures Critique*; and Jennifer Lind. *Sorry States: Apologies in International Politics*. (Cornell University Press, 2008).
- 20 Ministry of Foreign Affairs of Japan, 'Statement by the Chief Cabinet Secretary Yohei Kono on the Result of the Study on the Issue of "Comfort Women"' (4 August 1993) www.mofa.go.jp/policy/women/fund/state9308.html accessed 18 July 2020.
- 21 Ministry of Foreign Affairs of Japan, 'Statement by Prime Minister Tomiichi Murayama, on the Occasion of the Establishment of the "Asian Women's Fund"' (July 1995)' www.mofa.go.jp/policy/women/fund/state9507.html accessed 18 July 2020.
- 22 Jordan Sand, 'Historians and Public Memory in Japan: The "Comfort Women" Controversy: Introduction' (1999) 11(2) *History & Memory* <https://doi.org/10.1353/ham.2005.0005> accessed 28 August 2020.
- 23 *Ibid.*
- 24 See n 7 and n 10 above.
- 25 *Ibid.*
- 26 See n 14 above.
- 27 Norimitsu Onishi, 'Japan Leader Who Denied State Role in Wartime Sex Slavery Still Apologizes' *The New York Times* (New York, 27 March 2007) www.nytimes.com/2007/03/27/world/asia/27japan.html accessed 28 August 2020.
- 28 *Ibid.*
- 29 House of Representatives, 110th Congress, House Resolution 121, 30 July 2007 www.congress.gov/bill/110th-congress/house-resolution/121#:~:text=121%20%2D%20A%20resolution%20expressing%20the,to%20the%20world%20as%20%22comfort accessed 28 August 2020
- 30 'History of the Movement'.
- 31 Y.-M. Park, "Compensation to Fit the Crime: Conceptualizing a Just Paradigm of Reparation for Korean 'Comfort Women.'" *Comparative Studies of South Asia, Africa and the Middle East*, 30, no. 2 (2010), pp. 204–213.
- 32 See n 21 above.
- 33 Chunghee Sarah Soh, 'Japan's Responsibility Toward Comfort Women Survivors', Japan Policy Research Institute, Working Paper No 77, May 2001 www.jpri.org/publications/workingpapers/wp77.html accessed 28 August 2020.
- 34 See n 6 above.
- 35 Adam Taylor, 'The Statue of a Wartime Sex Slave Outside Japan's Embassy in South Korea Could Be a Problem' *The Washington Post* (Washington, DC, 29 December 2015) www.washingtonpost.com/news/worldviews/wp/2015/12/29/the-statue-of-a-wartime-sex-slave-outside-japans-embassy-in-south-korea-could-be-a-problem accessed 28 August 2020.
- 36 'Vienna Convention on Diplomatic Relations', Art 22, para 2, 18 April 1961 https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf.
- 37 'Statue of "Comfort Woman" Erected Outside Japanese Embassy in Seoul' *The Japan Times* (Tokyo, 15 December 2011) www.japantimes.co.jp/news/2011/12/15/national/statue-of-comfort-woman-erected-outside-japanese-embassy-in-seoul accessed 28 August 2020.

- 38 Monica E Eppinger, Karen Knop and Annelise Riles, ‘Diplomacy and Its Others: The Case of Comfort Women’, Saint Louis University School of Law, Scholarship Commons, 2014 <https://scholarship.law.slu.edu/cgi/viewcontent.cgi?article=1014&context=faculty>.
- 39 ‘Korea “Comfort Women” Put Up Statue at Landmark Rally’ (BBC, 14 December 2011) www.bbc.com/news/world-asia-16185314 accessed 28 August 2020.
- 40 Ministry of Foreign Affairs of Japan, Japan-Republic of Korea Summit Meeting (Summary), 18 December 2011, Kyoto, Japan www.mofa.go.jp/region/asia-paci/korea/summit_1112.html accessed 28 August 2020
- 41 ‘Park Urges Japan to Reflect on Past Aggression’ *The Japan Times* (Tokyo, 2 March 2013) www.japantimes.co.jp/news/2013/03/02/national/history/park-urges-japan-to-reflect-on-past-aggression/#.W8QkCBNkgWo accessed 28 August 2020.
- 42 ‘Statement by Prime Minister Shinzo Abe of Japan’ *The New York Times* (New York, 14 August 2015) www.nytimes.com/2015/08/15/world/asia/full-text-shinzo-abe-statement-japan-ww2-anniversary.html accessed 28 August 2020.
- 43 Sang-hun Choe, ‘Japan and South Korea Settle Dispute Over Wartime “Comfort Women”’ *The New York Times* (New York, 28 December 2015) www.nytimes.com/2015/12/29/world/asia/comfort-women-south-korea-japan.html accessed 28 August 2020; ‘“Comfort Women”: Japan and South Korea Hail Agreement’ (BBC, 28 December 2015) www.bbc.com/news/world-asia-35190464. See n 35 above.
- 44 Celeste Arrington, ‘Can Japan and South Korea “Resolve” the Question of Japan’s Korean Sex Slaves During WWII?’ *The Washington Post* (Washington, DC, 13 January 2016) www.washingtonpost.com/news/monkey-cage/wp/2016/01/13/can-japan-and-korea-resolve-the-question-of-japans-korean-sex-slaves-during-wwii accessed 28 August 2020.
- 45 See n 43 above.
- 46 ‘Statement by Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights, to the Human Rights Council’s 31st Session’, UN Human Rights Office of the High Commissioner, 10 March 2016 <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E> accessed 28 August 2020.
- 47 ‘The Two Sculptors behind the Girl of Peace Statues’, *Innerview*, Arirang Culture, 16 March 2016 www.youtube.com/watch?v=Osz23qBxTNs accessed 28 August 2020.
- 48 Hyunmin Michael Kang, ‘South Korea Decides to Dismantle “Comfort Women” Reconciliation and Healing Foundation’ (The Diplomat, 27 November 2018) <https://thediplomat.com/2018/11/south-korea-decides-to-dismantle-comfort-women-reconciliation-and-healing-foundation> accessed 28 August 2020.
- 49 See n 47 above.
- 50 Susan Abram, ‘Glendale Unveils “Comfort Women” Statue’ *Los Angeles Daily News* (Los Angeles, 30 July 2013) www.dailynews.com/2013/07/30/glendale-unveils-comfort-women-statue accessed 28 August 2020.
- 51 *Gingery v City of Glendale*, Opinion, No 14-56440 DC No 2:14-cv-01291-PA-AJW, 4 August 2016 <https://cdn.ca9.uscourts.gov/datastore/opinions/2016/08/04/14-56440.pdf> accessed 28 August 2020.
- 52 *Ibid.*
- 53 *Ibid.*
- 54 Matt Reynolds, ‘Iconic Statue Faces Diplomatic Hit in 9th Cir.’ (Courthouse News Service, 7 June 2016) www.courthousenews.com/iconic-statue-faces-diplomatic-hit-in-9th-cir accessed 28 August 2020.
- 55 The history of litigation is listed in detail on GAHT’s website <http://gaht.jp/Litigation.html> accessed 28 August 2020.
- 56 See n 51 above.
- 57 ‘Koichi Mera and GAHT-US Corporation v. City of Glendale, PETITION FOR WRIT OF CERTIORARI, No 16-917 (9th Cir. 2016), Cert. Denied. (U.S. March 27, 2017)’ <http://gahtjp.org/wp-content/uploads/2017/02/Koichi-Mera-Petition-for-Writ-of-Certiorari.pdf> accessed 28 August 2020.
- 58 ‘Koichi Mera and GAHT-US Corporation v. City of Glendale, BRIEF FOR THE GOVERNMENT OF JAPAN AS AMICUS CURIAE SUPPORTING PETITIONERS, No 16-917 (9th Cir. 2016), Cert. Denied. (US 27 March 2017)’ www.mofa.go.jp/files/000231732.pdf accessed 28 August 2020.
- 59 ‘Supreme Court Procedures’, Administrative Office of the US Courts on behalf of the Federal Judiciary www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/supreme-1 accessed 28 August 2020.

- 60 'No. 16-917, Title: Koichi Mera, et al., Petitioners v. City of Glendale, California', Supreme Court of the United States www.supremecourt.gov/Search.aspx?FileName=/docketfiles%5C16-917.htm
- 61 Eric Johnston, 'US Supreme Court Refuses to Review Challenge to California "Comfort Women" Statue' *The Japan Times* (Tokyo, 28 March 2017) www.japantimes.co.jp/news/2017/03/28/national/politics-diplomacy/u-s-supreme-court-refuses-review-challenge-california-comfort-women-statue accessed 28 August 2020.
- 62 Norio Maruyama, 'Kingston Errs on "Comfort Women"' *The Japan Times* (Tokyo, 12 May 2017) www.japantimes.co.jp/opinion/2017/05/12/reader-mail/kingston-errs-comfort-women accessed 28 August 2020.
- 63 Agnes Constant, 'Supreme Court Declines Case over Lawsuit to Remove "Comfort Women" Memorial' (NBC News, 31 March 2017) www.nbcnews.com/news/asian-america/supreme-court-declines-case-over-lawsuit-remove-comfort-women-memorial-n740996 accessed 28 August 2020.
- 64 'Seoul Faces Dilemma Over "Comfort Women" Statue in Busan' *The Korea Herald* (Seoul, 3 January 2017) www.koreaherald.com/view.php?ud=20170103000764 accessed 28 August 2020.
- 65 Sang-hun Choe, "'Comfort Woman" Statue Reinstated Near Japan Consulate in South Korea' *The New York Times* (New York, 30 December 2016) www.nytimes.com/2016/12/30/world/asia/south-korea-comfort-women-wwii-japan.html accessed 28 August 2020.
- 66 *Ibid.*
- 67 See n 64 above.
- 68 *Ibid.*
- 69 *Ibid.*
- 70 See n 44 above.
- 71 See n 64 above.
- 72 Sol Han and James Griffiths. 'Why this Statue of a Young Girl Caused a Diplomatic Incident' (CNN, 10 February 2017) www.cnn.com/2017/02/05/asia/south-korea-comfort-women-statue/index.html accessed 28 August 2020.
- 73 See n 65 above.
- 74 Motoko Rich, 'Japan Envoy, Recalled Over "Comfort Woman" Statue, Is Returning to Seoul' *The New York Times* (New York, 3 April 2017) www.nytimes.com/2017/04/03/world/asia/japan-ambassador-south-korea-comfort-woman.html accessed 28 August 2020.
- 75 Stefan Gruber, "'Trostfrau" mahnt zum Frieden', *Mittelbayerische Nachrichten*, 12 March 2017 www.mittelbayerische.de/region/regensburg-land/gemeinden/wiesent/trostfrau-mahnt-zum-frieden-21411-art1496089.html accessed 28 August 2020.
- 76 Associated Press, 'First "Comfort Women" Statue in Europe Is Unveiled in Germany' *South China Morning Post* (Hong Kong, 9 March 2017) www.scmp.com/news/world/europe/article/2077424/first-comfort-women-statue-europe-unveiled-germany accessed 28 August 2020.
- 77 Ministry of Foreign Affairs of Japan, 'Press Conference by Foreign Minister Fumio Kishida,' 10 March 2017 https://www.mofa.go.jp/press/kaiken/kaiken4e_000351.html
- 78 Christine Hauser, 'It Is Not Coming Down': San Francisco Defends "Comfort Women" Statue as Japan Protests' *The New York Times* (New York, 4 October 2018) www.nytimes.com/2018/10/04/us/osaka-sf-comfort-women-statue.html accessed 28 August 2020.
- 79 Brigit Katz, 'Taiwan Unveils Its First Statue Honoring "Comfort Women"' *Smithsonian Magazine* (Washington, DC, 17 August 2018) www.smithsonianmag.com/smart-news/taiwan-unveils-its-first-statue-honoring-comfort-women-180970053 accessed 28 August 2020.
- 80 See n 76 above.
- 81 See n 72 above.
- 82 See n 47 above.
- 83 See n 74 above.
- 84 *Ibid.*
- 85 Ministry of Foreign Affairs of Japan, 'Press Conference by Foreign Minister Fumio Kishida,' 17 January 2017 www.mofa.go.jp/press/kaiken/kaiken1e_000007.html accessed 28 August 2020.

Case Study VIII: Contested history of a founding father

Langevin Block, Ottawa, Canada



Credit: Chris Wattie/REUTERS

On 21 June 2017, Prime Minister Justin Trudeau announced the renaming of the Langevin Block, the seat of Canada's federal government. The erasure of the name of Hector-Louis Langevin, a 'founding father' of the Canadian Confederation, followed a report detailing Langevin's role in abuses and injustices against the country's Indigenous population. Despite Trudeau's goodwill gesture, the erasure drew criticism from the Indigenous communities, who felt marginalised from the decision-making process. The renaming also disregarded an even more consequential reckoning with Canada's past.

This case study highlights the potential risks of ad hoc, politicised responses to complex historical legacies, and demonstrates the need for clearly articulated principles and deliberative processes, as well as meaningful engagement with stakeholder communities.

Introduction

During the celebration of National Aboriginal Day in Canada on 21 June 2017, Prime Minister of Canada, Justin Trudeau, announced that the annual day of commemoration would be renamed National Indigenous Peoples Day. During the same speech, Trudeau also made the announcement that the building housing his offices in central Ottawa, known as the Langevin Block, was to be renamed The Office of the Prime Minister and Privy Council. The Langevin Block, as the seat of government, possesses a symbolic power similar to that of the White House in the US and 10 Downing Street in the UK.

The massive stone structure was named after Hector-Louis Langevin, one of the 'founding fathers' of the Canadian Confederation, when the three remaining British colonies in North America – Nova Scotia, New Brunswick and the Province of Canada – were unified into the Dominion of Canada on 1 July 1867.¹ (It was not until 1982 that full sovereignty and independence from British rule was achieved with the enactment of the Canada Act.²) Langevin became a controversial figure in debates following a seven-year investigation by the Truth and Reconciliation Commission of Canada (TRC), an independent body mandated in 2008 to 'create as complete an historical record as possible' of Canada's residential school system.³ The residential schools were established in order to assimilate the Indigenous children of Canada by 'eliminate[ing] parental involvement in the intellectual, cultural, and spiritual development of Aboriginal children'.⁴

In addition to chronicling nearly a century of physical and psychological abuses experienced by pupils of the residential schools, the TRC report highlighted the role of Langevin in establishing the residential school system. Multiple actors coalesced around changing the name of the iconic federal office that bore Langevin's name: the TRC called for the name change; the Liberal Party, headed by Trudeau, endorsed the TRC's recommendation; and four Indigenous MPs supported the request. Additionally, the Chief of the Assembly of First Nations wrote to the Prime Minister, urging him to follow through with the proposed change.

On 21 June 2017, following repeated appeals from parliamentarians and representatives of Indigenous communities, Trudeau publicly announced the erasure of Langevin's name from the seat of government. The annual day honouring Canada's Indigenous peoples on 21 June provided a seemingly appropriate occasion. 'We've heard from you and the TRC

and from many Indigenous communities over the past year that there is a deep pain in knowing that building carries a name so closely associated with the horror of residential schools,' Trudeau said in an address to the parliamentarians that day. 'Keeping that name on the prime minister's office is inconsistent with the values of our government. It is inconsistent with our vision of a strong partnership with the Indigenous peoples in Canada.'⁵ The renaming of a prominent public landmark honouring a figure associated with the controversial residential schools thereby provided the recently elected Prime Minister with an opportune moment to advance reconciliation between the government and the Indigenous peoples of his country.

Nevertheless, the decision to rename Langevin Block to the Office of the Prime Minister and Privy Council prompted significant criticism from several quarters. Some contested the removal of an historic name from such an iconic building. Conservatives complained that the decision was based on 'presentism', that is, measuring actions of the past against the values of the present.⁶ Others charged that Langevin's involvement in the residential school system and subsequent repudiation had not been adequately researched, debated or substantiated. The most surprising criticism, however, came from the Indigenous communities themselves. Representatives of the First Nations complained that Trudeau, in his rush to make a grand gesture of reconciliation, had neglected to engage the Indigenous peoples in the decision-making processes over the fate of Langevin. Consequently, this case study not only highlights the emotive power of historic names on public structures, but also exposes the liabilities that can arise with 'quick fixes' which discount the benefits of a transparent and inclusive decision-making process, as well as the importance of carefully researched and balanced historical documentation.

The Langevin Block

The building formerly called the 'Langevin Block' is a government building located at 80 Wellington Street in Ottawa. It stands across the road from the Parliament of Canada. It was constructed between 1884 and 1888 to provide space for federal government offices and was the first federal government office in Ottawa built beyond Parliament Hill.⁷ Upon completion, the building was named after Langevin, who was the Minister of Public Works at the time of its construction.⁸ The Department of Indian Affairs was among the building's first tenants and remained there until 1965. After renovations from 1975 to 1977, it was renovated from departmental offices to house the Prime Minister and the Privy Council offices.⁹

In 1977, the Langevin Block was formally recognised as a National Historic Site of Canada.¹⁰ The building and lands were also designated as architecturally and historically valuable under the Ontario Heritage Act in 1988 and protected under City of Ottawa by-laws.¹¹ The Directory of Federal Heritage Designations describes the building's exterior in a complementary fashion: 'Of robust appearance, this four-story high building features a limestone exterior, pavilion massing, round arched windows and a copper mansard roof; complemented by a rich decorative vocabulary.'¹² For the federal and provincial designations, the building was

recognised both for the renown of the architect, Thomas Fuller, who was the Chief Architect of the Dominion of Canada, and the architecturally significant design and craftsmanship of the building. Additionally, the building is considered to be representative of the growth of the federal government in the decades following confederation, and is therefore a potent symbol of both political life in Ottawa and the influence of the federal government.¹³

Hector-Louis Langevin

Born in 1826 near Quebec City, Hector-Louis Langevin was a Quebec lawyer, journalist and politician.¹⁴ He entered politics in 1856, when he was elected Mayor of Quebec and Minister for Dorchester at a time when dual appointments across multiple jurisdictions were permissible.¹⁵ His parliamentary career spanned 31 years, which also included 23 years as a cabinet minister.¹⁶ Langevin held a variety of positions, serving as Solicitor General and Postmaster General prior to confederation and Secretary of State and Superintendent General of Indian Affairs following confederation.¹⁷ Because he was present at all three of the confederate conferences held in Charlottetown and Quebec City in 1864 and London in 1866, Langevin is considered to be one of the 'Fathers of Confederation'.¹⁸ As a Quebec parliamentarian, he played a central role in ensuring that Francophone and Catholic interests in the province of Quebec were protected after confederation. Langevin rejected attempts to create a coalition between conservatives and liberals, opting instead to form a French party devoted to French-Canadian interests.¹⁹ For these reasons, he is recognised as an 'ardent federalist'.²⁰

In 1869, Langevin was promoted to the position of Minister of Public Works by the first Prime Minister of Canada, Sir John A Macdonald.²¹ He served in this rather influential position until 1873 and again from 1879 to 1891.²² The Minister of Public Works is ranked third in the cabinet, after the Prime Minister and Minister of Finance. The Minister of Public Works was enormously influential in the development of Canada by assenting to the building of infrastructure and public buildings. Leading the Ministry of Public Works thereby enabled Langevin to handle major federal government projects and related finances. It was Langevin's activities in his capacity as the Minister of Public Works that led to his notoriety as a government official who was heavily involved in systems of patronage.²³ In 1889, upon completion of the new government offices, the new structure was named 'Langevin Block' in his honour. Two years later, in 1891, he was forced to resign following revelations of patronage and corruption.²⁴

In 1910, four years after Langevin's death, a bridge in the city of Calgary was named in his honour. The *Dictionary of Canadian Biography* notes: 'Even though Langevin's political career ended in utter disgrace, it was indeed outstanding by reason of its long duration and intensity. It was the career of an intelligent, ambitious, loyal, and obstinate man, who contributed to the birth and development of Canada as a Father of Confederation.'²⁵ Despite Langevin's career-ending scandal, his centrality in the Canadian Confederation and his influential political decisions as a key policy-maker have left a lasting, if divisive, legacy ripe for re-examination in the context of contemporary explorations of controversial historical figures.

Langevin and the residential schools

Despite the appearance of Langevin's name on the federal office building in Ottawa and the bridge in Calgary, the Langevin name was mostly unknown to Canadians until June 2015, when it appeared on page 58 of the summary report of the TRC. The TRC was established on 2 June 2008 in response to an increasing number of claims by Indigenous people for reparations for past abuses perpetrated by the government, particularly in regard to the abuses of the residential school system.

The Canadian residential school system was a government-sponsored religious school system established to assimilate Indigenous children into European culture by eliminating their cultural heritage. Between 1879 and 1996, approximately 86,000 Indigenous children were enrolled in residential schools throughout Canada. The residential schools were a key policy in disenfranchising Canada's First Nations, in which the Canadian government attempted to 'eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada'.²⁶ As part of this aim, the residential schools were created in order forcibly to remove children from their communities to attend boarding schools or, in some cases, day schools. The policy was considered a form of 'cultural genocide'. Children were separated from family members in order 'to break their link to their culture and identity', and they were forbidden from practising their culture or using their languages.²⁷ Additionally, many children in the system suffered extreme, incalculable emotional, physical and sexual abuse, and thousands are believed to have died.²⁸

The residential schools were established during the tenure of Prime Minister Macdonald and Langevin as Minister of Public Works. The decision to create the residential school system originated in a memorandum to Macdonald from J S Dennis, the Deputy Minister of the Department of Interior, in 1878. Dennis advised that the long-term goal of 'Indian policy' should be to 'instruct the population in farming, raising cattle and mechanical trades [...] This would pave the way "for their emancipation from tribal government, and for the final absorption into the general community"'.²⁹ This aim was to be achieved through the establishment of industrial schools:

'One or two such schools, established at convenient points in the Territories, where a certain number of young Indians and half-breeds, intelligent and willing, selected from the different tribes or bands, would be taught some practical farming; some the care of stock, and others the various more useful trades – would prove most powerful aids to the Government, both morally and materially, in their efforts to improve the condition of those people, and to gradually lead them to a state of civilization. The expense of such schools would be trifling compared with the value of the results which would be obtained from them.'³⁰

Thus, the government sought a policy of coerced education of Indigenous populations in order to eliminate their cultural upbringing and enhance the economic performance of the

Canadian state. In 1879, MacDonald commissioned Nicholas Flood Davin to write a report on residential schools. In his report, Davin recommended the creation of residential schools to eradicate Canada's so-called 'Indian Problem'. Davin studied the existing boarding schools, which he referred to as 'industrial schools', in the US, judging them to be an effective means of civilising Indigenous youth.³¹ The Davin report promoted the idea that 'if anything is to be done with the Indian, we must catch him very young',³² thereby reinforcing the concept of separating children from their communities on a long-term and ongoing basis.

In 1883, Prime Minister Macdonald, who also held the position of Minister for Indian Affairs, began implementing the plan to create residential schools. The racist intentions motivating the creation of the residential school system were clearly articulated by Macdonald in the House of Commons on 9 May 1883:

'When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.'³³

Langevin acted on this sentiment on 22 May 1883, during debates about the annual budget, and requested \$43,000 to establish three Indian industrial schools. He stated:

'They have succeeded very well in the United States, and it is quite likely that they will succeed here as well. If you wish to educate these children you must separate them from their parents during the time that they are being educated. If you leave them in the family they may know how to read and write, but they still remain savages, whereas by separating them in the way proposed, they acquire the habits and tastes – it is to be hoped only the good tastes – of civilized people.'³⁴

Langevin's request to fund industrial schools and the ensuing debate focused on the costs associated with opening the residential schools, including funding for staff salaries, equipment and maintenance. Langevin also reassured parliamentarians of the long-term viability of the residential school system, promising that students would 'learn the art of agriculture' and would be separated from their families and communities as long as possible in an effort to ensure they become 'civilized'. There was little in the manner of dissent: the two parliamentarians that questioned Langevin in the House of Commons in response to the tabling of the budget were supportive of the efforts of 'civilization', endorsing the creation of the schools.

In July, the federal cabinet adopted an Order-in-Council authorising the establishment of three industrial schools. The first of these schools opened on 1 December 1883. It is most likely to have occurred on the basis of the parliamentary statement made by Langevin on 22 May 1883. The *Canadian Encyclopedia* describes Langevin's role as Minister of Public Works as central to the residential school system: 'Langevin was one of the original architects of the

residential schools system, which was designed to assimilate Indigenous children into Euro-Canadian culture.³⁵ Without Langevin's efforts to secure funding, it would not have been possible to operate the residential school system.

Truth and Reconciliation Commission

From 1991 to 1996, the Royal Commission on Aboriginal Peoples was tasked with investigating the history of the relationship between Aboriginal peoples, which includes the First Nations, Inuit and Métis peoples, and the government of Canada in response to a violent dispute over land rights between the town of Oka in Quebec and a group of Mohawk people. The commission's 4,000-page report, issued in June 1996, recommended a 20-year agenda to be implemented by the government in order to remedy the damages caused by residential schools. The report summed up the effect of residential schools this way:

'In their direct attack on language, beliefs and spirituality, the schools had been a particularly virulent strain of that epidemic of empire, sapping the children's bodies and beings. In later life, many adult survivors, and the families and communities to which they returned, all manifested a tragic range of symptoms emblematic of the silent tortures that continue in our communities.'³⁶

Canada subsequently made a Statement of Reconciliation to residential school survivors in 1998 and created the Aboriginal Healing Foundation. In 2003, a dispute resolution plan was implemented to compensate survivors. However, the Aboriginal peoples felt the plan inadequately addressed their suffering, and the Assembly of First Nations, under Grand Chief Phil Fontaine, launched a class action lawsuit in 2005 against the federal government.³⁷ The government settled in the case by signing the Indian Residential Schools Settlement Agreement in 2006,³⁸ which called for a compensation package that included various monetary compensation schemes and health services. The agreement also allocated \$60m for the creation of a specific body, the TRC, with the mandate to document the harms caused to Indigenous children, families and communities by the residential school system.

The TRC, operating from 2008 to 2015, was tasked with uncovering accounts of how residential schools impacted Indigenous communities and producing a plan to lead Canada towards reconciliation, mutual understanding and respect. Their mandate stated:

'There is an emerging and compelling desire to put the events of the past behind us so that we can work towards a stronger and healthier future. The truth telling and reconciliation process as part of an overall holistic and comprehensive response to the Indian Residential School legacy is a sincere indication and acknowledgement of the injustices and harms experienced by Aboriginal people and the need for continued healing. This is a profound commitment to establishing new relationships embedded in mutual recognition and respect that will forge a brighter future. The truth of our common experiences will help set our spirits free and pave the way to reconciliation.'³⁹

As part of this process, the TRC carried out thousands of interviews during a five-year investigation, enabling survivors to testify about the personal, familial and communal harms caused by the system.

On 2 June 2015, the TRC released the Executive Summary and 94 recommendations, titled 'Calls to Action'.⁴⁰ The final six-volume report was published in December 2015 and described the Canadian government's historical treatment of Canada's First Nations as 'cultural genocide'. The 94 Calls to Action focused on addressing the legacy of the residential schools in Canada and advancing reconciliation. The Calls to Action urged all levels of government to work together to repair the harm done to Indigenous communities. Five of the recommendations dealt with commemorative practices, although the report did not specifically mention the renaming of buildings or iconography that bear the names of historical figures associated with the residential school system.

The Calls to Action are not legally binding obligations in and of themselves. They do, however, have strong political weight and are understood as a barometer for Canada's progress in reconciliation.⁴¹ The recommendations are the foundation for accountability in government initiatives pertaining to reconciliation. References to the findings of the TRC are found in courts throughout the provinces and territories of Canada, including in federal courts, the Supreme Court and various tribunals.⁴² In decisions from these courts, the TRC is regarded as a major cache of information about the harms perpetrated by the Canadian federation on Indigenous peoples. In some cases, the courts have referred to the recommendations as obligations the state must fulfil in order to remedy harms and advance reconciliation. The findings of the TRC and the Calls to Action are thereby important components of the legal and political framework that prompted the name change of the former Langevin Block.

Liberal government reconciliation efforts

When the TRC released the initial executive summary and the recommendations in May 2015, the Conservative government under Prime Minister Stephen Harper immediately distanced itself from the findings. Speaking to Parliament on the day the report was released, Harper said, 'I addressed these issues some years ago in the House of Commons where I spoke about the devastation caused by a policy of Indian residential schools. This was a policy of forced assimilation that not only destroyed the lives of individuals, but of entire families and societies and it has had long-lasting implications on entire communities in this country.' But Harper refused to commit to implementing the Calls to Action.⁴³

In response, Trudeau, at the time the leader of the opposition Liberal Party, embraced the responsibility of implementing the TRC's recommendations. 'The commission issued 94 recommendations to advance the process to close the quality of life gaps that exist, to revitalize Indigenous languages and cultures, and to restore the original respectful relationship with first nations, Métis nation and Inuit peoples,' Trudeau said. 'The Liberal Party, today, accepts and commits to implement these recommendations.'⁴⁴ Confronting and addressing the injustices of the residential school system became central to the Liberal Party election platform. The conclusion of the Commission's work coincided with the release of the Liberal Party's election platform in 2015. On 3 November 2015, the Liberal Party won

the election, ousting the Conservative government and forming a majority government with Trudeau as Prime Minister.⁴⁵

On 15 December 2015, Prime Minister Trudeau was in office when the final draft of the TRC findings and actions were released. Trudeau expressed complete support for the Commission and its recommendations: 'This is a time of real and positive change. We know what is needed is a total renewal of the relationship between Canada and Indigenous peoples. We have a plan to move towards a nation-to-nation relationship based on recognition, rights, respect, cooperation and partnership, and we are already making it happen.'⁴⁶

This sentiment was later reinforced by Trudeau's letters to all of his ministers, which directed the ministers about their mandates. These mandate letters were shared with the public as a measure of transparency and accountability. In these letters, Trudeau required ministers to be guided by the principle of reconciliation in their work with Indigenous peoples. He wrote: 'No relation is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.'⁴⁷

These commitments to reconciliation are a central part of Trudeau's Liberal government platform, and they can also be identified as pivotal in the renaming of Langevin Block. An internal memo from the Public Works and Government Services departments indicates that the important commemorative role of name changes was an impetus for the renaming.⁴⁸ Similarly, Trudeau acknowledged the link between the residential school system, Langevin and the Canadian government at the announcement of the name change, observing: 'There is a deep pain in knowing that that building carries a name so closely associated with the horror of residential schools.'⁴⁹ Building on earlier sentiments about the Liberal government's desire for reconciliation, Trudeau affirmed: 'Keeping that name on the Prime Minister's office is inconsistent with the values of our government, and it's inconsistent with our vision of a strong partnership with indigenous peoples in Canada.'⁵⁰

Parliamentary demands and ministerial deliberations

On 6 February 2017, Assembly of First Nations National Chief Perry Bellegarde sent a letter to Public Services and Procurement Minister Judy Foote, requesting that the name of Langevin Block be changed. Chief Bellegarde urged the government to fulfil its commitment to reconciliation by facing the 'harsh truths of Canada's colonial past'. Among these truths, Bellegarde insisted, was that 'key architects of the devastating Indian Residential School System include prominent leaders of the past such as Hector Langevin'.⁵¹ Bellegarde asked that the process for renaming the building begin and that this be done 'in cooperation and consultation with Indigenous peoples'.⁵² Four Indigenous MPs subsequently wrote a joint letter to Minister Foote, on 16 February 2017, in support of Bellegarde's request. They highlighted the incongruity of having a building named after the architect of the residential school system when the 'Prime Minister has committed to right the many injustices inflicted upon Indigenous People'.⁵³

There are few legal and structural efforts required to implement a name change of federal government buildings in Canada. The Department of Public Works and Government Services Act provides operational support for federal departments and agencies, and is responsible for the naming and renaming of federal government buildings. The department is guided by the Policy on Naming of Government of Canada Structures, also known as the 'Policy'.⁵⁴ The Policy is explicit in noting that the naming of government buildings should reflect figures or events of historical importance: 'The naming of a Government of Canada structure allows the retention for posterity of a memorial to a person, event or historically significant location. The structure becomes a valued link with local history that is preserved and continues for the life of the structure.'⁵⁵

This policy covers structures such as office buildings, laboratories, warehouses and museums, as well as other structures such as bridges and wharves. Structures under certain federal entities, like Crown corporations, are not within the scope of the policy.⁵⁶ The Langevin Block is a government office building that falls under the jurisdiction of the Policy. The Policy accords the Minister of Public Services and Procurement authority for approving the names of these structures. In turn, it is the responsibility of the Deputy Minister to propose name changes 'with accompanying rationale' for the minister's review and approval. If a name is considered, the Minister, through the Department of Public Works, can consult with the tenants or members of the community, but it is not required to do so. The Policy advises that structures managed by the government of Canada should only be changed in exceptional circumstances, 'such as when a structure's functionality changes'.⁵⁷ It requires that building names be 'of distinction', meaning that suggested names must possess the following characteristics: the name should be recognised and have some significance for the community or the region in which the structures are located; be relevant to the function of the structure; and enhance the government of Canada's presence and promote its visibility.⁵⁸ It also verifies that the names of structures should only be changed in 'exceptional circumstances'.⁵⁹ Furthermore, there are special procedures for the 'name selection process for structures under the custodianship of the Department in the National Capital Area'⁶⁰ which underscore the importance of selecting historically significant names. The procedures explain the division of responsibility between the Minister and Deputy Minister; indicate that the policy, planning and communications branch of the Department of Public Works be involved in the decision, mandate translation requirements for the chosen names and state that consultation is a possibility, but not a requirement.

In a memorandum to Minister Foote, dated 27 February 2017, then Deputy Minister Marie Lemay reported on the internal research and deliberations on Langevin. 'While he has been referred to in the media as an architect of the Indian Residential School System, a historian at Indigenous and Northern Affairs Canada indicates his relationship with the Indigenous peoples is more complex,' Lemay reported. 'Various histories and academic articles written on residential schools make no mention of his role or impact in the development or execution of the Residential Schools policy. Moreover, during the 1885 Northern Rebellion and the subsequent trial of Louis Riel, he attempted to intercede with the Prime Minister for Riel's clemency and commutation of his death sentence.'⁶¹

The Deputy Minister went on to note, however, that the ‘National Chief and the four Indigenous Members of Parliament’ had recommended that renaming the Langevin Block would be ‘consistent with an act of reconciliation’. However, the Deputy Minister continued, the erasure of the Langevin name would ‘discount’ Langevin’s role as a prominent political leader, an advocate of Francophone interested and as ‘Father of Confederation’. While government policy did allow for name changes under ‘exceptional circumstances’, the renaming of a federal building was unprecedented. An internal briefing paper noted: ‘There are no examples of renaming a federal building that already bears the name of a distinguished person.’⁶²

Internal deliberations within the Ministry produced four potential options.⁶³

- Option 1: ‘Status quo. The Department retain the name of the Langevin Building.’
- Option 2: ‘Keep the name Langevin and install an informative plaque.’ It was suggested the plaque include Langevin’s contributions to Canada as well as his ‘support’ of the residential schools. ‘This approach was used in Ottawa’s Beechwood Cemetery,’ a draft memorandum noted, ‘where in November 2015, a new plaque was unveiled near the grave of Duncan Campbell Scott, acknowledging his career as a renowned poet and public servant and his role in creating Canada’s Indian Residential School system.’
- Option 3: ‘Rename the building after a non-indigenous person, place or event of significance in the development of Canada.’ An alternative proposal was to name the building a generic name, such as ‘Government of Canada Building’.
- Option 4: ‘Rename the building after a prominent Indigenous person, or a place or event of significance in the history of Indigenous peoples.’ This option, it was noted, ‘could be seen as an act of reconciliation, consistent with the Truth and Reconciliation Commission’s Calls to Action’. However, it was noted that neither Bellegarde, nor the four MPs, proposed specific names. ‘Renaming the building after an Indigenous person requires significant and sensitive consultations, which can introduce considerable delay,’ the draft memorandum concluded, ‘and could be opposed by those who wish to retain commemoration of the name and contributions of Sir Hector-Louis Langevin.’

In her memorandum to the Minister, Lemay presented Foote with two options: the Langevin name could be retained and placarded, or erased and replaced by the name of an ‘Indigenous person, a non-Indigenous person, a place or an event of significance’ from Canadian history. ‘It is reasonable to anticipate opposition from those who wish to preserve the commemoration of the name and contributions of Sir Hector-Louis Langevin,’ Lemay wrote, ‘as well as support from those who want the name changed, including Indigenous groups’. A briefing paper from April 2017 highlights the politicised, rather than historical, nature of the name change. ‘The characterisation of Hector-Louis Langevin as an architect or creator of the residential school system is not supported by the historical record,’ the paper notes. ‘It is the association of the name Langevin with the residential schools and in particular, the prominent location and use of the building which bears his name that are problematic.’⁶⁴

The deliberations concerning the Langevin name coincided with plans for the repurposing of a nearby government building, at 100 Wellington Street, as a possible national gallery or

centre for honouring the Indigenous peoples of Canada. Two consulting firms were engaged, one for \$90,000 to conduct a public opinion poll and another for \$32,500 to design an online survey. Along with the surveys, consultations were conducted with key stakeholders, including two Indigenous communities: the Algonquins of Ontario and the Algonquin Anishinabeg Nation Tribal Council.⁶⁵ The process of renaming, as stated in official policy, was vested exclusively in the Minister of Public Services and Procurement. ‘Consultations are not a requirement of renaming,’ an internal Ministry memorandum noted, ‘but the renaming of Langevin Block will be done in consultation with Indigenous organizations.’⁶⁶ The deliberations never took place.

Debates in public and in Parliament

As predicted by Lemay, public opinion divided fiercely over the possible erasure. ‘Langevin was a man of his time, not a monster,’ journalist John Ivison wrote in the *National Post* in February 2017 when the name change was first proposed.⁶⁷ Ivison cautioned that ‘to airbrush Langevin’s name from public spaces does both him and Canada’s history a disservice’ and cautioned against ‘replacing historicity, the actuality of persons and events, with the myth that the founding fathers were intent on the great harm that resulted’.⁶⁸ Defenders of Langevin suggested that the TRC had cherry-picked a single moment from Langevin’s long record of public service to cast him in a negative light. They cited Langevin’s failed clemency bid for Louis Riel and Langevin’s central role in preventing a fracturing of the young Canadian Confederation. Riel had been a Métis leader who had led the 1867 rebellion by the predominantly French-speaking Métis peoples against the English-speaking governor. Riel created a provisional government with an equal number of Francophone and Anglophone representatives, and negotiated directly with the government to establish the province of Manitoba. Like many French Canadians, Langevin was sympathetic to the plight of Métis people, who are mixed-race peoples primarily of French and Indigenous descent. Langevin lobbied the Prime Minister, as well as MPs, to have Riel’s death sentence commuted. When his efforts failed, Langevin considered resigning from the cabinet, but ultimately remained in his post, along with other Francophone Canadians, to prevent a fracturing of the young Confederation.⁶⁹

Other opponents of the name change have claimed that Langevin had only tenuous connections with the residential schooling system, which hardly warrant the removal of his name from a federal building. In defending Langevin, Jeffrey Simpson, a prominent Canadian journalist, pointed out that the TRC report included the only known statement by Langevin relating to the residential schools, arguing that the evidence does not warrant labelling Langevin the ‘father’ of the residential school system.⁷⁰ The reference on page 58 of the report is, in fact, the only reference to Langevin in the six-volume report. More consequentially, Simpson pointed out that as Minister of Public Works, Langevin was there to construct buildings, not policy: ‘His part in implementing a system for educating Indian youth (“Indian” was the word used during his time) was marginal,’ Simpson claimed, arguing

that ‘As public works minister, he would have been responsible for school and residential building construction, but the policy was one supervised by Macdonald as prime minister and minister of Indian affairs.’⁷¹ Simpson also pointed to a CBC News report that indicated that ‘histories and academic articles written on the residential schools make no mention of [Langevin’s] role or impact in the development or execution of the residential schools policy’.⁷² Critics of the name change of the Langevin Block therefore claim that Langevin’s role in the residential school system was marginal enough to preserve his name on the federal building.

Despite such criticism, there were other attempts to remove the name Langevin from the public space. Prior to the deliberative phase in which the name change was considered in Ottawa, and shortly after the release of the draft report of the TRC, a group of citizens in Calgary, Alberta began online petitions and advocacy efforts to change the name of Langevin Bridge. The mayor carried out consultations to select a new name, and after months of deliberation the City Council voted on 23 January 2017 to rename the bridge Reconciliation Bridge.⁷³

A few weeks later, on 16 February 2017, the Canadian Parliament was formally requested to debate the name change of Langevin Block. It was the first in five instances after the formal requests had been made to the PSPC. Each time, the request was respectfully acknowledged by the Liberal government, but there was no debate on the matter. The February 2017 request was made by MP Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou):

‘Mr. Speaker, today, along with other indigenous MPs, I call on the government to rename the building that houses the Prime Minister’s Office. Langevin was one of the architects of the Indian residential school system. An apology means nothing if action does not remedy the injustice.

Every day as I walk by that place, I am reminded of the man who dreamed up the school where I was sent purposely to sever the connection to my family, to my people.

Will the government commit today in the House to change the name of this building?’⁷⁴ Minister Foote responded by reiterating the Liberal government’s focus on reconciliation:

‘Mr. Speaker, there is no relationship more important to our government than the one with indigenous peoples. Our government is fully committed to implementing the Truth and Reconciliation Commission’s call to action. This includes developing a reconciliation framework for Canadian heritage and commemoration. Any decision will be made in full partnership with indigenous peoples.’⁷⁵

This same response was paraphrased, if not repeated identically, the next five times the name change was mentioned until the Prime Minister made the following announcement on 21 June 2017: ‘The residential school era is a dark chapter in our history. The association between Langevin and the Prime Minister’s office is inconsistent with a strong partnership with indigenous peoples. Therefore, we will be removing that name.’⁷⁶ These sentiments were repeated in the public statement accompanying the announcement of the name change in front of the Langevin Block building.⁷⁷

Though the building was successfully renamed, there was criticism of both the process undertaken to change the name and the decision to change the name itself. The name change was carried out through internal government processes without consultation of or outreach to Indigenous communities. This exclusion of Indigenous voices happened in spite of the fact that the Department initially requested this consultation. Saganash was one of the parliamentarians who had first called for the name change. Saganash was a representative from the National Democratic Party and a member of the Cree Nation. With more than 300,000 Canadians of Cree heritage, it is the largest Indigenous community in Canada and one of the largest in North America. Saganash criticised the lack of communication with the Indigenous communities: ‘The prime minister wants to change the name of the building that houses his office [...] But did he consult with the Algonquin people? Or did he at least consult with the Penoshoway family?’ (The Penoshoway family had been evicted from the land where the Parliament buildings were constructed in the mid-1800s, and that the family’s descendants were still alive.⁷⁸)

That same day, when Saganash addressed the issue with Trudeau on Parliament Hill, he pointedly spoke to the Prime Minister in the native language of the Cree. While Parliament had the capacity for simultaneous interpretation in French and English, there was no translation mechanism for Indigenous languages, forcing Trudeau to respond without knowing what Saganash had actually said. ‘I thank the member opposite for his words,’ Trudeau responded, ‘and wish I had the capacity to understand the strong culture and language that he shared with us today.’⁷⁹ Saganash maintained that the new name, the Office of the Prime Minister and Privy Council, is ‘a reaffirmation of the colonial institution that we’ve been facing for all these years’.⁸⁰

In addition to the procedural concerns, there is some criticism that the decision to change the name is a revision of history. Detractors of the decision to change the building name highlight the many contributions of Langevin to the Confederation, as well as his representation of French and Quebec interests in this process. For some observers, changing the name of the building is akin to rewriting history, which has two impacts. First, it ignores the contributions made by Langevin. Opposition politicians and opinion pieces written at the time pointed to his position as a ‘Father of the Confederation’ to argue that removing Langevin’s name would be equivalent to ignoring his contributions.⁸¹ As Simpson demonstrated, the political activities of Langevin as a French-Canadian conservative federalist was integral to building a bicultural Canada.⁸²

Second, detractors argue that changing the building name ignores the historical context of Langevin’s time. According to this viewpoint, Langevin’s recorded statement was not, in their opinion, out of step with contemporaneous thought. Comments about the ‘Indian problem’ and the belief in the residential school system as a so-called civilising tool were common conceptions at the time and cannot be traced to the thought of one man. The historian Elliot Worsfold notes that Langevin’s contributions to the creation of the residential school system were in keeping with his job title, which, as Minister of Public Works, was

to secure money and construct buildings, not to develop policy.⁸³ The policy to build the residential schools came from his superior, Prime Minister Macdonald.

In the context of Indigenous-state-settler relations in Canada, the impact of the Langevin name change on improving relations between Indigenous people and the state apparatus has been minimal. Two days after the announcement of the name change, the federal government appealed a Canadian Human Rights Commission decree mandating the government to provide access to health services for Indigenous children across the country.⁸⁴ A few weeks after the name change, there were Indigenous-led protests against ongoing colonisation on Canada Day in 2017, which marked the 150th anniversary of the Confederation.⁸⁵ More recently, there continue to be ongoing concerns about the realisation of reconciliation and recognition of constitutional rights of citizens of First Nations.

The findings of the TRC were an important factor in bringing to the public's attention the role played by Langevin in orchestrating the residential school system. There was not a similar amount of widespread recognition of many other findings highlighted by the commission. A 2018 opinion piece indicated that there has been little progress on the 94 Calls to Action pertaining to children's services, such as reducing the number of children in foster care, and eliminating funding gaps in education and healthcare.⁸⁶ Though the renaming of public spaces, government buildings and structures was not something specifically contemplated by the 94 recommendations, the removal of Langevin's name from the building is one of the most high-profile responses to the information that the report brought to public consciousness.

It is notable that other historical figures mentioned in the TRC report, in particular Prime Minister Macdonald, were not, at the time of the renaming of the Langevin Block, exposed to similar levels of public scrutiny, especially as Prime Minister, Macdonald was, in fact, responsible for the policies for which Langevin provided funding.⁸⁷

This lack of scrutiny directed towards other leaders suggests that historical figures with more complex records and closer ties to national identity complicated efforts to rename buildings and promote proposed shifts in historical consciousness. It was much easier to identify and assess contributions of a relatively lesser-known historical figure such as Langevin, whose negative contributions were easier to pinpoint. In Langevin's case, it was relatively straightforward to identify him as the person who secured funding for the state-led system of residential schools since he is on public record in the Parliament of Canada on 22 May 1883 arguing for the necessary funding. However, as noted in the Trudeau government deliberations, it was ultimately the 'prominent location and the use of the building', at 80 Wellington Street, that made Langevin a convenient political target. The ineffectiveness, even liability, of such expedient and superficial remedies was highlighted three years later during the Black Lives Matter protests, in spring 2020, following the killing of George Floyd by police in the US state of Minnesota, in May of that year.

Conclusions

On 20 August 2020, more than three years after the renaming of the Langevin Block, protesters gathered around a bronze statue of former Prime Minister Macdonald in the city centre of Montréal, secured lines around the neck of the life-size sculpture and toppled it from its shrine-like pedestal, framed by four columns and small cupola. The statue struck the pavement, snapping off the head, as a crowd cheered. The attack came three months after the launch of an online petition demanding its removal. ‘There is absolutely no reason or room for a racist, colonial, white nationalist to be celebrated on unceded Indigenous land,’ the petition read. ‘The very fact that this monument exists is an example of the white washing of cultural history, and true “reconciliation” does not include the glorification of those that actively pursued Indigenous genocide.’⁸⁸

It was not the first time the Macdonald statue had come under attack. In 1992, on the anniversary of the hanging of Louis Riel, whose execution in 1885 had been ordered by the Macdonald government (but opposed by Langevin), the statue had been beheaded but ultimately restored.⁸⁹ Despite growing awareness of Macdonald’s chequered past, the man continued to be venerated for his role as the country’s first prime minister, with buildings, roads and bridges bearing his name. As recently as January 2012, a former Bank of Canada building at 144 Wellington Street, just down the street from the Langevin Block, was repurposed for use by Parliament and renamed the Sir John A Macdonald Building.

Following the release of the TRC report highlighting Macdonald’s racist sentiments and role in the residential schools, acts of vandalism on Macdonald statues became more frequent. A Macdonald statue was removed from the city hall in the western provincial capital of Victoria, in August 2018. ‘We realized it’s going to be many years of reconciliation,’ the city mayor explained. ‘One of the things we heard very clearly from the Indigenous family members is that coming to city hall to do this work, and walking past John A. Macdonald every time, feels contradictory.’⁹⁰ That same year, in Montreal, protestors doused the Macdonald statue with red paint.

But it was the activism and public outrage over the George Floyd killing in spring 2020 that focused serious critical attention on Macdonald, as well as a sense of urgency. On 30 August, the statue was toppled by protestors. Elijah Olise, an activist present at this event expressed the impatience. ‘People were tired of waiting for it to be removed,’ he said. ‘In Canada, racism can be polite and covert and this statue was a symbol for people who still have Macdonald’s way of thinking. The statue was an open wound.’⁹¹ The attack drew national attention and divided sentiments. ‘We are a country of laws and we are a country that needs to respect those laws, even as we seek to improve and change them, and those kind of acts of vandalism are not advancing the path towards greater justice and equality in this country,’ Prime Minister Trudeau said in denouncing the attack. ‘Actions such as that have no place in a society that abides by the rule of law,’ he added in French.⁹² The Montréal city government struck a less shrill note, even as a criminal investigation was launched. A spokesman for the mayor noted that the statue would be restored, at a cost of \$400,000, but that the city was considering a range of options for its future, which included returning the statue to

its pedestal with a placard or a statue of an 'Indigenous hero' as a counter monument, or possibly relocating it to a museum. The city also underscored that any decisions would be taken through a consultative process 'The city of Montréal is in the process of trying to reconcile with its Indigenous citizens,' the spokesman said, 'and we want to consult with them before deciding what to do.'⁹³

There are lessons in Canada's late and uneven reckoning with its historical legacies. Changing the name of a building is an opportunity to undertake a concrete action that reflects laudable reconciliation efforts, but can also serve to distract or divert attention from more serious and substantive issues, or even disregard other more problematic historical legacies. Unravelling the entrenched power dynamics of important historical figures who had roles in perpetrating harmful colonial activities is a daunting undertaking, and 'quick fixes' that lack established principles and transparent processes can result in divisive and occasionally contradictory outcomes. The most consultative and transparent processes will not be without controversy or contestation. However, policy-makers will be well-advised to strive for inclusive decision-making processes that address immediate concerns as well as root causes when dealing with sensitive and contentious issues pertaining to painful historical legacies, and to do so not only in response to the moment, but with a vision to the longer-term future.

References

Government documents cited in this case study were obtained through the Access to Information Act Canada (RS, 1985, c A-1)

'Calls to Action' in *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press 2015) <http://nctr.ca/reports.php>.

'Canada's Residential Schools: The History, Part 1 Origins to 1939. The Final Report of the Truth and Reconciliation Commission of Canada. Volume 1' in *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press 2015) <http://nctr.ca/reports.php>.

Corbin, Lucy, *Ottawa: A Guide to Heritage Structures* (Local Architectural Conservation Advisory Committee, City of Ottawa 2001).

Davin, Nicholas Flood, 'Report of Industrial Schools for Indians and Half-Breeds,' 14 March 1879 <http://nctr.ca/assets/reports/Historical%20Reports/Davin%20Report.pdf>.

Eisler, Dale, 'Where the Past Is Present: Indigenous Child Welfare and Presentism' (2019) 44 *Inroads*.

Fraser, Barbara, 'The Political Career of Sir Hector Louis Langevin' (1961) 42(2) *The Canadian Historical Review* 93.

'Honouring the Truth, Reconciling for the Future, Summary of the Final Report of the Truth and Reconciliation Commission of Canada' in *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press 2015) <http://nctr.ca/reports.php>.

Purvis, Trevor, 'Sovereign Authority and the Limits of Constitutional Democracy: The Case of Indigenous Peoples in Canada' (2020) 10(1) *Onati Socio-Legal Series* (p. 58-87).

Simpson, Jeffrey, *Spoils of Power* (Collins Publishers 1988).

Simpson, Jeffrey, 'The Perils of Presentism' (2018) 125(2) *Queen's Quarterly* 2.

Research articles

Beeby, Dean, 'Memo raises doubts about who was "architect" of residential schools' (CBC News, 13 August 2017) www.cbc.ca/news/politics/langevin-trudeau-building-residential-schools-indigenous-foote-bellegarde-macdonald-1.4242088.

'Calgary's Langevin Bridge to be renamed Reconciliation Bridge' *The Globe and Mail* (Toronto, 23 January 2017) www.theglobeandmail.com/news/alberta/calgarys-langevin-bridge-to-be-renamed-reconciliation-bridge/article33713816.

Carleton, Sean, 'John A. Macdonald Was the Real Architect of Residential Schools' *Toronto Star* (Toronto, 9 July 2017) www.thestar.com/opinion/commentary/2017/07/09/john-a-macdonald-was-the-real-architect-of-residential-schools.html.

'Former Conservative MP says Trudeau "trying to whitewash" history by renaming Langevin Block' (CBC, 21 June 2017) www.cbc.ca/radio/asithappens/as-it-happens-wednesday-edition-1.4171256/former-conservative-mp-says-trudeau-trying-to-whitewash-history-by-renaming-langevin-block-1.4171623.

Forrest, Maura, 'It's Been Two Years Since the Truth and Reconciliation Commission's Final Report. Are the Liberals Living Up to Their Promises?' *National Post* (Toronto, 15 December 2017) <https://nationalpost.com/news/politics/its-been-two-years-since-the-truth-and-reconciliation-commissions-final-report-are-the-liberals-living-up-to-their-promises>

Gottbrath, Laurin-Whitney, 'Indigenous groups launch protests to resist Canada Day' (*Al Jazeera*, 1 July 2017) www.aljazeera.com/news/2017/07/indigenous-groups-launch-protests-resist-canada-day-170701191724798.html.

Harris, Katherine, 'Trudeau to drop name of residential schools proponent from Langevin building' (CBC News, 21 June 2017) www.cbc.ca/news/politics/trudeau-aboriginal-indigenous-day-1.4170695.

Iverson, John, 'Langevin was a man of his time, not a monster, so don't take his name off an Ottawa building' *National Post* (Toronto, 17 February 2017) <https://nationalpost.com/news/politics/john-iverson-langevin-was-a-man-of-his-time-not-a-monster-so-dont-take-his-name-off-an-ottawa-building>.

'Justin Trudeau's 'sunny ways' a nod to Sir Wilfrid Laurier' (CBC, 20 October 2015) www.cbc.ca/news/canada/nova-scotia/ns-prof-trudeau-sunny-ways-1.3280693.

Kirkup, Kristy, 'Trudeau renames National Aboriginal Day to National Indigenous Peoples Day' (CTV News, 21 June 2017) <https://toronto.ctvnews.ca/trudeau-renames-national-aboriginal-day-to-national-indigenous-peoples-day-1.3470216>.

'Langevin Bridge petition requests name change request over residential school link' (CBC, 9 June 2015) www.cbc.ca/news/canada/calgary/langevin-bridge-petition-requests-name-change-over-residential-school-link-1.3104359.

McGregor, Glen, 'Name of Langevin Block under scrutiny for residential schools connection' *Ottawa Citizen* (Ottawa, 17 June 2015) <https://ottawacitizen.com/news/politics/name-of-langevin-block-under-scrutiny-for-residential-school-connection>.

'Nenshi says renaming Langevin Bridge an appropriate symbolic gesture' (CBC, 15 June 2015) www.cbc.ca/news/canada/calgary/nenshi-says-renaming-langevin-bridge-an-appropriate-symbolic-gesture-1.3114273.

Puxley, Chinta, 'Up to 6,000 children died at Canada's residential schools, report finds' *Global News* (Toronto, 31 May 2015) <https://globalnews.ca/news/2027587/deaths-at-canadas-indian-residential-schools-need-more-study-commission>.

'Rename Langevin Block, but prepare for history's other ghosts, Bob Rae warns' (CBC, 17 February 2017) www.cbc.ca/news/canada/ottawa/renaming-langevin-block-bob-rae-1.3979185.

Tasker, John Paul, 'Indigenous leaders want to strip name of residential school proponent from Langevin block' (CBC, 16 February 2017) www.cbc.ca/news/politics/indigenous-leaders-hector-langevin-1.3985526.

Endnotes

- 1 'Confederation' *The Canadian Encyclopedia* www.thecanadianencyclopedia.ca/en/article/confederation accessed 19 August 2020.
- 2 Canada Act (1982) www.legislation.gov.uk/ukpga/1982/11/contents accessed 19 August 2020.
- 3 TRC, 'Our Mandate' www.trc.ca/about-us/our-mandate.html accessed 19 August 2020.
- 4 TRC, 'Residential Schools' www.trc.ca/about-us.html accessed 19 August 2020.
- 5 Kristy Kirkup, 'Trudeau Renames National Aboriginal Day to National Indigenous Peoples Day' (CTV News, 21 June 2017) <https://toronto.ctvnews.ca/trudeau-renames-national-aboriginal-day-to-national-indigenous-peoples-day-1.3470216> accessed 19 August 2020.
- 6 Dale Eisler, 'Where the Past Is Present: Indigenous Child Welfare and Presentism' (2019) 44 *Inroads*.
- 7 Lucy Corbin, *Ottawa: A Guide to Heritage Structures* (Local Architectural Conservation Advisory Committee, City of Ottawa 2001) 60.
- 8 *Ibid.* The Canadian Register of Historic Places, 'Langevin Block National Historic Site of Canada' www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14127 accessed 20 August 2020.
- 9 The Canadian Register of Historic Places, 'Langevin Block: Heritage Character Statement' [www.historicplaces.ca/media/9684/1987-040\(e\)langevinblock.pdf](http://www.historicplaces.ca/media/9684/1987-040(e)langevinblock.pdf) accessed 20 August 2020.
- 10 This designation is pursuant to the Historic Sites and Monuments Act (RSC, 1985, c H-4). It was then also classified as a 'Federal Heritage Building' in 1988, which means the department building is to be preserved and falls under the jurisdiction of the Federal Heritage Buildings Review Office. 'Langevin Block National Historic Site of Canada'; Government of Canada, 'Parks Canada: History and Culture' www.pc.gc.ca/en/culture/beefp-fhbro/pol accessed 20 August 2020.
- 11 The building is designated according to by-law #354-78, which is: 'A by-law of the Corporation of the City of Ottawa to designate the Langevin block, Wellington Street to be of historic or architectural value or interest', Ontario Heritage Trust, By-Law Number 354-78 www.heritagetrust.on.ca/en/oha/details/file?id=8083 accessed 20 August 2020.
- 12 See n 8 above: 'Langevin Block National Historic Site of Canada'.
- 13 As identified in both the City of Ottawa By-Law and the Federal Heritage listing. See, By-Law, 'Statement of Reasons for the Designation' and Federal, Federal Heritage Buildings Review Office, Heritage Character Statement.
- 14 Andrée Désilets, 'Langevin, Sir Hector-Louis' in *Dictionary of Canadian Biography* vol 13 (1994) www.biographi.ca/en/bio/langevin_hector_louis_13E.html accessed 20 August 2020.
- 15 Barbara Fraser, 'The Political Career of Sir Hector Louis Langevin' (1961) 42(2) *The Canadian Historical Review* 94.
- 16 *Ibid.*, 93.
- 17 See n 14 above; *ibid.*
- 18 Parliament of Canada, 'Parlinfo: The Hon. Sir Hector-Louis Langevin', P.C., C.B., Q.C., M.P.' 2020 https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=12908 accessed 20 August 2020.
- 19 See n 15 above, 102.
- 20 Andrée Désilets, Julia Skikavich and Eli Yarhi, 'Sir Hector-Louis Langevin' *The Canadian Encyclopedia* www.thecanadianencyclopedia.ca/en/article/sir-hector-louis-langevin accessed 20 August 2020.
- 21 *Ibid.*
- 22 See n 18 above.
- 23 Jeffrey Simpson, 'The Perils of Presentism' (2018) 125(2) *Queens Quarterly* 2; Jeffrey Simpson, *Spoils of Power* (Collins Publishers 1988).
- 24 The scandal involved Langevin securing profitable government contracts for a close friend's private engineering firm. See n 20 above.
- 25 See n 14 above.
- 26 'Honouring the Truth, Reconciling for the Future. Summary of the Final Report of the Truth and Reconciliation Commission of Canada' in *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press 2015), 1 <http://nctr.ca/reports.php> accessed 20 August 2020.
- 27 *Ibid.*

- 28 Chinta Puxley, 'Up to 6,000 Children Died at Canada's Residential Schools, Report Finds' *Global News* (Toronto, 31 May 2015) <https://globalnews.ca/news/2027587/deaths-at-canadas-indian-residential-schools-need-more-study-commission> accessed 20 August 2020.
- 29 JSDennis, 'Letter from J.S. Dennis to Sir John A. Macdonald', 20 December 1878, quoted in n 26 above, 55 http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf accessed 20 August 2020.
- 30 *Ibid.*, 154.
- 31 Nicholas Flood Davin, *Report of Industrial Schools for Indians and Half-Breeds*, 14 March 1879 <http://nctr.ca/assets/reports/Historical%20Reports/Davin%20Report.pdf> accessed 20 August 2020.
- 32 *Ibid.*
- 33 John Macdonald, 'Speech to the House of Commons Canada' (1883), in n 26 above 2 http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf accessed 20 August 2020.
- 34 Debates of the House of Commons, 22 May 1883, 1st Session, 5th Parliament, Canada, p 1376.
- 35 See 20 above.
- 36 'Canada's Residential Schools: The History, Part 1 Origins to 1939. The Final Report of the Truth and Reconciliation Commission of Canada. Volume 1' in *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press, 2015), 376 <http://nctr.ca/reports.php> accessed 20 August 2020.
- 37 Christian Aboriginal Infrastructure Developments, *Report of the Truth and Reconciliation Commission of Canada* <http://caid.ca/DTRC.html> accessed 21 August 2020.
- 38 Under the terms of the Indian Residential Schools Settlement Agreement, survivors of residential schools could seek compensation through the specially designed Independent Assessment Process.
- 39 See n 3 above.
- 40 'Calls to Action', *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press 2015) http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf accessed 20 August 2020.
- 41 'What we have learned: Principles of Truth and Reconciliation' in *Truth and Reconciliation Commission of Canada* (McGill-Queen's University Press 2015) www.trc.ca/assets/pdf/Principles%20of%20Truth%20and%20Reconciliation.pdf; 'Beyond 94: Truth and Reconciliation in Canada,' *Canadian Broadcasting Corporation* <https://newsinteractives.cbc.ca/longform-single/beyond-94?&cta=1> accessed 22 August 2020.
- 42 See, eg, *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (Minister of Indigenous and Northern Affairs Canada)*, 2018 CHRT 4 (CanLII) <http://canlii.ca/t/hrngnd>; *Métis Child, Family and Community Services v HDCJ*, 2018 MBQB 154 (CanLII) <http://canlii.ca/t/hvg333>; *Catholic Children's Aid Society of Hamilton v GH, TV and Eastern Woodlands Métis of Nova Scotia*, 2016 ONSC 6287 (CanLII) <http://canlii.ca/t/gv30x>; *R v Northern Pulp Nova Scotia Corporation*, 2016 NSPC 29 (CanLII) <http://canlii.ca/t/gr8ns>; *R v Sayers*, 2017 ONCJ 77 (CanLII) <http://canlii.ca/t/gxqfq>; and *Daniels v Canada (Indian Affairs and Northern Development)* [2016] 1 SCR 99, 2016 SCC 12 (CanLII) <http://canlii.ca/t/gpftth> accessed 22 August 2020.
- 43 'PM Harper won't implement TRC recommendation on UN declaration on Indigenous peoples' (APTN National News, 2 June 2015) <https://aptnnews.ca/2015/06/02/pm-harper-wont-implement-trc-recommendation-un-declaration-indigenous-peoples> accessed 22 August 2020.
- 44 *Ibid.*
- 45 'Justin Trudeau's "Sunny Ways" a Nod to Sir Wilfrid Laurier' (CBC News, 20 October 2015) www.cbc.ca/news/canada/nova-scotia/ns-prof-trudeau-sunny-ways-1.3280693 accessed 20 August 2020; 'Liberals call for full implementation of Truth and Reconciliation Commission recommendations' Liberal Party of Canada liberal.ca/liberals-call-for-full-implementation-of-truth-and-reconciliation-commission-recommendations accessed 21 August 2020.
- 46 Justin Trudeau, 'Statement by Prime Minister on Release of the Final Report of the Truth and Reconciliation Commission' <https://pm.gc.ca/en/news/statements/2015/12/15/statement-prime-minister-release-final-report-truth-and-reconciliation> accessed 21 August 2020.

- 47 Justin Trudeau, 'Minister of Crown-Indigenous Relations and Northern Affairs Mandate Letter' <https://pm.gc.ca/en/mandate-letters/2017/10/04/archived-minister-crown-indigenous-relations-and-northern-affairs> accessed 21 August 2020.
- 48 'Proposal to Rename the Langevin Building at 80 Wellington Street in Ottawa', Memorandum to the Minister (27 February 2017) File Nos 148177 and 148336.
- 49 Kathleen Harris, 'Trudeau to Drop Name of Residential Schools Proponent from Langevin Building' (CBC News, 21 June 2017) www.cbc.ca/news/politics/trudeau-aboriginal-indigenous-day-1.4170695 accessed 21 August 2020.
- 50 *Ibid.*
- 51 Perry Bellegarde, 'Letter from Chief Perry Bellegarde, Assembly of First Nations, to The Honourable Judy Foote, Minister, Public Services and Procurement', 6 February 2017, quoted in John Paul Tasker, 'Indigenous Leaders Want to Strip Name of Residential School Proponent from Langevin Block' (CBC, 16 February 2017) www.cbc.ca/news/politics/indigenous-leaders-hector-langevin-1.3985526 accessed 21 August 2020.
- 52 *Ibid.*
- 53 Letter from Members of Parliament Georgina Jolibois, Don Rusnak, Romeo Saganash and Hunter Tootoo to the Honourable Judy Foote, Minister, Public Services and Procurement, 16 February 2017.
- 54 Overview on the Policy and Naming Government of Canada Structures, *Guide to Making Federal Acts and Regulations*, 2nd edn, 2001 www.canada.ca/en/privy-council/services/publications/guide-making-federal-acts-regulations.html accessed 21 August 2020.
- 55 *Ibid.*
- 56 'Proposal to Rename the Langevin Building at 80 Wellington Street in Ottawa', Memorandum to the Minister (27 February 2017) File Nos 148177 and 148336.
- 57 *Ibid.*
- 58 Departmental Policy, Public Works and Government Services, Government of Canada, 'Policy on naming government of Canada structures (033)', Effective 25 November 2015.
- 59 Proposal to Rename the Langevin Building at 80 Wellington Street in Ottawa, Memorandum to the Minister, 27 February 2017, File Nos 148177 and 148336.
- 60 Dean Beeby, 'Memo Raises Doubts About Who Was "Architect" of Residential Schools' (CBC News, 13 August 2017) www.cbc.ca/news/politics/langevin-trudeau-building-residential-schools-indigenous-foote-bellegarde-macdonald-1.4242088 accessed 21 August 2020
- 61 Ministry of Public Services and Procurement, Government of Canada, Memorandum to the Minister, Marie Lemay, Deputy Minister of Public Services and Procurement, 27 February 2017, File No 148336.
- 62 Questions and Answers, Canada 150 Legacy – Determining a public use for 100 Wellington and renaming Langevin Block, Attachment, email from Maureen Keenan to Christine Roger, 12 April 2017.
- 63 Ministry of Public Services and Procurement, Internal Memorandum to the Minister, undated. Included with Memorandum to the Minister, Marie Lemay, Deputy Minister of Public Services and Procurement, 27 February 2017, File No 148336.
- 64 Briefing paper, Canada 150 Legacy – Determining a public use for 100 Wellington and renaming Langevin Block, Attachment, email from Maureen Keenan to Christine Roger, 12 April 2017.
- 65 *Ibid.*
- 66 *Ibid.*
- 67 John Ivison, 'Langevin Was a Man of His Time, Not a Monster, So Don't Take His Name Off an Ottawa Building' *National Post* (Toronto, 17 February 2017) <https://nationalpost.com/news/politics/john-ivison-langevin-was-a-man-of-his-time-not-a-monster-so-dont-take-his-name-off-an-ottawa-building> accessed 21 August 2020.
- 68 *Ibid.*
- 69 See n 14 above.
- 70 See n 23 above, 'The Perils of Presentism'.
- 71 *Ibid.*
- 72 See 60 above.

- 73 'Nenshi Says Renaming Langevin Bridge an Appropriate Symbolic Gesture' (CBC, 15 June 2015) www.cbc.ca/news/canada/calgary/nenshi-says-renaming-langevin-bridge-an-appropriate-symbolic-gesture-1.3114273; 'Langevin Bridge Petition Requests Name Change Request Over Residential School Link' (CBC, 9 June 2015) www.cbc.ca/news/canada/calgary/langevin-bridge-petition-requests-name-change-over-residential-school-link-1.3104359; 'Calgary's Langevin Bridge to be Renamed Reconciliation Bridge' *The Globe and Mail* (Toronto, 23 January 2017) www.theglobeandmail.com/news/alberta/calgarys-langevin-bridge-to-be-renamed-reconciliation-bridge/article33713816 accessed 21 August 2020.
- 74 Romeo Saganash, House of Commons, Hansard Debates: 142, 16 February 2017 www.ourcommons.ca/publicationsearch/en/?View=D&Item=&ParlSes=42-1&oob=&Topic=&Proc=&Per=71482&Text=Romeo&RPP=15&order=&targetLang=&SBS=0&MRR=150000&Page=10&PubType=37 accessed 21 August 2020.
- 75 Hon Judy Foote, *House of Commons* Hansard Debates: 142, 16 February 2017 www.ourcommons.ca/publicationsearch/en/?View=D&Item=&ParlSes=42-1&oob=&Topic=&Proc=&Per=71482&Text=Romeo&RPP=15&order=&targetLang=&SBS=0&MRR=150000&Page=10&PubType=37 accessed 21 August 2020.
- 76 Hon Justin Trudeau, House of Commons, Hansard Debates: 199, 21 June 2017 www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-199/hansard accessed 21 August 2020.
- 77 See 49 above.
- 78 Maura Forrest, 'Indigenous MP says New Name for Langevin Block Building Falls Short' *National Post* (Toronto, 21 June 2017) <https://nationalpost.com/news/politics/indigenous-mp-says-new-name-for-langevin-block-building-falls-short> accessed 21 August 2020.
- 79 *Ibid.*
- 80 *Ibid.*
- 81 'Former Conservative MP says Trudeau "Trying to Whitewash" History by Renaming Langevin Block' (CBC, 21 June 2017) www.cbc.ca/radio/asithappens/as-it-happens-wednesday-edition-1.4171256/former-conservative-mp-says-trudeau-trying-to-whitewash-history-by-renaming-langevin-block-1.4171623; 'Rename Langevin Block, But Prepare for History's Other Ghosts, Bob Rae Warns' (CBC, 17 February 2017) www.cbc.ca/news/canada/ottawa/renaming-langevin-block-bob-rae-1.3979185 accessed 21 August 2020.
- 82 See n 23 above, 'The Perils of Presentism'.
- 83 Elliot Worsfold, 'The Politics of Reclaiming, not Renaming' *Active History*, 18 July 2017 <http://activehistory.ca/2017/07/the-politics-of-reclaiming-not-renaming>; Sean Carleton, 'John A. Macdonald Was the Real Architect of Residential Schools' *Toronto Star* (Toronto, 9 July 2017) www.thestar.com/opinion/commentary/2017/07/09/john-a-macdonald-was-the-real-architect-of-residential-schools.html accessed 21 August 2020.
- 84 *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2; Gloria Galloway, 'Ottawa Discriminated Against Aboriginal Children by Underfunding Services, Tribunal to Rule' *The Globe and Mail* (Toronto, 25 January 2016) www.theglobeandmail.com/news/politics/ottawa-discriminated-against-aboriginal-children-by-underfunding-services-tribunal-to-rule/article28389918. Trevor Purvis, 'Sovereign Authority and the Limits of Constitutional Democracy: the Case of Indigenous Peoples in Canada' (2020) 10(1) *Onati Socio-Legal Series* 65 <http://opo.iisj.net/index.php/osls/article/viewFile/1031/1222> accessed 21 August 2020.
- 85 Laurin-Whitney Gottbrath, 'Indigenous Groups Launch Protests to Resist Canada Day' (Al Jazeera, 1 July 2017) www.aljazeera.com/news/2017/07/indigenous-groups-launch-protests-resist-canada-day-170701191724798.html accessed 21 August 2020.
- 86 Maura Forrest, 'It's Been Two Years Since the Truth and Reconciliation Commission's Final Report. Are the Liberals Living Up to Their Promises?' *National Post* (Toronto, 15 December 2017) <https://nationalpost.com/news/politics/its-been-two-years-since-the-truth-and-reconciliation-commissions-final-report-are-the-liberals-living-up-to-their-promises> accessed 21 August 2020.
- 87 See n 31 above.

- 88 'Remove whitesupremacistJohnAMacdonald'sMonumentinMontréal', Change.org petition, June 2020 www.change.org/p/montr%C3%A9al-city-council-remove-white-supremacist-john-a-macdonald-s-monument-in-montr%C3%A9al accessed 17 September 2020.
- 89 'A Statue of Canada's First Prime Minister Is Toppled, but Politicians Want It Restored', *The New York Times*, (1 September 2020) www.nytimes.com/2020/09/01/world/canada/john-macdonald-statue-quebec-montreal.html accessed 17 September 2020.
- 90 'John A. Macdonald statue removed from Victoria City Hall,' (CBC News, 11 August 2018) www.cbc.ca/news/canada/british-columbia/john-a-macdonald-statue-victoria-city-hall-lisa-helps-1.4782065 accessed 17 September 2020.
- 91 see n 89 above.
- 92 'Trudeau condemns destruction of Sir John A. Macdonald statue in Montreal', (CBC News, 31 August 2020) www.cbc.ca/news/politics/trudeau-statue-sir-john-a-macdonald-1.5706247, accessed 17 September 2020.
- 93 See n 89 above.

Case Study IX: Re-Thinking Columbus

Monumento a Cristóbal Colón, Buenos Aires, Argentina



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In 2013, a battle between the President of Argentina and the Mayor of Buenos Aires over a monument to Christopher Columbus raised questions about the control of the commemorative landscape in the nation's capital city, as well as the Italian explorer's principal legacy as the 'discoverer of the new world' or a perpetrator of genocide. Amid a bitter debate over the monument's removal, the city's Italian community demanded respect and recognition for what immigrants had contributed to building the nation, while Indigenous peoples were given no part in deliberations over a replacement monument intended to honour their legacies.

This case study examines the role of law and politics in shaping municipal landscapes, and with it, a national identity. The case study also suggests the importance of a monument's location and iconography in signalling its place in public consciousness, and how a commemorative landscape can be rescripted to align with evolving social values and priorities.

Introduction

In the early hours of 29 June 2013, a large crane appeared on a pedestrian square, just across from the presidential palace in central Buenos Aires, and removed a 20-foot statue of Christopher Columbus from an enormous stone base.¹ A police cordon blocked a crowd of protesters. The Monumento a Cristóbal Colón had stood for nearly a century in a central square in Buenos Aires, Columbus Square, just across from the Casa Rosada, the stately rose-coloured presidential palace that serves as the seat of government.

Rumours of the potential removal had begun circulating in the first months of 2013. On 23 March, the newspaper *Clarín* reported that the Salón Cristóbal Colón, in the presidential residence, had been renamed Salón de los Pueblos Originarios, or Hall of the Indigenous Peoples, in recognition of the native populations of Latin America, and as a public rebuke to Columbus for his role in their extermination.² The Columbus monument was said to be next. The new location was to be in the coastal town of Mar del Plata, 250 miles to the south of Buenos Aires. Oscar Parilla, the Secretary-General in the President's Office at the time, was reported to have asked about the availability of funds from the state budget for relocating the 236-tonne monument. Press queries to his office went unanswered.³

When scaffolding appeared around the statue, the engineer overseeing the work on the site, Juan Arriegue, assured the newspaper *La Nación* that the statue would 'not be moved to another location, we are only going to submit it to a restoration process'.⁴ But President Cristina Fernández de Kirchner made her intentions clear when she announced plans to replace the Columbus monument with a statue of a 19th-century *guerrillera* of Indigenous heritage who had fought during the eight-year war of independence against Spain in the early 19th century. 'We want to be rid of Columbus in order to represent the entirety of Argentina's history and all the blood that has been shed,' Kirchner said. 'For this reason, we want to erect a statue of Juana Azurduy, heroine of independence.'⁵

On 4 April 2013, María Carmen Arias Usandivaras, President of the non-profit organisation Basta de demoler! (Stop the Demolition) filed a lawsuit seeking an *amparo*⁶ to block the planned removal of the Columbus monument. The suit claimed the action threatened to damage the century-old monument. It charged President Kirchner with violating paragraph 14

of the Argentine Constitution, protecting *'patrimonio cultural e histórico'*, as well as crimes against municipal aesthetics. 'Given the immense damage being done to the community and its historical memory,' the suit claimed, 'it can be said that the concept of "crimes against beauty", coined in Lord Elgin's time is more valid than ever.'⁷ The court imposed a restraining order while the plaintiffs' claims were reviewed.

A second lawsuit followed in June 2013, this time filed by seven local Italian associations, claiming discrimination and invoking international conventions. This second *amparo* argued against the relocation as a measure that harms 'the memory of our parents, grandparents, great-grandparents and other ascendants who as immigrants or descendants of Italian immigrants not only left shreds of life on this soil, but also, in some cases, made donations at the time to erect the Monument'. The lawsuit claimed that the installation of the monument was encouraged and founded mostly by European immigrants as a gift for the nation, and that the Ley 5105 from 26 August 1907 authorised the monument 'to be located specifically in the Plaza Colón and not elsewhere'. The City Mayor, opposition leader Mauricio Macri, endorsed the Italian claim and vowed that Columbus belongs to the city of Buenos Aires, as reported in news outlets.⁸

On Saturday morning, even with the second lawsuit pending, the Columbus statue was removed from the monument's base. Piece by piece, the monument was slowly dismantled. Mario Chiesa, coordinator of the committee Colón en su lugar (Columbus where he belongs), a collective of more than 100 organisations advocating for the restoration of the monument to its 'historical site', claimed that this process was undertaken 'with a total lack of technical advice on marble statues'.⁹ The marble pieces – over 200 – remained scattered around the Plaza Colón for several months, while municipal allies of the Mayor protested the removal. Lía Rueda, President of the culture commission for the municipal legislative assembly, said in an interview with *El Mundo*, a prominent Spanish newspaper, '[t]here is a law that establishes that a statue can only be moved with the consent of 60 legislators'. Rueda added, 'the judiciary had issued an appeal for protection that obliged the president to agree to the removal of this particular monument with the municipal authorities'.¹⁰ Horacio Rodríguez Larreta was alerted to the removal on Saturday morning. As the Mayor's Chief of Cabinet, he rushed to the square in an attempt to prevent the removal, but arrived too late. 'This is a provocation by the national government not only to the municipality, but also to the justice system,' Larreta told *El Mundo*, 'as well as to all the residents of Buenos Aires.'¹¹ Graciela Fernández, President of the non-profit organisation Save the Statues, concurred. 'It is a brutal measure, taken between the rooster's cry and early morning,' she said. 'Not even in the times of the dictatorship was such an attack against historical heritage committed.'¹²

The confrontation not only placed the local government against the federal authority, but pitted two fierce political opponents against one another. Macri was a staunch conservative of Italian ancestry; Kirchner was a progressive liberal with a populist, belligerently anti-colonialist bent. But the dispute was more than a political or legal battle over the public spaces in the nation's capital. It extended to include control over the city's commemorative landscape, and with it, the history and identity of the nation. It also drew

international attention, as suggested by a lead article on the BBC website, ‘Columbus and a guerrilla fighter fight for their space in Buenos Aires’. The Argentine capital was expansive and accommodating. ‘But the city is not big enough for two historical figures such as Christopher Columbus and the guerrilla fighter Juana Azurduy to coexist,’ the BBC reported. ‘At least that seems to be the case to judge by the controversy generated by two monuments dedicated to two figures, who compete for the same space, in front of the Casa Rosada, headquarters of the Presidency.’¹³

Seven years after the start of the controversy, neither statue occupied this place of pride. The gardens of the Casa Rosada have been fenced in, and a presidential heliport was built in 2018, during the years of the government of Macri.¹⁴ The statue of Azurduy was moved to the front of the Kirchner Cultural Centre in 2017, after a short stay on the lawn of the government palace.¹⁵ Meanwhile, the statue of Columbus stands at a new location next to Río de la Plata. In 2019, it was declared a national monument, and therefore according to that designation, can no longer be removed. Teresa de Anchorena, President of the National Commission of Monuments, Places and Historical Goods, told *La Nación* on 17 November 2019,¹⁶ ‘Christopher Columbus will not need to be moved again, he is properly restored and protected. The controversy around him is over.’¹⁷

Columbus: explorer or ‘genocidist’?

Kirchner’s decision to remove the Columbus monument followed a meeting two years earlier, in March 2011, with Hugo Chávez, the President of Venezuela.¹⁸ Like Kirchner, Chávez was a populist leader who had nationalised industries and promoted a regional defiance against European and American influence in Latin America. Chávez was said to be Kirchner’s *spiritus rector*.¹⁹ During his visit to the presidential palace, Chávez is reported to have looked out the window at the massive Columbus monument. ‘Cristina, what is that genocidist doing there?’ Chávez asked. ‘Columbus was the leader of an invasion that produced not a massacre, but a genocide. You have to put an indigenous person there.’²⁰

Chávez’s critique of Columbus was part of a historical re-evaluation the Italian explorer had been undergoing since 1992, the 500th anniversary of his first landing in the Caribbean, when his principal legacy as explorer and discoverer was challenged with the legacies of extermination and displacement that followed the European discovery of the ‘new world’.²¹ Like the US and other Latin American countries, Argentina had constructed its post-colonial identity with Columbus as the discoverer of the ‘new world’ and a pivotal figure representing the distinctly European heritage of its early history.²² That identity became embedded in its commemorative landscape. By placing an immense white marble monument in an open square overlooking the presidential palace, Argentina positioned Columbus symbolically at the very heart of political power, and with it, at the core of its national identity. Together with Columbus, the celebration of 12 October as the ‘Day of the Race’ played an important role in the ‘Argentinisation’ process that took place at the beginning of the 20th century.²³ In this identity-formation process, the European component was crucial since the social élite,

those of European heritage, led the organisation of the state and the formation of the Argentinean national identity,²⁴ further marginalising the Indigenous population.²⁵

In this regard, the figure of Columbus embodied the European presence in the Americas. Nevertheless, Columbus' dual legacies as explorer and perpetrator of a genocide are equally well documented and both have served varying political agendas for the past five centuries. Financed by the Spanish crown, Columbus made four voyages to the 'new world' between 1492 and 1500, when he was returned to Spain in chains after clashes with Spain's newly installed administrators. The voyages are detailed in diaries, eyewitness accounts and years of litigation over the benefits Columbus and his heirs claimed the Crown owed him. Columbus' record as perpetrator of genocide is reported with similar detail and veracity.

In 1502, two years after Columbus returned to Spain in shackles, Bartolomé de las Casas arrived on the island of Hispaniola; the same year Amerigo Vespucci began charting the continents that came to bear his name. De las Casas was the son of a crew member from Columbus' second voyage. In *Brevísima relación de la destrucción de las Indias* (*Short Account of the Destruction of the Indies*), de las Casa recounted myriad atrocities committed by Columbus and those who followed against 'peaceable, humble, and meek Indian peoples, who offend no person'.²⁶ An entire village was massacred in the time it took for de las Casa to recite 'two credos'. A dozen Taino Indians – the same number as the Apostles of Jesus – were strung up on gibbets and roasted alive over open fires. De las Casas illustrated the atrocities with woodcuts. 'Another time, because the Indians did not give him a coffer filled with gold,' de las Casas wrote, 'they killed an infinite number of souls, and cut off the hands and noses of countless women and men, and others they threw to the savage dogs, who ate them and tore them to pieces.'²⁷

Accounts of Columbus' atrocities and those who followed him were instrumentalised to promote anti-Spanish sentiment by rival empires. A 1598 engraving by a Flemish artisan, Theodor de Bry, depicted 'a Spaniard feeding slain women and children to his dogs'. De las Casas' book was reprinted 33 times between 1578 and 1648 in the Netherlands. As England prepared for war against Spain, de las Casas' book was translated into English in 1583 under the title *The Spanish Colonie, or Brief Chronicle of the Actes and Gestes of the Spaniards in the West Indies*. Although estimates vary, most scholars agree that at least 90 per cent of the Indigenous populations of the Caribbean islands perished after the arrival of Europeans.²⁸ The military superiority of European conquerors and the regimes of forced labour introduced into native communities succeeded in provoking the collapse of ancestral societal structures, which, in combination with European diseases, caused famine and mass mortality.²⁹

The founding fathers of the US embraced the alternative narrative of Columbus. King's College was renamed Columbia College. The site for a federal government was designated the Territory of Columbia, later renamed the District of Columbia, with Washington as its capital. 'Columbia' provided a counterweight name to 'Britannia', with inhabitants to be known as 'Columbians'. 'I never was pleased with the word Columbia, or Columbians,' founding father John Adams wrote. 'It is a little like Gun, drum, trumpet, blunderbuss and thunder.'³⁰ Adams preferred something more pastoral, like 'Freeland, Sageland, Wiseland, Goodland' or 'Woodland', but in the end the new country was called the United States of America.³¹

The first Columbus monument was erected in October 1792 on a private estate outside Baltimore. The simple stone obelisk was inscribed, 'Sacred to the Memory of Chris Columbus, 12 October 1792'. Few monuments followed. In Missouri, Saint Louis erected a Columbus statue in 1855, as did New York City in 1867 and Philadelphia in 1876. The 400th anniversary of the Columbus discovery provided the first occasion for a national embrace of the Columbus legacy. The occasion was given impetus by a tragic event. On 14 March 1891, 11 Italians were lynched in New Orleans following their acquittal in a murder trial. It remains the single largest mass lynching in American history.³² The circumstances highlighted the prejudices and discrimination against Americans of Italian heritage. President Benjamin Harrison used the 400th Columbus anniversary as a moment for national healing,³³ declaring 21 October 1892 'a general holiday for the people of the United States' and calling Columbus a 'pioneer of progress and enlightenment'.³⁴ Intended as a one-time event, Columbus Day became a national holiday. Columbus statues and monuments proliferated. By the end of the 20th century, there were an estimated 150 Columbus monuments in 25 states, with the most prominent one on Columbus Circle in midtown Manhattan.

Latin America followed a similar pattern. Before 1892, there were a handful of Columbus monuments across the Caribbean and South America. The earliest, dating from 1830, was in the Bahamas, where Columbus first made landfall. Additional statues were erected in Chile, Cuba, Panama and Peru. In 1884, a bust of Columbus was unveiled in Buenos Aires, followed by a full-size statue in 1889 in the coastal town of Bernal, ten miles to the south of the capital. The Monumento a Cristóbal Colón was intended to mark the 100th anniversary of Argentina's May Revolution of 1810 which initiated the eight-year war that ended Spain's colonial rule. Like the Columbus monument in midtown Manhattan, it was also intended as a gesture of goodwill towards Italian immigrants who were generally disparaged in Argentine society. In an influential book on the 'political organisation of the Argentine republic', which called for populating Argentina with European immigrants, Juan Bautista Alberdi cautioned that 'all that is civilised is European [...] but not all that is European is civilised'. Alberdi praised 'English liberty' and 'French culture', and the 'industriousness of the men of Europe and the United States' but was less complimentary of Mediterranean countries.³⁵ And yet, 80 per cent of the six million immigrants who came to Argentina between 1871 and 1914 were from southern Europe, the majority from Italy. Most settled in Buenos Aires.³⁶

In preparation for the 100th anniversary of the May Revolution on 10 May 1910, a Centennial Commission solicited proposals for monuments from Argentina's immigrant communities from Italy, Spain, France and Germany.³⁷ The decision to position the proposed Columbus monument on the square across from the Casa Rosada represented a major symbolic victory for Argentines of Italian descent. The effort was led by Antonio Devoto, a wealthy Italian-born businessman who had made his money in shipping, trade and banking.³⁸ As head of the Columbus Monument Committee, Devoto negotiated with the Minister of the Interior to position the monument in Columbus Park, which had been created in 1904, across from the Casa Rosada, as part of a municipal beautification project.³⁹ The Minister assured Devoto that the legislature would provide 'the permission needed to

erect [the monument] in the plaza already consecrated to Columbus'.⁴⁰ Devoto worked with President Figueroa Alcorta to make the selection from five finalists, all depicting Columbus on top of a pedestal.⁴¹ The monument was officially accepted under Law No 5105 of 26 August 1907 as a gift to Argentina. According to Chiesa, the monument was financed by public collections to which Italians and non-Italians contributed. 'Everyone felt represented by the monument that was to be installed in the Casa Rosada,' he said in a Skype interview, and claimed the monument was erected with the aim of honouring the European immigrants that arrived in Argentina and contributed to its development. 'We got to this point thanks to these people.'⁴²

The Italian sculptor Arnaldo Zocchi was commissioned to carve the monument. Zocchi had previously sculpted statues of other heroic figures, including Giuseppe Garibaldi in Italy and the Marquis de Lafayette for the US. Carved from white Carrara marble, the base consisted of a series of allegorical figures crowned by the 38-foot statue of Columbus. The original design provided no direct link between Columbus and Argentina, so the Centennial Commission requested additions. Two bas-reliefs were added. One showed Columbus requesting permission from the Spanish court to finance his voyage and the other depicted him presenting enslaved Indigenous persons to the king and queen after his return.⁴³ A set of broken chains represented the freedom from oppression that millions of Europeans had found in the 'new world'. A quote from the Roman poet Virgil was carved into the base: 'No day shall erase you from the memory of time.'⁴⁴

On 10 May 1910, a foundation stone was laid on the occasion of the 100th anniversary of the May Revolution. The completed monument was unveiled 11 years later, on 15 June 1921, in the presence of government officials and the Italian ambassador.⁴⁵ Except for damage incurred during an attempted military coup in 1955 and the subsequent explosion of a 'medium intensity bomb in the foundations of the Monument' in 1987, the Monumento a Cristóbal Colón held a place of pride outside the Casa Rosada until the spring of 2013.⁴⁶

Legal challenge: defence and defiance

For all the historical and moral parsing of Columbus's principal legacy and his place in Argentine national identity, the essential dispute between Kirchner and Macri was over control of the commemorative landscape in the nation's capital. Kirchner's claim to authority rested on the legislative act embedded in Law No 5,105 of 26 August 1907. 'At no point is there talk of the Government of the City of Buenos Aires or the Buenos Aires community,' Presidential Cabinet Secretary Parrilli wrote in a communiqué on 1 June 2013, even as the second lawsuit was pending. He added: 'This monument was completed in 1921 and was never declared a National Historic Monument.'⁴⁷ Parrilli went on to note that the municipal legislature had just passed emergency legislation as a political ploy, declaring the Columbus monument 'well integrated into the historical and cultural heritage of the Autonomous City of Buenos Aires'. Parrilli observed that 'until two days ago, this monument was neither of interest nor concern to the municipality'.⁴⁸

Parilli further cited Law No 2,862, enacted in 2008, in which the Office of the President and the municipal government agreed to transfer ‘the care, maintenance and custody of the entire Columbus Park, including its monument’ to the federal military authorities for ‘reasons related to the security of the *Casa Rosada*’. Parilli noted that Macri was Mayor at the time and had agreed to the transfer of authority. Beyond legal issues, there was also the matter of historic preservation. Parrilli said that after nearly a century of exposure to the elements, fissures had appeared in the marble that ‘threatened the stability of the monument and had necessitated its removal for restoration’. Consideration also needed to be given to the interest of the ‘Italian community of Mar del Plata’, the coastal town 250 miles south of Buenos Aires, ‘which requested that the aforementioned monument on the Columbus Square be installed’ in its community after ‘conservation, restoration, enhancement and eventual transfer of the same’.⁴⁹

In a nod to judicial authority, Parrilli noted that the process of removal and restoration had been set to commence on 1 June 2013, but was delayed, in compliance with the *amparo*, to allow time ‘to present the technical and legal reports that support the position of the National Government’. In a closing observation, Parrilli catalogued nearly a dozen instances in which the Macri municipal government had either neglected or intentionally removed monuments, including ‘6 statues representing the Generalissimo Francisco Miranda, donated by the Venezuelan Embassy, without the intervention of the legislature and without the current location being known’. Parrilli also cited the removal of ‘a crane donated by the Japanese community’, a commemorative plaque and ‘500 centennial trees’ which had been removed along a major avenue. Parrilli said that President Kirchner was not going to be obstructed by the machinations of ‘Mauricio Macri y sus colaboradores’ (the Mayor and his collaborators). On the strength of the 1907 and 1908 legislative acts, the federal government proceeded with the removal of the Columbus statue on 29 June, even with the second lawsuit still pending. Despite the legal arguments, Macri condemned the federal action. On 9 July 2013, Macri asserted his municipal authority: ‘Columbus is not leaving the City of Buenos Aires.’

Azurduy: guerrillera, mestiza, national hero

In his extensive, two-page communiqué of 1 June 2013, Parrilli also mentioned the geopolitical motivations that lay behind Kirchner’s decision to remove the Columbus statue and replace it with a 19th-century guerrilla fighter of Indigenous heritage. Parrilli wrote, ‘The National Executive Authority has received from the President of the Plurinational State of Bolivia, Mr. Evo Morales Ayma, through Supreme Decree No. 1507, the donation of a sculpture of important dimensions of the General of the Argentine Army, Doña Juana Azurduy, based on solidarity between Argentina and Bolivia.’⁵⁰ As the first president of Bolivia to come from Indigenous heritage, Morales focused his efforts on poverty reduction, countering the influence of the US and multinational corporations, and promoting Indigenous rights and heritage. As Kirchner made plans to remove the Columbus statue, Morales offered \$1m to fund a statue of Azurduy.⁵¹

The legendary guerrilla fighter had been born in the Andes Mountains in the northern part of the Spanish colony Viceroyalty of the Río de la Plata in present day Bolivia. She allegedly revered Joan of Arc of France, and went into battle beside her husband, Manuel Ascencio Padilla.⁵² After Padilla's capture and execution, Azurduy continued to fight, at one time commanding a force of 6,000 Indigenous men and women, sometimes fighting only with spears and slingshots, but scoring significant victories against the Spanish forces. In one battle, Azurduy led 30 cavalry, including her *Amazonas*, to victory over Spanish forces, capturing their standard and a cache of rifles and ammunition. Her commanding general gave her his sword as a sign of recognition and respect. After meeting Azurduy, Simón Bolívar was reported to have said that. 'This country should not be named Bolivia in my honour, but Padilla or Azurduy, because it was them who made it free.'⁵³

In 2009, Kirchner posthumously promoted Azurduy to the rank of general, and in 2010, she and Bolivian President Evo Morales declared Azurduy's date of birth, 12 July, the Day of Argentine–Bolivian Fellowship, in an effort to incorporate Indigenous heritage into the national identity. Even though Latin American countries have had a wide range of strategies to integrate or exclude Indigenous cultures, Argentina had retained the distinctively European orientation outlined by Alberdi 100 years earlier. During the preparations to celebrate the centennial in 1910, only one monument to Indigenous peoples was unveiled. *El Aborígen*, by Argentine artist Hernán Cullen Ayerza,⁵⁴ depicts an angry, bare-chested man of Indigenous heritage in a warrior's pose, a spear raised in his right hand, astride a horse standing on its hind legs.

In February 2013, as rumours of Columbus' displacement began to stir, Kirchner commissioned a bronze statue of Azurduy with the financing offered by Bolivia. Kirchner envisioned a monument of immense proportions, and provided the work sheds of the former Navy Mechanics School as an atelier and engaged the Argentine sculptor Andrés Zeneri. The sculpture preserves Azurduy in an iconic moment, on 5 September 1814, during the battle of Pintatora, when she left the battlefield to give birth to her fourth child, then rushed back into battle. The bronze sculpture depicts Azurduy with her head held high, a sabre raised in her left hand, and her newborn on her back, wrapped in an *aguay*, a handmade fabric that Indigenous women used for carrying children. Her arm sweeps downward as if to protect her other children, who are wrapped in the folds of her flowing robes. The monumental sculpture was first fashioned in a full-scale plaster model, then cast in a foundry through the lost wax casting process, with 400 separate pieces, just over a half-inch thick, which were then welded together.⁵⁵ Zeneri worked for three years with a team of 42 assistants. The final sculpture weighed 25 tonnes and stood 52-feet tall. It was said to be the largest bronze sculpture on the South American continent.

'The President of the Nation, Dr. Cristina Fernández de Kirchner, has understood that at the headquarters of the National Government,' Cabinet Secretary Parrilli observed, 'it is more just and historically accurate that she is accompanied by a statue that represents a heroic woman in the struggles for the independence of Argentina and for the independence of the fellow countries of America from the colonial yoke of the time.'⁵⁶

Removing the Columbus monument

In January 2014, while work proceeded on the Azurduy sculpture, the government began dismantling the base of the Columbus monument in spite of the open judicial process. In March, even as the second lawsuit was pending, Kirchner and Macri reached a compromise. The Columbus monument would not be returned to Columbus Park outside the Casa Rosada, but would remain within the city limits. It was a position endorsed by Gabriel Jofre, a spokesman for Identidad Territorial Malalweche (Territorial Identity of the Malaceche), which represented 100 Indigenous communities. Jofre spoke of *'la memoria colectiva'* and made it clear that the communities he represented opposed the erasure of Columbus from the city's commemorative landscape. He said *'no destruir'*. He said the problem with the Columbus monument was not its iconography but the symbolism of its proximity to the Casa Rosada. 'That the statue of Columbus remains there means that we are not removing a bond,' Jofre said. 'But to put Azurduy is to resume the discussion where it had ended up: what is emancipation, what is cutting of chains?'⁵⁷ Jofre called for *'resignificar el monumento'* (resignification of the Columbus monument) by resituating it within the city's commemorative landscape.

It was agreed that the monument would be rebuilt on the coast, near the airport, within the municipal city limits on an avenue overlooking the harbour on the Plata River.⁵⁸ The statue would be positioned facing the sea, thus underscoring Columbus's legacy as a Genoese navigator rather than an invader and conqueror.

According to Article 89 of the Constitution of the Autonomous City of Buenos Aires, the city was responsible for approving the naming, installation or declaration of historical monuments throughout the municipality. However, according to the local constitution, any decision concerning public interest should be shared in a public audience first, allowing citizens to learn about the project while presenting concerns or a 'confrontation of interests'.⁵⁹

On 9 September 2014, in accordance with Article 89, a non-binding public hearing was convened in advance of a vote by the municipal legislature that would approve and finalise the relocation. The records indicate a heated discussion, with the public repeatedly interfering with protests and ovations, and the assembly president having to call the session to order on several occasions. Those supporting the presidential decision were mostly technicians, coming from or hired by public offices to conduct the studies relevant to the removal.⁶⁰ The following paragraphs reproduce and translate the intervention of some selected speakers directly from the records of the public hearing:

An engineer specialised in public patrimony, Juan Alberto Arriegue, provided assurances that the dismantling could be undertaken without damaging the monument, a point confirmed by Liliana Conles, from the Center for the Conservation and Restoration of Cultural Heritage at the Faculty of Fine Arts of the National University of La Plata. Indeed, she explained that the removal aligned with independent recommendations from the International Council on Monuments and Sites.⁶¹ Manuel Ciafardo explained that, back in 1921, when the Columbus monument had been completed, the shores of Río de la Plata were closer to the monument, which complemented the aesthetic and iconographic vision for the original conception of

the monument. The reconfiguration of the peripheral space, with the shoreline no longer near the monument, and construction of buildings and roads, had compromised the original artistic vision for the monument. Removing it from the square and situating it along the seaside avenue would restore the original aesthetic vision of the monument.⁶²

Objections were raised primarily by members of the Italian community, who addressed their concerns regarding the threat to heritage assets of the city of Buenos Aires, as well as historical issues related to the supposed misrepresentation of history and the unfair claim of relating Columbus with genocide. Edgardo Carranza, a representative of the Italian community, called the removal an insult to the Italian community. Meanwhile, Chiesa asserted that the public audience was nothing more than a 'bureaucratic process', a sham participatory tool that 'is not binding, thus if they don't hear the claims nothing will happen'. He also expressed major concerns about the separation of powers in Argentina, and the overall functioning of the democratic process, as both local and national parliaments are described as 'the writing desk of the executive power in office'.⁶³

One of the most intense exchanges was over the Columbus legacy. 'Columbus was no genocidist, but a discoverer of the continent,' said María Elisa Paiella, representative of the *Unione e Benevolenza*, one of the oldest Italian associations in Buenos Aires. Similarly, a representative of the city legislature, María Eugenia Estenssoro, criticised the removal process. 'We're talking about destruction and dismantling, vandalism, not just against the history of the city but also a very important part of our history,' Estenssoro said 'Columbus proved that the Earth was round. Until then, it was an unproven theory,' she said. And 'He's not a genocidist who came to kill Indians.'⁶⁴

Later, the TV producer and anchor Gabriel Isaías Levinas related a conversation he had had with Felix Diaz, Chief of the Indigenous community *Qom La Primavera*. 'I told him about the dispute and he asked me, "How many years ago did that bad man die?" "Five hundred years ago," I answered. "Eighty people die in a year from tuberculosis. That's the problem, not Columbus."⁶⁵ The audience applauded. Paradoxically, only through this intervention were Indigenous people brought into the discussion. Beyond this public audience, no official endorsement has been made by Indigenous organisations to support the monument's removal. In effect, in June 2013, while the monument of Columbus was being disputed by public officials and the Italian associations, several members of the *Qom* Indigenous community and its supporters held a vigil in the Plaza de Mayo, the main square in front of Casa Rosada, just a few metres away from the contested Monumento a Cristóbal Colón. They demanded an audience with Kirchner, advocating that hostilities towards their people be stopped.⁶⁶

A few days later, the city legislature voted in favour of the removal.⁶⁷ In October 2014, the national Parliament voted on the relocation. The measure passed by a vote of 128-62, with nine abstentions. The agreement was now supported by a legislative act, Law No 26,963. The restoration and relocation of the monument was to be financed by the national government, freeing the local government from any financial responsibility, as well as the damages that might occur during the process. In parallel, the Buenos Aires Legislature ratified Law No 26,963,

the relocation of Columbus' monument was finally ratified by the Buenos Aires legislature, and the figures composing the entire sculpture were removed and re-located to the shoreline near the airport. On 19 December 2014, in a move that was now moot, the court rejected the suit claiming the removal of the statue would violate the constitution.⁶⁸

Azurduy statue unveiled

On 15 July 2015, President Kirchner presided over a ceremony unveiling a massive bronze statue of Azurduy, in the company of President Morales of Bolivia. The evening spectacle included performances of song and dance by Indigenous groups, fireworks and the lifting of a white veil to reveal the statue. Morales proclaimed that the new monument was 'a form of decolonization' and declared 'we are in times of liberation'.⁶⁹ 'What has been launched today goes far beyond a sculpture, a particular work of art,' the sculptor Zeneri told the media. 'What I think has been launched is a new look at ourselves. The more we know about Juana Azurduy the more we will know about our own identity, and how we are positioned in Latin America.'⁷⁰ The Associated Press reported, 'Thus, the European Christopher Columbus ended up on a coastal road next to Rio de la Plata, while the mestiza (mixed ancestry, Spanish and indigenous) Juana Azurduy raised up triumphant next to the main building of the Argentinean nation'. Leo Poblete, a Buenos Aires-based correspondent for the broadcaster *teleSUR* framed the unveiling in momentous terms. 'At this site only 100 meters away from Government House for nearly 100 years stood Christopher Columbus,' Poblete said. 'From tonight the hero of Latin America independence, Juana Azurduy, will be overlooking the executive power for generations to come.'⁷¹

But there was also criticism. In advance of the unveiling, the Mapuche Confederation of the Indigenous Neuquén people released a statement denouncing the statue as one of the 'numerous symbolic and rhetorical acts, loaded with demagoguery and resignation', which Indigenous communities were expected to 'uncritically applaud [...] while dispossession and expulsion of communitarian territories continues'. Attempting to apologise for historic injustices without addressing those in the present 'appeared hollow,' claimed historian Cheryl Jiménez Frei.⁷² In 2013, the Nobel Peace Prize Laureate Adolfo Pérez Esquivel held a similar viewpoint: 'Today some fellow journalists asked me about the Columbus monument, I tell them that the best tribute to the native peoples is not to remove Columbus but to respect their rights, to give them back their lands, because that culture is a great contribution to our country.'⁷³

The sculptor Zeneri had his own complaint. He had not been paid. 'It was necessary to have a great operational capacity for the entire bronze smelting process,' Zeneri said afterward. 'And the smelting company was on the verge of bankruptcy when Juana was not yet completed.'⁷⁴ The \$1m dollar donation from Bolivia was used to keep the smelting company afloat long enough to complete the casting of the Azurduy statue. Zeneri willingly waived his own payment. 'I did it because my final objective was to see Juana standing,' he said. 'I feel today that the mission entrusted to me by the Evo Morales

government was accomplished.’ But like ‘any other worker,’ he said, he regretted ‘not having been paid for the work I did’.⁷⁵

More unfortunate still, the statue began falling apart. ‘Just five months after its unveiling, the surface is in a state of disrepair, revealing both structural and surface treatment flaws that threaten the survival of the sculpture,’ *Clarín* wrote. ‘One of the beams that support the central figure caused the rupture of two of the bronze plates that reveal, like two large holes, the interior of the monument. This early destruction of the work to which is added a flaw in the patina that covers Azurduy.’⁷⁶ With her presidential term ending in December 2014, Kirchner had rushed the completion of the statue for a July inauguration. Kirchner was succeeded in office by her political rival, Macri. Macri ordered an expert analysis of the bronze statue, which revealed ‘cracks and rust’ – *grietas y óxido* – in some sectors of the sculpture.⁷⁷ In the rush for completion, various metals had been used for supports creating oxidation. Iron support beams had expanded and pressed through the bronze plates near the neck and shoulder. The hastily applied patina left a mottled appearance: ‘Juana Azurduy attacked with smallpox,’ as *Clarín* reported.

On 4 May 2017, in a vote with 35 in favour, 17 in opposition and six abstentions, it was decided to relocate the statue. In September 2017, the 25-tonne bronze statue was lifted onto a flatbed truck and transported from its location in front of the Casa Rosada to the Plaza del Correo, where it was placed in front of the Kirchner Cultural Centre, which honoured the former president and her late husband, who had also served as president. ‘I was satisfied with the location they gave Juana, it seems to me an exceedingly good place,’ Zerner told the press. ‘People have it closer, they can appreciate it and these days that I was working I liked to see how they took pictures of her and even took selfies.’⁷⁸

With his political powers enhanced with executive authority, Macri was able to remove Azurduy from the square in front of the Casa Rosada, but was not able to restore the Columbus monument to its place of pride. As agreed, the Columbus statue was placed at the waterfront on Avenida Costanera Rafael Obligado, adjacent to Aeroparque Jorge Newbery, in 2017. The two years while it lay in pieces had led to further damage to the marble, requiring restoration. In addition, the new location by the seaside had to be reinforced to support the weight of the marble.⁷⁹ Since the monument now stood under heritage protection laws, it was also subject to additional legislation preventing statues from being moved from their location. According to the official Decree No 769/2019, this ‘very important sculptural heritage’ will be ‘disseminated and preserved’.⁸⁰

Columbus statues under attack in the US

In August 2017, while the process of relocating and resignifying the Monumento a Cristóbal Colón within Buenos Aires’ commemorative landscape was approaching completion, there was a spate of attacks on Columbus statues across the US, which shows the global nature of Columbus revisionism and the reconnection of the present to the traumatic past of the Americas’ Indigenous populations. In Detroit, Michigan, a Columbus bust was splashed with

red paint to resemble blood. In Boston, a statue of the explorer was decapitated. On the night of 20 August 2017, two men with a video camera and a sledgehammer approached the Columbus obelisk, erected in 1792, now in a public park in Baltimore, tied a white placard to the base, 'The Future is Racial and Economic Justice', and shattered the marble plate inscribed with 'Chris Columbus'.⁸¹

The nationwide attacks on Columbus statues came in the wake of the violent protests and death of a young protester over the equestrian statue of Robert E Lee, in Charlottesville, Virginia, on 17 August 2017. In the months that followed, more deliberative processes were pursued. Columbus statues had long been targets of vandalism. As early as 1991, in anticipation of the 500th anniversary of the Columbus landing, a protester had poured red dye over a Columbus statue in Union Station in Washington, DC, and spray painted the words '500 Years Slavery', and the statue on Columbus Circle in New York was vandalised.⁸² An opinion piece in *The New York Times* defended Columbus' mixed legacy: 'Columbus didn't walk on water; he sailed on it [...] But he was a bold explorer. For better or worse, he changed the world. He rates thoughtful, respectful celebration.'⁸³

Three decades later, attacks on the statue have become more pronounced and prevalent. In the days after the violence in Charlottesville, a Columbus statue in Central Park was splashed with paint. Another, in Brooklyn, was decapitated. The Mayor of New York responded within days by convening an 18-member commission with representatives from the city's diverse ethnic, racial and religious communities. 'Commission members debated vigorously about the symbolic nature of the statue, grappling with the multiple interpretations of Columbus,' the commission report states.

'Columbus serves as a reminder of genocide of Native peoples across the Americas and the onset of the transatlantic slave trade. This view must be balanced against the historic role of Columbus in the United States national understanding as reflected in numerous place and institutional names (e.g., District of Columbia, Columbia University), as well as an important source of ethnic pride during a time of great discrimination against Italian Americans in New York City and across the United States.'⁸⁴

Opinions were divided. Some commissioners urged relocation. Others cautioned against rash action, noting that 'time is an important factor to consider in this process of understanding'. In the end, the commission recommended an 'additive' approach, proposing the addition of 'new temporary artworks, permanent monuments, and robust public dialogue' that included substantial collaboration with the Lenape, Tainos and other Native peoples living in New York City. Some commission members were troubled. 'These Commissioners perceive the Columbus statue as a mark of unwavering glory through its sheer scale and height and therefore an act of erasure of indigeneity and enslavement comes into play,' the report notes. 'For this group of Commissioners, the statue's prominent location confirms the notion that those who control space have power, and the only way to adequately reckon with that power is to remove or relocate the statue.' The commission endorsed the principles of patience and 'complexity'. 'All Commission members unanimously agree that regardless of the action, an

additive, relational, and intersectional approach is imperative. The Commission believes that when a monument under review incites polarizing debate, the City should facilitate more public dialogue through a number of actions and then re-evaluate the situation after a period of time.⁸⁵

Three years later, in spring 2020, a second wave of attacks on Columbus statues came amid the Black Lives Matter protests that followed the killing of George Floyd in Minneapolis, Minnesota. This new case of racial violence sparked activists in Europe and the US to attack statues of historical figures 'because they are seen as colonialists, imperialists, slave-traders, and racists'.⁸⁶ 'The Christopher Columbus statue represents in some ways the Italian American legacy in the country, and the Italian American contribution in this country,' New York City Mayor Bill de Blasio said. 'I understand the feelings about Christopher Columbus and some of his acts which nobody would support, but the statue has come to represent and signify appreciation for the Italian American contribution to New York so for that reason I support it.'⁸⁷ De Blasio said he would abide by the findings of the advisory commission.

Meanwhile, by 31 July 2020, numerous Columbus statues had been either vandalised or removed across the US. In Richmond, Virginia, a Columbus statue was toppled, sprayed with inflammable liquid, set on fire and then dumped in a nearby lake by protesters who said they were acting on behalf of Native Americans. In Baltimore, a large Columbus statue unveiled in the presence of President Ronald Reagan in the 1980s was toppled into the harbour. Several cities took preventative measures to avert attacks or vandalism. A Columbus statue was removed from San Francisco in advance of a protest that included plans to throw the statue into the harbour. Initially, Chicago Mayor Lori Lightfoot refused to remove two Columbus statues in city parks. 'I think that the way we educate our young people, in particular, about their history is to educate them about the full history,' Lightfoot said. She opposed erasing history and spoke of the need to 'embrace it full on'.⁸⁸ The Mayor had taken a similar position with the annual 12 October Columbus Day celebrations, resisting calls for changing the name to Indigenous Peoples Day, and instead seeking outreach to include other communities. 'The thing that we need to do is do what I think the organizers of the Columbus Day Parade have done, which is invite many people of different backgrounds, different perspectives to participate in what is really a people's celebration,' Lightfoot said. 'And I think we need to spur that kind of unifying and healing dialogue and not separate and divide people.'⁸⁹ But protests continued.

On the night of 17 July 2020, protesters assembled in Grant Park, the site of a 12-foot bronze Columbus statue erected in 1933 which stood on top of a 20-foot pedestal. A cordon of police protecting the statue was pelted with rocks, frozen water bottles and explosives, injuring 49 officers. Twenty complaints of police brutality were filed with the city. Lightfoot held firm. The Columbus statue in Grant Park would remain, as would a smaller one in the Italian district of the city. However, a week later, amid concern over renewed protests and violence, the Mayor undertook a stealth action. In the early hours of 24 July, between 0100 and 0300, a crane and flatbed truck arrived at Grant Park, removed the shrouded statue,

and transported it to an undisclosed location, while a similar action saw the removal of the other Columbus statue.⁹⁰

A small crowd of bystanders had gathered at Grant Park and cheered the removal. A local political leader, Rossana Rodríguez Sanchez, shared her thoughts on Twitter. 'It's coming down because of the activism that has led to this moment,' Sanchez wrote. 'Indigenous, Black and Brown people have been fighting for so long to see this happen.'⁹¹ But later that day, the Mayor made clear that the statues had only been 'temporarily removed' as a result of the protests. The statues would eventually be returned. 'This step is about an effort to protect public safety and to preserve a safe space for an inclusive and democratic public dialogue about our city symbols,'⁹² the Mayor's office explained in an official statement. It further said that the city would assess 'monuments, memorials, and murals across Chicago's communities' better to inform action of other potentially problematic or divisive legacies in public spaces. 'As the Mayor has stated previously, this is not about a single statue or mural,' the statement concluded, 'but how we create a platform to channel our city's dynamic civic energy to collaboratively, purposefully and peacefully reflect our values as Chicagoans and uplift the stories of all of our diverse city's residents, particularly when it comes to the permanent memorialisation of our shared heritage.'⁹³

Conclusions

The case of the Monumento a Cristóbal Colón, as well as those of other Columbus statues, highlights the evolving nature of the principal legacies of historical figures, and how the interpretation and weighting of these legacies can change over time. The particular challenge with Columbus was balancing two principal legacies of similar historical magnitude but of such opposite and polarising natures. It echoes the weighting and interpretation of significance that one found in disputes over the equestrian statue of Lee in Charlottesville and the Bronze Soldier in Tallinn.

'Principal legacies, as we understand them, are typically the lasting effects that cause a namesake to be remembered,' a committee of experts at Yale University concluded in November 2016.⁹⁴ At the time, students were demanding that Yale University change the name of Calhoun College, a residential facility honouring John C Calhoun, a firebrand anti-abolitionist who had proclaimed slavery a 'positive good'. The Committee to Establish Principles on Renaming, convened by Yale University President, Peter Salovey, was charged with establishing a set of principles that could help university decision-makers in determining whether or not the name of a contested historical figure should be retained or erased. The committee determined that passing judgement on any historical figure required balancing their 'vices and virtues' and determining which one outweighed the other. To this end, they identified three key factors.

‘First, asking about principal legacies directs us to consider not only the memory of a namesake,’ the committee wrote, ‘but also the enduring consequences of the namesake in the world’, which was the very question at the heart of the disputes over Columbus. The Yale committee recognised that ‘scholarly consensus’ about an historical figure’s principal legacies was a ‘powerful measure’ by which to judge them but noted that opinions and interpretations changed with time. ‘Second, even if interpretations of legacies change,’ the committee continued, ‘they do not change on any single person’s or group’s whim.’ The committee cautioned that ‘altering the interpretation of a historical figure is not something that can be done easily’. The fierce debate over the evolving interpretations of Columbus, as ‘explorer’ or ‘genocidist’, is a case in point. ‘Third,’ the committee wrote, ‘the principal legacies of a namesake are not the only consideration.’ They should be weighted in combination with additional ‘principles’, such as evolving public values or additional information that could bring new interpretation.

The case of the Monumento a Cristóbal Colón also provides important insight into the role of rule of law and due process. As acrimonious and politicised as the dispute may have become between the President and the Mayor, the contestation remained within established legal frameworks and procedures; indeed, both parties sought to exploit the existing legislation, or the legal status of the object, to best advantage. The case also highlights the role of iconographic signalling of a monument and the importance of its specific location, in particular, the use of positioning within the commemorative landscape to reframe the narrative around the contested object. In contrast to other disputes over Columbus statues in the US, for example, the Argentine process was peaceful and the remedy – relocating the statue – allowed for the historical narrative to be re-signified rather than erased.

Nevertheless, one significant flaw in the process was the absence of Indigenous voices in the deliberations and final outcome. The lack of public records of Indigenous organisations officially promoting or supporting the removal is especially striking since the explicit purpose of the relocation of the Columbus statue and its replacement with one of Azurduy was to recognise and embrace a previously marginalised community. The reappraisal of the Columbus legacy that emerged during the 1990s was driven in good part by Indigenous communities, seeking acknowledgment of their side of history. It is rather remarkable that the decision taken by Argentine authorities did not include the participation of Indigenous communities in any of the processes. This case raises the important issue of equal and proportionate participation of all stakeholders in order to ensure the credibility and acceptance of the measures taken.

References

'Argentina: Morales, Fernandez Replace Columbus Monument' *Dailymotion* (Paris, 16 July 2015) www.dailymotion.com/video/x2y94ni.

'Argentina takes down Columbus statue from pedestal' *Argentine Press News* (New York, 30 June 2013) <https://apnews.com/3763355fecb14469aa77f0ae842c62d6>.

'Así fue el traslado del monumento de Juana Azurduy a la Plaza del Correo' *Infobae* (Buenos Aires, 17 September 2017) www.infobae.com/sociedad/2017/09/17/trasladaron-el-monumento-de-juana-azurduy-a-la-plaza-del-correo.

'Audiencias Públicas', *Gobierno De La Ciudad Autónoma De Buenos Aires* www.buenosaires.gob.ar/gestioncomunal/herramientas-participativas/audiencias-publicas.

Brown, Dee, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New Holt, Rinehart & Winston 1970).

Byrne, John, 'Chicago Mayor Lori Lightfoot opposes removal of Christopher Columbus statues' *Chicago Tribune* (Chicago, 18 June 2020) www.chicagotribune.com/politics/ct-lori-lightfoot-columbus-statues-20200618-54w4yfg3f5bthg3c2c25muxlfe-story.html.

'Comisión Nacional de Monumentos, de Lugares y de Bienes Históricos, Decreto 769/2019' Boletín Oficial de la República Argentina, 13 November 2019 www.boletinoficial.gob.ar/detalleAviso/primera/221229/20191114.

'Conseil International Des Monuments Et Des Sites' www.icomos.org.

Costa, Jose M and Tomás del Pont, 'Macri ya usa el nuevo helipuerto dentro de la Casa Rosada' *La Nación* (Buenos Aires, 6 February 2018) www.lanacion.com.ar/politica/macri-ya-usa-el-nuevo-helipuerto-dentro-de-la-casa-rosada-nid2107137.

De Casas, Bartolome, *A Short Account of the Destruction of the Indies* (Neeland Media LLC, 2019) http://nationalhumanitiescenter.org/pds/amerbegin/contact/text7/casas_destruction.pdf.

Denevan, William M (ed), *The Native Population of the Americas in 1492* (University of Wisconsin Press 1992).

'El Gobierno podría mudar el monumento a Cristóbal Colón' *Clarín* (Buenos Aires, 21 March 2013) www.clarin.com/ciudades/gobierno-podria-monumento-cristobal-colon_0_r1DA1qsDXe.html.

'El monumento de Juana Azurduy ya está frente al Centro Cultural Kirchner' *La Nación* (Buenos Aires, 16 September 2017) www.lanacion.com.ar/buenos-aires/trasladan-el-monumento-de-juana-azurduy-a-la-plaza-del-correo-nid2063612.

'El paseo Colón, sin Colón' *El Mundo* (Madrid, 3 June 2013) www.elmundo.es/america/2013/06/30/argentina/1372610679.html.

Giambartolomei, Mauricio, 'El Monumento a Cristóbal Colón empezó a tomar forma en la Costanera Norte' *La Nación* (Buenos Aires, 1 November 2017) www.lanacion.com.ar/buenos-aires/el-monumento-a-cristobal-colon-empezo-a-tomar-forma-en-la-costanera-norte-nid2078119.

Gómez, Silvia, 'Después De 5 Años, Terminan El Monumento a Juana Azurduy que el gobierno K no pagó' *Clarín* (Buenos Aires, 3 August 2018) www.clarin.com/ciudades/despues-anos-terminan-monumento-juana-azurduy-gobierno-pago_0_rk9PvjaOf.html.

'Hallan un tesoro bajo la polémica estatua de Colón de Buenos Aires' *El Mundo* (Madrid, 4 April 2014) www.elmundo.es/internacional/2014/04/04/533edb9eca4741ba708b4584.html.

Harrison, Benjamin, 23rd President of the United States, 'Proclamation 335-400th Anniversary of the Discovery of America by Columbus' The American Presidency Project, 21 July 1892 www.presidency.ucsb.edu/documents/proclamation-335-400th-anniversary-the-discovery-america-columbus.

'Interpone Acción de Amparo. Solicita Medida Cautelar de no Innovar', 4 April 2013, 6 www.noticiasurbanas.com.ar/wp-content/uploads/2013/04/134030886-Recurso-de-amparo-ante-la-Justicia-contra-Gobierno-Nacional-y-de-la-Ciudad-por-traslado-de-monumento-a-Colon.pdf.

Irigaray, Juan Ignacio, 'Cristina Kirchner consigue "desahuciar" a Colón' *El Mundo* (Madrid, 19 September 2014) www.elmundo.es/internacional/2014/09/19/541c757022601dd65b8b456b.html.

Jiménez Frei, Cheryl 'Columbus, Juana and the Politics of the Plaza: Battles over Monuments, Memory and Identity in Buenos Aires' (2019) 51(3) *Journal of Latin American Studies* 607.

'La Legislatura votó el traslado del monumento a Cristóbal Colón a Costanera Norte' *La Nación* (Buenos Aires, 18 September 2014) www.lanacion.com.ar/buenos-aires/la-legislatura-voto-el-traslado-del-monumento-a-cristobal-colon-a-costanera-norte-nid1728291.

Lerer, Marisa, 'Christopher Columbus and Juana Azurduy: Revising and Revisiting Historical Monuments in Argentina' (2018) 1(2) *International Public History* <https://doi.org/10.1515/iph-2018-0013>.

Levinas, Gabriel, 'Polémica por el deterioro del monumento a Azurduy' *Clarín* (Buenos Aires, 15 December 2015) www.clarin.com/ciudades/polemica-deterioro-monumento-azurduy_0_BkZTfyKPXg.html.

'Los pueblos indígenas en América Latina. Avances en el último decenio y retos pendientes para la garantía de sus derechos. Síntesis', Comisión Económica para América Latina y el Caribe (CEPAL), 6 March 2020 www.cepal.org/es/publicaciones/37050-pueblos-indigenas-america-latina-avances-ultimo-decenio-retos-pendientes-la.

Maybury-Lewis, David, 'Genocide against Indigenous Peoples' in Alexander Laban Hinton (ed), *Annihilating Difference* (University of California Press 2002) 43.

'Mayoral Advisory Commission on City Art, Monuments, and Markers,' Report to the City of New York, January 2018 www1.nyc.gov/assets/monuments/downloads/pdf/mac-monuments-report.pdf.

McLeod, Ethan, 'Activist Smashes Plaque on Columbus Statues Using Sledge Hammer' *Baltimore Fishbowl* (Baltimore, 21 August 2017) <https://baltimorefishbowl.com/stories/activist-smashes-plaque-on-columbus-monument-using-sledgehammer>.

Mejia, Virginia, 'Colón. Lo declaran Monumento Histórico Nacional y ya no podrá ser mudado' *La Nación* (Buenos Aires, 17 November 2019) www.lanacion.com.ar/buenos-aires/colon-lo-declaran-monumento-historico-nacional-no-nid2307263.

'Monumento a Juana Azurduy: del día que Chávez pidió echar a Colón a su desalojo de la Rosada' *Clarín* (Buenos Aires, 4 May 2017) www.clarin.com/politica/monumento-juana-azurduy-dia-chavez-pidio-echar-colon-desalojo-rosada_0_HyxCOztyZ.html.

Pérez Herrero, Pedro, *América Latina Y El Colonialismo Europeo (siglos XVI–XVIII)* (Historia Universal, Moderna, 14, Editorial Síntesis 1992).

Pratt, Gregory, Sophie Sherry, Armando Sanchez and Kori Rumore, 'Seeking to "Protect Public Safety," Mayor Lori Lightfoot Removes Christopher Columbus Statues Overnight From Chicago Parks "Until Further Notice"' *Chicago Tribune* (Chicago, 24 July 2020)

www.chicagotribune.com/politics/ct-chicago-christopher-columbus-statue-grant-park-lori-lightfoot-20200724-2hsbobbt7ndmpmkgyh6vfl7cvq-story.html.

‘Rechazan la inconstitucionalidad y el amparo contra el traslado del monumento a Colón’ *Télam* (Buenos Aires, 19 December 2014) www.telam.com.ar/notas/201412/89430-monumento-colon-fallo.php.

Rodríguez, Miguel, *Celebración De ‘la Raza’: Una Historia Comparativa Del 12 De Octubre* (Colección Historia Cultural, Universidad Iberoamericana, Departamento De Historia 2004).

‘Sacarlo es una reparación histórica’ *Página 12* (Buenos Aires, 7 June 2013) www.pagina12.com.ar/diario/sociedad/3-221764-2013-06-07.html.

Sebastiani, Marcela García. ‘Nacionalismo Español Y Celebraciones Hispánicas En Argentina: El 12 De Octubre, Una Aproximación’ (2016) 31(2) *Anuario IEHS* 159.

Secretary Parrilli, Oscar, ‘Comunicado del gobierno nacional sobre el monumento a Colón’ *Télam* (Buenos Aires, 1 June 2013) www.telam.com.ar/notas/201306/19702-comunicado-del-gobierno-nacional-sobre-el-monumento-a-colon.html.

Snyder, Alec, ‘Cuomo, de Blasio don’t want to see Christopher Columbus statue removed or NYC’s Columbus Circle renamed’ *CNN* (Atlanta, 13 June 2020) <https://edition.cnn.com/2020/06/12/us/nyc-columbus-statue-trnd/index.html>.

Staples, Brent, ‘How Italians Became “White”’ *The New York Times* (New York, 12 October 2019) www.nytimes.com/interactive/2019/10/12/opinion/columbus-day-italian-american-racism.html.

‘Statement from Mayor Lightfoot’s Office on Columbus Statues’, Office of the Mayor, 24 July 2020 www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/july/StatementColumbusStatues.html.

Takaki, Ronald, *A Different Mirror: A History of Multicultural America* (Little, Brown & Company 1993).

Versión Taquigráfica Audiencia Pública, ‘Emplazamiento del monumento a Cristóbal Colón’, 9 September 2014.

Wesemann, Kristin, ‘Lonely Together: South American Alliances Mercosur and Unasur Face Crisis’ Konrad-Adenauer-Stiftung (KAS) International Reports, 2 February 2014, 71 www.kas.de/en/web/auslandsinformationen/ausgaben/issues/-/content/regionale-kooperation.

Endnotes

- 1 'Argentina Takes Down Columbus Statue From Pedestal' *Argentine Press News* (New York, 30 June 2013) <https://apnews.com/3763355fecb14469aa77f0ae842c62d6> accessed 24 August 2020.
- 2 *Ibid.*
- 3 'El Gobierno podría mudar el monumento a Cristóbal Colón' *Clarín* (Buenos Aires, 21 March 2013) www.clarin.com/ciudades/gobierno-podria-monumento-cristobal-colon_0_r1DA1qsDXe.html accessed 24 August 2020.
- 4 See n 1 above.
- 5 Kristin Wesemann, *Lonely Together: South American Alliances Mercosur and Unasur Face Crisis*, Konrad-Adenauer-Stiftung (KAS) International Reports, 2 February 2014, 71 www.kas.de/en/web/auslandsinformationen/ausgaben/issues/-/content/regionale-kooperation accessed 24 August 2020.
- 6 In Latin America, *amparo* is the right "to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties" [2] was included in the American Convention on Human Rights (article 25.1) in 1969. Gloria Orrego Hoyos, 'UPDATE: The Amparo Context in Latin American Jurisdiction: An Approach to an Empowering Action'; GLOBALEX, September/October 2017 <https://www.nyulawglobal.org/globalex/Amparo.html>
- 7 'Interpone Acción de Amparo. Solicita Medida Cautelar de no Innovar', 4 April 2013, 6 www.noticiasurbanas.com.ar/noticias/amparo-para-impedir-el-traslado-de-colon/ accessed 24 August 2020.
- 8 See for example: 'Hallan un tesoro bajo la polémica estatua de Colón de Buenos Aires' *El Mundo* (Madrid, 4 April 2014) www.elmundo.es/internacional/2014/04/04/533edb9eca4741ba708b4584.html accessed 24 August 2020.
- 9 Catalina Gaete, Interview with Mario Chiesa (15 October 2018).
- 10 'El paseo Colón, sin Colón' *El Mundo* (Madrid, 3 June 2013) www.elmundo.es/america/2013/06/30/argentina/1372610679.html accessed 24 August 2020.
- 11 *Ibid.*
- 12 *Ibid.*
- 13 Ignacio de los Reyes, 'Colón y una guerrillera luchan por su espacio en Buenos Aires' (BBC Mundo, 7 June 2013). www.bbc.com/mundo/noticias/2013/06/130607_sociedad_argentina_estatua_colon_azurduy_monumento_irm accessed 24 August 2020.
- 14 Jose M Costa and Tomás del Pont, 'Macri ya usa el nuevo helipuerto dentro de la Casa Rosada' *La Nación* (Buenos Aires, 6 February 2018) www.lanacion.com.ar/politica/macri-ya-usa-el-nuevo-helipuerto-dentro-de-la-casa-rosada-nid2107137 accessed 24 August 2020.
- 15 'El monumento de Juana Azurduy ya está frente al Centro Cultural Kirchner' *La Nación* (Buenos Aires, 16 September 2017) www.lanacion.com.ar/buenos-aires/trasladan-el-monumento-de-juana-azurduy-a-la-plaza-del-correo-nid2063612 accessed 24 August 2020.
- 16 Virginia Mejía, 'Colón. Lo declaran Monumento Histórico Nacional y ya no podrá ser mudado' *La Nación* (Buenos Aires, 17 November 2019) www.lanacion.com.ar/buenos-aires/colon-lo-declaran-monumento-historico-nacional-no-nid2307263 accessed 24 August 2020. See also Marisa Lerer, 'Christopher Columbus and Juana Azurduy: Revising and Revisiting Historical Monuments in Argentina' (2018) 1(2) *International Public History* <https://doi.org/10.1515/iph-2018-0013> accessed 24 August 2020.
- 17 *Ibid.*: Lerer, 'Christopher Columbus and Juana Azurduy'.
- 18 Juan Ignacio Irigaray, 'Cristina Kirchner consigue "desahuciar" a Colón' *El Mundo* (Madrid, 19 September 2014) www.elmundo.es/internacional/2014/09/19/541c757022601dd65b8b456b.html accessed 24 August 2020.
- 19 See n 5 above.

- 20 'Monumento a Juana Azurduy: del día que Chávez pidió echar a Colón a su desalojo de la Rosada' *Clarín* (Buenos Aires, 4 May 2017) www.clarin.com/politica/monumento-juana-azurduy-dia-chavez-pidio-echar-colon-desalojo-rosada_0_HyxCOztyZ.html accessed 24 August 2020. Also in Catalina Gaete, 'Argentina: Columbus Statue', IHJR Contested Histories in Public Spaces, 2018 (available upon request).
- 21 Pioneering books include Dee Brown's bestseller, *Bury My Heart at Wounded Knee: An Indian History of the American West* (Holt, Rinehart & Winston 1970) and Ronald Takaki's *A Different Mirror: A History of Multicultural America* (1st edn, Little, Brown & Company 1993). Brown's work traces the story of Native North Americans from the Columbus landings to the present, while Takaki discusses the broader patterns of immigration and displacement of Indigenous populations.
- 22 Miguel Rodríguez, *Celebración De 'la Raza': Una Historia Comparativa Del 12 De Octubre* (Colección Historia Cultural, Universidad Iberoamericana, Departamento De Historia 2004) cited in Catalina Gaete, 'Nothing to Celebrate: the Commemoration of "the Discovery of America" in Spain, Argentina and the US', master's thesis, University of Amsterdam, 1 June 2018 <https://scripties.uba.uva.nl/download?fid=662610> accessed 24 August 2020.
- 23 *Ibid.*
- 24 *Ibid.*: Rodríguez, *Celebración De 'la Raza'*, pp 35–43.
- 25 Cielo Zaidenweg makes the argument that
 '[w]ith the formation of Argentina as a nation-state, at the end of the nineteenth century the State launched the liberal project whose purpose was, among other things, the national assimilation of both immigrants and indigenous people [...] the need for the State to implement mechanisms for the assimilation of this heterogeneous mass of population assimilation would necessarily entail the disappearance of the indigenous culture and the abandonment of the cultures of origin by the newly arrived immigrants'. Cielo Zaidenweg, *La 'argentinización' de los Territorios Nacionales a través de la educación formal e informal, Estudio de caso Río Negro (1908–1930)* (Universitat de Barcelona 2013) p 82.
- 26 Bartolome de Casas, *A Short Account of the Destruction of the Indies* (Neeland Media 2019) http://nationalhumanitiescenter.org/pds/amerbegin/contact/text7/casas_destruction.pdf accessed 24 August 2020.
- 27 *Ibid.*
- 28 Pedro Pérez Herrero estimated that the Indigenous population of Hispaniola Island (what is today Haiti and Dominican Republic) went from 3,770,000 to 125 in 1570. Pedro Pérez Herrero, *América Latina Y El Colonialismo Europeo (siglos XVI–XVIII)* (Historia Universal, Moderna, 14, Editorial Síntesis 1992). William Denevan estimates that the Indigenous population in modern day Latin American countries was reduced by 90 per cent in 130 years. William M Denevan (ed), *The Native Population of the Americas in 1492* (University of Wisconsin Press 1992), with a foreword by W George Lovell.
- 29 David Maybury-Lewis, 'Genocide against Indigenous Peoples' in Alexander Laban Hinton (ed), *Annihilating Difference* (University of California Press 2002) p 43. See also 'Los Pueblos Indígenas En América Latina. Avances En El último Decenio Y Retos Pendientes Para La Garantía De Sus Derechos. Síntesis', Comisión Económica Para América Latina Y El Caribe (CEPAL), 6 March 2020 www.cepal.org/es/publicaciones/37050-pueblos-indigenas-america-latina-avances-ultimo-decenio-retos-pendientes-la accessed 24 August 2020.
- 30 Letter from John Adams to William Tudor, Sr. 25 February 1800. <https://founders.archives.gov/documents/Adams/99-02-02-4195>
- 31 *Ibid.*
- 32 Brent Staples, 'How Italians Became "White"' *The New York Times* (New York, 12 October 2019) www.nytimes.com/interactive/2019/10/12/opinion/columbus-day-italian-american-racism.html accessed 24 August 2020.
- 33 *Ibid.*

- 34 Benjamin Harrison, 23rd President of the United States, 'Proclamation 335–400th Anniversary of the Discovery of America by Columbus', The American Presidency Project, 21 July 1892 www.presidency.ucsb.edu/documents/proclamation-335-400th-anniversary-the-discovery-america-columbus accessed 24 August 2020.
- 35 Cheryl Jiménez Frei, 'Columbus, Juana and the Politics of the Plaza: Battles over Monuments, Memory and Identity in Buenos Aires' (2019) 51 (3) *Journal of Latin American Studies* 607.
- 36 *Ibid.*, 612.
- 37 *Ibid.*
- 38 *Ibid.*, 618.
- 39 *Ibid.*
- 40 *Ibid.*
- 41 *Ibid.*, 619.
- 42 Catalina Gaete, Interview with Mario Chiesa (19 July 2020).
- 43 See n 35 above.
- 44 An image of the plaque with Virgil's quote can be found at <http://endlessmile.com/buenos-aires-monumento-a-colon> accessed 30 May 2020.
- 45 See n 20 above: 'Argentina: Columbus Statue'.
- 46 Oscar Parrilli, 'Comunicado Del Gobierno Nacional Sobre El Monumento a Colón, polémica con Macri' *Télam* (Buenos Aires, 1 June 2013) www.telam.com.ar/notas/201306/19702-comunicado-del-gobierno-nacional-sobre-el-monumento-a-colon.html accessed 24 August 2020.
- 47 *Ibid.*
- 48 *Ibid.*
- 49 *Ibid.*
- 50 See n 46 above.
- 51 See n 16 above, Lerer.
- 52 Pacho O'Donnell, *Juana Azurduy* (Debolsillo Press 2017) p 6 (cited in https://en.wikipedia.org/wiki/Juana_Azurduy_de_Padilla accessed 24 August 2020).
- 53 Juana Azurduy de Padilla in *Illustrated Women in History*, 5 June 2019.
- 54 See n 35 above, 615.
- 55 See n 51 above.
- 56 See n 46 above.
- 57 'Sacarlo Es Una Reparación Histórica' *Página 12* (Buenos Aires, 7 June 2013) www.pagina12.com.ar/diario/sociedad/3-221764-2013-06-07.html accessed 24 August 2020. Also discussed in n 35 above, 636.
- 58 Mauricio Giambartolomei, 'El Monumento a Cristóbal Colón Empezó a Tomar Forma En La Costanera Norte' *La Nación* (Buenos Aires, 1 November 2017) www.lanacion.com.ar/buenos-aires/el-monumento-a-cristobal-colon-empezo-a-tomar-forma-en-la-costanera-norte-nid2078119 accessed 24 August 2020.
- 59 'Audiencias Públicas', Gobierno De La Ciudad Autónoma De Buenos Aires www.buenosaires.gov.ar/gestioncomunal/herramientas-participativas/audiencias-publicas accessed 24 August 2020.
- 60 Versión Taquigráfica Audiencia Pública, 'Emplazamiento del monumento a Cristóbal Colón', 9 September 2014.
- 61 'Conseil International Des Monuments Et Des Sites' www.icomos.org accessed 24 August 2020. ICOMOS was founded in 1965.
- 62 See n 60 above.
- 63 *Ibid.*
- 64 *Ibid.*
- 65 *Ibid.*
- 66 'Los Qoms mantienen la vigilia en Plaza de Mayo hasta que los reciba la Presidenta' *La Nación* (Buenos Aires, 7 June 2013) www.lanacion.com.ar/sociedad/los-qoms-mantienen-la-vigilia-en-plaza-de-mayo-hasta-que-los-reciba-la-presidenta-nid1589509 accessed 24 August 2020.

- 67 'La Legislatura votó el traslado del monumento a Cristóbal Colón a Costanera Norte' *La Nación* (Buenos Aires, 18 September 2014) www.lanacion.com.ar/buenos-aires/la-legislatura-voto-el-traslado-del-monumento-a-cristobal-colon-a-costanera-norte-nid1728291 accessed 24 August 2020.
- 68 'Rechazan La Inconstitucionalidad Y El Amparo Contra El Traslado Del Monumento a Colón' *Télam* (Buenos Aires, 19 December 2014) www.telam.com.ar/notas/201412/89430-monumento-colon-fallo.php accessed 24 August 2020.
- 69 See n 35 above, 608.
- 70 'Argentina: Morales, Fernandez Replace Colombus Monument' *Dailymotion* (Paris, 16 July 2015) www.dailymotion.com/video/x2y94ni accessed 24 August 2020.
- 71 *Ibid.*
- 72 See n 35 above, 634.
- 73 Maria Soledad Iparraguirre, 'Félix Díaz: "Estamos en eso de querer parar la injusticia"' *La Pulseada* (La Plata, 9 June 2013) www.lapulseada.com.ar/felix-diaz-estamos-en-eso-de-querer-parar-la-injusticia accessed 24 August 2020.
- 74 See n 51 above.
- 75 *Ibid.*
- 76 Gabriel Levinas, 'Polémica Por El Deterioro Del Monumento a Azurduy' *Clarín* (Buenos Aires, 15 December 2015) www.clarin.com/ciudades/polemica-deterioro-monumento-azurduy_0-BkZTfyKPXg.html accessed 24 August 2020.
- 77 'Así Fue El Traslado Del Monumento De Juana Azurduy a La Plaza Del Correo' *Infobae* (Buenos Aires, 17 September 2017) www.infobae.com/sociedad/2017/09/17/trasladaron-el-monumento-de-juana-azurduy-a-la-plaza-del-correo accessed 24 August 2020 in n 35 above, pp 634–35.
- 78 See n 51 above.
- 79 See n 35 above, 635.
- 80 'Comisión Nacional de Monumentos, de Lugares y de Bienes Históricos, Decreto 769/2019', Boletín Oficial de la República Argentina, 13 November 2019 www.boletinoficial.gob.ar/detalleAviso/primera/221229/20191114 accessed 24 August 2020.
- 81 Ethan McLeod, 'Activist Smashes Plaque on Columbus Statues Using Sledge Hammer' *Baltimore Fishbowl* (Baltimore, 21 August 2017) <https://baltimorefishbowl.com/stories/activist-smashes-plaque-on-columbus-monument-using-sledgehammer> accessed 24 August 2020.
- 82 'Topics of the Times: Columbus Bashing' *The New York Times* (New York, 20 October 1991).
- 83 *Ibid.*
- 84 *Mayoral Advisory Commission on City Art, Monuments, and Markers*, Report to the City of New York, January 2018 www1.nyc.gov/assets/monuments/downloads/pdf/mac-monuments-report.pdf accessed 24 August 2020.
- 85 *Ibid.*
- 86 Steven Stegers and Marie-Louise Ryback-Jansen, 'Who Will Deal With the Real Issues Once the Statues are Out of Sight?' *Public History Weekly*, 23 July 2020 <https://public-history-weekly.degruyter.com/8-2020-7/toppling-statues-racism> accessed 24 August 2020.
- 87 Alec Snyder, 'Cuomo, de Blasio Don't Want to See Christopher Columbus Statue Removed or Columbus Circle Renamed' *CNN* (Atlanta, 13 June 2020) <https://edition.cnn.com/2020/06/12/us/nyc-columbus-statue-trnd/index.html> accessed 24 August 2020.
- 88 John Byrne, 'Chicago Mayor Lori Lightfoot Opposes Removal of Christopher Columbus Statues' *Chicago Tribune* (Chicago, 18 June 2020) www.chicagotribune.com/politics/ct-lori-lightfoot-columbus-statues-20200618-54w4yfg3f5bthg3c2c25muxlfe-story.html accessed 24 August 2020.
- 89 *Ibid.*
- 90 Gregory Pratt, Sophie Sherry, Armando Sanchez and Kori Rumore, "Seeking to 'Protect Public Safety,' Mayor Lori Lightfoot Removes Christopher Columbus Statues Overnight From Chicago Parks "Until Further Notice" *Chicago Tribune* (Chicago, 24 July 2020) www.chicagotribune.com/politics/ct-chicago-christopher-columbus-statue-grant-park-lori-lightfoot-20200724-2hsbobb7ndmpmkyh6vfl7cvq-story.html accessed 24 August 2020.

91 *Ibid.*

92 'Statement from Mayor Lightfoot's Office on Columbus Statues', Office of the Mayor, 24 July 2020 www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/july/StatementColumbusStatues.html accessed 24 August 2020.

93 *Ibid.*

94 *Report of the Committee to Establish Principles on Renaming, Office of the President, Yale University*, 16 November 2016, pp 19–20 https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf accessed 24 August 2020.

Case Study X: James Cook through Indigenous eyes

Botany Bay, Australia



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A planned commemorative memorial at Botany Bay, the site of James Cook's landing in Australia, received backlash from those who claimed that colonisation led to the destruction of Indigenous Australian culture. 'No Pride in Genocide' was scrawled on a Cook statue. In response, the government worked with leaders of the Indigenous community to create an inclusive 250th anniversary event that embraced the two conflicting narratives.

The case provides an example of how a historically marginalised community helped shape a more inclusive national narrative, and demonstrates how meaningful stakeholder engagement can address a potentially volatile contestation. Furthermore, the case illustrates the way a new counter-monument can recontextualise or redefine a contested statue or site, providing opportunity for a fuller and more inclusive historical narrative.

Background

On 28 April 2018, the Prime Minister of Australia, Malcolm Turnbull, announced a new AU\$3m commemorative memorial at the site of Captain James Cook's arrival on the ship *HMB Endeavour*, as part of a redevelopment plan for Kamay Botany Bay National Park, intended to mark the 250th anniversary of the first European landfall on the coast of Australia. 'It was a momentous occasion in our history,' Turnbull said following a tour of the site. 'And this is a momentous place, one we need to celebrate, understand, interpret, and reflect on.' Turnbull spoke of the need for the site 'to be deeply understood and reflected and interpreted with wisdom and with empathy'.¹ The Prime Minister's sensitivity underscored the complex and contentious nature of the site.

In calling for 'wisdom' and 'empathy' in marking the 'momentous occasion', Turnbull was referring to a fierce and divisive debate over the conflicting views of Captain Cook's Botany Bay landing site. Celebrated as the 'discovery' of Australia in the country's traditional national narrative, the British explorer's landfall was seen by the Aboriginal peoples as the beginning of a period of cultural and physical decimation that some have equated with an act of genocide.² With the approach of the 250th anniversary of the Captain Cook landfall, in April 2020, tensions heightened between the two conflicting narratives. One commentator called the traditional narrative of Cook's 'discovery' of Australia, a 'damaging myth'.³

In August 2017, a statue of Cook in Hyde Park, Sydney, the capital of New South Wales, that bore the words 'Discovered this Territory 1770' was spraypainted with the graffiti 'no pride in genocide'.⁴ The following January, protesters painted graffiti on the 'Cook family cottage', a single-story stone building that was built in 1755 in Yorkshire, England but dismantled and relocated to Melbourne, Australia in 1934 as a patriotic gift to the nation.⁵ The word 'SHAME' was written in black letters across the façade. Meanwhile, fierce debates raged in the media.

It was against this background that the deliberations over the 250th anniversary celebrations and the master plan for Kamay Botany Bay National Park took place. The challenge was to balance the conflicting perceptions of the same historical event in a way that incorporated the opposing historical narratives, creating a sense of inclusion and recognition of injustice suffered by the Aboriginal population while embracing a traditionally prideful perception

of a central historic moment in the nation's history. For centuries, Botany Bay has been the site of many monuments commemorating the landing of the *HMB Endeavour*. Most notably, the Cook obelisk was erected in 1870 on the centenary of Captain Cook's landing.⁶ However, in recent years, efforts have been made to commemorate the Aboriginal Australians who originally lived on the land. To this end, Prime Minister Turnbull announced that the federal government was presenting to the public a 'draft master plan' for the redevelopment of the Kamay Botany Bay National Park,⁷ as well as a draft plan for the management of the site.

'On the 29th April 2020, it will be the 250th anniversary of the first contact between Aboriginal Australians and the Crew of the Endeavour, this is also described as the first meeting of two cultures,' the draft master plan noted in its introduction. 'The upcoming anniversary has precipitated a fresh look at the Kurnell Precinct of Kamay Botany Bay National Park and the opportunities it offers to present this nationally significant place as one that respects and interprets the many layers of history evident.'⁸ The consultations on the 'master plan' and 'management plan' were designed to occur simultaneously, from 28 April 2019 to 3 August 2019, to ensure the community could comment on both planning processes at the same time. Community engagement was encouraged further through a public exhibition.⁹ Following consultation with the community and key stakeholders, the feedback was intended to be used to inform the final planning, with an interpretive model that could celebrate the founding of modern day Australia on the one hand, while also commemorating and recognising the loss and injustices on the other. The challenge was to recognise two conflicting narratives simultaneously in order to forge a national narrative that was both inclusive and conciliatory. The well-intentioned project seemed to be on track to succeed until politics, law and the media intervened.

A brief history of conflicting narratives

On 29 April 1770, Cook, on a scientific mission for the British Navy, anchored *HMB Endeavour* in a harbour and put ashore, where he encountered members of an Aboriginal tribe known as the Gweagal.¹⁰ When two Aboriginal men tried to prevent the landing with spears, Cook's men shot at them, wounding one twice in the leg. Cook initially called the landing site Stingray Bay, but later changed its name to Botany Bay, commemorating the remarkable specimens collected by the ship's botanists, Joseph Banks and Daniel Solander.¹¹ As historian Paul Irish has pointed out, at this time Cook and his colleagues were sure of two things: 'that the history of human life on earth was only short – perhaps only a few thousand years, and that Aboriginal life had not changed over that time'.¹² They were of course wrong on both counts since Aboriginal people had been living in this landscape for tens of thousands of years. Indeed, Australia's Aboriginal community is considered 'the world's oldest continuing living culture'.¹³

Cook undertook a second expedition in 1772, after which the British government dispatched Arthur Phillip with what became known as the 'First Fleet'. Phillip landed at Botany Bay on 18 January 1788, moving to Sydney Harbour to establish Britain's first colony

on the continent on 26 January.¹⁴ Cook is credited as the first Englishman to explore the coast of eastern Australia, a point that elicits pride and commemorations from his supporters, while 26 January is celebrated as Australia Day, in recognition of Captain Phillip's landfall.

The year 1820 marked the 50th anniversary of the first Cook expedition to Australia, and in 1822, the Philosophical Society of Australasia placed a brass plate on the rocks on the Kurnell Peninsula at Botany Bay to mark the occasion. From the late 1800s, Cook was increasingly mythologised as the founder of British Australia, and the Cook archetype became interwoven with the formation of an Australian national identity, defined through masculine heroes and the exploration of frontiers, as identified by Russel Ward in his pioneering text, *The Australian Legend*.¹⁵ Over time, the founding of British Australia became identified more strongly with Cook than with Phillip, who led the founding of the first British colony in New South Wales (NSW), perhaps because the memory of the latter was unpopular in the later 19th and early 20th century.¹⁶ After 1869, when Prince Alfred laid the foundation stone for the statue of Captain Cook that still exists in Hyde Park, Sydney, Cook's role as founder was formalised in a wide array of school texts.¹⁷ For well over a century, Australian children were taught that 'Captain Cook discovered Australia in 1770', although 26 January, the date of Captain Phillip's landing at Sydney Cove in Port Jackson, has remained Australia's national holiday. The pre-existing Aboriginal and Torres Strait Islander populations of the continent are recognised more actively today, and celebrations of Cook as 'the founder' of Australia are widely challenged, including through counter-memories that state that 'Aboriginals found Captain Cook'.¹⁸

Today, it is widely acknowledged that by paving the path for future colonisation by the First Fleet and later settlers, the expeditions to Australia initiated the dispossession of Aboriginal lands.¹⁹ The British settlers commandeered precious resources and justified their occupation of the continent through the doctrine of *terra nullius* (land without people) and by racially denigrating Aboriginal populations. After British colonisation, Indigenous Australian peoples were nearly annihilated by diseases such as smallpox and influenza, through starvation, violent conflict and massacres. It is estimated that in some areas, more than 90 per cent of Aboriginal people died as a direct or indirect result of colonisation.²⁰

Across Australia, Cook has featured prominently in Aboriginal narratives of dispossession.²¹ *Survival*, a brochure issued by the National Aborigines and Islander Day Observance Committee in 2012, documents the protests of Aboriginal people against the invasion by the British, and the celebration of this invasion on 26 January. This history includes 100 Aboriginal people gathering in Sydney in 1838 to protest the 50th anniversary of the arrival of the First Fleet in NSW and annual boycotts of Australia Day celebrations, the latter largely ignored by the media. Following a call by William Cooper, founder of the Australian Aborigines' League in Melbourne, in 1938, 26 January was re-identified by Aboriginal people as a 'Day of Mourning'. This campaign has now gained international momentum. Amnesty International states that 'Australia Day should be for all Australians. But for Aboriginal and Torres Strait Islander people 26 January is a painful day that marks the start of colonisation. Let's #ChangeTheDate so all Australians can celebrate together.'²²

Traditional re-enactments of the Cook landing at Botany Bay were mirrored by re-enactments of the arrival of Captain Phillip. These re-enactments necessitated Aboriginal participation, which was often coerced. The 2012 National Aborigines and Islander Day Observance Committee *Survival* brochure describes a re-enactment in 1938 to commemorate the 150th anniversary of Phillip's arrival with the First Fleet and initial group of colonisers:

'To make it look "authentic," they wanted Aboriginal people to participate in the role-play for the public. All Aboriginal organisations in Sydney refused to participate in protest of the celebrations, so the government brought in 26 Aboriginal men from a reserve in western New South Wales. Participation was not voluntary, with the Aboriginal men's rations being at risk of being cut should they refuse to participate. They were also imprisoned at Redfern Police Barracks before and after the re-enactment. During the actual performance the Aboriginal men were told to run up the beach away from the British, as though in fear of their lives.'²³

Botany Bay National Park renamed

In 2000, the Botany Bay National Park was renamed the Botany Bay-Kamay National Park as part of a wider 'indigenisation' or 'decolonisation' of the Australian cultural landscape. Kamay (pronounced Gamay) is the word that Aboriginal people gave to Cook when he asked the name of this place.²⁴ It contains the site formerly known as 'Captain Cook's Landing Place', renamed in 2003 as the 'Meeting Place Precinct'. Captain Cook's landing has been re-enacted at Kurnell and in other locations in Australia from at least the 1870s.²⁵ In 1970, the 200th anniversary of Captain Cook's landing in Australia, the re-enactment took place with Queen Elizabeth, Prince Philip and Princess Anne in attendance. The formal re-enactment included performances by Aboriginal people fighting the British colonisers with 'spears and stones' before running away. Across the bay, Aboriginal protesters threw wreaths into the water, aiming them to drift into the Royal party's view,²⁶ as part of a reconceptualisation of Australia Day as Survival Day or Invasion Day.²⁷ Most recently, Aboriginal ceremonies at this location lament the loss of life and culture brought about by colonialism. The Kurnell Master Plan for the Kamay Botany Bay National Park highlights the local, national and international significance of the Kamay Botany Bay National Park, and downplays the controversy surrounding this area. It describes this place in the following terms:

'Kamay Botany Bay National Park is a magnificent headland site that bounds the mouth of Botany Bay, Sydney. The Kurnell Precinct of Kamay Botany Bay National Park is located on the southern headland of Botany Bay. The place is highly significant for Australia as it is the site of first contact in 1770 between Aboriginal Australians and the crew of Lieutenant James Cook's Endeavour. It is also the place of last sighting of the French explorer Comte de La Pérouse in 1788, the locality for many of the plant species first collected by Joseph Banks and Daniel Solander, and contains important samples of endangered ecological communities. Kamay Botany Bay National Park is listed on the NSW State Heritage Register and the Kurnell Peninsula is registered

on the National Heritage List. The park's scenic values have been recognised by the National Trust in classifying it as a landscape conservation area. The national park has also been nominated by Sweden as part of a proposed World Heritage serial listing of sites associated with the Swedish biologist Linnaeus and the development of systematic biology.

Aboriginal sites are important evidence of the long association of Aboriginal people with the area. Aboriginal people feel a strong and enduring connection to this place and seek greater acknowledgement of their part in the story of cultural contact.

Today the National Park is managed by the NSW National Parks and Wildlife Service (NPWS) and it is one of NSW's most popular national parks, receiving well over 800,000 visitors annually.²⁸

It is against this background that the contestations at Kamay Botany Bay National Park need to be assessed. As one scholar and commentator, Benjamin Jones, argues, an effective assessment needed to consider the historical nuances of Aboriginal reactions to Cook's landing and presence, and accurately and sensitively incorporate that experience in a monument without inflaming the debate unnecessarily, given that the local Aboriginal community supports the commemoration.²⁹

The trigger to the controversy

The Turnbull announcement of a master plan for Botany Bay on 28 April 2018 resulted in a fierce and immediate response in the traditional media, as well as on social media, with an initial focus that was less on the issue of identity than on the budget. Turnbull's commitment of AU\$48.7m in the 2018–2019 federal government budget for the planned commemoration of the 250th anniversary of the Cook landing triggered public outrage. The announcement itself was often linked to other matters in the budget, such as AU\$84m in cuts to the Australian Broadcasting Commission, which gave rise to the perception that the government was funding the new commemoration at the expense of the national broadcaster.³⁰

On the same day as the master plan was unveiled, a social media campaign was launched on Change.org protesting the building of yet another memorial to Cook: 'No New Captain Cook Memorial'.³¹ 'It's the biggest, most insulting and useless waste of taxpayers' money I've ever seen,' the petition stated. 'Imagine what \$50m could do for hospitals, the elderly or improving the life chances of indigenous peoples.' The petition went on to note that the budget for the project was under the auspices of the Australian Treasury Secretary, Scott Morrison, whose electoral district was in NSW and included Botany Bay. 'A large part of this proposed memorial is in the Treasurer's own electorate – surely a conflict of interest,' the petition continued. 'Scott Morrison: abandon this backward-looking pet project and political stunt.' By July 2020, more than 105,000 people had signed the petition.³²

Led by major national news outlets, the release was widely interpreted in the media as announcing a new statue of Captain Cook. While mentioning the Indigenous elements in

media interviews, Morrison did not discount a new statue of Captain Cook. This led to wide debate on social media, with the proposed installation viewed as another fray in Australia's culture wars. While the notion of the meeting of two cultures was included in the original press interview – there was reference to 'a strong Indigenous element'³³ – this reference was subsumed by the more engaging message of 'yet another memorial to Captain Cook'. This was an unsurprising development given the history of the contestation.

Turnball's announcement also had international resonance. The planned development was seen as strengthening a proposal being developed by Sweden for a World Heritage serial listing of sites associated with the 18th-century Swedish biologist Carl Linnaeus, one of whose students was with Cook on the *HBS Endeavour* during the expedition to Botany Bay. In addition, the British-based Captain Cook Society³⁴ established a Twitter presence on 28 April 2018, the day of the funding announcement. The tweet included a portrait of Captain Cook, a link to the Facebook account of the Captain Cook Society and the endorsement, 'The Captain Cook Society is for anyone interested in Captain James Cook, whether professionally or as a hobby.'

The major issue, however, related to national identity, and here the divisions were stark. In a sense, the contestation was prefigured in the national consciousness through vandalism of Captain Cook statues in Melbourne³⁵ and Sydney³⁶ earlier in 2018 as part of ongoing protests calling for changing the date of Australia Day, the 26 January, the day that Captain Phillip landed at Sydney Cove.³⁷ These incidents are connected by a common cause, but not by any organisation. While some might assume that the activists were Aboriginal people, there is no evidence for this, and indeed, there seemed to be support for changing the date across a wide spectrum of people.³⁸

The dynamics of the controversy are embedded in social, cultural, political and economic aspects of different sectors of the Australian community. This contestation surrounding the public installation at Kamay needs to be understood within the broader reconceptualisation within Australia of Australia Day as 'Survival Day' or 'Invasion Day',³⁹ and ongoing campaigns to change the date⁴⁰ of Australia Day from 26 January, the day that Captain Phillip made landfall with the First Fleet in 1788. Although this date was considered as immutable by many, other dates were used for short periods prior to this.⁴¹ It was not until 1935 that all states agreed that 26 January should be adopted as a common date and name for Australia Day.⁴² Protests against this date by Aboriginal people started three years later in 1938.⁴³ However, a significant number of Australians are against changing the date. Some argue that this would impinge upon their national identity. Ironically, although the debate has an 80-year history, which in and of itself makes the change-the-date debate part of the national identity.⁴⁴ In spite of significant evidence to the contrary, the current Australian government continues to contend that Australia Day promotes unity. On 21 January 2019, the ruling Liberal Party made its position clear in a tweet: 'The Government is taking action to protect Australia Day from activists. Click here to show your support for our national day. As Australians we have much to celebrate.'⁴⁵

National identity and 250th anniversary celebrations

The uproar over the Turnbull announcement of a AU\$50m master plan intensified the ongoing debate not only over Captain Cook statues but also the larger issue of Australian identity in advance of the 250th anniversary and how it should be commemorated. Viewed within the wider framework of the statues of Captain Cook that have been contested, the 2020 commemorative installations had the potential to divide the nation,⁴⁶ particularly through a rekindling of Australia's 'history wars',⁴⁷ in which recently uncovered histories of frontier wars and colonial massacres have been portrayed as exaggerated or even fabricated.⁴⁸

Sensitive to these issues, the government tried to balance the celebration of national pride with the commemoration of historical injustices, which were undertaken in close collaboration with local Aboriginal people with the goal of promoting greater social cohesion. The anniversary celebrations included traditional expressions and symbols of national pride. A replica of the *HMS Endeavour* was scheduled to circumnavigate Australia in the course of the celebratory year 'to provide an opportunity for Australians to experience the historic voyage and its legacy for exploration, science and reconciliation'. An exhibition was planned at Cooktown, called 'Cooktown 2020 Expo', funded with AU\$5.45m for exhibitions, as well as 'the development of the Reconciliation Rocks Precinct, the Botanic Gardens Development and upgrades to the Gamaay Dreaming Track to commemorate the anniversary and local Indigenous culture'. There was also the Waymburr Milbi project (The Waymburr Story) Development of the Waymburr Cultural Centre 'to house artefacts used for the annual re-enactment of the story of Australia's first act of reconciliation told by the Gugu Yimithirr people on the banks of the Endeavour River'.⁴⁹

The government also cooperated with the Australian Institute of Aboriginal and Torres Strait Islander Studies on the Return of Cultural Heritage Project, which sought the repatriation of 'culturally significant heritage materials, including but not limited to artefacts, documentary records and artwork from overseas collecting institutions back to Australian Indigenous communities'.⁵⁰

The centrepiece of the 250th anniversary celebrations, however, was the AU\$50m master plan for Botany Bay, which was finalised in March 2019 following the public input campaign and targeted stakeholder engagement. The final plan provided for 'a new visitor building with space for a museum-grade exhibition area' and a 'revegetated bush landscape and new interpretation materials', as well as 'precinct conservation and restoration works, including to historically important Alpha House, existing monuments' that included monuments to Captain Cook, David Solander, the Swedish student of Carl Linneaus, and Isaac Smith, a royal navy officer and cousin of Cook's wife, who accompanied Cook on his two voyages to Australia. The master plan also provided for the creation of a memorial for the Indigenous peoples.

Two designs were selected as finalists in March 2019, and community feedback was gathered during a public exhibition in October and early November 2019.⁵¹ The winning design was announced in February 2020 by the Federal Minister for the Environment, Sussan Ley.⁵² The first concept document, by Think OTS, was by Gweagal artist Theresa Ardler and public artist/sculptor Julie Squires. It proposed four sculptural installations that were

designed to represent both the views from the ship and from shore at the time of first contact between British and Indigenous cultures. These proposed installations comprised a hump-backed whale and baby, sculptures of a Gweagal family group, a stringy bark canoe and a traditional outdoor cultural learning place. This proposal stated: 'Our installations aim to provide a legacy for future generations to reflect and hear the stories of this important place by providing a balance to the existing monuments. We do this by making visible the invisible' – that is, spirit and culture of the Gweagal People.⁵³

The second concept document, by Alison Page and Nik Lachaczak, was shaped by the notion that the land revealed stories of 'the shore' and the water reveals stories from 'the ship'. Titled 'Eyes of the Land and Water', it consisted of two elements: 'eyes of the land', a series of tempered glass installations that were to incorporate Gweagal words, artefacts and cultural imagery, and the ribs of a ship cast in bronze. The proposal stated: 'Several of these [eyes] will be inserted into the landscape along the Kamay foreshore, suggesting eyes watching the ship from the shore [...] The ribs of the ship emphasise the ghostly presence of Cook and his men, a metonym for all facets of colonialism, regardless of whether the viewer perceives it as good or bad.'⁵⁴

Other than the choice of individual design elements, the major difference between the two design concepts was that the Think OTS sought to balance the existing landscape of colonial monuments with installations that placed Aboriginal people within this landscape. By contrast, the design by Alison Page and Nik Lachaczak contained elements that represented both cultures. It was notable that neither of the final designs included a statue of Cook, the object that triggered the controversy. It is not clear if this would always have been the case or if this was in response to the controversy. It could well be that both factors influenced decisions on the short-listed designs.

The key decision-makers in this proposal were the members of the Kamay 2020 Project Board, which was convened by the Federal Minister for the Environment, Ley, and the State Minister for Energy and the Environment, Matt Kean, to provide direction and oversight of the installation of the new monument and the construction of the Stage 1 Kamay Botany Bay National Park Master Plan by 2020.⁵⁵ The board was comprised of local, state and federal government representatives, local business people and members of the local Aboriginal community, most notably Noelene Tembury, Chairperson of the La Perouse Local Aboriginal Land Council. The Chair of the board was Bruce Baird, a senior politician who was respected on both sides of politics. His standing among conservatives derived from him being a former deputy leader of the Liberal Party in NSW and a federal MP from 1998 to 2007, representing the Sydney seat of Cook, which includes Kamay Botany Bay National Park. His standing among progressives and Aboriginal people came from his work for asylum seekers and being a board member of the National Apology Foundation for Indigenous Australians, a major vehicle for reconciliation between Aboriginal and non-Aboriginal people.⁵⁶

The site selected for the installation had been contested, either formally or informally, for over a century. This controversy was noted as early as 1888, when Aboriginal peoples boycotted the centenary of Captain Phillip's landing at Sydney Cove.⁵⁷ In 1938,

Aboriginal people considered Australia Day to be a 'day of mourning'. Significant protests were recorded in 1970 when the Royal Family visited the landing site. The widely read women's magazine, *Australian Women's Weekly*, reported the re-enactment, which included performances of Aboriginal people running away, 'being watched by hostile Aborigines'.⁵⁸

Federal legislation and Aboriginal land

Commemorations and memorialisation at Botany Bay have long been influenced by state and federal heritage legislation, as well as by various land management and planning laws, which, most significantly, eventually led to the incorporation of the historic site within a national park. This was achieved within the context of long-term controversies over this area, centred on its place as a homeland for the La Perouse Aboriginal community, the growing influence of environmental activism through the 1960s and 1970s, and growing concern for the impact of heavy industry on the environment and landscape.

Beginning in 1861, an entrepreneurial settler, Thomas Holt, gradually acquired most of the Kurnell Peninsula, including the Birnie Estate, a property that would later become known as Captain Cook's Landing Place. It is unclear whether Holt valued the land's historic associations initially, but 'during the 1860s he hosted excursions to commemorate the landing and in 1871 he erected an obelisk at what he considered Cook's landing site, over a kilometre to the west of the brass tablet installed in 1822'.⁵⁹

By 1899, Captain Cook's Landing Place had been declared a public reserve.⁶⁰ The reserve was the responsibility of the Department of Lands up until 1967 and was managed by a trust until 1974. The trust employed a caretaker and staff to maintain the reserve, and it was active in erecting further monuments to Cook and his crew. In 1918, the trust erected the Solander Obelisk, and in 1947, the Banks Memorial. Holiday camping was very popular in the reserve in the 20th century and continued until around 1977 when the NPWS prohibited this use and removed holiday shacks.⁶¹ The La Perouse Aboriginal community is one of very few in the Sydney area where families can trace their histories back to pre-contact times.⁶² While this remarkably resilient community now has ownership of some land, it has been subjected to over 200 years of control and interference by a range of federal, state and local authorities. Since 1992, the annual Survival Day Concert has been held here in opposition to the official Australia Day celebrations of 26 January.

Botany Bay has also been the focus of long-term contestations over its use for industry. As well as the nearby airport and its continuous expansion, an oil refinery was constructed on the bay in 1953. This was expanded in the 1960s and 1970s, finally closing in 2014 and transformed into an import terminal for fuel.⁶³ During the 1970s, environmentalists actively protested against the creation of port facilities on the bay on the grounds of their unacceptable environmental impact.⁶⁴ Against this background of protest and dissent, the Kamay Botany Bay National Park was gazetted under the NSW National Parks and Wildlife Act 1974 in 1988.⁶⁵

In 2005, the Kurnell section of the park was listed on the National Heritage List under the Environment Protection and Biodiversity Conservation Act.⁶⁶ On 10 September 2017,

the Kurnell and La Perouse sections of the park and Towra Point Nature Reserve were also added to the National Heritage List, expanding the parts of the precinct formally protected under the Commonwealth Environmental Planning and Biodiversity Conservation (EPBC) Act.⁶⁷ A formal Heritage Assessment for Cook's Landing Place – known since 2003 as the 'Meeting Place' – was commissioned by NPWS in 2005, and this led to a formal Conservation Management Plan for the Meeting Place in 2008. This document informed the development of the 2008 Kamay Botany Bay National Park Master Plan (the '2008 Master Plan') for the Meeting Place precinct. The 2008 Master Plan has now been substantially implemented.

In November 2013, notably late in this narrative, the whole of Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve was added to the NSW State Heritage Register,⁶⁸ and on 10 September 2017, the Kurnell and La Perouse sections of the park and Towra Point Nature Reserve were listed on the National Heritage List under the EPBC Act. This complex narrative of legislative protection is unusual in Australia for its long history and for the resulting coverage of the land by the highest levels of heritage protection at the federal level under the EPBC Act. Incorporation within a National Park has often been seen in the past as constituting sufficient protection for cultural and natural heritage places, rendering the need for additional legislative protection under state and federal laws unnecessary. However, there is no doubt that the centrality of this place in national historical narratives, as well as the dynamic change in its meaning and perceived values as colonial legacies have been re-evaluated since the 1960s, has ensured that this place has seen renewed legislative attention throughout the 20th century.

Debates around 'changing the date' of Australia Day and proposed commemorations of the 250th anniversary of Cook's voyages have ensured that Cook's landing site remains a public space where debates around dispossession and genocide versus the celebration of colonial founders retain their potency. The graffiti 'attacks' on colonial monuments in advance of the 250th anniversary events led then Minister for Environment and Energy, the Hon Josh Frydenburg MP, to request a report from the Australian Heritage Council on 'The Protection of Australia's Commemorative Places and Monuments', which was delivered in March 2018.⁶⁹

The 48-page report stated that it had been sought by the Minister because 'commemorative places or monuments of the colonial era have on occasion been attacked or vandalised, and an assessment is sought as to the level of protection afforded to relevant cultural values under Australia's levels of heritage legislation'.⁷⁰ The report confirmed that the key form of legislative protection for such monuments and places was through heritage legislation, usually involving being included on a list or register at a local, state or national level.⁷¹ Vandalism and graffiti, the report noted, were often covered by legislation that applied to all forms of property, for instance NSW has the Graffiti Control Act 2008, which imposed fines and potential prison terms.⁷² The report noted that heritage legislation, such as the EPBC Act, was unlikely to be invoked in cases of graffiti or minor 'modifications' to monuments because such impacts were generally reversible and able to be easily remedied. This reflects the fact that graffiti, marking or 'modifying' statues is not so much a physical threat to their existence, but an affront to the values and histories represented by the monument.

The report also had a special focus on Indigenous heritage places, particularly rock art, where graffiti and marking could cause more permanent damage. The report concluded that legislative protections available to colonial monuments were adequate, but that protection for Indigenous heritage needed to be more effective. It finally recommended that the upcoming anniversary of Cook's voyages be used as a vehicle for recognition and promotion of Aboriginal and 'shared histories' of the colonial period.

Rebalancing the historical narrative

The decision to commission the installation was made jointly by the Australian federal government and the state government of NSW. The allocation of responsibilities between state and federal government was outlined in the Project Agreement for the Kamay 250th Anniversary Project.⁷³ It is not clear whether decision-makers looked at precedent cases or processes. However, they were certainly aware of the controversy surrounding the Captain Cook statues and cottage as they had commented on these incidents.

In a Facebook post dated 26 August 2017, Turnbull called the 'vandalism' a 'cowardly criminal act', and said he hoped 'the police swiftly find those responsible and bring them to justice'. The Prime Minister wrote of 'a deeply disturbing and totalitarian campaign to not just challenge our history but to deny it and obliterate it'. He compared the attacks to Stalinist purges in which people were not only executed, but their memory was erased from history. 'Tearing down or defacing statues of our colonial eras explorers and governors is not much better than that,' he wrote. He asked if the next step would be the burning of outdated history texts 'overwritten in crude graffiti condemning their long dead authors?' 'Old histories should not be burned, anymore than old statues should be torn down,' Turnbull concluded. 'Rather they should be challenged and complemented by new histories, fresh evidence and modern monuments.'⁷⁴

The installation at Botany Bay was a concrete expression of Turnbull's additive approach and was designed to engage the full range of stakeholders in the process. A range of levels and modalities were engaged for research, polling and stakeholder engagement. The strategy included commissioning community engagement specialist, Context Pty, Ltd, to work with the NPWS on the roll-out of a targeted community and stakeholder engagement programme, a Community Reference Panel that provided input into the project brief, the site analysis and development of the overall master plan, and a Design Review Panel to ensure best practice in design.⁷⁵ The Community Reference Panel included Aboriginal community members, representatives from the offices of state and federal members of Parliament, local government, and community and interest groups, including the Sutherland Shire Business Chamber, Sutherland Historical Society, the Captain Cook Society and the Australian National Maritime Museum. In addition, a series of workshops were held with stakeholders to inform the design of the 2008 Master Plan. In addition to information sessions and workshops, feedback was solicited through a variety of engagement methods, including a public exhibition; culture days around the

country focusing on the local Aboriginal community; formal and informal interviews; focus groups; online and onsite surveys; a kid's quiz; and information evenings and presentations to the La Perouse Local Aboriginal Land Council, targeted interest groups and the local community.⁷⁶

The process took two years from the funding announcement on 28 April 2018 to the scheduled completion on 29 April 2020. The 2018 announcement of funding was communicated to the public through press interviews initiated through a press release from the Prime Minister's Office. The story was picked up by traditional media and commented on on social media. Immediately after the announcement, the public response was divided, judging by comments in the press, and on social media, as well as the online campaign 'No New Captain Cook Memorial'. It was recorded that responses from the Aboriginal community were divided, and an important Aboriginal voice in this debate was that of Aboriginal commentator Stan Grant, who called on the government to edit statues⁷⁷ to acknowledge that the continent was actually founded by Aboriginal people. While there was no published report at the time of the announcement, the planning document, the Kamay Botany Bay National Park Kurnell Master Plan,⁷⁸ was issued in July 2019. The design principles that underpin the master plan indicate a much more nuanced approach than that highlighted in the media and social media coverage of the contestation.

The master plan for the Kamay Botany Bay National Park included a series of 'design principles' that were clearly intended to signal a desire to promote both inclusion and reconciliation. The seven principles included first promoting 'respect' which would include 'all cultures and heritage' and second, the opportunity to 'reflect' through a plan to 're-choreograph arrival via ferry and via landscape to create a sense of threshold and space for reflection'. The third principle called for a 'rebalance' of the narrative landscape which would permit 'greater indigenous recognition' and a 'balanced indigenous and European presence and storytelling'. The fourth and fifth design principles included the need to 'heal' which involved efforts to 'acknowledge past actions', to 'bridge cultures' and 'give voices to stories not yet told', and to 'amplify' the Indigenous experience through 'new works and interventions, to allow more compelling storytelling and understanding of place'. The sixth principle, 'enliven', focused on the need to 'reinforce the park as a meeting place, with new facilities and programmed events that support the significance of the site'. The seventh and final principle, 'sustain', included ecological and financial considerations, as well as cultural, especially the preservation and promotion of 'indigenous practices'.

'This is about a meeting of two cultures, commemorating the incredible individual that was James Cook and at the same time [...] commemorating the resilience of the Indigenous Australians, not just here but all around the country,' Morrison stated in defence of the plan. 'It will be an extraordinary landmark that people will come from far and wide to see,' he said.⁷⁹

The initial public outrage at the AU\$50m master plan, including the creation of another statue of Captain Cook, subsided within a few months. Two factors were critical to this process.

The first factor is that it became clear that the local Aboriginal community supported the project. This became evident in numerous interviews with Tembury, Chairperson of the La Perouse Local Aboriginal Land Council.⁸⁰ Tembury was quoted as saying her 'biggest hope' was for the 'truth' to be told in the representation of the intended monument, whatever form it takes. This is poignant given the 250th anniversary and the topical debate of truth-telling. One effect of this support was that Aboriginal people from other places largely refrained from criticising the proposal. This would have affected potential activism and protests by non-Aboriginal people.

The second factor is that the vision of the proposed development was communicated more clearly to the public. As it rolled out, the project was more clearly presented in terms of a meeting of two cultures rather than as a celebration of British colonialism. This was done through media interviews and project documents, such as the brief for the design, and an online website managed by the NSW government. This approach was exemplified in a joint media release on concept designs issued on 11 October 2019 by Federal Minister for the Environment, Ley, and the Minister for Energy and Environment, Kean:

'Concept designs mark meeting of two cultures

Concept designs for a commemorative installation marking 250 years since Aboriginal Australians met the crew of HMS Endeavour at Sydney's Kamay Botany Bay are on display for public comment from today.

Commissioned to interpret the cultural perspectives of those on the shore and those on the bay, the work will form one part of a wider \$50 million program to upgrade Kamay Botany Bay National Park.

Local Aboriginal community leaders are playing a key role on the Kamay 2020 Project Board, chaired by Bruce Baird AM, which will oversee the restoration of a precinct steeped in Aboriginal story-telling and the shared history of Indigenous and non-Indigenous Australians since 1770.⁸¹

Bruce Howell, an Aboriginal man on the Sutherland Shire Council Aboriginal advisory committee with an interest in the history of Cook, argued that in this place of the meeting of two cultures, 'both sides of the 1770 story' should 'be told [...] warts and all, and that it be placed in the proper context of the times'.⁸² In this way, commemoration should give 'proper respect and acknowledgement [...] not only to all those on board the Endeavour, but equally to the local people [...] who were confronted with both the Endeavour and then the landing party on the afternoon of April 29th 1770'.⁸³

The 250th anniversary of the Cook landing came in the midst of the Covid-19 pandemic. 'As at 3:00pm on 29 April 2020, a total of 6,746 cases of COVID-19 have been reported in Australia', the Department of Health reported that day, 'including 89 deaths and 5,667 have been reported as recovered from COVID-19'.⁸⁴ Although the country was experiencing 'a steady decline in cases', the government cautioned that it was 'too soon to tell whether this trend will be sustained'. With the country still in lockdown, awaiting a planned reopening

on 11 May, the 250th anniversary was a muted affair. The launch of the replica of the *HMB Endeavour* was postponed and its planned circumnavigation of the continent curtailed.⁸⁵ A media release from the Prime Minister's Office sought to bridge the contrasting narratives of the Indigenous and European experiences on the anniversary of the first encounter, seeing 'an opportunity to reflect on our shared history, celebrate the legacy of the world's oldest continuing living culture, and understand the origins of modern Australia'.⁸⁶

'The day Cook and the local Indigenous community at Kamay first made contact 250 years ago changed the course of our land forever,' the Prime Minister said. 'It's a point in time from which we embarked on a shared journey which is realised in the way we live today.' He honoured the 'resilience, wisdom, custodianship and stewardship of Aboriginal and Torres Strait Islander Australians', while also acknowledging 'the extraordinary individual of James Cook whose passion for science and discovery played such a critical role in Australia's journey to the nation we are today'. Minister for Indigenous Australians Ken Wyatt recalled that the Indigenous peoples of Australia represented 'a very important chapter in our history which dates back 65,000 years'.⁸⁷ Wyatt saw in Cook's landing a singular moment. 'The Endeavour's arrival marked the first true understanding from the Western World on the world's longest living Indigenous culture,' he said, 'and revealed the different ways in which science was used to help guide exploration and discovery.'

Conclusions

Cook's Landing Place at Kamay Botany Bay has been a focus of public debate, contestation, commemoration, celebration and mourning since the 1860s. The controversies of 2018 and 2019 showed that government plans to mark the 250th anniversary of the Cook landfall were inextricably linked to related debates about the date of Australia Day (26 January), about federal funding of institutions, such as the national broadcaster, the Australian Broadcasting Corporation, and longer-standing contestations around whether or not the history of Australia should be seen as 'successful' and peaceful colonisation or violent invasion and dispossession. The media controversy that emerged over the proposed new monument to Cook following a federal government press conference in April 2018 bore little relationship to the work that local, state and federal government and community representatives had been undertaking in the lead up to the statement.

There are two lessons that could be helpful to future decision-makers facing similar controversies. One lesson comes from failure and the other from success. The first lesson is clear communication based on an anticipation of controversy. The early media interviews focused on the word 'monument' and this was widely interpreted as (yet another) statue of Cook. Within the context of the vandalism of the Cook statues in Melbourne and Sydney, and of the Cook cottage in Melbourne, the notion of a traditional European form of statue was clearly going to be controversial. The lesson here is that the controversy could have been anticipated and that communications should have been shaped with this in mind.

The second lesson is that criticism of a planned monument or memorial can be pre-empted through meaningful engagement with stakeholders who are most impacted by that object. In this case, the project was protected from an onslaught of criticism through the endorsement of the La Perouse Aboriginal Land Council (which itself received some social media critique by other Aboriginal groups). Given this, it is likely that many criticisms would have been curtailed if the project had been co-launched by the La Perouse Aboriginal Land Council.

However, it is also clear that this site has been actively politicised to appeal to particular constituencies, their values and beliefs. Contestations were in some ways actively courted by some politicians as a way to attract media attention to this case, and perhaps deflect attention from other current issues. While contests around the place and its monuments remain unresolved, it is notable that the public consultation phase for the actual proposed monuments attracted little media attention, while the announcement on 14 February 2020 (also the anniversary of Cook's death in Hawaii) of the final decision on the designs selected to be installed at Kamay also attracted little coverage.⁸⁸ While the unforeseen circumstances, that is, the pandemic, curtailed the 250th anniversary events, the Prime Minister's statement seeking to bridge the conflicting perspectives of Cook's arrival merged the two perspectives into a shared national narrative on a landmark occasion.

This case study is an example of how a new, non-contested memorial can be created in relation to an inherently contested national symbol. The 2020 commemorative installation at Kamay Botany Bay National Park, NSW, Australia, has been shaped in a way that avoids adding to the controversy surrounding the British invasion of Australia. Moreover, by choosing to commemorate both sides of the story (shore and sea, Aboriginal and British) it is likely to contribute to reconciliation between Indigenous and non-Indigenous Australians. While the installation is located at the site where Lieutenant (later Captain) Cook first stepped on Australian soil, the commemoration has been shaped as a meeting of cultures rather than the beginning of the colonial oppression of Indigenous Australians.

Two particular actions stand out as fundamental to the shaping of a positive outcome. The first key action was the direct involvement of local Aboriginal people, particularly the La Perouse Aboriginal Land Council, in decision-making, as this provided confidence in the process. It also pre-empted critique as the people who were most likely to criticise would not wish to offend the traditional owners. The second key action was the selection of Baird as the Chair of the Kamay 2020 Project Board. His selection was critical to success; although he is a conservative, he is also known for his commitment to progressive causes, and especially the welfare of Indigenous Australians. His experience would have sensitised him to the nuances of the controversy and also made him well placed to gain the trust of local Aboriginal people. In the final analysis, the critical decision-makers were Baird as Chair of the Kamay 2020 Project Board and Tembury, Chairperson of the La Perouse Local Aboriginal Land Council. Working together they were able to obtain broad support from the community for a project that had the potential to contribute to deep divisions within the nation.

This case demonstrates a positive solution to a controversy and demonstrates that decision-makers should consider counter-monuments that send an inclusive message. It shows that counter-monuments or new artistic interventions can be a viable alternative to relocation, removal and erasure, especially when responding to an iconic national hero, and in so doing, foster inclusivity. It also demonstrates that artists can be important contributors who can creatively envisage future solutions. Rather than unthinkingly adopting typical colonial models of commemoration, this case study shows the value of working together with the people who are most directly affected by the contested history to provide creative and productive solutions to inherently contested public spaces.

References

'250th Anniversary of Captain Cook's Voyage to Australia' (James Cook 250, 21 August 2019) <http://jamescook250.org/250th-anniversary-of-captain-cooks-voyage-to-australia>.

Amnesty International, 'Change the Date', Last updated 16 January 2018 www.amnesty.org.au/change-the-date.

Australian Council on Federal Financial Relations, *Project Agreement for the Kamay 250th Anniversary Project*, 24 May 2018 www.federalfinancialrelations.gov.au/content/npa/environment/project-agreement/Kamay_250th_Annivesary_Project.pdf.

Australian Heritage Council, *The Protection of Australia's Commemorative Places and Monuments Report*: Prepared for the Minister for Environment and Energy, The Hon Josh Frydenburg MP, Department of Agriculture, Water and the Environment, March 2018 www.environment.gov.au/heritage/organisations/australian-heritage-council/publications/commemorative-places-monuments.

'Australia marks Cook anniversary under lockdown' (BBC, 29 April 2020) www.bbc.com/news/world-australia-52461427.

Australian National Heritage List, 'Kamay Botany Bay: botanical collection sites', Department of Agriculture, Water and the Environment, inscribed 10 September 2017 www.environment.gov.au/heritage/places/national/kamay-botany-bay.

Australian National Heritage List, 'National Heritage Places – Kurnell Peninsula', Department of Agriculture, Water and the Environment, inscribed 28 February 2005 www.environment.gov.au/heritage/places/national/kurnell.

Butlin, Noel, *Our Original Aggression: Aboriginal Populations of Southeastern Australia 1788–1850* (George Allen & Unwin 1983).

Captain Cook Society, 'Welcome to the Captain Cook Society', last updated August 2020 www.captaincooksociety.com.

Daley, Paul, 'Flawless hero or bogey man? Captain Cook still divides along black and white lines' *The Guardian* (London, 15 December 2019) www.theguardian.com/australia-news/2019/dec/15/flawless-hero-or-bogeyman-captain-cook-still-divides-along-black-and-white-lines.

Darian-Smith, Kate, 'Australia Day, Invasion Day, Survival Day: a long history of celebration and contestation' (The Conversation, 26 January 2017) <https://theconversation.com/australia-day-invasion-day-survival-day-a-long-history-of-celebration-and-contestation-70278>.

Department of Health, 'Coronavirus (COVID-19) at a glance – 29 April 2020', Australian Government, 29 April 2020 www.health.gov.au/resources/publications/coronavirus-covid-19-at-a-glance-29-april-2020.

Eddie, Rachel, 'Traditional owners back \$50m redevelopment of Captain Cook landing site with statue' *The New Daily* (Melbourne, 29 April 2017) <https://thenewdaily.com.au/news/state/nsw/2018/04/29/captain-cook-kurnell-statue-botany-bay>.

Frederick, Ursula and Sue O'Connor, 'Wandjina, graffiti and heritage: The power and politics of enduring imagery' (2009) 15(2) *Humanities Research* 153 <http://dx.doi.org/10.22459/HR.XV.02.2009.10>.

Gapps, Stephen, 'Performing the past: a cultural history of re-enactments', Unpublished PhD thesis, University of Technology Sydney, 2002 <http://hdl.handle.net/10453/20121>.

Gapps, Stephen, 'Commemoration and contestation at Kurnell', Australian National Maritime Museum, 11 May 2015 www.sea.museum/2015/05/11/commemoration-and-contestation-at-kurnell.

Grant, Stan, 'It is a "damaging myth" that Captain Cook discovered Australia' (ABC News, 23 August 2017) www.abc.net.au/news/2017-08-23/stan-grant-damaging-myth-captain-cook-discovered-australia/8833536.

Graovac, Tilly, 'Protestors vandalise Captain Cook statue ahead of Australia Day' (Nine News, 25 January 2018) www.9news.com.au/national/captain-cook-statue-vandalised-at-st-kilda-gardens/ebb9dc6a-ec00-444e-a29a-e37d752c9210.

Healy, Chris, *From the Ruins of Colonialism: History as Social Memory* (Cambridge University Press 1997).

Heiss, Anita, 'Significant Aboriginal Events in Sydney', Barani: Sydney's Aboriginal History, no date www.sydneybarani.com.au/sites/significant-aboriginal-events-in-sydney.

Hinkson, Melinda and Alanna Harris, *Aboriginal Sydney. A Guide to Important Places of the Past and Present* (Aboriginal Studies Press 2010).

Houghton, Graham, 'No New Captain Cook Memorial', Change.org online petition, 2018 www.change.org/p/no-new-captain-cook-memorial.

Ireland, Tracy, 'How Captain Cook became a contested national symbol' (The Conversation, 11 May 2018) <https://theconversation.com/how-captain-cook-became-a-contested-national-symbol-96344>.

Ireland, Tracy, 'Cooking the Books: Contested Colonial Commemorations in Australia' (2018) 1(2) *International Public History* 1 <https://doi.org/10.1515/iph-2018-0021>.

Irish, Paul, *Hidden in Plain Sight: The Aboriginal People of Coastal Sydney* (NewSouth 2017).

Jones, Benjamin T, 'Rough seas ahead: why the government's James Cook infatuation may further divide the nation' (The Conversation, 23 January 2019) <https://theconversation.com/rough-seas-ahead-why-the-governments-james-cook-infatuation-may-further-divide-the-nation-110275>.

Kamay 2020 Project Team, 'Kamay Botany Bay National Park: commemorative installation', NSW Department of Planning, Industry and Environment, last updated 31 March 2020 www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/community-engagement/kamay-botany-bay-national-park-public-consultation/kamay-botany-bay-national-park-consultation-commemorative-installation#:~:text=The%20Kamay%202020%20Project%20is,Kamay%20Botany%20Bay%20National%20Park.

Kensy, Julia, 'La Perouse' (The Dictionary of Sydney, 2008) https://dictionaryofsydney.org/entry/la_perouse.

Knaus, Christopher, 'Captain Cook statue: Sydney refers "discovery" claim to Indigenous board' *The Guardian* (London, 23 August 2017) www.theguardian.com/australia-news/2017/aug/23/sydney-under-pressure-over-captain-cook-statue-claim-he-discovered-australia.

Knaus, Christopher, ‘“No pride in genocide”: vandals deface Captain Cook statue in Sydney’s Hyde park’ *The Guardian* (London, 26 August 2017) www.theguardian.com/australia-news/2017/aug/26/captain-cook-statue-and-two-others-in-sydneys-hyde-park-attacked-by-vandals.

Lagan, Bernard, ‘Turnbull defies protests with £26m Captain Cook memorial’ *The Sunday Times* (London, 9 May 2017) www.thetimes.co.uk/article/turnbull-to-spend-26m-on-controversial-captain-cook-monument-m6jmj0lqj.

‘The Landing at Botany Bay’ (Australian Women’s Weekly, 13 May 1970) p 2 <https://trove.nla.gov.au/newspaper/article/46187312?browse=ndp%3Abrowse%2Ftitle%2FA%2Ftitle%2F112%2F1970%2F05%2F13%2Fpage%2F5344225%2Farticle%2F46187312>.

Ley, Sussan and Matt Kean, ‘Joint Media Release: Concept designs mark meeting of two cultures’, Australian Government, 11 October 2019 <https://minister.environment.gov.au/ley/news/2019/concept-designs-mark-meeting-two-cultures>.

Ley, Sussan, Paul Fletcher and Matt Kean, ‘Joint media release: Sculptures to commemorate the meeting of two cultures at Kamay Botany Bay’, Australian Government, 14 February 2020 <https://minister.awe.gov.au/ley/media-releases/sculptures-commemorate-meeting-two-cultures-kamay-botany-bay>.

Liberal Party, ‘The Government is taking action to protect Australia Day from activists. Click here to show your support for our national day’, Twitter, 21 January 2019, 0851 <https://twitter.com/LiberalAus/status/1087256359844728832>.

Malkin, Bonnie (ed), ‘Home of Captain Cook defaced in Australia Day protest’ *The Telegraph* (London, 25 January 2014) www.telegraph.co.uk/news/worldnews/australiaandthepacific/australia/10596640/Home-of-Captain-Cook-defaced-in-Australia-Day-protest.html.

Mizoguchi, Koji and Claire Smith, *Global Social Archaeologies: Making a Difference in a World of Strangers* (Routledge 2019).

Morrison, Scott, ‘Media release: Australia marks 250th anniversary of Endeavour’s historic voyage’, Prime Minister of Australia, 29 April 2020 www.pm.gov.au/media/australia-marks-250th-anniversary-endeavours-historic-voyage.

Murphy, Katharine, ‘Changing colonial statues is Stalinist, says Malcolm Turnbull’ *The Guardian* (London, 25 August 2017) www.theguardian.com/australia-news/2017/aug/25/changing-colonial-statues-is-stalinist-says-malcolm-turnbull.

Murray Trembath, 'Malcolm Turnbull at Kurnell for announcement of \$50M upgrade for 250th anniversary of Cook landing', (St George & Sutherland Shire Leader 28 April 2018) accessed 27 November 2020.

National Aborigines and Islander Day Observance Committee Perth, *Survival* Perth 2012.

National Apology Foundation, 'Bruce Baird AM', 2020 www.nationalapology.org.au/the-board/bruce-baird-am.

Neeson Murcutt Architects Pty Ltd, 'Kamay Botany Bay National Park, Kurnell, Master Plan', NSW Department of Planning, Industry and Environment, 25 February 2019 www.environment.nsw.gov.au/research-and-publications/publications-search/kamay-botany-bay-national-park-kurnell-master-plan.

Nicholson, Rowan, 'Yes, this continent was invaded in 1788 – an international law expert explains' (The Conversation, 26 January 2020) <https://theconversation.com/yes-this-continent-was-invaded-in-1788-an-international-law-expert-explains-130462>.

NSW Government, NSW Graffiti Control Act 2008, last updated 24 September 2018 www.legislation.nsw.gov.au/#/view/act/2008/100.

NSW Office of Environment and Heritage, 'Kamay Botany Bay National Park DRAFT Planning Considerations', NSW Department of Planning, Industry and Environment, 27 April 2018 www.environment.nsw.gov.au/research-and-publications/publications-search/kamay-botany-bay-national-park-draft-planning-considerations.

NSW Office of Environment and Heritage, State Heritage List, 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve', listed 29 November 2013, NSW Department of Planning, Industry and Environment, last updated 29 July 2013 www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5061543.

Nugent, Maria, *Botany Bay: Where Histories Meet* (Allen and Unwin 2005).

Nugent, Maria, *Captain Cook was Here* (Cambridge University Press 2009).

Nugent, Maria and Gaye Sculthorpe, 'Early Indigenous accounts of Captain Cook paint a different picture to history' (ABC News, 26 April 2020) www.abc.net.au/news/2020-04-26/indigenous-oral-accounts-of-captain-cooks-arrival/12183584.

Office for the Arts, '250th anniversary of Captain Cook's voyage to Australia', Department of Infrastructure, Transport, Regional Development and Communications, no date www.arts.gov.au/what-we-do/cultural-heritage/250th-anniversary-captain-cooks-voyage-australia.

Page, Alison and Nik Lachajczak, 'Kamay Botany Bay Proposal B – Eyes of the Land and Water', NSW Department of Planning, Industry and Environment, 4 October 2019 www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Community-engagement/kamay-botany-bay-proposal-b-alison-page-nik-lachajczak.pdf.

Pearson, Luke, '26 January ultimate day for toxic patriotism, is the perfect event to call for change' *The Guardian* (London, 26 January 2020) www.theguardian.com/commentisfree/2020/jan/25/26-january-the-ultimate-day-for-toxic-patriotism-is-the-perfect-event-to-call-for-change.

Pembroke, Michael, *Arthur Phillip: Sailor, Mercenary, Governor, Spy* (Hardie Grant Books 2013).

NSW Government Office of Environment and Heritage, 'Statue of Captain James Cook RN', NSW Department of Planning, Industry and Environment, last updated 11 May 2000 www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=13523.

Ryan, Lyndall, 'Noted works: The Black War' (The Conversation, 6 August 2014) <https://theconversation.com/noted-works-the-black-war-29344>.

Sas, Nick, 'Botany Bay site's \$50m redevelopment, including James Cook statue, set to transform historic site' (ABC News, 29 April 2018) www.abc.net.au/news/2018-04-28/prime-minister-reveals-revamped-memorial-for-port-botany/9707338.

Simper, Errol, 'A fight to the last drop of oil over Botany Bay redevelopment' *The Canberra Times*, (Canberra, 16 January 1976) <https://trove.nla.gov.au/newspaper/article/110797315?searchTerm=Botany%20Bay%20National%20Park&searchLimits=l-decade=1976&year=1976>.

State of NSW and Office of Environment and Heritage, 'Summary of community and stakeholder engagement: Kamay Botany Bay National Park', NSW Department of Planning, Industry and Environment, Office of Environment and Heritage, April 2018 www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-management-other/kamay-botany-bay-summary-community-stakeholder-engagement-180226.pdf.

'Sculptures to Commemorate the Meeting of Two Cultures at Kamay Botany Bay: Kamay 2020 Project – The 250th Anniversary' (Pittwater Online News, 23–29 February 2020), issue 439 www.pittwateronlinenews.com/Sculptures-for-2-cultures-at-Kamay-Botany-Bay2020.php.

Sutherland Shire Environment Centre, 'The Meeting of Two Cultures 2020: Historical Significance', www.sutherlandshire.nsw.gov.au/Community/The-Meeting-of-Two-Cultures-2020/Historical-Significance/Historical-Significance.

Tatz, Colin, 'Research Discussion Paper: Genocide in Australia' (1999) 8 Australian Institute of Aboriginal and Torres Strait Islander *Studies* <https://aiatsis.gov.au/publication/35772>.

Taylor, Tony, 'Australia's "history wars" reignite' (The Conversation, 31 March 2016) <https://theconversation.com/australias-history-wars-reignite-57065>.

Think OTS, 'Kamay Bay 2020 Collaborative Installation: Submission by Think OTS', NSW Department of Planning, Industry and Environment, 4 October 2019 www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Community-engagement/kamay-botany-bay-proposal-a-think-ots.pdf.

Thomas, Nicholas, *Cook: The Extraordinary Voyages of Captain James Cook* (Walker 2004).

Trembath, Murray, 'Comment invited on sculptural installations telling story of meeting of two cultures at Kurnell' (The Leader, 18 October 2019) www.theleader.com.au/story/6441573/designs-shortlisted-for-250th-commemoration.

Turnbull, Malcolm, 'Doorstop, Kurnell Visitor Centre', Transcripts from the Prime Minister of Australia, 28 April 2018 <https://pmtranscripts.pmc.gov.au/release/transcript-41598>.

Turnbull, Malcolm, 'The vandalism of the statues of James Cook and Lachlan Macquarie', Facebook post, 26 August 2017 www.facebook.com/malcolmtturnbull/posts/the-vandalism-of-the-statues-of-james-cook-and-lachlan-macquarie-is-a-cowardly-c/10155761463461579.

Turnbull, Malcolm, Gabrielle Upton and Mark Speakman, 'Cook's landing site to be recognised for 250th anniversary', Australian Government, The Treasury, 28 April 2018 <https://ministers.treasury.gov.au/ministers/scott-morrison-2015/media-releases/cooks-landing-site-be-recognised-250th-anniversary>.

Ward, Russel, *The Australian Legend* (Oxford University Press 1958).

Endnotes

- 1 Malcolm Turnbull, 'Doorstop, Kurnell Visitor Centre', Transcripts from the Prime Minister of Australia, 28 April 2018 <https://pmtranscripts.pmc.gov.au/release/transcript-41598> accessed 28 August 2020. All dollar amounts cited are in Australian dollars.
- 2 Colin Tatz, 'Research Discussion Paper: Genocide in Australia' (1999) 8 Australian Institute of Aboriginal and Torres Strait Islander Studies <https://aiatsis.gov.au/publication/35772> accessed 28 August 2020.
- 3 Stan Grant, 'Stan Grant: It is a "Damaging Myth" that Captain Cook Discovered Australia' (ABC News, 23 August 2017) www.abc.net.au/news/2017-08-23/stan-grant-damaging-myth-captain-cook-discovered-australia/8833536 accessed 28 August 2020.
- 4 Christopher Knas, "'No Pride in Genocide": Vandals Deface Captain Cook Statue in Sydney's Hyde Park', *The Guardian* (London, 26 August 2017) www.theguardian.com/australia-news/2017/aug/26/captain-cook-statue-and-two-others-in-sydneys-hyde-park-attacked-by-vandals accessed 28 August 2020.
- 5 Bonnie Malkin (ed), 'Home of Captain Cook Defaced in Australia Day Protest' *The Telegraph* (London, 25 January 2014) www.telegraph.co.uk/news/worldnews/australiaandthepacific/australia/10596640/Home-of-Captain-Cook-defaced-in-Australia-Day-protest.html accessed 28 August 2020.
- 6 Sutherland Shire Environment Centre, 'The Meeting of Two Cultures 2020: Historical Significance', www.sutherlandshire.nsw.gov.au/Community/The-Meeting-of-Two-Cultures-2020/Historical-Significance/Historical-Significance.
- 7 Murray Trembath, 'Malcolm Turnbull at Kurnell for announcement of \$50M upgrade for 250th anniversary of Cook landing', (St George & Sutherland Shire Leader 28 April 2018) accessed 27 November 2020.
- 8 State of NSW and Office of Environment and Heritage, 'Summary of community and stakeholder engagement, Kamay Botany Bay National Park', NSW Department of Planning, Industry and Environment, Office of Environment and Heritage, April 2018 www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-management-other/kamay-botany-bay-summary-community-stakeholder-engagement-180226.pdf accessed 28 August 2020.
- 9 Murray Trembath, 'Comment Invited on Sculptural Installations Telling Story of Meeting of Two Cultures at Kurnell' (St George & Sutherland Shire Leader, 18 October 2019) www.theleader.com.au/story/6441573/designs-shortlisted-for-250th-commemoration accessed 28 August 2020.
- 10 For more on the history of Captain James Cook see Maria Nugent, *Botany Bay: Where Histories Meet* (Allen and Unwin 2005); Maria Nugent, *Captain Cook was Here* (Cambridge University Press 2009); and Chris Healy, *From the Ruins of Colonialism: History as Social Memory* (Cambridge University Press 1997).
- 11 Tracy Ireland, 'How Captain Cook Became a Contested National Symbol' (The Conversation, 11 May 2018) <https://theconversation.com/how-captain-cook-became-a-contested-national-symbol-96344> accessed 28 August 2020.
- 12 Paul Irish, *Hidden in Plain Sight: The Aboriginal People of Coastal Sydney* (NewSouth 2017), 12.
- 13 Scott Morrison, 'Media release: Australia marks 250th anniversary of Endeavour's historic voyage', Prime Minister of Australia, 29 April 2020 www.pm.gov.au/media/australia-marks-250th-anniversary-endeavours-historic-voyage accessed 28 August 2020.
- 14 For more on the history of Phillip's legacy in Australia see Michael Pembroke, *Arthur Phillip: Sailor, Mercenary, Governor, Spy* (Hardie Grant Books 2013).
- 15 Russel Ward, *The Australian Legend* (Oxford University Press 1958).
- 16 Healy, see n 10 above.
- 17 *Ibid.*
- 18 Koji Mizoguchi and Claire Smith, *Global Social Archaeologies: Making a Difference in a World of Strangers* (Routledge 2019).
- 19 Tracy Ireland, 'Cooking the Books: Contested Colonial Commemorations in Australia' (2018) 1(2) *International Public History* <https://doi.org/10.1515/iph-2018-0021> accessed 28 August 2020; Rowan Nicholson, 'Yes This Continent Was Invaded in 1788 – An International Law Expert Explains' (The Conversation, 26 January 2020) <https://theconversation.com/yes-this-continent-was-invaded-in-1788-an-international-law-expert-explains-130462> accessed 28 August 2020.

- 20 Neville Butlin, *Our Original Aggression: Aboriginal Populations of Southeastern Australia 1788–1850* (George Allen & Unwin 1983), 17.
- 21 Maria Nugent and Gaye Sculthorpe, 'Early Indigenous Accounts of Captain Cook Paint a Different Picture to History' (ABC News, 29 April 2020) www.abc.net.au/news/2020-04-26/indigenous-oral-accounts-of-captain-cooks-arrival/12183584 accessed 28 August 2020.
- 22 Amnesty International, 'Change the Date', last updated 16 January 2018 www.amnesty.org.au/change-the-date accessed 28 August 2020.
- 23 National Aborigines and Islander Day Observance Committee Perth. Survival Perth 2012.
- 24 Melinda Hinkson and Alanna Harris, *Aboriginal Sydney. A Guide to Important Places of the Past and Present* (Aboriginal Studies Press 2010).
- 25 See n 10 above: *From the Ruins*; and Stephen Gapps, 'Performing the Past: A Cultural History of Re-Enactments', Unpublished PhD thesis, University of Technology Sydney, 2002 <http://hdl.handle.net/10453/20121> accessed 28 August 2020.
- 26 Stephen Gapps, 'Commemoration and Contestation at Kurnell', Australian National Maritime Museum, 11 May 2015 www.sea.museum/2015/05/11/commemoration-and-contestation-at-kurnell accessed 28 August 2020.
- 27 Kate Darien-Smith, 'Australia Day, Invasion Day, Survival Day: A Long History of Celebration and Contestation' (The Conversation, 26 January 2018) <https://theconversation.com/australia-day-invasion-day-survival-day-a-long-history-of-celebration-and-contestation-70278> accessed 28 August 2020.
- 28 Neeson Murcutt Architects Pty Ltd, 'Kamay Botany Bay National Park, Kurnell, Master Plan,' NSW Department of Planning, Industry and Environment, 25 February 2019, 2 www.environment.nsw.gov.au/research-and-publications/publications-search/kamay-botany-bay-national-park-kurnell-master-plan accessed 28 August 2020.
- 29 Benjamin T Jones, 'Rough Seas Ahead: Why the Government's James Cook Infatuation May Further Divide the Nation' (The Conversation, 23 January 2019) <https://theconversation.com/rough-seas-ahead-why-the-government-s-james-cook-infatuation-may-further-divide-the-nation> accessed 28 August 2020.
- 30 See n 11 above.
- 31 Graham Houghton, 'No New Captain Cook Memorial', Change.org Online Petition, 2018 www.change.org/p/no-new-captain-cook-memorial accessed 10 July 2020.
- 32 *Ibid.*
- 33 Nick Sas, 'Botany Bay Site's \$50m Redevelopment, Including James Cook Statue, Set to Transform Historic Site' (ABC News, 29 April 2018) www.abc.net.au/news/2018-04-28/prime-minister-reveals-revamped-memorial-for-port-botany/9707338 accessed 28 August 2020.
- 34 Captain Cook Society, 'Welcome to the Captain Cook Society', last updated August 2020 www.captaincooksociety.com accessed 28 August 2020.
- 35 Tilly Graovac, 'Protestors Vandalise Captain Cook State Ahead of Australia Day' (Nine News, 25 January 2018) www.9news.com.au/national/captain-cook-statue-vandalised-at-st-kilda-gardens/ebb9dc6a-ec00-444e-a29a-e37d752c9210 accessed 28 August 2020.
- 36 See n 4 above.
- 37 Christopher Knas, 'Captain Cook Statue: Sydney Refers "Discovery" Claim to Indigenous Board' *The Guardian* (London, 23 August 2017) www.theguardian.com/australia-news/2017/aug/23/sydney-under-pressure-over-captain-cook-statue-claim-he-discovered-australia accessed 28 August 2020.
- 38 See n 4 above.
- 39 See n 27 above.
- 40 See n 22 above.
- 41 *Ibid.*
- 42 See n 27 above.
- 43 *Ibid.*
- 44 Luke Pearson, 'The Ultimate Day for Toxic Patriotism, is the Perfect Event to Call for Change' *The Guardian* (London, 26 January 2020) www.theguardian.com/commentisfree/2020/jan/25/26-january-the-ultimate-day-for-toxic-patriotism-is-the-perfect-event-to-call-for-change accessed 28 August 2020.

- 45 Liberal Party, 'The Government is taking action to protect Australia Day from activists. Click here to show your support for our national day', Twitter, 21 January 2019, 0851 <https://twitter.com/LiberalAus/status/1087256359844728832> accessed 28 August 2020.
- 46 See n 29 above.
- 47 Tony Taylor, 'Australia's "History Wars" Reignite' (The Conversation, 21 March 2016) <https://theconversation.com/australias-history-wars-reignite-57065> accessed 28 August 2020.
- 48 Lyndall Ryan, 'Noted Works: The Black Wars' (The Conversation, 6 August 2014) <https://theconversation.com/noted-works-the-black-war-29344> accessed 28 August 2020.
- 49 '250th Anniversary of Captain Cook's Voyage to Australia' (James Cook 250, 21 August 2019) <http://jamescook250.org/250th-anniversary-of-captain-cooks-voyage-to-australia> accessed 28 August 2020.
- 50 Office for the Arts, '250th Anniversary of Captain Cook's Voyage to Australia', Department of Infrastructure, Transport, Regional Development and Communications, nd www.arts.gov.au/what-we-do/cultural-heritage/250th-anniversary-captain-cooks-voyage-australia accessed 28 August 2020.
- 51 Kamay 2020 Project Team, 'Kamay Botany Bay National Park: Commemorative Installation', NSW Department of Planning, Industry and Environment, last updated 31 March 2020 www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/community-engagement/kamay-botany-bay-national-park-public-consultation/kamay-botany-bay-national-park-consultation-commemorative-installation#:~:text=The%20Kamay%202020%20Project%20is,Kamay%20Botany%20Bay%20National%20Park accessed 28 August 2020.
- 52 'Sculptures to Commemorate the Meeting of Two Cultures at Kamay Botany Bay: Kamay 2020 Project' (Pittwater Online News, 23–29 February 2020), issue 439 www.pittwateronlinenews.com/Sculptures-for-2-cultures-at-Kamay-Botany-Bay2020.php accessed 28 August 2020.
- 53 Think OTS, 'Kamay Bay 2020 Collaborative Installation: Submission by Think OTS', NSW Department of Planning, Industry and Environment, 4 October 2019 www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Community-engagement/kamay-botany-bay-proposal-a-think-ots.pdf accessed 28 August 2020.
- 54 Alison Page and Nik Lachajczak, 'Kamay Botany Bay Proposal B – Eyes of the Land and Water', NSW Department of Planning, Industry and Environment, 4 October 2019 www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Community-engagement/kamay-botany-bay-proposal-b-alison-page-nik-lachajczak.pdf accessed 28 August 2020.
- 55 The Hon Sussan Ley MP and The Hon Matt Kean MP, 'Joint Media Release: Concept designs mark meeting of two cultures', Australian Government, 11 October 2019 <https://minister.environment.gov.au/ley/news/2019/concept-designs-mark-meeting-two-cultures> accessed 28 August 2020.
- 56 National Apology Foundation, 'Bruce Baird AM', 2020 www.nafia.org.au/the-board/bruce-baird-am accessed 28 August 2020.
- 57 Anita Heiss, 'Significant Aboriginal Events in Sydney' Barani: Sydney's Aboriginal History, nd www.sydneymarani.com.au/sites/significant-aboriginal-events-in-sydney accessed 28 August 2020.
- 58 'The Landing at Botany Bay' (The Australian Women's Weekly, 13 May 1970) p 2 <https://trove.nla.gov.au/newspaper/article/46187312?browse=ndp%3Abrowse%2Ftitle%2FA%2Ftitle%2F112%2F1970%2F05%2F13%2Fpage%2F5344225%2Farticle%2F46187312> accessed 28 August 2020.
- 59 Healy, see n 10 above, 25.
- 60 Healy, see n 10 above, 37.
- 61 NSW Office of Environment and Heritage, State Heritage List, 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve', Listed 29/11/2013, NSW Department of Planning, Industry and Environment, last updated 29 July 2013 www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5061543 accessed 28 August 2020.
- 62 Julian Kensy, 'La Perouse' (The Dictionary of Sydney, 2008) https://dictionaryofsydney.org/entry/la_perouse accessed 28 August 2020.
- 63 Errol Simper, 'A Fight to the Last Drop of Oil Over Botany Bay Redevelopment' *The Canberra Times* (Canberra, 16 January 1976) <https://trove.nla.gov.au/newspaper/article/110797315?searchTerm=Botany%20Bay%20National%20Park&searchLimits=l-decade=1971lll-year=1976> accessed 28 August 2020.
- 64 *Ibid.*

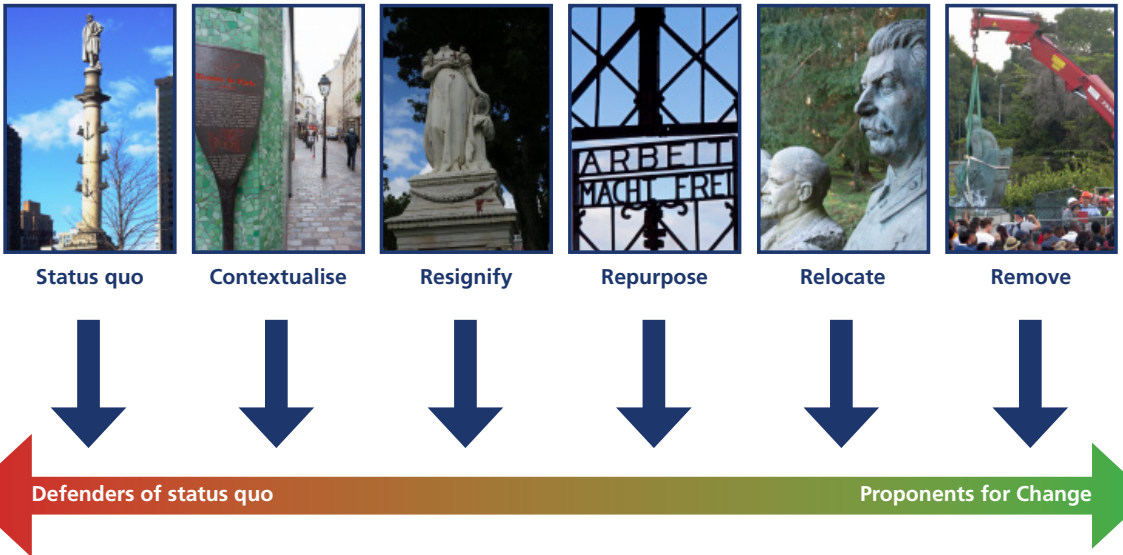
- 65 NSW Office of Environment and Heritage, 'Kamay Botany Bay National Park DRAFT Planning Considerations', NSW Department of Planning, Industry and Environment, 27 April 2018 www.environment.nsw.gov.au/research-and-publications/publications-search/kamay-botany-bay-national-park-draft-planning-considerations accessed 28 August 2020.
- 66 Australian National Heritage List, 'National Heritage Places – Kurnell Peninsula', Department of Agriculture, Water and the Environment, inscribed 28 February 2005 www.environment.gov.au/heritage/places/national/kurnell accessed 28 August 2020.
- 67 Australian National Heritage List, 'Kamay Botany Bay: botanical collection sites', Department of Agriculture, Water and the Environment, inscribed 10 September 2017 www.environment.gov.au/heritage/places/national/kamay-botany-bay accessed 28 August 2020.
- 68 See n 61 above.
- 69 Australian Heritage Council, *The Protection of Australia's Commemorative Places and Monuments Report: Prepared for the Minister for Environment and Energy, The Hon. Josh Frydenberg MP*, Department of Agriculture, Water and the Environment, March 2018 www.environment.gov.au/heritage/organisations/australian-heritage-council/publications/commemorative-places-monuments accessed 28 August 2020.
- 70 *Ibid.*, 7.
- 71 Eg, the 1874 statue of Cook in the Sydney suburb of Randwick is listed on the Local Environmental Plan, while the St Kilda, Victoria, and Hyde Park, Sydney, Cook statues (that were vandalised) are protected by both local and state legislation. See n 61 above, 12–14.
- 72 For perspectives on changing social attitudes to graffiti and social heritage in Australia, see Ursula Frederick and Sue O'Connor, 'Wandjina, Graffiti and Heritage: The Power and Politics of Enduring Imagery' (2009) 15(2) *Humanities Research* 153 <http://dx.doi.org/10.22459/HR.XV.02.2009.10> accessed 28 August 2020.
- 73 Australian Council on Federal Financial Relations, *Project Agreement for the Kamay 250th Anniversary Project*, 24 May 2018 www.federalfinancialrelations.gov.au/content/npa/environment/project-agreement/Kamay_250th_Anniversary_Project.pdf accessed 28 August 2020.
- 74 Malcolm Turnbull, 'The vandalism of the statues of James Cook and Lachlan Macquarie', Facebook post, 26 August 2017 www.facebook.com/malcolmturnbull/posts/the-vandalism-of-the-statues-of-james-cook-and-lachlan-macquarie-is-a-cowardly-c/10155761463461579 accessed 28 August 2020.
- 75 The Hon Malcolm Turnbull MP, The Hon Gabrielle Upton MP and The Hon Mark Speakman MP, 'Cook's landing site to be recognised for 250th anniversary', Australian Government, The Treasury, 28 April 2018 <https://ministers.treasury.gov.au/ministers/scott-morrison-2015/media-releases/cooks-landing-site-be-recognised-250th-anniversary> accessed 28 August 2020.
- 76 See n 28 above.
- 77 See n 3 above.
- 78 See n 28 above.
- 79 See n 33 above.
- 80 Rachel Eddy, 'Traditional Owners Back \$50m Redevelopment of Captain Cook Landing Site With Statue' *The New Daily* (Melbourne, 29 April 2017) <https://thenewdaily.com.au/news/state/nsw/2018/04/29/captain-cook-kurnell-statue-botany-bay> accessed 28 August 2020.
- 81 Joint media release by Federal Minister for the Environment, Sussan Ley and the NSW Minister for Energy and Environment, Matt Kean, 11 October 2019. Concept design marks meeting of two cultures. <https://minister.environment.gov.au/ley/news/2019/concept-designs-mark-meeting-two-cultures> accessed 28 August 2020.
- 82 Bruce Howell quoted in Paul Daley, 'Flawless Hero or Bogey Man? Captain Cook Still Divides Along Black and White Lines' *The Guardian* (London, 15 December 2016) https://theguardian.com/flawless-hero-or-bogey-man?_cap=Captain-Cook-still-divides-along-black-and-white-lines accessed 28 August 2020.
- 83 *Ibid.*
- 84 Department of Health, 'Coronavirus (COVID-19) at a glance – 29 April 2020', Australian Government, 29 April 2020 www.health.gov.au/resources/publications/coronavirus-covid-19-at-a-glance-29-april-2020 accessed 28 August 2020.

- 85 'Australia Marks Cook Anniversary Under Lockdown' (BBC, 29 April 2020) www.bbc.com/news/world-australia-52461427 accessed 28 August 2020.
- 86 See n 13 above.
- 87 See n 85 above.
- 88 The Hon Sussan Ley MP, The Hon Paul Fletcher MP and The Hon Matt Kean MP, 'Joint media release: Sculptures to commemorate the meeting of two cultures at Kamay Botany Bay', Australian Government, 14 February 2020 <https://minister.awe.gov.au/ley/media-releases/sculptures-commemorate-meeting-two-cultures-kamay-botany-bay> accessed 28 August 2020.

Conclusion: Principles, Processes, Best Practices

Contested histories in public spaces

Range of remedies



The most notable thing about public monuments, Austrian philosopher Robert Musil once observed, is that they go mostly unnoticed. ‘There is nothing in the world more invisible than a monument,’ he wrote. As author of the 1,000-page novel, *The Man Without Qualities*, Musil was something of an early 20th century authority on the overlooked and unnoticed of our world, and that included statues. ‘They are without a doubt erected to be seen, to attract attention,’ he noted, ‘but at the same time they are impervious to public attention.’¹ Many statues and monuments indeed go unnoticed in the crush of daily life, at busy intersections, on street corners, on building façades, immersed in what Musil called ‘a sea of oblivion’, but not all.

Some statues serve as a focal point in a community or stand as reference points for national or local identity. They impose a collective narrative on public spaces. As societies evolve, the perceptions of these representations of collective identity evolve with them. While statues, monuments, street names and other historic legacies in public spaces may go uncontested for decades, even generations, they can become objects symbolising alienation or marginalisation. As indicated in the case studies, political transitions, conflicts over identity politics, shifting demographics, emerging awareness of historic injustices and the empowerment of previously disenfranchised communities invariably draw statues from the ‘sea of oblivion’ and thrust them into the hot centre of public controversy. The scripting and rescripting of commemorative landscapes are as ongoing as they are inevitable. It is therefore important for decision-makers to anticipate, mitigate and, ideally, resolve disputes before they escalate into situations of public disorder and violence, as we have seen in several of the case studies in this volume.

The cases have provided us with ‘lessons learned’, which have helped to establish a framework for a decision-making process grounded in a specific set of principles, recommended action steps and potential remedies.

Lessons learned

As is clear from the examples studied, each contestation will present its own unique set of circumstances, dynamics and actors, but there are several general observations common to most if not all contested historical legacies in public spaces.

Root causes

Most contestations are symptoms of deeper issues within a community or society, and are frequently expressions of alienation or injustice by marginalised or underserved communities. This was evidenced dramatically in the case of the Cecil Rhodes statue in Cape Town, as well as the Edward Colston statue in Bristol. Removing the contested object without addressing the root causes will rarely provide a long-term solution and, in fact, can be seen as a cosmetic gesture or political ploy, as in the case of the Langevin Block in Ottawa. It is important to engage with marginalised or aggrieved communities in order to identify, understand and address the underlying issues. Root causes are frequently related to identity politics and sensitivities over

marginalisation or discrimination, although they can also relate to shifting societal values, demographic change, significant social or political transitions, or other factors. Responses to disputes over statues and monuments can either help address root causes by acknowledging past injustices, as in the case of the ‘comfort woman’ statue in Seoul, or exacerbate those issues by failure to address the causes sufficiently.

Pre-emptive measures

Understanding root causes allows one to identify potential problems with statues, monuments or street names before they reach crisis point. An evaluation of the risks for disputes over a statue or monument can anticipate potential controversy and allow for early intervention that can avert or mitigate disruptive or destructive contestations. While a diverse range of factors can play a role in bringing an object into controversy, whether partisan politics, staged provocations by individuals or social media campaigns, making it difficult to predict contestations, it is possible to identify obvious liabilities. Early and decisive action could have easily averted dramatic protest actions like those against the Rhodes and Colston statues. The measures taken by the city government in Nantes provide a model for pre-emptive action, as do the proactive steps taken by the provincial and national governments of Australia amid the James Cook controversy.

Leadership

Strong personal leadership is central to any decision-making process when addressing contested historical legacies in public spaces. The best leadership is marked by transparency, a commitment to inclusiveness, sensitivity to aggrieved or marginalised communities and an ability to balance the interests of diverse stakeholder communities. The case studies include a range of leadership styles in the exercise of political power at the national and municipal level. Partisan politics or personal agendas are frequently at play, as demonstrated with the Bronze Soldier in Tallinn, Christopher Columbus monument in Argentina and Robert E Lee statue in Charlottesville. The case of the Rhodes statue in Cape Town is an example of leadership in a crisis situation. The case studies on street names in Nantes and Bordeaux, as well as Botany Bay in Sydney, provide exemplary models for visionary leadership that anticipates and mitigates potential crises, and effectively balances competing or conflicting interests with sensitivity and control.

Principal legacies

Different communities can interpret or perceive an historical figure differently. For statues or memorials honouring historical figures, one of the central points of contestation is the changing perception of the principal legacies or contributions that originally warranted the memorialisation. This change can result from a re-evaluation of the historic contributions, the emergence of previously unknown historical information, or shifting social attitudes or values regarding the achievements. As physical objects, statues are limited in their capacity to convey nuance and multiperspectivity in the presentation of historical legacies. Disputes over a historical figure’s principal legacies can become particularly contentious when a

figure embodies two consequential legacies of conflicting values, as was seen in the case studies with Columbus, Cook, Lee and Langevin.

Location

The location of a disputed object often plays a significant role in how it is perceived. The more prominent the location, the more significant the signalling and the potential for conflict. Statues and monuments impose a collective narrative or interpretation on public spaces that is static. As social values change, or the built space evolves, these objects can project narratives that come into conflict with social perceptions or with collateral spaces and objects, leading to controversy and potential protest. Location also played a key role in the disputes over the statues of Columbus and Lee, the monument to the Bronze Soldier of Tallinn and the statues of ‘comfort women’. In the dispute over the Langevin Block, the ‘prominent location and the use of the building’ took precedence over historical evidence.

Legal issues

Legal issues are at the core of many contestations over a statue or monument. In every case study in this volume, it was apparent that legal frameworks or judicial processes were used to facilitate or complicate the resolution of a contestation, whether it involved local ordinances, state or provincial legislation, national laws or international conventions. In some cases, heritage protection laws can serve the same purpose as memory laws to either block or promote removal. It must also be recognised that the law, in turn, is frequently subjected to shifting political power, as in the cases of the legal protections for the Bronze Soldier monument and the Lee statue. In Nantes and Bordeaux, laws protecting the fundamental legal right to freedom of expression played a role in municipal decisions on street names. In the case of the Louis Faidherbe statue, international recognition and heritage protection conventions promoted the continuation of a colonial-era historical narrative in a post-colonial society. In the case of the Rhodes statue, the university acted despite the legislated constraints. With the Bristol case, Historic England decided to delegate its legal authority over the statue to the municipality. Although there are cases, as with Charlottesville, where the planned relocation of a statue become tangled in the courts, the relationship between legislation and monument protection is at times fluid and flexible, with laws occasionally overlooked, generously interpreted or, in some instances, rewritten to accommodate realities on the ground. It should be noted that in the cases presented in this volume, most of these legal frameworks are western-centric and may not be universally applicable or acceptable.

While there are myriad other issues common to these cases, the preceding ‘lessons learned’ are foundational to good decision-making. The wider range of factors and influences is represented in a strategic triad that combines clearly articulated principles with well-designed processes and effectively implemented remedies.

Strategic triad: principles, processes, remedies

The framing of a clearly articulated set of principles, processes and remedies can help decision-makers to achieve effective and responsible resolutions to the majority of contestations,

whether related to statues, monuments, memorials, street names or other contested objects in public spaces. While each situation will present a unique set of circumstances and dynamics that will require a response tailored to address the specific situation, the application of this strategic triad will help decision-makers to frame responses that are effective and responsible, and equally important, provide a logical framework for justifying the actions taken.

Principles

The following five principles are intended to serve as a foundation to set parameters for deliberations on contested objects and to inform the decision-making process. They should also be embodied in the remedy that is selected to address the contestation.

Democratic values

The decision-making process, as well as the selected remedy, should embody and represent fundamental democratic values. These include respect for human dignity, equal rights, tolerance, and freedom of expression and opinion, while avoiding hate speech and the promotion of divisiveness or intolerance. It is important for remedies to embody and project democratic values since statues and monuments are among the most visible expressions of historical representations in public spaces.

Inclusivity

The decision-making process should include a broad range of stakeholders to assure that the physical representation of historical events and personages in public spaces projects a sense of belonging for as wide a spectrum of the population as possible, avoiding divisive iconography and ideally embodying multiperspectivity.

Historical justice

Disputes over statues and monuments are often expressions of a sense of historical injustice that have been inadequately addressed, disregarded, intentionally obscured or forgotten. In seeking to address contestations, decision-makers should pay particular attention to redressing imbalances in the representation of historical events or personages with the goal of recognising historical injustices.

Transparency

Although certain deliberations may need to be conducted in closed settings, decision-making processes should be as transparent as possible and include mechanisms allowing for the verification of information, public discourse and rationale for the decisions taken. Public engagement through open forums, debates and surveys, as well as social media and online outreach for soliciting opinion, promotes a sense of openness and transparency.

Evidence-based

Representation of historical events or personages should be based on factual historical evidence rather than opinion, myth, legend or rumour. This is particularly important when seeking to present narratives that run counter to an established or traditional interpretation of historical events or persons. The role of archives and primary-source documentation is vital in this regard. This information should be made readily available to the public, including in digitised form.

Processes

Each contestation will require decision-making processes that are adapted to the nature of the dispute, as well as the values of the community or society. The ten case studies presented in this volume provide a range of decision-making processes, at the municipal and national levels, each with its own strengths and weaknesses. The decision-making process for the Bronze Soldier appeared to be designed to provoke divisiveness. The Blue Ribbon Committee in Charlottesville, Virginia, provided an exemplary model for public engagement and feedback, and presented two options for addressing the dispute over the Lee statue. The first option, to remedy through additive measures, was disregarded from the outset, forcing an unnecessary confrontation over removal that resulted in violent protests and the loss of human life. The deliberative processes in Bristol were overtaken by activists and mass protests, as was the process established by the administration at the University of Cape Town.

Observing the processes at universities can be particularly instructive since they are relatively closed structures and provide a microcosm for understanding the larger and more complex systems of municipal or national governments. The decision-making process at the University of Cape Town can be traced on nearly a daily basis in the Rhodes case study over the 30 days of the protests through public statements, memoranda, blogs, social media posts and news articles. For the purpose of this volume, the University of Cape Town case was selected not only because of its iconic nature, but because it sparked a movement calling for monument removal of colonial and other disputed figures in places around the world. At the University of Oxford, the initial response by the university chancellor was that if students were unwilling to live with the presence of the Rhodes statue on the facade of Oriel College, they could transfer to another university.² At the University of Ghana, a ‘Gandhi Must Fall’ movement erupted after students and faculty protested the placement of a statue on campus of the Indian leader, citing racist statements made by Gandhi early in his career.

The decision-making process at Yale University began with a decisive proclamation by the university president, who provided a series of arguments in spring 2016 as to why the university would not change the name of a residential college at the university, which honoured an anti-abolitionist, only to reverse his arguments early the following year. The president then tasked a committee to present recommendations, a process that is often undertaken by municipalities as well as universities.

Florida State University provides an example of the additional complications that can enter into play with a publicly funded institution, and illustrates the power that legislative bodies have in the decision-making process. Following the dramatic events over the Lee statue in Charlottesville, the university president convened a 15-member committee of faculty, student and staff ‘to examine and make recommendations on current university policies concerning campus names and markers’. The committee hosted five public forums, as well as additional consultative meetings, and eventually recommended renaming BK Roberts Hall, the main building of Florida State University’s Law School, named after a Florida state Supreme Court justice who steadfastly resisted racial integration in the state. It was a bold move in a politically conservative state. While the president took the decision to accept the committee recommendation, the name change required the repeal of a 1973 state law that had inducted the name into the university building. In spring 2019, the Florida House of Representatives repealed the law, but procedural complications required a delayed vote by the Florida Senate. The legislation was repealed by the Florida Senate in January 2020, opening the way for the renaming.

While every contestation will require a process adapted to its particular need and dynamics, the ten cases in this volume, along with additional cases taken from the IHJR global survey, permit the identification of a series of fundamental questions that should be asked as part of any decision-making process. These questions include:

1. What is the scale of the contestation? Is it local, national or transnational?
2. Who are the stakeholders? Is it possible to assess how large an impact the contestation has on different groups within the society? Should aggrieved communities have a stronger voice to help redress imbalances? Are there other stakeholders beyond the immediate community?
3. What was the historical significance at the time the object/site was introduced? Has the interpretation of that historical significance changed over time?
4. Has this contestation been developing for a longer time or was it triggered by a recent event or development?
5. What are the underlying societal issues behind the controversy: historical injustices, systemic discrimination, inequality and so on?
6. What is the relationship between the principal legacies of the contested representation and the normative societal values of the community? Does the object reflect the values of the community today?
7. How do the object and its iconography ‘interact’ with the collateral space, especially monuments or other structures that were subsequently added?
8. Who initiated the contestation? Did that person or group represent a larger group within the society? What is its objective?

9. What are the underlying social dynamics that prompted this actor/these actors to protest the object?

10. Does the object have any significant artistic or unique historical value?

In each instance, understanding who the stakeholders are and what interests they represent is a vital component before taking further action. Where action is needed to make a decision related to the removal of a monument, memorial or marker, or the renaming of a street or public building, the following steps are recommended:

1. Communicate publicly that steps are being taken to address a controversy in order to ensure that stakeholders understand that their concerns are being taken seriously.
2. Seek the inclusivity of key stakeholders, especially those whose voices have not previously been heeded or heard; ensure that advisory/expert committees include diverse voices and perspectives, as well as ethnic and gender balance. In communities where previous official commissions or committees have worked on the same or similar controversies, evaluate the work that was previously undertaken in order not to 'reinvent the wheel'.
3. Ensure investigations into the history surrounding each contestation are inclusive and evidence-based, taking into account the relevant societal, cultural and historical contexts.
4. Consult independent and respected experts to determine the historical significance of the representation, as well as its significance in other fields (artistic, architectural, cultural, etc).
5. Investigate comparative experiences from other contexts or societies where processes and remedies can provide insight into proactive approaches.
6. Seek a balance between addressing contestation and protecting what has significant artistic, architectural, cultural or historical value. In cases where an object has significant value but stands in opposition to the mores and values in contemporary society, efforts should be taken to indicate how and why the object is objectionable and consider remedies that promote its use as an educational tool.
7. Understand the relevant laws concerning the object's legal status, any contractual protections/factors to which a contested object may be subject, and other legal dimensions.
8. Evaluate the potential impact (both positive and negative) through a thorough examination of options with stakeholders.
9. Whenever possible, avoid erasure and consider additive processes, such as placarding, counter representations or relocation, as a way to offer learning opportunities about historical contestations, and promote debate and discourse.
10. Support education initiatives that address contested histories, helping students to recognise the multiplicity of historical narratives.
11. Suggest actions that might address underlying issues. Understand that contestations over historical legacies are generally indicative of deeper societal tensions, for example, political, economic or social injustices, that need to be recognised and addressed in pragmatic ways.

Remedies

There is a limited range of potential remedial interventions to address the myriad forms of contestation. These interventions can be divided into two distinct groups: (1) additive measures that provide remedy in situ; and (2) relocation, removal or erasure/destruction. In general, additive remedies are preferred. The following list of nine potential remedies draws on the case studies in this volume, as well as from the IHJR global survey of circa 180 case studies. They are intended to illustrate the use of remedies and provide examples for deeper exploration.

Status quo

Retain the status quo. As observed by the Yale committee on renaming, there should be serious deliberation before taking action for alteration or erasure. The Yale committee spoke of a 'presumption of continuity'. This principle should apply equally to monuments, statues, street names and other historical legacies in public spaces. Whether or not the status quo should be maintained can depend on the social and political circumstances, as well as other factors, such as the nature and location of the object. So far the Columbus statue, on Columbus Circle in midtown Manhattan, has remained in place, despite repeated protests, as has the statue of Jean-Baptist Colbert, author of the infamous Code Noir, legalising slavery in French colonies, in front of the National Assembly in Paris. The President of France has stated explicitly that no statue will be 'unbolted'. A statue of Queen Victoria in Hong Kong remains in Victoria Park, but in Malta there are calls to move a similar statue of her from the capital in Valletta to Gozo, one of the islands in the Maltese archipelago.

In certain situations there may be reasons for retaining the status quo regardless of protests or public opinion. The Faidherbe statue was restored to its place in Saint-Louis, Senegal, in part, to retain the city's status under UNESCO World Heritage protection, and the requisite funding that contributed to safeguarding its cultural heritage. Similarly, the Marine Soldiers Monument in Namibia, commemorating German colonialists, was left in place for economic reasons since it served as an attraction for German tourism, despite protests over the massive human rights violations German colonialists perpetrated on the Herrero and Nana peoples in the early 20th century.

Contextualisation

Contextualisation is the most immediate and least complex remedy for providing context or a multiperspective narrative to a contested monument. Placarding is the most common form of contextualisation and the least intrusive. The text on a placard can be used to balance a narrative, provide context, clarify problematic iconography or present newly discovered historical facts. Narrative text contained on a plaque should be evidence-based, balanced and sensitive to nuance and language. Placards were used in Nantes and Bordeaux to provide contrasting narratives of the cities' prosperity and complicity that resulted from the trade of enslaved persons. In The Hague, a plaque and exhibition was placed in the Mauritshuis,

recognising the role of the colonialist Johann Maurits in the exploitation of enslaved people in Brazil which contributed to the fortune enabling him to construct the building that now houses the museum.

A commemorative stone in a Berlin cemetery, recalling the ‘heroic deaths’ of the German soldiers who died in the German colonial war in Namibia, has been balanced with a plaque that reads, in German, ‘In memory of the victims of German colonial rule in Namibia 1884–1915, especially the colonial war from 1904–1907.’ The text for a new plaque for the Colston statue in Bristol was cast in bronze, with a balanced narrative, but was delayed because of objections by the mayor. The Colston statue was toppled before the plaque could be installed.

Resignification

The process of resignification involves redefining the contested object through measures that transform its signalling to the public. The most common of resignification is the renaming of a street, square or other public space. The renaming of streets and buildings can be an effective means for resolving a contested historical legacy and providing recognition and redress for historic injustices. The renaming of the Langevin Block in Ottawa provides an instructive example, as do Calhoun College at Yale University and BK Roberts Hall at Florida State University. The case study on street names in Nantes and Bordeaux highlights the social, political and legal complexities that can accompany changing street names, but also the possibilities for contextualisation, acknowledgement and community engagement.

Renaming can also be used to redress imbalances in the representation of marginalised or underrepresented communities, to provide gender balance, or to rescript outdated or offensive historical legacies. Many countries of the former Soviet bloc renamed streets honouring Communist leaders. In Vienna, the city conducted a comprehensive review of 4,400 names of streets, squares and bridges, and identified 159 names of historical figures associated with racism, anti-Semitism and National Socialism. The Dr Karl-Lueger-Ring was renamed Universitätsring, and plaques added to several other streets with problematic names. Placarding can be preferable to renaming since a new name can involve the additional administrative burden on residents for changing driving licences, insurance policies, banking documents, etc.

In 2019, the French Ministry of Defence signed a convention with an association representing some 36,000 mayors of French cities, towns and villages, with the goal of naming new streets and other public spaces after military heroes of the French Army who came from the French colonies to fight in the Second World War. The Ministry published a 210-page book listing names that could be considered for streets, etc. (A plaque with the soldier’s biography would be added.) The objective is to foster a greater understanding of a shared history, promote better relations with former colonies, and promote integration efforts in French communities.³

The Siegestor, or Victory Gate, in Munich, was originally constructed in the 19th century to celebrate military prowess, but rebuilt after the Second World War and left as a partial ruin, with the inscription, ‘Dedicated to victory, destroyed by war, urging peace.’

The resignification transformed the structure from a *Denkmal*, or commemorative monument, to a *Mahnmal*, or warning monument.

A statue of Empress Josephine, the first wife of Napoleon Bonaparte, was resignified in the 1990s. Located on Martinique, the Caribbean island where Josephine was born to a family who owned enslaved persons, the 19th-century marble statue was decapitated and splashed with red paint, representing blood. The head was never restored, resignifying the statue honouring an empress into a monument against colonialism and enslavement.

The cathedral in the Valley of the Fallen outside Madrid contained the tomb of Spanish dictator, Francisco Franco, as well as remains of more than 33,000 soldiers who died in the Spanish Civil War. In October 2019, the dictator's remains were moved to another location in an attempt to resignify the site from a place of 'pilgrimage' for followers of Franco to one commemorating the dead of the Spanish Civil War.

Repurposing

Repurposing involves a transformation of an object or site to an alternative purpose. In Algeria, monuments constructed during French colonial rule were assigned to Algerian artists who transformed them into works of art. In Paraguay, a statue of Alfredo Stroessner, Latin America's longest-serving military dictator, was repurposed as a work of art by crushing it between two massive concrete blocks, but allowing his face to remain recognised. Repurposing involves altering the original use, while resignification involves changing the symbolism, though both remedies are closely related and occasionally interlinked. A Lenin statue in Ukraine was resignified as Darth Vader, a villainous character from the *Star Wars* film series, by the addition of a helmet.

Large sites with problematic historical legacies are frequently repurposed. The notorious prison on Robben Island in South Africa was repurposed as a museum on democracy and the political history of South Africa. Several sites of former Nazi concentration and extermination camps have been transformed into documentation centres as well as memorial sites for commemoration, preservation and education. The Nazi Party rally grounds, outside the city of Nürnberg, were repurposed as a sports venue, concert stadium and an adjacent documentation centre. A sports stadium in Chile, used as a detention centre during the dictatorship of Augusto Pinochet, was repurposed from a torture site back to a sports stadium, but a row of seats was left vacant with a large placard that reads 'A people with memory is a people without a future', reminding spectators in the stadium and TV viewers nationwide of the facility's use under Pinochet.

Counter-monuments

The creation of new statues, monuments or installations can be an especially effective way of recontextualising a contested object or confronting a wall of public silence. The installation at Botany Bay, which provides an alternative narrative of the Cook landing, is a prime example of the use of counter-monuments. A memorial to the 'Trekks' on the Blood River Battlefield in South Africa was balanced with the installation of a counter-memorial to Zulu

warriors on the opposite bank of the Blood River. A bridge of 'reconciliation' connects the two memorial sites. The Statue of Peace was created to counter public silence surrounding the injustices perpetrated against 'comfort women', and placed across from the Japanese Embassy in Seoul. In a similar sense, the *Stolpersteine* (stumbling stones) are counter-monuments to silence and forgetting in the streets of Germany as well as 25 other European countries. The small brass plaques are embedded in pavements outside former residences of Holocaust victims. With more than 70,000 'stumbling stones' across Europe, they collectively represent the largest memorial in the world.

Relocation

Relocation refers to the process of moving the contested object to another site within the commemorative landscape. The case of the Columbus monument in Buenos Aires provides a model example of how a contestation can be resolved through relocation. Not only did the displacement from the centre of government power shift perceptions of Columbus' place in Argentine identity, but the situating of the monument on the coast, facing the sea with its back to the continent, reinforced symbolically Columbus' role as navigator rather than discoverer. The relocation of the Bronze Soldier of Tallinn from the city centre to a military cemetery highlights the particular sensitivities around memorials to the war dead. Plans are being made to place the Colston statue in Bristol Museum and Art Gallery, complete with the paint daubs and graffiti, as an example of the city's anti-Colston movement. Similarly, a statue of Confederate president Jefferson Davis is displayed, with contextualising narratives, in the Centre for American History at the University of Texas at Austin.

Statue parks represent another form of relocation, and provide an effective way to deal with commemorative landscapes that undergo significant rescripting in the wake of revolutions or seismic social or political change. Coronation Park, outside Delhi, was used to accommodate, in an open-air setting, the statues of British monarchs, colonial governors and high administration officials following India's independence from the British Empire on 15 August 1947. In Taiwan, a statue park was created for monuments and statues to Chiang Kai-shek, who ruled there until his death in 1975. A number of statue parks were created in the former Soviet Bloc following the revolutions of 1989 and the subsequent dissolution of the Soviet Union two years later. Examples include the Muzeon Park of Arts outside of Moscow, Memento Park in Budapest, Grūtas Park in Lithuania and the new USSRIC Park in northeastern Ukraine. These statue parks are frequently proposed as models for dealing with Confederate statues in the US. They are effective in preserving historical legacies, especially those of monumental scale, from commemorative landscapes that have been significantly rescripted following dramatic political or social change.

Removal

The process of removal involves withdrawing the contested object from the commemorative landscape and public view, either on a temporary or permanent basis. Temporary removal can be useful, especially if the object has artistic or historical value. In general, removal is

undertaken for one of two reasons. The first is to protect the contested object from damage or to avoid further provocation, as the mayor of Chicago did with the city's two statues of Columbus during the Black Lives Matter protests in spring 2020. The second reason is to allow time for reflection and planning for the potential relocation to a less prominent or more appropriate place within the commemorative landscape.

The permanent removal of a contested object from public view can be necessitated by the reappraisal of an historic figure in light of new information or evolving social values, as in the case of the Rhodes statue at the University of Cape Town, or because of problematic iconography, as in the case of the Roosevelt statue in New York City. Such objects may be kept in permanent storage because of their historic or artistic value.

Destruction

This ultimate remedy should be considered after all other possibilities have been exhausted. In ancient Rome, the Senate could vote the memory of a personage, usually a former emperor, into oblivion in a practice that has come to be known as *damnatio memoriae*, or damnation of memory. The name would be chiselled out of inscriptions, histories would be rewritten, the heads of statues would be replaced, bronze effigies would be melted down and recast, and coins defaced. Even pronouncing the name of the 'damned' would bring a death sentence. The Senate voted Nero into oblivion, though his memory survived in coins and a bust in the Capitoline Museum in Rome, but the practice was so effective that the exact number of acts of *damnatio memoriae* is unknown. Similar impulses for obliteration have been found in the modern age, usually during times of dramatic social or political change, as happened with the American Revolution of 1776, the French Revolution of 1789 and the Russian Revolution of 1917, as well as the 1989 revolutions, and more recently, with Leninopad in Ukraine in 2013, or the destruction of statues during the Black Lives Matter protests in spring 2020.

In the event of destruction, care should be taken to archive the history of the object and the decision-making process indicating the reasons for the action taken.

Times change, people change, statues don't, and that is usually the problem. If there is any single lesson to be learned from these case studies, it is that commemorative landscapes are in a continuous process of being scripted and rescripted. People will be better positioned to make decisions if they understand the evolving nature of society and the need for monuments, statues and street names to reflect changes in communities. Decision-makers at the municipal, state or provincial, and national level should not wait until the point of crisis.

In seeking to apply these principles, processes and remedies, we recommend that decision-makers periodically revisit not just the historical legacies in public spaces themselves, but also policies and legislative norms, and the processes to implement them, in order, ideally, to anticipate changing attitudes in society so that all members of society feel justly represented in their public spaces. If the rule of law is to be respected, shouldn't the rules of law foster a more continuous process of review, and the elimination of unhelpful rules of perpetuity

that would impede such a process? This requires instilling the discipline of review and reconsideration about public monuments and what should occupy public space, where and for how long – which, in turn, begs a host of other questions. At what level (municipal, provincial, state, national, etc) should that review happen? How often? And by whom? The difficulty of answering these questions should not be used as a pretext for leaving them unanswered, or answered to satisfaction only at a time of crisis, when solutions are more limited.

Public space is valuable space, and by definition shared. In an ideal world, the allocation of that space, and the names and representations that adorn it, should project a sense of inclusiveness through historical legacies that reflect the diversity and multiple perspectives of those who share it. It is incumbent on officials responsible for public spaces to help shape a commemorative landscape that is both representative and inclusive.

Endnote

- 1 Robert Musil, *Nachlass zu Lebzeiten* (Rowohlt 1961).
- 2 In July 2020, in response to further protests, Oriol College at Oxford formed a Commission to consider a ‘full range of options’ concerning the Rhodes statue.
- 3 Ministère des Armées, *Mémoire des Hommes*, ‘Combattants africains de la Seconde Guerre mondiale’ www.memoiredeshommes.sga.defense.gouv.fr/fr/article.php?larub=286&titre=combattants-africains-de-la-seconde-guerre-mondiale accessed 28 September 2020.

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Status quo

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