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**Expanding the canon of art:  
developing new definitions in legislation for heritage protection,  
administration and trading in nineteenth-century Rome and Athens**

**CHIARA MANNONI**

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## Abstract

The so-called *Edict Chiaramonti* and *Edict Pacca*, issued in the Papal States in 1802 and 1820 respectively, and the *Gesetz*, issued in Greece in 1834, are the first widely inclusive legislation conceived for the management and the preservation of the artworks in places that had been the most plundered in Europe for centuries. These regulations not only aimed to protect monuments, paintings and antiquities from the risks of damage and deterioration, but also established a legal framework against their illegal exportation and smuggling, intending essentially to administer heritage in its original context of production.

The analysis of these laws, considered against the earlier edicts published on the protection of the arts in Europe between the fifth and the eighteenth centuries, sheds light on the origins of concepts related to the protection of cultural heritage that have become fundamental in contemporary attitudes to the tutelage of the arts. The principal aim of this research is to examine the reciprocal influence of legislation and scholarship, in order to uncover the gradual development of innovative definitions of “arts” and “artwork” through the edicts issued on the safeguarding of the arts, considering in particular the elaboration of the concepts of “minor” and “local” heritage at the beginning of the nineteenth century.

Analysis of the consequences of these edicts will consider how they were administered and the implications of the new concepts and bureaucratic procedures for both the art market and the illegal trafficking of artworks in Rome and Athens. Through the assessment of the exports which were effectively approved by the relevant administrators, this thesis demonstrates the essential attributes of these legal systems and their application: the consequences of loopholes and gaps within legislation itself, the exports consented for diplomatic and political reasons, and the sales of “worthless” objects which were *de facto* excluded from protection, because they were not yet considered to be “artwork” in the nineteenth century.

Investigation of unpublished documents in the archives of Rome and Athens has also provided evidence of aspects related to the establishment of local administration for the fine arts in the provinces of the Papal States, and the first museums and collections in the villages of Greece, following the prescriptions of the relevant laws. This thesis examines the organisational issues related to the institution of these early local bodies in relation to the debates of European scholars on the definition of “context” and “preservation *in situ*”, contending that the gradual broadening of the concept of heritage was profoundly related to

the definition of new instruments for its conservation and management. Discussing the archival data, I argue that the essential awareness of the small communities on the importance of protecting their local heritage played a fundamental role in bringing the “minor arts” and “local artists” to the attention of central administrations, succeeding not only in effecting their final inclusion into the legal systems of safeguarding, but also in widening the definition of “art”, and hence the scope of art history and archaeology.

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## Abbreviations

ASR	Archivio di Stato di Roma (Archive of the State of Rome)
AC	Archivio Capitolino (Capitoline Archive)
ASV	Archivio Segreto Vaticano (Vatican Secret Archive)
ΓΑΚ	Γενικά Αρχεία του Κράτους (General Archive of the State of Athens)
ΥΕΔΕ	Υπουργείο Εκκλησιαστικών και Δημόσιας Εκπαιδεύσεως (Ministry of Ecclesiastical Affairs and Public Instruction)
ΔΔΕΑΜ ΤΠΠΑ	Διεύθυνση Εθνικού Αρχείου Μνημείων – Τμήμα Διαχείρισης Ιστορικού Αρχείου Αρχαιοτήτων και Αναστηλώσεων (National Archive of Monuments in Athens – Management of the Historical Archive of Antiquities and Restoration)

## Notes to the Reader

A number of primary sources and unedited archival documents that were produced between the early modern period and the nineteenth century are quoted throughout this thesis. I have attempted to retain the original capitalisation, spelling, and punctuation in translating them into English. The quotes in the original languages are in the footnotes. Some grammatical adjustments have been made for readability; these additions are inserted in square brackets.

## INTRODUCTION

### What is Art?

When, in 1927, the sculpture *Bird in Space* by Constantin Brancusi was inspected in American custom houses for entering the USA, the officers refused to waive the customs fee on the import of artworks, as prescribed by law, and recorded the piece under the category “Kitchen Utensils and Hospital Supplies”. According to a US regulation of 1913, to qualify as “sculpture” works had to be “carved or shaped in the likeness of natural models” in “all proportions: length, breadth and width”.<sup>1</sup> A further directive of 1922 had enhanced these criteria by stating that “sculptures or statues have to be originals”, must “not have more than two replicas or reproductions”, and should “be the unique product of professional sculptors [...] carved or sculpted, and certainly worked by hand”; in particular, when these works were cast “in bronze, or any other metal or alloy, they must be conceived exclusively as the professional output of the said sculptors”. Despite this clarification, the American legal definition of an artwork was apparently not sufficient to encompass the aesthetic attributes of Brancusi’s work – “it is not art”, stated the officers. *Bird in Space* was thus charged a customs fee of 40% of its economic value, and the resolution of its qualifications to be considered art was finally appealed to the US Court of Law.

Studying restoration of ancient sculpture for years – for a Master thesis on the early refurbishment of the Acropolis of Athens, and for a research fellowship on the restoration of the statues in the Capitoline Museum of Rome – I came to realise that the case of Brancusi’s *Bird in Space* was not an isolated one. Issues about the artistic attributes that an object should have in order to be identified as art arose already in the early modern period, and recurred in various circumstances throughout the history of art. Regarding the restoration of historical works, I had noticed that before the twentieth century not all artefacts were provided with the same level of attention and care during the interventions of conservation. The gradual development of innovative methodologies and approaches to restoration from the sixteenth and, in particular, during the nineteenth century, did not imply that these were necessarily applied to all the typologies of artworks available on the art market or included within a

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<sup>1</sup> For the quotes of the case of Constantin Brancusi discussed in this section, see the extract of the court report of 1927-28: <https://www.bellevuecollege.edu/artshum/materials/art/Tanzi/Summer04/203T/BrancusiCourtCase.htm>. This cause célèbre is widely discussed by art historians; see, for example, Margit Rowell, *Brancusi contre Etats-Unis: un procès historique, 1928*, Paris: Adam Biro, 1995.

collection. Sculpture and painting were considered more significant than the so-called minor arts, but they were themselves assigned different artistic and aesthetic importance according to their style, iconography, and epoch of production. These factors, in broad terms, were at the basis of specific conservation choices, which involved either the full reconstruction of the piece with new parts, some relatively minor interventions, or its preservation in a state of non-restoration, and even, in some cases, its destruction or disposal. To give a few examples, classical statues were in high demand and extensively restored in both Rome and Florence from the sixteenth century; however, in both places, the figures of animals did not receive as much attention as busts, and these, in turn, did not receive the same privileged care as full human figures. In Rome also, murals and frescoes started to be cleaned and retouched towards the end of the seventeenth century, but only for works that were from “eternal” artists, such as Raffaello, Sacchi and the Carraccis; at a later stage movable painting on canvas began to be conserved, first in Venice in the middle of the eighteenth century, mostly because the city environment was so humid. New issues on restoration arose the nineteenth century. When in 1816 Antonio Canova declared that the statues of the papal collections were to be kept unrestored “in their original antiquity”, he implicitly referred to classical sculpture: after viewing the Parthenon’s marbles in London he had realised that the “unmatchable” qualities of classical art should be preserved in their pure, genuine *status quo*. Yet even this was selective: when in 1818 Berthel Thorvaldsen restored the sculptures of the Temple of Aegina by integrating new parts, the academic circles of Rome – Canova included – did not condemn the restoration but acclaimed the work for improving the “rigid” “inexpressive” attributes of these severe-style pieces. In the same way, the first restorations of monuments in Greece in the middle of the nineteenth century were informed by the perception that the ancient classical remains, and to a lesser extent the Medieval and Byzantine examples, were to be preferred to any other typology of architecture; the Venetian and Frankish monuments – not to mention the Ottoman ones – were thus demolished without any regret.

It was clear that the artistic and aesthetic value attributed to different categories of artefacts played a fundamental role not only for the practices of restoration that I have studied and mentioned here, however, but also for the activities of collecting, the circulation of the artworks within the art market, and the construction of the first methodologies for art history in the early modern and modern centuries. In this framework, therefore, I questioned how I could understand the system of values, their implications and the aesthetic paradigms that supported the recognition of artistic meaning in an object, and identified it as an “artwork”, in centuries and cultural attitudes so distant in time. The supposed superiority of classical

sculpture over other artistic styles was crucial in determining both the aesthetic choices for restoration and the approaches to several artistic practices for centuries; but what about the styles and the typologies of artefacts that did not follow this canon? What level of artistic significance did these works have? How and when did they start to attract the interest of restorers, collectors, traders, administrators, and, in particular, scholars and art historians? I became increasingly concerned to find a reliable source to answer to these questions, inquiring what evidence and methodologies could be pursued to uncover the processes that transformed an artefact from being a simple “object” to being an “artwork” worthy of protection, collection and research.

While studying restoration of antiquity, it gradually became clear to me that the organisational systems that dealt with the conservation, collecting, and trading of artworks in the early modern and modern centuries were founded on constructs of rules, which not only informed the artistic and the legal value that was assigned to historical remains but also defined the administrative aspects related to their protection. These old regulations used to include clear characterisations of the objects for which they were to be enforced, as well as general classifications of the artistic qualities that an artefact should have in order to be included under the protection of the law. As I will explain in Chapter One, this meant that each law, when issued, encompassed clear definitions of what was understood as an “artwork” in its respective epoch. Old legislation on the protection of the artistic heritage, therefore, was an effective instrument to answer my questions.

A modern example of the relevance of law for the interpretation of the meaning of “art” and “artwork” can be observed in the verdict of the American Court of Law Court in the case with which I opened my discussion – Constantin Brancusi’s *Bird in Space*. In 1928, in assessing the appeal against the duty set by the customs officers, the US judges declared that the sculpture “was art” on this basis:

[...] There has been developing a so called new school of art whose exponents attempt to portray abstract ideas rather than to imitate natural objects. Whether or not we are in sympathy with these newer ideas and the schools which represent them, we think the facts of their existence and their influence upon the art world as recognized by the courts must be considered. The object now under consideration is shown to be for purely ornamental purposes, its use being the same as that of any piece of sculpture of the old masters. It is beautiful and symmetrical in outline, and while some difficulty might be encountered in associating it with a bird, it

is nevertheless pleasing to look at and highly ornamental. And as we hold under the evidence that it is the original production of a professional sculptor and is in fact a piece of sculpture and a work of art according to the authorities above referred to [that is, the experts consulted for the lawsuit], we sustain the protest and find that it is entitled to free entry under paragraph 1704, supra.

Such a declaration represented a definitive point for the legal and artistic recognition of Abstraction, both within art history scholarship and the administrative establishment of 1920s USA. It implied the acknowledgment of the fact that, in art, a new challenge to portray abstract and conceptual ideas had superseded the centuries-old tradition of imitating natural objects and human figures, thus decreeing the end of the classical canon even in legal terms. While the authoritative position of the judges embodied a positive tribute to human creativity, it was possibly also an admission of the fact that law needs to be revised and expanded at any time to ensure that it complies with the social and cultural requirements of the related community. In the framework of similar declarations, furthermore, a specific attitude to legislation and administration of the artistic heritage emerges that, *de facto*, constitutes the cornerstone of the present thesis: the pre-juridical contents of law, values and concepts established prior to their informing legislation, represent the fundamental aspect that ultimately attaches value to any rule. Legislation, before being a collection of prescriptions, is ethical code, system of values, moral principle and shared culture; it is the recognition of these factors that informs my approach to this thesis.

## **Methodological framework and thesis outline**

Legislation on the protection of artistic heritage, therefore, is a cultural phenomenon, which can be approached not only as culture in itself, as a product of specific civilisations and scholarships, but also as a generator that expands and propagates culture in turn. Similarly, the administrative and bureaucratic structures devoted to the safeguarding of historical remains in general, and artworks in particular, are results of cultural systems, and largely reflect the mind-sets of the pertinent society – particularly the dominant part of that society – as well as its artistic insights, its relation to the past and perceptions about the future. Legislation, however, has generally been considered in terms of its practical consequences, that is, from its legal basis and its related effects on social life, attitudes and governorship; the approach to its interpretation, furthermore, has been mostly descriptive and informative, rather than explanatory and analytical. Considering these premises, this thesis pursues an interpretative approach to the legislation and administration of artistic heritage in both the Papal States and Greece, focusing on the cultural and legal implications of the *Edict Chiaramonti* and the *Edict Pacca*, issued in Rome in 1802 and 1820 respectively, and the *Gesetz*, issued in Athens in 1834. Through the analysis of the historical origins and the cultural consequences of these laws, the purpose of the discussion is to shed light on substantial aspects of artistic scholarship, administrative practices on the protection of the heritage, export of artworks and fluctuations of the art market, as well as new concepts of “art” and “artwork” developed in both the Papal States and Greece during the nineteenth century.

Before defining the thesis outline and proceeding with the literature review, it is essential to address a few remarks on the principal questions that will emerge throughout the chapters, in order to clarify the theoretical positions that form the core of my arguments. First of all, the case studies on which this research focuses are not arbitrary, but seminal themselves, as this legislation has proved to be very influential for the elaboration of contemporary concepts and attitudes to the tutelage of the arts. Moreover, as will emerge throughout the discussion, the edicts issued in Rome and that in Athens are strictly related, as the latter adopted and re-elaborated aspects – both conceptual and organisational – established within the former. Approaching these edicts together, therefore, not only makes it possible to understand the construction of consistent systems of heritage safeguarding in the places that had been the most plundered of Europe for centuries, but also to outline a new interpretation of the changes that occurred in both European artistic taste and the art market

during the early decades of the nineteenth century. In this regard, it should be acknowledged that no study has previously approached the heritage of the Papal States and that of Greece together in terms of the implications that their respective legal safeguarding had for nineteenth-century art history, aesthetic taste, the art market and, in general, the whole system of fine arts administration in both countries and beyond. This, indeed, is central to some of the issues that this research will seek to resolve, by analysing the legislative framework founded in both places and the variations that legislation prompted in turn within art trade and art scholarship.

Analysis of the establishment of effective law and administration in these countries also has relevance for the development of new concepts of “art” and “artwork” from as early as the fifth century CE, but especially in the nineteenth century. In particular, the focus will be on the elaboration of the concepts of “local” and “minor” artistic heritage in the early decades of the 1800s, as they had profound implications within the *Edict Pacca* of 1820 and the *Gesetz* of 1834. The growth of the significance of these concepts in small communities within the Papal States and Greece, and their subsequent incorporation into legislation and art history scholarship, represent a further central issue that this research will address. The function of local communities in redefining both the approaches to heritage conservation and the understanding of “local” and “minor” artworks will be considered, specifically through the data that can be found in the nineteenth-century documentation kept in the Archive of the State of Rome and in the General Archive of the State of Athens.

Finally, a further aspect that can be recognised as one of the foundations of this thesis is the structural circularity which appears to inform the innovations within legislation and those within scholarship reciprocally. According to such a paradigm, the development of artistic scholarship prompted improvements within legislation, and the broadening of legislation induced in turn further expansion of artistic scholarship and culture. Such a fundamental stipulation challenges the simplistic correlation of cause-and-effect which too often characterises the understanding of historical events, cultural mentalities and artistic occurrences. The mutual inferences of the development of law and art history will emerge constantly throughout the discussion and will lead to yet further considerations in the Conclusion of this thesis.

The dissertation consists of three main sections after this introduction and brief literature review, concentrating on the conceptual, administrative and legal aspects of my topic, dealing with the Papal States and Greece sequentially for the sake of clarity, but



picking out connections and comparisons to develop conclusions. The evolution of a consistent concept of artistic heritage, and the widening of awareness on the importance of arts protection, is the focus of the “Conceptual Chronicles” in Chapter One. In this discussion, the definitions of “artwork” that were prevalent in the edicts issued in European countries between Late Antiquity and the Early Modern period will constitute the background to examine the innovative laws issued in Rome and Athens in the first decades of the nineteenth century. In this framework, both historical events and artistic scholarship will be considered in order to investigate the gradual broadening of the interpretation of the “artwork” and the origin of the concepts of “local” and “minor” heritage, which would become the core of the new approach to safeguarding the arts promoted within the papal and the Greek edicts. Regarding the Papal States, substantial focus will be on the implications of the Jacobin seizure of Rome of 1798-99 and the confiscations of artworks imposed by the French on the pope with the Treaty of Tolentino; on the second French occupation of the Papal States of 1809-1814 and the systematic removals of artworks that Napoleon carried out to furbish his museums in Paris; and on the events that followed the Restoration of the Papacy in 1816, and particularly the issues related to the relocation of the works that were returned to Rome. Regarding Greece, attention will be on the questions which emerged after independence from the Ottoman Empire and the early initiatives on the protection of local heritage engaged by the government of Ioannis Kapodistrias in the late 1820s, as well as on the establishment of the Bavarian Court in Athens in 1832, and the cultural and conceptual clashes which followed the encounter of the central-European entourage with the Greek milieu.

By far the most extensive, Chapter One has thus two intertwined goals. The first and most straightforward is to recount the chronicle of the legislation itself. Alongside this is a second goal, critically important for the arguments of this thesis, to demonstrate how the conceptualisation of art was modified in this process. Already a complex undertaking, this is further complicated by the interplay between legal developments, art scholarship and historical events, which influenced each other profoundly. The gradual broadening of the concept of artistic heritage will be considered against the mutual inferences of law, scholarship, aesthetic taste, cultural paradigms, and practical conservation of the artworks in both countries. This will specifically involve the analysis of cultural and historical factors that concentrate on the first half of the century for the Papal States, and the middle to later century for Greece.

The “Administrative Chronicles” in Chapter Two examine the immediate repercussions of enforcing the new laws and how they required the establishment of a widespread system of heritage administration disseminated throughout the provinces and the minor areas of both the Papal States and Greece. Discussion of examples related to the organisation of an early protection of the “local” and “minor” artworks will be constructed from scattered records in the Archive of the State of Rome, in the files *Camerlengato I* (1814-1823) and *Camerlengato II* (1824-1841); in the General Archive of the State of Athens, in the files *Υπουργείο Εκκλησιαστικών και Δημόσιας Εκπαιδευσεως* (Ministry of Ecclesiastical Affairs and Public Instruction) *A'* (1833-1848) and *B'* (1848-1854); and in the National Archive of Monuments in Athens, in the section *Τμήμα Διαχείρισης Ιστορικού Αρχείου Αρχαιοτήτων και Αναστηλώσεων* (Management of the Historical Archive of Antiquities and Restoration). Referring to the Papal States, examination of the archival sources will concern the role of the provinces of the state in setting up both the administrative standards and the legal instruments essential to the functioning of the edict of 1820, as, for instance, was the case with the catalogue of the papal artworks proposed by the officers of Perugia in 1825. Regarding Greece, similarly, analysis of the documents will consider the early management of the archaeological sites and the assemblages of artworks which were established in the provinces of the state soon after the issuing of the law in 1834. In this framework, an outline of the first administrative and bureaucratic structures founded to protect the historical evidence in the local communities will draw further attention to the effects of legislation both on the understanding of minor artistic heritage, and on the widening of relevant artistic scholarship and concepts of art.

In the “Legal Chronicles” in Chapter Three, the discourses on the repercussions of heritage legislation on social life and collective attitudes will be expanded to involve the impact of the edicts of 1802, 1820 and 1834 on the export of artworks in both the Papal States and Greece. Analysis of the implications of law on the procedures for controlling the trade of artefacts will encompass, in this case, both the interpretation of aesthetic taste and artistic scholarship in the nineteenth century, and the assessment of the legal value assigned to the materials that were allowed to enter the art market. This approach will necessarily involve a scrutiny of the legal loopholes of the three edicts, and of the gaps which permitted smuggling and looting of artefacts even after the establishment of an effective system of heritage administration in both countries. This, indeed, is a final issue that this thesis will seek to address. Significant cases of export – both legal and illegal – that occurred in the Papal States and Greece after the issuing of the new laws will be considered to deal with this,

involving the scrutiny of data on the approved sales of artworks which are in the documents of the Archive of the State of Rome and the General Archive of the State of Athens, as will be clarified in the introduction to Chapter Three. From this perspective, the evaluation of the transgressions of law, that is, the endeavours to foil the official establishment of the time, will shed light both on positive and negative social aspects, and on the resolutions implemented to reduce the cases of infringement in both countries. Related discussion will also support the gradual emergence of further connotations of the concepts of “art” and “artwork” in the respective contexts: the assessment of material that was ultimately excluded from legal protection will shed light on the “objects” that were not yet perceived to be “artworks”.

## Literature review

Fundamental material for understanding the development of the law and the administration of artistic heritage is constituted by the legislation itself. The edicts issued on the protection of the arts in both the Papal States and Greece have been gathered by scholars in two essential compendiums, which form ready references to old legislation for discussion in this thesis. Concerning the Papal States, the fundamental volume *Leggi, Bandi, Provvedimenti per la tutela dei Beni Artistici e Culturali negli Antichi Stati Italiani*, assembled and edited by Andrea Emiliani in 1978, collects the original texts of the edicts issued in most parts of the Old Italian States – that is, the Papal States, the Grand Duchy of Tuscany, the regions of Veneto, Piedmont, Lombardy, Emilia Romagna and the Southern Italy – between 1571 and 1860.<sup>2</sup> The usefulness of this accurate and orderly anthology is hardly diminished by the fact that the author fails to record two papal decrees, the *Edict Barberini* and the third *Edict Spinola*, released in Rome in 1655 and 1712 respectively. These omissions can be covered with the volume of legal history of Mario Speroni, *La tutela dei Beni Culturali negli Stati Italiani preunitari* of 1988, which will be discussed later in this section.<sup>3</sup> Regarding Greece, the work *Δοκίμιο για την Αρχαιολογική Νομοθεσία* (Essay on Archaeological Legislation), published by Vasileios Petrakos in 1982, offers an important synopsis of the laws on the protection of artistic heritage that were issued in Athens between the government of Ioannis Kapodistrias in the late 1820s and the present day.<sup>4</sup> Interestingly, this volume does not record part of the edict compiled by the Bavarian king in 1836 as an addendum to the *Gesetz* of 1834, and omits to mention that, alongside the classical and medieval monuments, this law aimed to protect the Venetian and the Ottoman remains in Athens. This exclusion is, indeed, significant: as will be explained later in this section, neglect of aspects of Greek history in the literature of the early 1980s can be construed to match the cultural and political agendas of Greece at that time. The gaps in Petrakos' data, in any case, can be supplemented with the old compendium *Συλλογή Αρχαιολογικών Νόμων Διαταγμάτων και Εγκυκλίων* (Collection of Archaeological Laws, Decrees and Ordinances) of 1886, and with the treatise on civil architecture of Papageorgiu-Venetas, *Athens. The Ancient*

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<sup>2</sup> Andrea Emiliani, *Leggi, Bandi, Provvedimenti per la tutela dei Beni Artistici e Culturali negli Antichi Stati Italiani: 1571-1860*, Bologna: Alfa, 1978.

<sup>3</sup> Mario Speroni, *La tutela dei Beni Culturali negli Stati Italiani preunitari*, Milano: Giuffrè, 1988.

<sup>4</sup> Vasileios Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*, Athens: Ministry of Culture and Sciences, 1982.

*Heritage and the Historic Cityscape in a Metropolis* of 1994, which includes in the appendix the full texts of both the edicts of 1834 and 1836.<sup>5</sup>

Before analysing the most significant studies which concern the nineteenth-century edicts on heritage protection, it is important to reflect on the nature of the early investigations that have approached legislation from a cultural perspective in both the Papal States and Greece. In fact, the history of the conservation and safeguarding of artworks can be defined as both an ancient and a recent question. It is an ancient question when we consider that the very first books which explored old legislation, antiquarian subjects and the conservation of monuments were published in the Papal States between the late eighteenth century and the early nineteenth. The author of these early treatises was the antiquarian, barrister and Commissary for Antiquity Carlo Fea, who, as will emerge throughout this thesis, was not only to play a fundamental role in the implementation of the nineteenth-century edicts on the safeguarding of artworks in Rome, but was also the first to consider the reciprocal implications of law and antiquity, and to use old decrees as legal evidence in the Court of Justice to support the right of the Papacy to defend its own heritage. As a highly qualified lawyer, holder of the major office in antiquities, and man of infinite determination, Fea would be a landmark in the development of a legal framework for the protection of the heritage in the Papal States – and possibly in Europe. It is significant that the first version of Fea's legal history of antiquity, "Dissertazione sulle rovine di Roma", was added as an introduction to the Italian translation of Winckelmann's *Geschichte der Kunst des Altertums*, when it was issued in Rome in 1784.<sup>6</sup> Fea's dissertation offered an early overview on the decrees issued in Rome between Late Antiquity and the end of the Middle Ages; in a subsequent essay of 1802, *Relazione di un viaggio ad Ostia*, Fea enhanced the chronologies of papal legislation by including in his review the edicts issued in Rome between the end of the Middle Ages and the beginning of the sixteenth century.<sup>7</sup> Carlo Fea can be regarded as the first interdisciplinary commentator of early legislation on the protection of artistic heritage: however, as he also pursued the glorification of the Papacy, his interpretation of law can be

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<sup>5</sup> *Συλλογή Αρχαιολογικών Νόμων Διαταγμάτων και Εγκυκλίων*, Athens: National Tipography, 1886; Alexander Papageorgiu-Venetis, *Athens. The Ancient Heritage and the Historic Cityscape in a Metropolis*, Athens: Historical Society, 1994.

<sup>6</sup> Carlo Fea, "Dissertazione sulle rovine di Roma" In *Storia delle Arti del Disegno presso gli antichi di Giovanni Winckelmann. Tradotta dal tedesco e in questa edizione corretta e aumentata dall'abate Carlo Fea*, edited by Carlo Fea, vol. 3, 267-416, Roma: Pagliarini, 1784.

<sup>7</sup> Fea, *Relazione di un viaggio ad Ostia e alla Villa di Plinio detta Laurentina fatta dall'avvocato Carlo Fea Presidente delle Antichità Romane e al Museo Capitolino*, Roma: Fulgoni, 1802.

seen as a blind promotion of the initiatives of the popes for exalting the ancient legacy of Rome.

Among the early accounts that were produced in Italy on law, art and heritage administration, the volumes of Giuseppe Fiorelli of 1881 and Filippo Mariotti of 1892 offer a state-of-the-art survey of the late nineteenth-century.<sup>8</sup> Both these studies present a collection of the edicts published in the Old Italian States between the late sixteenth century and the unification of Italy in 1860, and gather, *de facto*, the core material that would be developed by Andrea Emiliani in his volume of 1978. What is significant about Fiorelli and Mariotti's works is that they demonstrated a precise awareness of the importance of early modern legislation on the protection of artworks not only for the prospective administration of the fine arts, but also for the further development of the arts in modern European countries.

Regarding Greece, valuable cultural insight – if we can use this contemporary definition – into nineteenth-century archaeological legislation is offered in Georg Ludwig Von Maurer's volume *Das Griechische Volk* of 1836.<sup>9</sup> Maurer, significantly, was also the author of the *Gesetz*, that is, the first comprehensive edict on the protection of the heritage that was issued in Greece soon after the liberation from the Ottoman Empire. In this book, the legal safeguarding of artworks is approached as one of the core elements that characterise good administration in modern states, and it is incorporated within the development of wider systems of artistic institutions, scientific centres, libraries, and museums, as well as judiciary and bureaucratic institutions in Greece. This, indeed, is an interesting point that differentiates the Greek from the Italian legislation: the system of safeguarding elaborated by Maurer derived from a globalising idea of heritage, and was only one of the several sectors which had to contribute to the perfect functioning of state public administration. When following these legal and cultural constructions in the discussion of this thesis, however, it should be noted that Maurer's position was the result of his German scholarship and background applied in a Greek context, where these paradigms were not necessarily fully comprehended and shared by the locals.

It is clear that these elaborations are relatively early, covering the first issues that arose on the legal protection of heritage in modern centuries. Despite the significance of these old volumes, new methodologies currently applied for understanding the inferences of law,

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<sup>8</sup> Giuseppe Fiorelli, *Leggi, decreti, ordinanze e provvedimenti generali emanati dai cessati governi d'Italia per la conservazione dei monumenti e la esportazione delle opere d'arte*, Roma: Salviucci, 1881; Filippo Mariotti, *La legislazione delle Belle Arti*, Roma: Unione Cooperative, 1892.

<sup>9</sup> Georg Ludwig Von Maurer, *Das Griechische Volk*, Heidelberg: 1835-1836.

culture and art history have been defined in more recent years, particularly during the 1970s, reaching full development during the 1980s.

In Italy, current research that affirmed the importance of the old laws on the safeguarding of the arts for the understanding of culture and art history appeared at the end of the 1970s, led, in particular, by the landmark studies of the Superintendent for the Artistic Heritage, Andrea Emiliani, already mentioned for his important compilation of the legislation. In 1974, prior to its publication, Emiliani established the parameters of a new policy of administration for artistic heritage in Italy, as recorded in the volume *Una politica dei Beni Culturali*, and identified the laws on the protection of artworks issued in the Old Italian States as the models to follow in order to find effective solutions – both cultural and political – to current problems of management of historical artefacts.<sup>10</sup> Asserting the necessity to improve the supervision on the heritage throughout the countless towns of Italy, he also remarked the emergence of an early interest in the “minor” artworks within the art scholarship of the late eighteenth century. Although he did not address it directly, Emiliani was probably aware of the fact that he was ultimately grounding his discussion in the questions of a new art history, which both derived methodological aspects from the social history of art devised a few decades earlier, and also based it on the reciprocal implications of cultural and social issues, historical events, legal tutelage and the practical conservation of artworks. Such a new approach to heritage administration led to a number of researchers becoming interested in various cultural and legal aspects of early modern laws on the fine arts of the Old Italian States; however, as will be discussed, despite their great significance, these studies proved to be rather limited in quantity and coverage. The present thesis builds upon this thematic framework, by considering the old legislation in art historical terms; part of the discussion of Chapter One, in particular, is indebted to the idea raised, although not pursued, in Emiliani’s volume of 1974: “The old laws and the edicts issued [to protect] the artworks are the breeding ground to assign to each epoch the [...] classes of arts and culture” that were believed to be worthy of protection.<sup>11</sup>

In Greece, at much the same time, the first modern study on old legislation and administration of local antiquities was released by the archaeologist Angeliki Kokkou, *Η μέριμνα για τις Αρχαιότητες στην Ελλάδα και τα πρώτα μουσεία* (The care for the Antiquities

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<sup>10</sup> Emiliani, *Una politica dei Beni Culturali*, Torino: Einaudi, 1974.

<sup>11</sup> “Le leggi e i bandi emanate [per proteggere] i beni artistici possono divenire il terreno più fertile per [...] assegnare a ogni età un registro di cose d’arte e di cultura”. *Ibid.*, 36.

in Greece and the first museums) of 1977.<sup>12</sup> Collecting impressive quantities of accurate data from diverse sources, such as nineteenth-century newspapers, books, government bulletins and archival documents, Kokkou set fundamental parameters for subsequent research on the protection of artistic heritage. However, as her discourse involved mostly chronological narrative on the early management of antiquities in Greece, the opportunity to draw an effective understanding of law and administration from an art historical perspective appears in the end to be missed. This, indeed, represents a major gap within all the literature published on this topic after Kokkou: dealing with nineteenth-century legislation according to an approach that descends from archaeological disciplines, Greek scholarship has generally overlooked questions of aesthetic taste, artistic perceptions and cultural constructions, and has considered law and administration on the protection of the heritage mostly in a descriptive way. In the 1980s, research widened the perspective on the mutual inferences of nineteenth-century archaeology, fine arts administration, and heritage preservation in Greece, in the context of the massive campaigns of restorations which were initiated on the best known local monuments, such as the Parthenon and the Acropolis of Athens. This research, nevertheless, developed a single model of narrative and a monolithic interpretation of the nineteenth-century historical background that the subsequent literature appears to have accepted without too much questioning. Within such a single-voice interpretation of the past, it is also possible to position the volume of Vasileios Petrakos of 1982, mentioned above, and its crucial omissions of the royal prescriptions of 1836 on the protection the Venetian and the Ottoman monuments in Athens. Aspects of the history that did not match the official narratives on the great – invariably classical – past of Greece were generally omitted during the 1980s: it is not a coincidence, for instance, that the restorations carried out on the Greek monuments in this period aimed to recover only the classical and medieval material, and ignored in particular Turkish remains. The interpretations of the past developed during the 1980s generally took a critical attitude towards the practices of administration, excavation, and restoration of monuments engaged in nineteenth-century Greece, condemning in particular the policy followed by the Bavarian government in 1833-1863 and the initiatives undertaken in the management of archaeological diggings during the 1870s. Such a simplification of the interpretation of the historical events, together with the methodological gap created by the neglect of aesthetic and artistic questions, has resulted in a generally

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<sup>12</sup> Angeliki Kokkou, *Η μέριμνα για τις Αρχαιότητες στην Ελλάδα και τα πρώτα μουσεία*, Athens: Hermis, 1977.



reductive approach to this area of research, and to the limiting of understanding of Greek legislation.

Turning to focus on the most significant studies which concern nineteenth-century edicts on heritage protection, the interpretative aspects proposed by recent scholars can be divided into three main groups, according to their methodological approach: the general treatises of legal history, which have included artistic issues in their typical perspectives and topics; the essays of art history, which have approached matters related to the legal protection of artworks; and the works on the history of archaeology and administration, which have involved analysis of the early management of museums and archaeological sites, particularly concerning the Papal States during the Napoleonic occupation of 1809-1814 and Greece in the second half of the nineteenth century.

Regarding the laws issued in the Papal States in the early modern centuries, interesting data and interpretations for the legal history of art are offered in both Simonella Condemi's *Dal "Decoro et Utile" alle "Antiche Memorie". La tutela dei beni artistici e storici negli antichi Stati Italiani* of 1987, and Mario Speroni's *La tutela dei Beni Culturali negli Stati Italiani preunitari* of 1988, which can be identified as the most comprehensive publications of that period on this topic.<sup>13</sup> These volumes provide an understanding of the early papal laws through a comparative reading of similar legislation issued in the other Old Italian States, that is, essentially, the Republic of Venice, the Grand Duchy of Florence, and the Kingdom of Naples. Condemi also focuses in particular on the edicts issued in the city of Bologna between the Late Middle Ages and the end of eighteenth century, supporting the idea that, although this area was under the control of the Papacy, the local government managed to keep a margin of independence on the protection of local arts by issuing specific regulations on their protection. Although less wide-ranging, Speroni's interpretation of the legislation is more thorough and complete than that of Condemi. His *La tutela dei Beni Culturali negli Stati Italiani preunitari* concentrates on the papal edicts of the eighteenth century, and particularly on the decree of 1750, affording only a brief overview of the laws issued between the fifteenth and the seventeenth century; despite this, Speroni pursues a systematic examination of all of them, tackling relevant legal issues, such as the procedures of registration of artworks, the punishment of infringements, and the inspections of private

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<sup>13</sup> Simonella Condemi, *Dal "Decoro et Utile" alle "Antiche Memorie". La tutela dei beni artistici e storici negli antichi Stati Italiani*, Bologna: Nuova Alfa Editore, 1987; Speroni, *La tutela dei Beni Culturali*.

artworks. In terms of art history, Speroni mentions both the collecting practices of the local noble families and the massive export of antiquities registered in Rome in the late seventeenth and the early eighteenth centuries, explaining the flaws of the system of inspections in the local art market through the widespread corruption of the papal administrators and aristocrats of this period. Speroni, however, does not consider the relevance of eighteenth-century scholarship, aesthetic taste and general understanding of the artistic value of the works through the paradigms of the time, being mostly interested in the development of legal and administrative practices. His argument, furthermore, stops with the export of artworks from Rome of the 1760s, omitting the edicts of the early nineteenth century as a substantial part of the legislation on the protection of the heritage published in the Old Italian States.

Supplementing the chronological limits of Speroni's volume, the article of Orietta Rossi Pinelli "Carlo Fea e il Chirografo del 1802. Cronaca, giudiziaria e non, delle prime battaglie per la tutela delle Belle Arti" of 1979, offers considerable insight into the circumstances that brought about the issuing of the first of the nineteenth-century papal edicts, the *Edict Chiaramonti* of 1802.<sup>14</sup> Although narrow in its focus, this article represents one of the core studies informing this thesis, as it both defines a stylistic model of narrative that integrates the history of art with the history of legislation, and combines cultural, legal, and administrative examples to support the reconstruction of a *tableau vivant* of Rome at that time. Rossi Pinelli outlines the role of Carlo Fea in establishing the first effective legal framework for safeguarding artworks in the Papal States, proving, through detailed archival research, that he was also the author of the edict of 1802. While encompassing the cultural environment of late eighteenth-century Rome and the problems of implementation of the edict of 1750, however, Rossi Pinelli's study does not consider the impact of a crucial event in the history of Europe, and of the Papacy in particular: the French Revolution and the first French occupation of Rome of 1798-99. Even though this omission was possibly intended by the author, the inferences of these occurrences are too significant in the development of new approaches to the preservation of the heritage in the Papal States to ignore. This gap is addressed by Pier Paolo Racioppi in his article of 2001, "La Repubblica Romana e le Belle Arti (1798-1799): dispersione e conservazione del patrimonio artistico", which deals with the circumstances and the cultural implications of the first Jacobin occupation of Rome, as well

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<sup>14</sup> Orietta Rossi Pinelli, "Carlo Fea e il Chirografo del 1802. Cronaca, giudiziaria e non, delle prime battaglie per la tutela delle Belle Arti" *Ricerche di Storia dell'Arte*, no. 8 (1978-79): 27-41.

as the consequences of the Treaty of Tolentino imposed on the pope in 1797.<sup>15</sup> This is valuable for my project as it is the only research available to date that integrates the cultural, historical and artistic issues that arose in Rome in 1798-99, and investigates the policy pursued by the French on the preservation – and the destruction – of the artistic heritage of the Papacy during the occupation.

In relation to the French events of the late eighteenth century, and in particular the French scholarship developed from the Revolution – whether for or against – a number of studies have demonstrated the specific role of the eighteenth-century scholar Antoine Chrysostome Quatremère de Quincy in shaping a new approach to the conservation of cultural heritage in Europe, as a reaction to the wide requisitions of artworks carried out by French Directoire in occupied countries. Edward Pommier, in his *Lettres à Miranda sur le déplacement des monuments de l'art de l'Italie* of 1989, discusses Quatremère's early definition of the concepts of "context" and "preservation *in situ*", which reshaped approaches to art history scholarship and the conservation of artistic heritage soon after their early definition in 1796.<sup>16</sup> Antonio Pinelli, in his 1979 article "Storia dell'Arte e cultura della Tutela. Le 'Lettres à Miranda' di Quatremère de Quincy", points out the influence of Quatremère's cultural constructions on the innovative concepts that informed the development of the *Edict Chiaramonti* in 1802.<sup>17</sup> Andrea Emiliani, on the other hand, attributes the conceptual background of this edict to the contributions of the antiquarian Johan Joaquim Winckelmann and the art historian Luigi Lanzi, excluding – or rather, not considering – the influence of French post-revolutionary scholarship on the cultural environment of the Papal States.<sup>18</sup> Dealing with discrete aspects of late eighteenth-century artistic scholarship, these studies can be approached together, since analysis of the reciprocal variations, as well as the respective reasons and interpretations, support the establishment of a coherent, enlarged perspective on the cultural background of this period. The insight on the historical events they offer is generally focused on specific occurrences, such as the French Revolution and the first Jacobin occupation of the Papacy, which are explained as functional in the development of official art history scholarship in the central hub of the country, that is to say, Rome. For these reasons, it can be observed that the respective perspectives of this

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<sup>15</sup> Pier Paolo Racioppi, "La Repubblica Romana e le Belle Arti (1798-1799): dispersione e conservazione del patrimonio artistico" *Roma Moderna e Contemporanea* 9, (2001): 192-215.

<sup>16</sup> Édouard Pommier, ed, *Lettres à Miranda sur le déplacement des monuments de l'art de l'Italie*, Paris: Macula, 1989.

<sup>17</sup> Antonio Pinelli, "Storia dell'Arte e cultura della Tutela. Le 'Lettres à Miranda' di Quatremère de Quincy" *Ricerche di Storia dell'Arte*, no. 8 (1978-1979): 43-62.

<sup>18</sup> Emiliani, *Una politica dei Beni Culturali*.

research pursue mostly a unidirectional relationship of cause-and-effect in explaining the implications of historical events for artistic scholarship; also, the interpretations they elaborate on do not consider the impact of the early awareness of local communities on the development of a wider definition of “art” and “artwork”. This is a limitation that this thesis will attempt to overcome, addressing the contribution of both minor communities and popular understanding in the construction of a consistent concept of heritage and its related practices of administration. Regarding “official” scholarship, on the other hand, the discussion will evaluate the role of intellectuals that have not been previously considered, observing their contribution in the definition of both innovative approaches to art history and archaeology, and new instruments for the legal protection of artistic heritage.

Turning to the second of the nineteenth-century papal edicts, that is, the *Edict Pacca* of 1820, literature which has scrutinised both the historical circumstances and artistic scholarship related to its background appears to be more fragmented than that which concerns the edict of 1802. To understand the context in which this new law was published, that is, the Restoration of the Papacy after the Congress of Vienna, it is essential to address the profound implications that the second Napoleonic occupation of Rome of 1809-1814 had for the perception of arts and heritage in the Papal States. Among recent sources, three publications have reconstructed the policy pursued by the French government in administering the fine arts in Rome during this occupation; they deal with different aspects of the complex and somewhat paradoxical attitude of Napoleon towards the management papal heritage, which was based, on the one hand, on the safeguarding of antiquity *in situ*, and, on the other hand, on the systematic removal of the artworks to furnish his museum in Paris. Ronald Ridley, in *The eagle and the spade. Archaeology in Rome during the Napoleonic Era* of 1992, clarifies the programs of excavations and restoration which were implemented by the French government to renovate the central areas and the monuments of Rome between 1809 and 1814.<sup>19</sup> Ilaria Sgarbozza, in her volume *Le spalle al Settecento. Forma, modelli e organizzazione dei Musei nella Roma Napoleonica* of 2013, reconstructs the rearrangement of both the Capitoline and Vatican collections operated by the French in these years, considering the concurrent seizures of artworks that they carried out in both Rome and several provinces of the Papal States.<sup>20</sup> In this regard, in a previous article of 2006, Sgarbozza also analyses the reorganisation of the Vatican picture gallery after these confiscated artworks

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<sup>19</sup> Ronald Ridley, *The eagle and the spade. Archaeology in Rome during the Napoleonic Era*, Cambridge: Cambridge University Press, 1992.

<sup>20</sup> Ilaria Sgarbozza, *Le spalle al Settecento. Forma, modelli e organizzazione dei Musei nella Roma Napoleonica*, Città del Vaticano: ed. Musei Vaticani, 2013.

had been returned from Paris to Rome, pointing out, through the case of the paintings belonging to the city of Perugia, the precise intention of the papal administrators to not return all of these works to their original locations.<sup>21</sup> Going back to the French occupation, Valter Curzi's *Bene culturale e pubblica utilità. Politiche di tutela a Roma tra Ancienne Régime e Restaurazione* of 2004 focuses on the bureaucracy and the intricate system of administration employed by Napoleon for the management of heritage in the city of Rome.<sup>22</sup> This latter volume, in particular, contextualises the establishment of the *Edict Pacca* within the French cultural innovations prompted by the Revolution that were introduced into Rome during the years of the occupation. Curzi stresses that the idea of public heritage in the Papal States, although it was defined within the court cases engaged by Carlo Fea at the beginning of the nineteenth century, would reach full development only under the influence of the French establishment. In this framework, the administrative improvements promoted by the French in Rome, combined with the fresh ideas of the Revolution, pushed towards the formation of both new legislation and new effective systems of heritage management soon after the Restoration of the Papacy. Curzi's assumptions are certainly significant and well-motivated; however, as will emerge throughout the discussion of this thesis, different interpretation of the historical events and examination of new archival data can offer a diversified narrative of the cultural background of these years, attaching importance to the fundamental role that the provinces and the local communities of the state had in shaping the core principles of the *Edict Pacca*. In this regard, it should be observed that, in a subsequent article of 2005, Curzi addresses the rise of interest in the local heritage of the territories of the Papal State during the early nineteenth century: however, also in this case, he attributes such a new artistic awareness to the tendencies and the innovations experienced in Rome under the Napoleonic government.<sup>23</sup>

Turning the focus to Greece, the recent literature which concerns the 1834 *Gesetz* on the protection of the local heritage appears to be rather limited in quantity and, as said, in range of approaches. A further publication of Vasileios Petrakos that is worth mentioning is *Πρόχειρον Αρχαιολογικόν* (Archaeological drafts) of 2013, which represents the latest state-

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<sup>21</sup> Sgarbozza, "Alle origini della Pinacoteca Vaticana. Il dibattito sulla musealizzazione dei dipinti restituiti allo Stato Pontificio dal Musée Napoléon" *Bollettino dei Monumenti, Musei e Gallerie Pontificie* 25, (2006): 291-326.

<sup>22</sup> Valter Curzi, *Bene culturale e pubblica utilità. Politiche di tutela a Roma tra Ancienne Regime e Restaurazione*, Roma: Minerva, 2004.

<sup>23</sup> Curzi, "La riscoperta del territorio. Tutela e conservazione del patrimonio artistico nello Stato Pontificio nei primi decenni dell'Ottocento" in *Cultura nell'età delle Legazioni*, edited by Ranieri Varese and Franco Cazzola, 789-809, Ferrara: Le Lettere, 2005.

of-the-art research on archaeology and conservation of heritage in Greece.<sup>24</sup> Focusing on the activities of the so-called Archaeological Society at Athens soon after its foundation in 1837, this treatise does not cover the initiatives undertaken by the public administration and the communities of the Greek provinces for the protection of local artworks; as already mentioned, Petrakos generally criticises the policy engaged by the Bavarians and the following government in the management of the Greek archaeological areas, and favours, in contrast, the initiatives undertaken by the Society in the construction of the first Athenian collections. Nevertheless, this volume contains rare archival material on the archaeological excavations carried out in Greece during the 1870s, concerning in particular the uncovering and the export of antiquities from the site at Olympia in Peloponnesus. Petrakos' research results are also extremely valuable as they involved the Archive of the Archaeological Society at Athens, which has been closed for refurbishment since early 2014 and not accessible for my own study despite earlier information to the contrary – and will indeed probably be inaccessible for a long time ahead.

Focusing mostly on the issues related to the loss of antiquities, rather than on conservation and legal safeguarding, the volume of Kyriakos Simopoulos, *Η λεηλασία και καταστροφή των Ελληνικών Αρχαιοτήτων* (The looting and destruction of Greek Antiquities) of 1993, offers an unusual perspective on the management of artistic heritage in Greece during the nineteenth century.<sup>25</sup> This, in particular, encompasses aspects of the archaeological administration pursued by Ioannis Kapodistrias in the late 1820s and the excavations conducted by the archaeological schools in Greece during the 1860s and 1870s; in this framework, Simopoulos includes valuable basic information related to the early practices of collecting artworks initiated by small communities in the Greek provinces. However, in recounting the looting of antiquities and the subterfuges implemented to export antiquities from Greece, Simopoulos constructs a long lamentation on the loss of local heritage caused by both poor administrators and foreign collectors: the result is that to appreciate much of the data of his treatise requires a constant ability to distinguish the historical evidence from the personal consternation of the author.

Some of the methodological flaws of Simopoulos can be rectified, from the perspective of this research, through the unpublished doctoral thesis of Andromache Gazi

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<sup>24</sup> Petrakos, *Πρόχειρον Αρχαιολογικόν, 1828-2012*, Athens: Library of the Archaeological Society at Athens, 2013.

<sup>25</sup> Kiriakos Simopoulos, *Η λεηλασία και καταστροφή των Ελληνικών Αρχαιοτήτων*, Athens: Piroga, 1993.

“Archaeological Museums in Greece (1829–1909): the Display of Archaeology” of 1993.<sup>26</sup> Even though Gazi’s perspective is extremely technical, as it deals with the construction of Greek national identity through the organisation of early archaeological collections in Greece, the quality of archival data she presents is substantial. In particular, by approaching the curatorial aspects of the museums established in the Greek provinces during the government of Ioannis Kapodistrias and the Bavarians, her account supports the essential interest that the small communities of Greece had in the preservation of their local heritage in these years.

Before concluding, it should be mentioned that there are many other studies which contain fundamental data discussed throughout this thesis. They have not been included in this literature review, in part because of constraints on space, but also because generally they deal with discrete or individual topics, and pursue different methodological perspectives than the ones selected for developing the present study. Among this technically-distinct research, two volumes need to be remarked upon, as they are relevant to the main questions addressed throughout the discussion. The first one is the volume of Ronald Ridley, *The Pope’s Archaeologist. The Life and Times of Carlo Fea* of 2000, which, although a purely biographical account of Carlo Fea’s life, encompasses significant cases of export that occurred in Rome between the end of the eighteenth and the first decades of the nineteenth century.<sup>27</sup> The second is the research of Mariano Nuzzo, *La tutela del patrimonio artistico nello Stato Pontificio (1821/1847). Le Commissioni Ausiliarie di Belle Arti* of 2011, which gathers together cases of the restoration of ancient monuments carried out in the provinces of the Papal State following the new prescriptions established by the *Edict Pacca* of 1820.<sup>28</sup> Even though Nuzzo pursues mostly metric surveys and architectural reconstructions, his volume is the only research available to date that offers a broad outline of local fine arts administration in the third and the fourth decades of the nineteenth century. Nevertheless, it needs to be noted that my research in archive of Rome revealed imprecision in Nuzzo’s historical data in several instances.

To these volumes, the recent articles of the Aegean prehistory archaeologist Yannis Galanakis should be added, as they tackle fundamental issues and topics on the protection of antiquities in Greece that are not analysed by preceding literature.<sup>29</sup> Considering mostly the smuggling of Greek bronze-age material to England in the last decades of the nineteenth

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<sup>26</sup> Andromache Gazi, “Archaeological Museums in Greece (1829–1909): the Display of Archaeology” PhD thesis, University of Leicester, 1993.

<sup>27</sup> Ridley, *The Pope’s Archaeologist. The Life and Times of Carlo Fea*, Roma: Quasar, 2000.

<sup>28</sup> Mariano Nuzzo, *La tutela del patrimonio artistico nello Stato Pontificio (1821/1847). Le Commissioni Ausiliarie di Belle Arti*, Padova: Libreria Universitaria, 2011.

<sup>29</sup> See the list of his articles included in the Bibliography.

century, Galanakis presents fundamental information on the illegal marketing of antiquities in Greece in these years, including important data from the currently unavailable Archive of the Archaeological Society. In respect of the methodologies and approaches that Galanakis pursues, it can be argued that his research has possibly – and finally – opened a breach within the monolithic accounts of nineteenth-century administration of heritage in Greece. His interpretation of events seeks to balance evidence coming from diverse sectors of the social practices of this period, observing the mutual inferences of the activities of collecting, excavation, trading, and political diplomacy, together with the negative practices of smuggling and tomb robbing. Galanakis, furthermore, constantly refers to the shortcomings of the administration and the legal loopholes of legislation of that time. His articles on the illegal traffic of antiquities carried out by Athanasios Rhousopoulos in 1860s and 1870s are particularly significant for the development of this thesis, shedding light both on the misbehaviour of Greek collectors and the substantial involvement of foreign scholars in the illicit art market. On the other hand, it should be observed that Galanakis' perspective does not encompass the repercussions of aesthetic taste, artistic perceptions and cultural constructions on both the legal and illegal art market of the time, so that his explanation of the circulation of artworks in Greece does not refer to the understanding of the concepts of “art” and “artwork” in the second half of the nineteenth century. Such a gap appears to be more methodological than interpretative: questions related to artistic taste and aesthetic insight do not belong to the research approaches pursued by prehistoric archaeology. These are, however, issues that art history should raise and resolve, as this thesis intends to do. The implications of aesthetic taste and artistic constructions in the discussion will support the reinterpretation of several exports of artworks that were approved by the Greek administration, as well as cases of illicit sales of antiquities that occurred during the second half of the nineteenth century. In this framework, the attitude of the Greeks on consenting to the removal of some categories of artefacts by European collectors, which has usually been explained in terms of international opportunity and political weakness, will be contextualised within the cultural understanding of the local archaeologists of the time, and explained through their specific artistic and aesthetic preferences.



## Chapter One – CONCEPTUAL CHRONICLES

### Introduction

There can be no effective protection of historic and artistic heritage without preliminary identification of what it is that needs to be protected. Conservation comes as a result of the collective recognition of an object as an artwork, and can be defined as the concrete consequence of a shared awareness of what art is and what it is not. Different epochs have had different systems of values, semantics and paradigms for attributing aesthetic meaning to an artefact. However, the awareness of the artistic qualities that make an object worthy of protection does not always coincide with the moment of its actual creation. As Emiliani has argued:

We cannot expect that the epochs of creativity have developed at the same time a deep historic thinking, able to produce both the artistic categories and the lexicon to approach such categories.<sup>1</sup>

The concepts of artistic heritage, and the connected definitions of art in different societies and epochs, are extremely vague and difficult to sketch in a progressive way, as it implies deep understanding of the aesthetic taste and the ideas of beauty that typify each cultural context. As emerged in the introduction, one of the most reliable instruments for outlining both the various definitions of a work of art throughout the centuries, and the development and gradual broadening of the criteria adopted to attribute artistic value to artworks, is the series of laws, edicts and decrees that were issued to protect what was thought of as art in early modern and modern countries. Legislation can be implemented effectively only when it is precise, systematic and clear: therefore, the regulations issued to deter smuggling, illegal excavation and improper restoration of artworks, as well as to control their export, have usually included very long and detailed lists of objects to which the rules were to be applied.

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<sup>1</sup> Difficile chiedere ai secoli della creatività una riflessione così profondamente storicista qual è quella che fa nascere le categorie e ne definisce parallelamente l'equivalente verbale. Emiliani, *Una politica dei Beni Culturali*, 36.

Focusing exclusively on the clauses that contain such lists of artworks, this chapter will begin by considering legislation issued in the Late Roman Empire, which has generally been recognised as the oldest law on the protection of cultural heritage – if we can use this contemporary definition – issued in Europe. Moving from this, the discourse will consider the wide system of edicts developed in the Papal States between the fifteenth and the nineteenth century. These laws, in particular, will be contextualised within a wide framework of different duchies, kingdoms, and republics, both Italian and European, which had different legislation – and definitions – concerning antiquities and artworks. Pursuing a similar approach, it will be possible to outline a progressive comparative history of early laws on the protection of heritage, covering the regulations issued in the Grand Duchy of Florence, the Kingdom of Naples, and the Duchy of Parma, as well as European countries such as Spain, Prussia, and Sweden, between Late Antiquity and the first half of the nineteenth century. This chronological account will provide a concise history of the development of the concept of “art” and “artwork”, deriving, as said, from the definitions and the lists of objects included in the laws issued in each territory. In this regard, it is interesting to note that major countries that might be expected to be part of the discussion, such as France or England, are not included, as they did not issue any legislation on the protection of national heritage before the second half of the nineteenth century. On the other hand, countries with an art heritage that is not as well known, such as Denmark and Czechoslovakia, will find place in the argument alongside countries that are thought of as richly endowed, such as Spain and Greece. Greece, in particular, will be the focus of the last part of the chapter, as the concept of heritage, which in this case referred mostly to antiquity, defined within its legislative system is particularly wide and complex, and requires specific analysis. In this discussion, the gradual shaping and broadening of the concept of “heritage” and its related definitions will come to light progressively, clarifying also the origins of the widely inclusive attitudes to the tutelage and conservation of art in contemporary Europe. One of the most surprising outcomes of such an analysis concerns the evaluation of the artworks of different epochs: it will emerge that what is considered most significant in art history today was often neglected, and not given any form of protection, conservation or even scholarly consideration in the early centuries.

Figure 1 Map of Europe, 1700-1750.

<http://fineartamerica.com/featured/vintage-antique-map-of-europe-french-origin-circa-1700-on-worn-distressed-parchment-canvas-design-turnpike.html>

## Concepts of “art” and “artwork” in early legislation on heritage protection

Within this short history of the definitions of historic and artistic heritage described by law, the series of codes and edicts issued on the preservation of monuments in ancient Rome during Late Antiquity should be analysed before approaching the legislation of the early modern European countries, as they represented a fundamental milestone for the later development of concepts of heritage. The very first steps to save ancient buildings from destruction were taken as early as 438 CE by the Emperor Theodosius II within the so-called *Codex Theodosianus*, which was set up and implemented in both the Western Roman Empire and the Byzantine Empire.<sup>2</sup> Among the various regulations included in the codex, the clear determination of Theodosius to preserve ancient monuments from destruction and the liming of marble emerges.<sup>3</sup> Such announcements had come after the abolition of pagan cults in favour of Christianity prescribed by Theodosius I in 380 CE: groups of Christian fanatics had initiated the devastation of several ancient statues and temples, wishing to eliminate the remains of the old pagan rituals in favour of the new monotheism. What is important to note is that the codex was founded on thinking that did not relate to any political or religious agenda for the protection of the pagan remains, and aimed to save them solely for their antiquity and possible adaptation into new forms. This is why similar fundamental principles were reinstated by Majorian’s edict *De aedificiis publicis* in 458,<sup>4</sup> and by Justinian’s *Codex Iustinianus repetitae praelectionis*, which was issued in Constantinople in 534 and extended to Rome in 554.<sup>5</sup> These edicts, in broad terms, aimed to reduce the uncontrolled reuse of ancient *spolia* and to forbid the liming of marbles, asserting, on the one hand, the importance of preserving antiquities and pagan temples from destruction or vandalism, and facilitating, on the other hand, their modification for new uses determined by the rulers. The edict of Justinian, in particular, once ratified resulted in a further advancement on the protection of historical monuments in Rome: it not only reaffirmed the ethical standards already defined in

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<sup>2</sup> The *Codex Theodosianus* was issued on 15 February 438 CE, becoming effective in 439. For all the edicts published on the preservation of monuments in Rome between Late Antiquity and the end of the Middle Ages discussed in this chapter, see the essay published by Fea in 1784, which is summarised also in Curzi: Fea, “Dissertazione sulle rovine di Roma”; Curzi, *Bene culturale e pubblica utilità*, 22-30.

<sup>3</sup> Lime was a chalky mineral used as an ingredient in making mortar for construction, and was usually extracted from marble. From old English *lim* “sticky substance, birdlime, mortar, cement, gluten”. See online Etymology Dictionary - <http://www.etymonline.com/>.

<sup>4</sup> The *Novella Maioriani 4*, on the conservation of the monuments of Rome, was issued on 11 July 458. Majorian was the Emperor of the Western Roman Empire from 457 to 461 CE; this edict was adopted also by Leo I, Emperor of the Byzantine Empire.

<sup>5</sup> The so-called *Corpus Iuris Iustinianum*, which collected the body of laws of the Byzantine Emperor Justinian, was extended to the Western Roman Empire in 554 CE after the appeal of Pope Virgilius.

previous legislation, but it also allocated funds for the widest campaign to date for the restoration of Rome of the pre-Christian era.<sup>6</sup>

Even though the legislation of the Late Roman Empire provided a fundamental basis for subsequent regulations, particularly initiatives on the protection of ancient remains, it should be noted that it was founded on a very limited concept of heritage. For the most part, in fact, it did not acknowledge any particular artistic or aesthetic value in the monuments it was seeking to protect; it only stated the need for preservation if they were threatened by destruction or damage. For these reasons, it can be surmised that at this point there was no clear aesthetic awareness or recognition as the basis for conservation. From this perspective, a remarkable shift in both the conceptualisation and the definition of heritage appeared in 1162, in the edict issued on 27 March by the Senate of the newly established Municipality of Rome. This regulation was devoted exclusively to the protection of Trajan's Column in the Ulpian Forum, whose preservation, "intact and unspoiled", was required for the "honour of the church itself and of the entire Roman population".<sup>7</sup> Although the law addressed only one monument out of uncountable ancient remains in Rome, the historical significance of antiquity for the reputation and honour of the city was finally recognized. Nevertheless, despite these significant advances, the concept of art itself and related questions on protection did not widen until the fifteenth century, rather reverting to models of safeguard based on the approach of the Late Roman Empire.

The so-called breve *Etsi de Cunctarum* issued by Pope Martin V on 30 March 1425 should be seen as the first substantial landmark in the development of a broad approach to the protection of monuments in Rome.<sup>8</sup> This bill is not only the first regulation issued by the Catholic Church on the protection of antiquities, but it is also an early attempt to deal with the safeguarding of old monuments and buildings in the city as a whole, aiming both to ameliorate the terrible degradation they suffered at that time and to provide effective solutions for their conservation. Defining the devastation of antiquities as "sacrilegious", the law established the office of *Magistri Viarum*, responsible for the supervision and maintenance of public spaces, and the first wide campaign of restoration and refurbishment in the city. These were intended to recover not only the major Basilicas of Christianity in particular, such as the Basilicas of St. Paul, S. Maria Maggiore, and St. John in Lateran, but

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<sup>6</sup> Fea obtained this information from the *Historiae ecclesiasticae quam tripartitam* of Cassiodoro, Theodoric's Chancellor.

<sup>7</sup> "Integra et incurrupta", "honorem ipsius ecclesie et totius populi Romani". Fea, "Dissertazione sulle rovine di Roma", 355; Curzi, *Bene culturale e pubblica utilità*, 28.

<sup>8</sup> For this breve see Curzi, *Bene culturale e pubblica utilità*, 34-35..

also secular historical buildings that had been used in improper ways.<sup>9</sup> From this perspective, it should be noted that the *Etsi de Cunctarum* was shaped on the inclusive approach of the Late Roman Empire laws rather than on the exclusivity of the medieval edict of 1162; on the other hand, Martin V embraced the importance of protecting the ancient past for the glory of the city, a concept derived from the edict for Trajan's Column. Nevertheless, looking at the development of the definition of "artwork" and "heritage", the most important innovation of the bill lay in the clear concept of arts and monuments on which it was grounded. Up to that time, the interests of the popes had been devoted either to the preservation of single, highly symbolic monuments built during Antiquity, such as the Colosseum or the Trajan Column, or to ancient structures reused for ecclesiastic purposes, concerning mostly the conversion of pagan structures into Christian churches.<sup>10</sup> Martin V, on the other hand, aimed to include all the monuments of Rome within the new regulation, disregarding whether they were public or private, pagan or Christian, and taking into account only their condition and need for preservation. In these early centuries there was not a clear differentiation of safeguarding and restoration, as the main aim was to keep the monuments in good condition for the glory of the city and the popes.<sup>11</sup>

It should be observed, in any case, that this early legislation was neither systematic nor coherent. Nor was it consistently acknowledged: it is notable that in 1452, only a few years after the *Etsi de Cunctarum*, Pope Nicholas V issued a new bill, in which he authorised local entrepreneurs to remove and reuse marbles coming from "any porch, wall, plaque, colonnade [...] which are hindering" ancient and public buildings in the city.<sup>12</sup> Even though this new bill was still intended to promote the *Restauratio Urbis* through the refurbishment of public spaces, there was a clear contradiction in the attitude of the popes, who supported the free reuse of ancient marble at the same time as promoting the conservation of ancient constructions. Such ambiguities can be attributed both to the inconsistencies of an area of legislation that was under early development at that time, and to the aesthetic and artistic perceptions typical of fifteenth-century culture. By this time Humanism was already

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<sup>9</sup> For the campaign of restoration carried out in Rome in these years, see Fea, *Relazione di un viaggio ad Ostia*.

<sup>10</sup> The first temple converted into a church was the Pantheon in 609 CE; in the following centuries further churches were established on the remains of ancient monuments, such as S. Maria in Aracoeli on the Capitol. See Fea, "Dissertazione sulle rovine di Roma"; Ridley, *The eagle and the spade*, 9-12.

<sup>11</sup> For the history of conservation and restoration of ancient monuments, see Giovanni Carbonara, *Avvicinamento al Restauro. Teoria, Storia, Monumenti*, Napoli: Liguori, 1997.

<sup>12</sup> "Ogni Porticho, muro, tavolato, colonnato [...] che daessi impaccio". This breve was issued on 1 July 1452 without title. For this quote and all the edicts published on the preservation of monuments in Rome between the fifteenth century and the beginning of the sixteenth century discussed in this chapter, see the volume published by Fea in 1802, which is summarised also in Curzi: Fea, *Relazione di un viaggio ad Ostia*, 83; Curzi, *Bene culturale e pubblica utilità*, 30-46..

flourishing and the artistic and cultural trends of the Renaissance developing. Antiquity had been elected as a model and ideal of perfection in both literature and the visual arts. Within this classically-inspired background, the Catholic Church not only began referring constantly to ancient Rome in its programme for reconstructing a new Rome, but also sought to gain symbolic and cultural control over ancient monuments to enhance its political power. The improper use of ancient marbles for building houses and producing lime had reached its peak at this time. The reuse of materials had been a regular practice in Rome since Late Antiquity, but it had extended to uncontrolled levels during the seventy-year Avignon exile of the popes, between 1309 and 1377.<sup>13</sup> During this period the city was impoverished and devastated not only by neighbouring rulers, who plundered sculpted marbles and statues to embellish their cities, but also by the inhabitants of the Papal States themselves, who used ancient materials of monuments and temples to build their houses. Legislation issued throughout the fifteenth century clearly demonstrates a duality in the Church's attitude toward past remains: while understanding, on the one hand, the symbolic value of historical buildings, and promoting their conservation, on the other hand, the laws recommended reusing ancient materials in new edifices. The bill *Cum Almam Nostram Urbem*, published by Pius II on 28 April 1462, prohibited destruction, demolition and liming of ancient marbles and monuments in both Rome and its districts, unless specific approval had been granted by the pope in person; the bill *Quam Provida*, issued by Sixtus IV on 7 April 1474, forbade the plundering of ancient "Porphyries, marbles, and stones of other qualities and colours" in churches, in this case referring only to the materials that had already been reused for building Catholic edifices in early modern times.<sup>14</sup> The law issued by Leo X on 26 August 1515 established the position of *Praefectus marmorum et lapidum* in Saint Peter's, appointing Raffaello Sanzio, to supervise and preserve "remains, antiquities, famous artworks, buildings and ornaments" from loss, and yet approving materials that could be reused in new constructions.<sup>15</sup>

Turning to the Grand Duchy of Tuscany, the first law issued by the Medici family on 30 May 1571 was conceived under the same premises as the papal legislation, according to Emiliani.<sup>16</sup> Prohibiting the removal and the violation of "arms, inscriptions, memorials [...]"

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<sup>13</sup> For the reuse of ancient materials in new buildings of these years, see Condemi, *Dal "Decoro et Utile" alle "Antiche Memorie"*, 13-14.

<sup>14</sup> "Porphyreticos, marmoreos, et alios diversorum generum, et colorum lapides". Fea, *Relazione di un viaggio ad Ostia*, 84-85; Curzi, *Bene culturale e pubblica utilità*, 38.

<sup>15</sup> "Reliquie, antiquitati, famose opere, edifici, ornamenti". For this quote and the edicts published on the preservation of monuments in Rome in the sixteenth century, discussed in this chapter, see Emiliani, *Una politica dei Beni Culturali*, 36.

<sup>16</sup> For all legislation issued in the Grand Duchy of Tuscany discussed in this chapter, see Emiliani, *Leggi, Bandi, Provvedimenti*, 23-54; Speroni, *La tutela dei Beni Culturali*, 51-78

on both public and private buildings”, Cosimo I Medici aimed to legitimise his political authority through the past history of Florence, suggesting an attitude that valued antiquities for their symbolic and political significance rather than for their artistic and aesthetic quality.

The first clear evidence of change appeared in the sixteenth century, when initial concerns regarding the export and trade of artworks arose, caused by growing requests for antiquities and new typologies of works from foreign collectors and dealers. A study of the legislation issued between Late Antiquity and the first decades of the sixteenth century demonstrates that the main interest of emperors, popes and dukes had been to preserve local immovable heritage from destruction and loss. That is to say, for centuries general attention had been devoted mainly to ancient monuments, ruins of temples and other structures, different types of marble reused in new edifices, and inscriptions and ornaments placed on buildings – in short, to artefacts that were either fixed to a monument or that were impossible to move because of their size. Questions about portable (movable) artworks started to emerge as soon as governments realised that major historic and artistic centres kept losing statues and small pieces of sculpture without any control, due to the demands of the art market.<sup>17</sup> The problem, in broad terms, derived from the quick escalation of dynastic collections and private cabinets of curiosities, the so-called *wunderkammern*, which not only prompted rich trade in antiquities, small curiosities, memorabilia, fragments of sculpted marbles, and so on, but also launched the first demands for Italian painting throughout Europe. Since the early Renaissance, the supremacy of Italian art over the art of the rest of Europe had become the general opinion, which soon started driving eager acquisitions from most French, English, Spanish and German collectors. The countries which were losing artworks – that is, most parts of the Old Italian States – realised quite rapidly that the lack of systematic legislation on the protection of transportable artworks was a fundamental problem. However, significant resolutions started to appear only at a later stage, when collective awareness had developed on the importance of keeping artworks and ancient relics not only for the glory of dukes and popes, but also for the benefit of society as a whole.

One of the very first complaints about the smuggling of movable objects appeared in the breve of Pope Paul III of 28 November 1534, and, quite unsurprisingly for Rome, it dealt merely with the loss of antiquities. The protest of the Pope was too lacking in detail to have a real effect on the art market; however, the list of the objects that he intended to put under

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<sup>17</sup> See Condemi, *Dal “Decoro et Utile” alle “Antiche Memorie”*; Francis Haskell, “La dispersione e la conservazione del patrimonio artistico” in *Storia dell’Arte Italiana*, vol. 3, 5-35, Torino: Einaudi, 1981.



supervision was unexpectedly wide and detailed, and included both movable and immovable items, although not yet painting:

Monuments, Arches, Temples, Trophies, Theatres, Amphitheatres, Circuses, Naumachiae, Porches, Columns, Sepulchres, Epitaphs, Dedications, Large Buildings, Aqueducts, Statues, Figures, Tablets, Gravestones, Marbles [...].<sup>18</sup>

The later condemnation of the market of antiquities in Rome launched by Pope Pius IV proved to be much stronger and more severe. The *Motu Proprio* he issued on 11 July 1562 aimed purposefully to block both the production of false antiquities and the illegal trading of uncountable originals, listed as “ancient marbles, both worked and not, statues, busts, metals, precious gems, coins, vases and cups made of bronze, silver and gold, tablets and epigraphs”.<sup>19</sup> It is clear that the perception of the value of movable goods, defined within the law essentially as small miscellaneous objects of antiquity, had changed fundamentally both in the Papal States and in the importing countries, as result of the pressure of private collectors and dealers on the art market. The language of the edict itself seems to reproduce the huge variety of a northern European *wunderkammer*, and is a clear sign of the efforts to protect exactly the range of objects sought for these collections. The so-called Constitution *Que Publice Utilia*, issued by Pope Gregory XIII on 1 October 1574, can be approached from a similar perspective.<sup>20</sup> Even though this bill did not add any new elements broadening the definition of artwork, its relevance is in its basis, promoting the greater importance of the state (public) than the private individual in the use of antiquities and monuments, as specified in the title of the edict.<sup>21</sup> This was a firm cultural position that would have consequences both for the art market of private collectors throughout Europe and for the development of the concept of public heritage in Rome. However, at this time the trade of artworks did not stop at all, rather prospering and increasing despite any papal legislation issued to deter it.

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<sup>18</sup> Monumenta, Arcus, Templa, Trophaea, Theatra, Amphitheatra, Circi, Naumachiae, Porticus, Columnae, Sepulchra, Epitaphia, Eulogia, Moles, Acqueducts, Statuae, Signa, Tabulae, Lapides, Marmora [...]. Fea, *Relazione di un viaggio ad Ostia*, 96; Curzi, *Bene culturale e pubblica utilità*, 45.

<sup>19</sup> “Antiqua Marmora, elaborata, et simplicia, statuas, capita, metalla, gemmas, numismata, vasa, et pocula anea, argenta, aurea, tabulas, et inscriptiones”. Curzi translates “tabulas” as paintings, but I think the law refers to the ancient “tablets” of marble used in the Roman Empire. Fea, *Relazione di un viaggio ad Ostia*, 99-100; Curzi, *Bene culturale e pubblica utilità*, 40.

<sup>20</sup> For this constitution see Emiliani, *Leggi, Bandi, Provvedimenti*, 7.

<sup>21</sup> Early awareness of the *utilitas publica* (public benefit) of heritage had been already affirmed in 1471, when Pope Sixtus V donated a group of ancient bronzes to the “Roman community” as a symbolic act; these pieces were placed in the buildings on the Capitoline hill, later converted into the Capitoline Museum.

The final steps towards the definition of systematic and effective legislation on the protection of so-called movable heritage were taken in the Grand Duchy of Tuscany between the end of the sixteenth and beginning of the seventeenth centuries. The dukes of Florence were not particularly concerned about the physical conservation of artworks, or about the risks of their destruction or deterioration. Rather, they were alarmed about the threats to Florentine Renaissance culture as a whole, whose outstanding qualities had achieved wide recognition thanks to the *Lives of the most Excellent Italian Painters, Sculptors, and Architects* of Giorgio Vasari.<sup>22</sup> As a consequence, the Medici developed an attitude of strong protectionism of Florentine culture, establishing severe prohibitions and limitations on the exportation of artefacts representing what was perceived to be the peak of that culture. The first provision in this direction was established by Ferdinando I de' Medici on 7 July 1597, who blocked exportation of "Agate, jaspers, chalcedony, and other hard stones", as they were typical goods of Florence.<sup>23</sup> The most important regulation on the protection of artworks from trading was defined a few years later, again by the hand of Duke Ferdinando I. On 24 October 1602 he issued, *de facto*, the very first prohibition on the exportation of paintings in Europe, which would change dramatically both the subsequent history of collections and museums, and the concept of the artwork itself. With this new provision, the duke intended to control and stop the outflow of the "Good Paintings" from Florence, as "the city should not lose its adornment" and reputation.<sup>24</sup> For this reason, exportation of paintings of both dead and living artists was regulated by the issue of licences, which would be granted by the Academy of Drawing only for paintings that did not meet minimum standards of style, quality and subject; nevertheless, licences for the artworks of living artists were generally granted, to incentivise and promote the growth of the local economy. The law also prescribed a list of eighteen Great Painters, whose artworks must not be exported under any circumstance from the territory of the Grand Duchy. Such a list, quite obviously, followed the artistic taste of the Medici's entourage, which mixed classical and mannerist styles, and which had also modelled the creation of the Uffizi collection, in particular of the Tribune. These artists were: Michelangelo, Raffaello, Andrea del Sarto, Domenico Beccafumi, Rosso Fiorentino, Leonardo, il Francia, Perino del Vaga, Jacopo da Pontormo, Tiziano, Francesco Salvati, Bronzino, Daniele da Volterra, Fra' Bartolomeo, Sebastiano del Piombo, Filippino

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<sup>22</sup> Giorgio Vasari published his first version of *Vite de' più Eccellenti Pittori, Scultori e Architettori Italiani, da Cimabue insino a' tempi nostri* in 1550 with a slightly different title from the more famous second edition, issued in 1568, that I am mentioning here. This argument is based on an observation of Emiliani, *Una politica dei Beni Culturali*, 37.

<sup>23</sup> "Agate, diaspri, carcedoni, et alter simili dure". Speroni, *La tutela dei Beni Culturali*, 57.

<sup>24</sup> "Pitture Bone", "a effetto che la città non ne perda l'ornamento". *Ibid.*, 54.

Lippi, Correggio, and Parmigianino, with Pietro Perugino added later as a nineteenth name. Even though some important masters, such as Sandro Botticelli, were absent because of their negative appraisal at the time, it must be stressed that the list was conceived as a tool that could be expanded with new painters at any time artistic tendencies and preferences changed. It should be noted that the Medici's taste was not only based on criteria of style and excellence, but also on criteria of subject and genre. As a consequence, the law stated that landscapes and "paintings to be placed on the bed's head" were not necessary for the honour of the city;<sup>25</sup> thus, they could be exported even without a licence. In the following years, the Florentine law was extended also to other territories within the Grand Duchy: first to Siena in 1602, where a list of three artists, Beccafumi, Raffaello and Sodoma, was defined; then to Pisa, Pistoia and Arezzo in 1603; finally, to all the customhouses of the state in 1610.<sup>26</sup>

Despite divergences in the evaluation of styles, genres and subjects, it is clear that at this stage paintings were included under the protection of law, at least in Florence, and that the centuries-old exclusive monopoly of antiquities for exportation, collecting, and conservation was finally broken; this had a deep impact also on traditional definitions of the arts. In a broad perspective, it can be affirmed that, around the beginning of the seventeenth century, the three major arts of academic culture – sculpture, painting and architecture – found their official definition and codification in the body of legislation of the main Old Italian States. As will be discussed in the following section, in the ensuing century Rome would also issue a law on the protection of painting, following the example of the Grand Duchy, and later other states followed. What happened in the subsequent two centuries can be seen chiefly as a continuous attempt at redefining, shaping and expanding both typologies and the numbers of objects included in the lists. Clearly, the concept of artworks was widening a step at a time.

The most zealous administration working in this direction was, once again, the administration of Rome. The office of the so-called Camerlengo, responsible for managing properties and the economy in the Papal States, seems to have been involved full-time in the drafting of new legislation all through the seventeenth and eighteenth centuries. The quantity of edicts, regulations and bills it issued in this period is extremely significant, especially if compared to the Grand Duchy of Tuscany, where no new legislation on the protection of artworks was issued in the 150 years following the initial breakthrough. In this framework,

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<sup>25</sup> "Pitture da mettere da capo al letto". Ibid., 54.

<sup>26</sup> The law of Ferdinando I was imposed in Siena on 5 November 1602 and in the other centres in different months of 1603. While Siena defined a specific list of painters, the other centres adopted the list from Florence.

such quantities of regulations can have two possible explanations. First, it could be the consequence of the inadequate implementation of each law, whose outcomes were so ineffective as to require the issuing of further rules time after time. Secondly, it could be the result of the difficulty of encompassing into law, or definition, the huge historical and cultural variety of Rome.<sup>27</sup> Whatever the cause, however – and both possibilities were at work – the loss of the objects that were supposed to be under protection did not end, and continued to increase despite all the provisions issued to prevent it. It is significant that in this period, and particularly during the seventeenth century, Rome was designated the major destination for the Grand Tour in Europe. Travellers, scholars, artists, collectors and aristocrats all converged into the “Eternal City” to find inspiration for their studies and art, as well as treasures to expand their collections in their homelands.

The first redefinition of the lists of artworks can be found in the so-called *Edict Aldobrandini* of 1624, which included “Figures, Statues, Antiquities, Ornaments, works both ancient and modern, made of marble, metal, or of any other kind of stones, even if cut in pieces” under the umbrella of law.<sup>28</sup> Even though such a definition seems less detailed and narrower than the one given by Pius IV in 1562, the law of 1624 can be seen as an early attempt at normalizing both the language and the categories of art, in order to create broad typologies able to include different objects, and also those that were broken or cut into pieces. Despite this effort at simplifying the criteria, however, the subsequent *Edict Sforza* of 1646 was based again on sophisticated, punctilious lists of items, which removed damaged artworks from protection again. Thus, with this new edict exportation was forbidden for:

Statues, figures, bas-reliefs, columns, vases, alabasters, agates, jaspers, amethysts, or other marbles, jewels, worked and non-worked stones, busts, heads, fragments, pillars, pedestals, inscriptions, or other ornaments, friezes, medals, cameos, or engravings of any stone, or metal, gold, silver of any ancient or modern material, and also figures, ancient paintings, or other works [...].<sup>29</sup>

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<sup>27</sup> This is a consideration of Emiliani, *Una politica dei Beni Culturali*, 38. Although I favour the other explanation, the one does not exclude the other.

<sup>28</sup> “Figure, Statue, Antichità, Ornamenti, o lavori antichi come moderni, di marmo, metallo, o d’altre pietre di qualsivoglia sorte, etiam in pezzi”. *Edict Aldobrandini - Prohibitione sopra l’estrattione di Statue di marmo o di metallo, Figure, Antichità e simili*, issued under Pope Urban VIII on 5 October 1624. From this moment on the edicts were generally named after the surname of the Cardinal Camerlengo who wrote them. For the quote and all legislation issued in Rome in the seventeenth and eighteenth century, discussed in this chapter, see Emiliani, *Leggi, Bandi, Provvedimenti*, 55.

<sup>29</sup> Statue, figure, bassi rilievi, colonne, vasi, alabastrì, agate, diaspri, amatisti, o altri marmi, gioie, e pietre lavorate, e non lavorate, torsì, teste, fragmenti, pili, piedestalli, inscrittioni, o altri ornamenti, fregi, medaglie,

The edict was evidently based on an exclusively antiquarian taste, still omitting modern painting. This meant that antiquity was not necessarily appreciated and understood in terms of its artistic and aesthetic qualities, but rather for its links to erudition and classical scholarship. It is highly likely that the category “ancient paintings” did not refer to independent modern pictures on canvas or panel at all, but to the frescoes, encaustics, and wall paintings typical of ancient Roman art.<sup>30</sup> In particular, this definition might have a clear connection with the early Christian murals created during the late centuries of the Roman Empire: in 1575 the ancient catacombs of Rome were discovered, raising both the interests of scholars and collectors and the concerns of the papal administrators regarding their preservation.<sup>31</sup> Such a strong antiquarian predilection was also clear in the rules for excavations, which established that no “mixed marbles, alabasters, slabs, travertine, peperino [...]”, could be extracted from “public and private spaces, next to buildings, constructions, walls, ancient bridges”,<sup>32</sup> it was even more obvious for the destruction and liming of marbles, which were forbidden for “inscribed or worked marbles, statues, figures, or other ancient ornaments [...] medals, and carved metals, of ancient gold or silver, that have figures or memories of ancient things”.<sup>33</sup> Basically, the body of this law was very long and repetitive, re-running the lists of objects for each new infringement listed – for excavation and exportation, as said, but also for domestic sale, reuse and restoration. It makes it seem very likely that the improper use and smuggling of antiquities were still common practices in Rome, and that they were increasing regardless of any law. That is no doubt why the administrators of the office of the Camerlengo felt the necessity not only to issue this edict in 1646, just a few years after the previous one, but also to make both the subjects and the goals unequivocal. Nevertheless, further problems of implementation must have arisen because an additional edict was issued in 1655, named *Edict Barberini*, replicating the very same lists

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camei, o intaglio di qualsivoglia pietra, ovvero metallo, oro, argento di qualsivoglia materia antica, o moderna, nè meno figure, o pitture antiche, o altre opere [...]. *Edict Sforza - Editto sopra l'estrattioni, e cave di Statue, Figure, Intagli, Medaglie. Inscrittioni di marmo, di mischio, metallo. Oro, Argento, Gioie, e cose simili antiche e moderne*, issued by the Pope Innocent X on 29 January 1646. Ibid., 57.

<sup>30</sup> “Ancient painting” is different from the category “modern painting”, which would be included in the papal edicts later on; I assume that “ancient painting” refers to wall paintings of the Roman Empire. Emiliani affirms that modern painting in Rome only entered under the protection of the law in the eighteenth century: *Una politica dei Beni Culturali*, 39.

<sup>31</sup> See Daniela Mondini, “Sèroux d’Agincourt et l’art des premiers chrétiens” in *Penser l’art dans la seconde moitié du XVIII<sup>e</sup> siècle: théorie, critique, philosophie, histoire*, edited by Christian Michel and Carl Magnusson, 549-568, Rome: Académie de France, 2008.

<sup>32</sup> “Marmi, mischi, alabastri, platee, travertini, piperini [...]”, “luoghi pubblici, e private vicino all’edificij, fabbriche, mura e ponti antichi”. Emiliani, *Leggi, Bandi, Provvedimenti*, 56.

<sup>33</sup> “Marmi iscritti, lavorati, statue, figure, o altri ornamenti antichi [...] figure, medaglie, intagli di metallo, d’oro, d’argento antichi, che habbino figurazione, o memoria di cose antiche”. Ibid., 59.

from the *Edict Sforza* of 1646.<sup>34</sup> The situation clearly did not change in the years immediately subsequent either, when the *Edict Altieri* of 1686 and the *Edict Spinola* of 1701 mentioned again the same registers of objects, adding only the category “ancient images” next to ancient paintings for the Roman murals.<sup>35</sup> However, the lists evolved significantly soon afterwards, when a further *Edict Spinola* was issued in 1704. In order to respond to the growing number of discoveries of ancient artefacts in Rome, this edict prescribed that new “Paintings, Stuccos, Pavements, Figures, or other works in Mosaic, Monuments, or Sepulchres of any sort” must be declared to the office of the Camerlengo, together with the objects already listed in the former regulations;<sup>36</sup> it must be noted that here the term “paintings” still refers to the wall painting of ancient Rome. The most important innovation of the edict, however, was the inclusion of new items on the list:

Manuscripts whether in Italian and Latin, or Greek, Hebrew and in any other language [...] divided, broken, or loose, as well as Documents, Law cases, Inventories, Letters, papal Bulls, Letters, and any other sort of paper, or parchment manuscripts.<sup>37</sup>

This was not the first time that archival documents and books had been included under the protective umbrella of law. The earlier attempts for issuing a regulation on such written “ancient memories” were prompted in the Grand Duchy of Tuscany in 1606, a century earlier than Rome, after the first archives had been founded in the sixteenth-century Old Italian States.<sup>38</sup> Following the Florentine model, in Rome too the protection of documents and books was to be separated from the protection of artworks and monuments, being given specific status and specific legislation in 1712.<sup>39</sup>

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<sup>34</sup> *Edict Barberini*, issued under Pope Alexander VII on 30 August 1655. Mentioned without full title in Speroni, *La tutela dei Beni Culturali*, 14.

<sup>35</sup> “Quadri, e pitture antiche”. *Edict Altieri – Prohibitione sopra l’estrattione di Statue di marmo o metallo, Figure, Antichità e simili* issued by Pope Innocent XI on 5 February 1686; Speroni dated this edict to 9 May 1685. First *Edict Spinola - Prohibitione sopra l’estrattione di Statue di marmo, o metallo, Figure, Antichità e simili* issued by Clement XI on 18 July 1701. Emiliani, *Leggi, Bandi, Provvedimenti*, 62.

<sup>36</sup> “Pitture, Stucchi, Pavimenti, Figure, o altri lavori di mosaico, Monumenti, o sian Sepolcri di qualsivoglia sorte”. Second *Edict Spinola – Editto sopra le Pitture, Stucchi, Mosaici, et altre Antichità, che si trovano nelle cave, Inscrizioni antiche, Scritture, e Libri manoscritti*, issued by Clement XI on 30 September 1704. *Ibid.*, 67.

<sup>37</sup> Libri scritti a mano tanto Volgari, e Latini, quanto Greci, Ebraici, e di qualunque altra lingua [...] divisi, rotti, e sciolti, come pure Instrumenti, Processi, Inventarij, Lettere, Bolle, Brevi, Diplomi, e qualunque altra sorte di carte, ovvero pergamene manoscritte. *Ibid.*, 68. Thanks to Em. Prof. Ronald Ridley who resolved issues in understanding the materials listed in this text.

<sup>38</sup> Such as the public archive of Florence, but also the Vatican Secret Archive. This topic is not further developed, as it goes beyond the limits of my thesis.

<sup>39</sup> Third *Edict Spinola*, on documents and archives, was issued under Pope Clement XI on 14 May 1712. Mentioned without full title in Speroni, *La tutela dei Beni Culturali*, 18-20.

It is interesting that such important conceptual developments in the definition of “art”, “artwork” and “heritage” were generally neither planned nor rational, and sometimes they were not even acknowledged or included within the subsequent legislation. To give an example, the fundamental innovation on the production of false antiquities, established by Pius IV in 1562, was not followed up in the subsequent regulations; similarly, the fourth *Edict Spinola* of 1717 and the first *Edict Albani* of 1726 went slightly backwards in their concept of artwork, reinstating lists similar to the ones of seventeenth-century legislation: “Statues, or their fragments, Busts, Heads, Bas-reliefs, Pedestals, Columns, Capitals, Inscriptions, Vases, Urns, and other ornaments”.<sup>40</sup> In this context, the subsequent refinement of the concept of artwork emerged quite unexpectedly, appearing only a few years later within the second *Edict Albani* of 1733.<sup>41</sup> Even though this regulation is not usually acknowledged in the literature, and is cited merely as the last of a long series of ineffective laws, it actually imposed two new and fundamental milestones in the legal and cultural development of papal legislation. First of all, it reissued the two-centuries-old prohibition on the trade of “things [...] altered and counterfeit”, identifying them as antiquities and small items, such as “Cameos, Carvings, Medals of any kind, figures in bronze”, which were not only blatant forgeries of originals but also were sold at excessive prices to foreign visitors.<sup>42</sup> Secondly, and most importantly, it finally introduced the legal protection of “Paintings, Mosaics, and Pictures, and other similar works, both ancient and modern” in the Papal States, ascribing value and meaning to painting after a thirteen-century long exclusive protection of antiquities.<sup>43</sup> Clearly, these significant developments did not appear from nowhere, after almost 200 years of legislative impasse, and indeed can be explained within the context of the art trade and aesthetic taste of that time. According to the analysis of Conde mi, the market for falsified and forged antiquities had dramatically expanded in Rome during the last decades of the seventeenth century; this was caused both by an escalating demand for artworks from English, French and German collectors, and by an economic crisis in the Papal States during

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<sup>40</sup> “Statue, o frammenti di esse, Torsi, Teste, Bassi Rilievi, Piedistalli, Colonne, Capitelli, Inscrizioni, Vasi, Urne, ed altri ornamenti [...]”. Fourth *Edict Spinola - Prohibizione sopra l'estrazione di Statue di marmo, o metallo, Figure, Antichità e simili*, issued by Clement XI on 8 April 1717; *Edict Albani – Editto sopra li scalpellini, segatori di marmi, cavatori et altri*, issued by Benedict XIII on 21 October 1726. The quote is from the edict Albani: Emiliani, *Leggi, Bandi, Provvedimenti*, 71.

<sup>41</sup> *Edict Albani – Prohibizione dell'estrazione delle Statue di marmo, o metallo, Pitture, Antichità e simili*, issued by Clemente XII on 10 September 1733.

<sup>42</sup> “Cose [...] alterate e falsificate”, “Cammei, Intagli, Medaglie, di tutte le sorti, e simili bronzi figurati”. Emiliani, *Leggi, Bandi, Provvedimenti*, 73.

<sup>43</sup> “Pitture, Mosaici, e Quadri, e altre simili opere tanto antiche, quanto moderne”. *Ibid.*, 72.

the latter half of the century.<sup>44</sup> So, at the same time as foreign collectors were rapidly emptying Rome of any items suitable for their collections, coming both from the numerous – often illegal – excavations carried out throughout the city and from the properties of bankrupt aristocratic families, impoverished artists started forging and selling fake antiquities, in order to increase their income. In this framework, it is not difficult to imagine that these artists would have preferred to reproduce simple, small items, which had modest production costs and no problems with transport, such as small figures and carvings. In addition to antiquities, ever-increasing exports of painting were registered throughout the entire seventeenth century; this factor was clearly connected to the significant escalation of interest in Italian painting by collectors and scholars in Europe, particularly in Renaissance art, as well as to the fact that paintings were extremely easy to purchase and export from the Papal States. Religious corporations, monasteries, and oratories scattered throughout the county represented the principal suppliers for painting in the international art market of this period, since the serious economic crisis involving the entire papal establishment forced them to dispose of part of their artistic assets. These factors not only prompted the issuing of new papal legislation on the protection of these artworks, but also came to affect the nature and the quality of both public and private collections. The first half of eighteenth century, in fact, marked a break between the sixteenth- and seventeenth-century model of *wunderkammer* and private cabinet, and the modern idea of picture gallery and museum. The language used in the papal edict of 1733 also seems to follow the changing concepts reflected in the transition from the *wunderkammer* to modern galleries, and the final affirmation of independent “movable” paintings in Europe. While the definition of art was still based on the concept of variety and miscellanies, trying to include increasing numbers of object types, both mural paintings and canvas paintings were finally incorporated into the law, responding to the new taste:

Statues, Figures, Columns, Bas-Reliefs, Vases, Urns, Busts, Heads, Cameos, Carvings, Medals of any sort, figured Bronzes, or other ornaments in Marble, Stone, Metal, ancient or modern material, and also Paintings, Mosaics and depictions [pictures], and other similar works, both ancient and modern.<sup>45</sup>

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<sup>44</sup> See Condemni, *Dal “Decoro et Utile” alle “Antiche Memorie”*.

<sup>45</sup> Statue, Figure, Colonne, Bassirilievi, Vasi, Urne, Dorsi, Teste, Camei, Intagli, Medaglie di tutte sorti, e Bronzi figurati, o altri ornamenti di Marmo, Pietra, Bronzo, o altro Metallo, e materia tanto antica, quanto moderna, siccome ancora Pitture, Mosaici, e Quadri, e altre simili opere tanto antiche, quanto moderne. Emiliani, *Leggi, Bandi, Provvedimenti*, 72.



Finally, a further element that might have prompted the innovations of the *Edict Albani* was the pioneering breve issued in Bologna in 1713, which dealt with the protection of religious paintings in local churches. At that time, the city of Bologna was one of the most important and rich legations of the Papal States: its local heritage of religious art had started to be traded since the late seventeenth century, encouraged both by the particular appreciation it received from foreign collectors and by the negligence of clergy who did not understand its artistic value. Responding to the requests of both the Legate and the public, who were tired of continuous losses of pictures from chapels and altars, Clement XI defined a specific extra regulation to forbid the removal of paintings from local ecclesiastic buildings and block their exportation from the city.<sup>46</sup> Even though the appeal to the Pope was most probably inspired by religious and devotional reasons rather than aesthetic and artistic considerations, as will be clarified later in this chapter, it is extremely important that, for the first time, a province of the state preceded the main centre in considering, evaluating and protecting sections of artistic heritage, pushing the capital into doing the same.

The end of early modern papal legislation is generally associated with the issuing of the *Edict Valenti Gonzaga* in 1750, which is considered the most refined product of the papal efforts on the protection of antiquities and artworks up to that time.<sup>47</sup> This was, *de facto*, the first regulation which not only intended to correct omissions and defects of previous laws, in order to have a concrete effect on the safeguarding of artefacts, but also aimed at full, effective implementation. The most significant deficiency of earlier regulations was that they did not establish any system of administration and control throughout the territory of Rome. As a consequence, the legislation had always remained quite an abstract and theoretical list of provisions, which were difficult – sometimes impossible – to implement, despite the value of their cultural and conceptual constructions on the definition of heritage. While the features of such a new administrative system will be analysed in depth in Chapter Two, together with nineteenth-century prescriptions on management and cataloguing of artworks, in this section it is important to recognise two innovative concepts in the definition of "art" and "artwork" established within the *Edict Valenti Gonzaga*. The decree itself seems to be still constructed on the basis of the old lists provided by the *Edict Sforza* of 1646; in fact, even though it included the category "paintings", presumably including modern, next to "ancient paintings",

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<sup>46</sup> The law of Clement XI was issued on 5 April 1713. Mentioned without full title in Condemi, *Dal "Decoro et Utile" alle "Antiche Memorie"*, 83-84.

<sup>47</sup> *Edict Valenti Gonzaga – Proibizione della estrazione delle Statue di marmo, o metallo, Pitture, Antichità e Simili*, issued under Pope Benedict XIV on 5 January 1750. See Emiliani, *Leggi, Bandi, Provvedimenti*, 76-84; Speroni, *La tutela dei Beni Culturali*, 17-48; Condemi, *Dal "Decoro et Utile" alle "Antiche Memorie"*, 65-111.

it was based on the seventeenth-century concept of artistic miscellanea derived for the *wunderkammer*:

Statues, Figures, Bas-reliefs, Columns, Vases, Alabasters, Agates, Jaspers, Amethysts, and other precious Marbles, Jewels, worked Stones, Busts, Heads, Fragments, Small Items, Pedestals, Inscriptions, or other Ornaments, Friezes, Medals, Cameos, Gems, Coins, or carvings in any Stone, or Metal, Gold, Silver of any ancient or modern material, and also Figures, Paintings, Ancient Paintings, or other works sculpted in any kind of material, painted, carved, assembled, worked, or made in any way [...] which are in Rome and out of Rome.<sup>48</sup>

Yet the inclusion of the open-ended clause at the conclusion of the list, as a short statement dedicated to any other kind of material, aimed to include objects that were not explicitly mentioned in the provisions of the edict. This fundamental opening towards artworks that were not listed could have two possible explanations. On the one hand, it might indicate that the categories of items usually provided had probably started to seem too restricted for the wide variety of artworks in Rome. On the other hand, it could denote that the definition of artwork itself had begun to be understood as a concept in gradual and continuous evolution, often impossible to define *a priori*, but to be negotiated and re-established from time to time according to each case.

Further innovative aspects within the edict are the provisions related to the Capitoline Museum of Rome. Ruling that any item confiscated because of illegal activities should be transferred to the public museum of Rome, the new measure not only reinstated the rights of the state over those of private individuals in the use of artistic heritage, which the bill of 1574 had already defined, but it also introduced, at least implicitly, the affirmation of the right of the community to access and enjoy art. Placing this statement in legislative framework, the pope made an early, most probably unconscious, statement about the public destination of art.

Moving from the Papal States, we find other countries in Europe which had long-standing concerns about issuing legislation that was not focused merely on ancient

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<sup>48</sup> Statue, Figure, Bassirilievi, Colonne, Vasi, Alabastru, Agate, Diaspri, Amatiste, ed altri marmi preziosi, Gioie, e Pietre lavorate, Dorsi, Teste, Frammenti, Pili, Piedestalli, Inscrizioni, o altri Ornamenti, Fregi, Medaglie, Camei, Corniole, Monete, o Intagli di qualsivoglia Pietra, ovvero Metallo, Oro, Argento di qualsivoglia materia antica, o moderna, nè meno Figure, Quadri, Pitture antiche, o altre opere in qualsivoglia cose sculpite, e depinte, intagliate, commesse, lavorate, o in altro modo fatte [...] esistenti in Roma, e fuori Roma. Emiliani, *Leggi, Bandi, Provvedimenti*, 76.

monuments, notably Sweden and Denmark. Systematic legislation on the protection of national heritage began to be issued in most parts of northern Europe at the beginning of the nineteenth century. Before that, only Sweden and Denmark seem to have had some concerns regarding the preservation of historical evidence. In 1626 King Christian IV, following the approach of the Florentine court, issued the first law on the protection of monuments in Denmark.<sup>49</sup> The literature does not make clear whether this law was effective or not, but it is interesting that it required the Danish clergy to provide reports on the ancient historical remains in their parishes. As had already happened in Rome, the king seemed to have been more interested in protecting ancient monuments than any ecclesiastic artworks, which were, in this case, of the Protestant reformation. Things were little different in Sweden, where the impact of antiquity was even stronger than in Denmark. Scholars disagree about the date of the issuing of the first Swedish law on the preservation of monuments, citing either 1630 or 1666.<sup>50</sup> The list of items that were to be protected was still based on the old criteria of immovable heritage, which included ancient “castles, fortifications, dolmens, rune-stones, graves and barrows of this wide realm”.<sup>51</sup> It is clear that the Swedish and the Danish concept of “ancient” was completely different from the papal one; as the north of Europe had different history, ancestors and traditional artefacts from those of the south, the Swedish perception of ancient remains and understanding of the past was constructed on different paradigms.<sup>52</sup> Further, King Carolus XI of Sweden did not wait long before including portable antiquities under the definition of art and the protection of law. In 1669, or 1684 according to some scholars, he issued a decree to protect all archaeological materials, described as “found piecemeal in the ground, ancient coins of all varieties, and finds of gold, silver, and copper, metal vessels, and other rarities, many of which are at the present being discovered and secretly hoarded”.<sup>53</sup> Even though different countries had to deal with different historic and artistic traditions, it seems that illegal activities such as smuggling, illicit collection and excavation were common in most parts of Europe, causing analogous concerns for all

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<sup>49</sup> Law issued in 1626 by King Christian IV. For the legislation discussed in this section, see Henry Cleere, “Preserving Archaeological Sites and Monuments” *Encyclopedia of Life Support Systems EOLSS*, vol. 2 (2004), accessed 17 January 2014, <http://www.eolss.net/Sample-Chapters/C04/E6-21-04.pdf>; Pamela Eze-Uzomaka, “Archaeology and Heritage Legislation. A comparative study” *Research on Humanities and Social Sciences* 4, no. 8 (2014): 135-147. Jean Alber Bakker’s recent volume gives different data about the Danish and Swedish laws: *Megalithic Research in the Netherlands (1547/1911). From ‘Giants Beds’ and ‘Pillar of Hercules’ to accurate investigations*, Leiden: Sidestone Press, 2010, 62-63.

<sup>50</sup> Cleere dates the Swedish law to 1666, 6; Eze-Uzomaka, 143, and Ridley, 12, refer it to 1630. These and the following variations of date might relate to the use of different calendars.

<sup>51</sup> Bakker, *Megalithic Research in the Netherlands*, 63.

<sup>52</sup> See Alain Schnapp, *The discovery of the Past: the origins of Archaeology*, London: British Museum Press, 1996.

<sup>53</sup> Eze-Uzomaka, “Archaeology and Heritage Legislation”, 143.

governments. But it is clear that the supremacy of antiquity over other more recent artworks, especially over painting, was pronounced even in the northern countries, affecting early efforts against outlawed activities.

A parallel form of protection, in this case focused on the arbitrary destruction of some specific categories of monuments, occurred in the territories occupied by the Austro-Hungarian Empire after the sixteenth century. In order to impose political and cultural domination, the imperial army used to destroy the castles and possessions of the local subjugated aristocracies. Such a *damnatio memoriae* met harsh opposition in Czechoslovakia, where already in 1672 the medieval castle of Bohuslav Balbin was put under the protection of the local aristocracy, thanks to wide protest. This form of cultural defence, prompted by popular awareness of the value of local memories and monuments, was so efficient that it was still in force in the following century, when movable items “made of precious metal and coin hoards” also started to be protected.<sup>54</sup> It is important to clarify that such community-based action in defence of heritage was unlikely either in the old Roman Empire or in the Papal States, as they followed a completely different policy regarding historical monuments and artworks. For instance, while the Austro-Hungarian Empire applied the *damnatio memoriae* to the historical legacy of newly occupied areas, the Roman Empire had always followed the so-called *Pax Deorum*, which promoted the full preservation of cults, temples and monuments, so as not to antagonise local divinities in the occupied areas.<sup>55</sup> Thus, political and symbolic domination led to two opposing attitudes towards historical heritage in subjugated territories on the part of the authorities: on the one hand, the destruction of monuments, on the other hand, their preservation. In both cases, however, the victors were fully aware of the strong symbolic power of historical and artistic heritage.

During the first half of the eighteenth century huge campaigns of excavation started in different areas of the Italian peninsula and the rest of Europe.<sup>56</sup> In 1738 Herculaneum was first discovered and excavated; ten years later excavations in Pompeii also started. In 1744 early informal regulations were issued on the excavations of the Etruscan sites of Tuscany. These and other parallel discoveries would have a permanent effect on the protection of antiquities and artworks throughout Europe, prompting new legislation not only in the states

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<sup>54</sup> Two laws on the protection of movable objects were issued in Czechoslovakia in 1776 and 1782. Eze-Uzomaka, “Archaeology and Heritage Legislation”, 137-138.

<sup>55</sup> See Mario Sina, ed, *La tolleranza religiosa. indagini storiche e riflessioni filosofiche*, Roma: Vita e Pensiero, 1991.

<sup>56</sup> See Schnapp, *The discovery of the Past*, 275-316.

which were directly involved, but also in other countries which acknowledged the historical importance of such finds. At the same time, the excavations had an enormous, sometimes rapid, impact on the broadening of the different concepts and definitions of “art”.

The Kingdom of Naples did not have any regulation on local heritage until 1755, when Carlo III of Bourbon issued the first of his *Pragmatica*, explicitly following the model of the “most cultured states of Europe”.<sup>57</sup> He clearly included any kind of antiquity under the law, as well as paintings that “for their excellence, or other rarity, deserve to be valued”,<sup>58</sup> this meant that not all paintings were automatically considered art, but only those that were considered exceptional and top-quality, that is masterpieces according to eighteenth-century Neapolitan scholarship. At the same time, safeguards for “ancient paintings cut off the walls” were also prescribed, responding to the habit of removing frescoes from walls, which had become standard procedure in archaeology after the discovery of Herculaneum and Pompeii. Most importantly, however, the law introduced the first protection of “ancient instruments”,<sup>59</sup> including domestic tools and common objects found during excavations, which passed from being completely neglected by antiquarian scholarship to being elected for legal protection. Clearly, the excavations of Herculaneum and Pompeii were bringing to light a new world of materials which opened up innovative ranges of study, classification and concepts related to the idea of art and artwork. For instance, the art historian Leopoldo Cicognara in 1818 acknowledged the influence of the discovery of the two Southern Italian archaeological sites on “the current evaluation of the so-called minor arts, such as ornamental goods, furnishings, domestic decorations [...]”.<sup>60</sup> However, even though the inclusion of minor ancient objects under the definition of art was so important in changing the approach towards the protection of heritage, it must be acknowledged that, in the same years, Winckelmann was constructing his history of ancient arts exclusively on the basis of statues and masterpieces, and having a wide impact on the scholarship throughout Europe as well.

Almost simultaneously, the Grand Duchy of Tuscany started to deal with the first excavations and discoveries of the pre-italic Etruscan site of Volterra. The extraordinary

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<sup>57</sup> “Stati più culti d’Europa”. The first *Pragmatica* was issued on 25 September 1755; it was reissued on 14 August 1766 and 17 March 1769. This and other edicts issued in the Kingdom of Naples were collected in 1772 in the volume *Pragmaticae, edicta, decreta, interdicta, regiaeque, sanctiones Regni Neapolitani*. For the quote and legislation issued in the Kingdom of Naples, see Speroni, *La tutela dei Beni Culturali*, 81.

<sup>58</sup> “O per eccellenza di lavoro ed artificio, o per altra rarità, merita di essere tenuto in pregio”. *Ibid.*, 82.

<sup>59</sup> “Antichi istrumenti”, “pitture antiche tagliate dai muri”. *Ibid.*, 84.

<sup>60</sup> “Su ciò che si chiama oggetti minori delle arti, come le suppellettili, le mobilie, le decorazioni domestiche [...]”. As referred to in: Ferdinando Bologna, “La riscoperta di Ercolano e Pompei nella cultura artistica del Settecento Europeo”. In *Rediscovering Pompei* edited by V. A., 78-91, Roma: l’Erma di Bretschneider, 1990, 78.

originality of the new findings not only prompted early specific legislation on the preservation of such antiquities in 1749, but equally encouraged the illicit activities of grave robbers and forgers, which was soon sustained and encouraged by the growing eighteenth-century fashion of “Etruscomania”.<sup>61</sup> In this context, the debate on Etruscan materials, in particular the vases, would become very animated and influential. While the discussion first caused confusion between Etruscan vases and Greek vases, the advancement of scholarship soon resulted in an early rise of interest in the so-called pre-Roman civilizations, which would be included in artistic scholarship in the nineteenth century.<sup>62</sup> This factor quite clearly had a deep impact, not only on the display of several collections and museums in Europe, but also, as explained later in this chapter, on subsequent legislation on the protection of artworks, in particular on the *Edict Chiaramonti* issued in the Papal States in 1802.

In this framework, the country that seemed to re-elaborate and optimise the outcomes of the new archaeological discoveries best was Spain, probably because King Philip V of Spain was the father of Carlo III of Naples. It is not a coincidence that the very first provisions on the protection of Spanish artworks were issued in 1738, exactly when excavations in Herculaneum started. Soon after Carlo III had placed the site and the related discoveries under state protection, his father Philip V founded both the cabinet of antiquities and the Royal Academy of History in Madrid, assigning to it the duty of preserving national heritage in both a practical and a legal sense.<sup>63</sup> However, after this first phase, Spain followed an individual path both in defining legislation on the protection of local artworks and in elaborating quite particular and sophisticated definitions of art. The Royal Decree published by Fernando VI of Spain in 1753, although clearly influenced by eighteenth-century archaeological findings, was constructed on the basis of a somewhat different idea of antiquity if compared to coeval legislation; it was devoted to:

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<sup>61</sup> The Royal Rescript of Francesco I of Lorena on the Etruscan antiquities was issued on 17 January 1749. See Speroni, *La tutela dei Beni Culturali*, 71.

<sup>62</sup> As will be clarified in Chapter Two, the first systematic investigations of pre-Roman civilisations, such as the Volscians in *Latium Vetus*, started in 1820s. For the early rise of interest on the Etruscans in the eighteenth century, see Maria Luigia Pagliani, “Prima dei Romani: studi storici e musei fra Sette e Ottocento” in *Pio IV Braschi e Pio VII Chiaramonti. Due Pontefici cesenati nel bicentenario della campagna d’Italia*, edited by Andrea Emiliani, 43-49, Bologna: Clueb, 1998.

<sup>63</sup> For the Spanish legislation discussed in this paragraph, see Vicente Cañelas Frau, “Sobre la ley de Patrimonio Historico. Ley 16/1985” Open University of Catalunya, 2013, 2-6; Lopez Trujillo, *Patrimonio. La lucha por los Bienes Culturales Españoles (1500/1939)*, Gijón: Trea s.l., 2006; María Victoria Quirosa García, “Historia de la Protección de los Bienes Culturales muebles: definición, tipologías y principios generales de su estatuto jurídico” Masters thesis in Art History, University of Granada, 2005.

All the pieces of antiquities [...] such as statues of marble, bronze or other metal, entire or fragmentary, Pavements, Mosaics, or similar kinds, working tools, or instruments of wood, stone, or leather, coins, gravestones (inscriptions), or anything is stated about them in written, tradition, or news [...].<sup>64</sup>

Less than ten years later, in 1761, modern artworks such as “paintings and sculptures of famous dead artists” were included under the law, and banned from exportation even in the Spanish protectorates of South America; in this case, the influence of “Naples, Roma and all acknowledged civilizations” was explicitly stated.<sup>65</sup> The peak of Spanish legislation on artistic heritage was reached in 1803, when the Royal Academy of History, together with many other regulations, defined the so-called *Instruction* on the protection and the conservation of ancient monuments.<sup>66</sup> Here, indeed, was one of the most exhaustive and accurate definitions of antiquity of the time:

Ancient monuments are statues, busts, bas-reliefs, of any material, temples, sepulchres, theatres, amphitheatres, circuses, naumachiae, arenas, thermal baths, avenues, roads, aqueducts, gravestones or inscriptions, mosaics, coins of any class, cameos, pieces of architecture, milestones, musical instruments, such as sistra, lyres, castanets; sacred objects such as praefericula, simpula, litui; knives for sacrifices, axes, aspersionaria, vases, tripods, weapons of any species, such as bows and arrows, lead bullets, shells, shields; civil [objects], such as weighing scales and their weights, roman scales, sundials or mechanical clocks, bracelets, collars, crowns, rings, seals; any kind of utensil, instrument of both liberal and mechanical arts; and finally anything that is still unknown, considered as ancient, even Punic, Roman, Christian, even Gothic, Arabic, or Medieval.<sup>67</sup>

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<sup>64</sup> Todas las piezas de antigüedad [...] como son estatuas de mármol, bronce u otro metal, rotas o enteras, Pavimentos, Mosaicos, o de otra especie, herramientas, o instrumentos de Madera, piedra o suela, monedas, o lápidas y lo que de ellas se diga por escritos, tradiciones, o noticias [...]. *Real Decreto* issued on 14 July 1753. Quirosa García, “Historia de la Protección de los Bienes Culturales muebles”, 13.

<sup>65</sup> “Pinturas y esculturas de artefice famosos difuntos”, “Nápoles, Roma y todos los pueblos cultos”. *Junta Ordinaria* of 27 February 1761. *Ibid.*, 14.

<sup>66</sup> *Instrucción sobre el modo de recoger y conservar los monumentos antiguos, que se descubran en el Reyno, baxo la inspección de la Real Academia de la Historia*, Title 20<sup>th</sup>, 3<sup>rd</sup> Law of the 8<sup>th</sup> Book of the *Novísima Recopilación de las Leyes de España*, issued on 6 June 1803, printed in Madrid in 1805.

<sup>67</sup> Por monumentos antiguos se deben entender las estatuas, bustos, bajo relieves, de cualesquiera materia que sean, templos, sepulcros, teatros, anfiteatros, circos, naumaquias, palestras, baños, calzadas, caminos, acueductos, lápidas o inscripciones, mosaicos, monedas de cualquiera clase, camafeos, trozos de arquitectura, columnas miliars, instrumentos músicos, como sistros, liras, cròtalos; sagrados como proferìculos, simpulos, lituos; cuchillos sacrificatorios, segures, aspersionarios, vasos, trípodes, armas de todas especies, como arcos,

Such a definition of antiquity not only demonstrates a broad interest in systematizing archaeological materials according to typological classifications derived from the Enlightenment, useful for both scholarship and the protection of heritage, but also an extremely advanced knowledge of the ancient past of the Mediterranean area, explicitly built on recent eighteenth-century acquisitions and discoveries. In particular, the influence of the so-called Etruscomania is evident in the inclusion of objects such as *praefericula*, *simpula*, *litui*, which were respectively bronze vases, cups and augur's wands used traditionally for rituals and sacrifices in Etruscan society. At the same time, as well as providing a very broad "catch-all" clause at the end of the list – "anything that is still unknown" – the chronologies were extended to the Spanish artefacts of the Arab and Punic occupations, most probably stimulated by new findings from local archaeological excavations. As stated in the introductory paragraph of the *Instruction*, the loss of these objects would "damage historical and artistic knowledge, to whose progress they contribute to a great deal".<sup>68</sup> Therefore, it is clear that the introduction of these categories of materials into legislation involved both artistic and historical concerns, and the progress of related scholarship. However, in spite of the wide typologies of new objects mentioned and the efforts for classifying them scientifically, the limitation of this law was clear: it dealt only with the protection of monuments and "movable items" of antiquity. Modern painting and sculpture were again completely ignored. It is difficult, within the limits of this research, to affirm whether the Spanish approach to preservation of these years was to neglect paintings in general or to provide them with alternative safeguards within specific national museum programmes, as seems highly likely. Within a wider context, it should be noted that in 1802, one year before the *Instruction*, the *Edict Chiaramonti* was issued in the Papal States, establishing both the most advanced model of administration for the fine arts and the most sophisticated concept of artistic heritage defined up to that time. Most importantly, what makes this papal edict distinctive was that it was fully implemented. The interdependence between aspects of the Spanish and the papal definitions of heritage is evident, not only because of the

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flechas, gandes, carcaxes, escudos; civils, como balanzas y su pesas, romanas, relojes solares o maquinales, armilas, collares, coronas, anillos, sellos; toda suerte de utensilios, instrumentos de artes liberales y mecánicas; y finalmente, cualesquiera cosas aún desconocidas, reputadas por antiguas, ya sean pùnicas, romanas, cristianas, ya godas, àrabes y de la baja edad. Quirosa Garcia, "Historia de la Protecciòn de los Bienes Culturales muebles", 23-24. Thanks to Dr. Valentina Porcheddu and Em. Prof. Ronald Ridley who resolved issues in understanding some of the materials listed in this law.

<sup>68</sup> "Con daño de los conocimiento históricos de las artes, à cuyos progresos contribuyebn en gran manera". Thanks to Prof. Yannis Galanakis for providing this reference.



acknowledgment of Rome in the Spanish law of 1761, but also because of the quotations within the *Instruction* of part of the lists provided by Pope Paul III in 1534. On the other hand, there were considerable differences between the two approaches towards the conservation and the understanding of the past, the most important of which, as will become clear later in this thesis, was related to the fact that the *Edict Chiaramonti* clearly included painting under the protection of the law.

What happened in the other European countries and Old Italian States after both the archaeological discoveries and the flowering of the art market in the eighteenth century can be seen as a gradual reception of the idea of the need to safeguard artistic heritage, adapted and re-elaborated each time to the features, needs and definitions related to the local arts.

In central Europe, the Margraviate of Brandenburg-Bayreuth was the only district of the Old Prussian and German area to publish a specific regulation on the protection of monuments before the end of the eighteenth century. This law, issued in 1780, established that tutelage was limited to local medieval buildings only, which were put under the collective responsibility of the Brandenburg population. The majority of the other central European countries started issuing similar legislation only in the nineteenth century: Mecklenburg had its first regulations in 1804, Bavaria launched a reform in 1812, Prussia did the same in 1815, and so on, while the Austro-Hungarian Empire issued legislation only in 1850.<sup>69</sup> The Prussian and German countries, however, did not take any initiative in defining specific regulations or concepts for the local heritage, and mostly adopted the Swedish law of 1668.

In the Italian peninsula, Philip I of Bourbon, Duke of Parma, was probably trying to follow in the footsteps of his brother Carlo III of Naples by issuing the first provisions on the preservation of artworks in that duchy. Parma had lost several prominent artworks in the previous decades, among which the so-called Farnese collection was the most significant case, as it was transferred to Naples in 1735 by Carlo III in person.<sup>70</sup> For this reason, a local Academy of Painting was founded in 1752, both for promoting the arts and preventing exportation of “illustrious works of paintings and sculptures” from the city.<sup>71</sup> Philip also

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<sup>69</sup> Cleere, “Preserving Archaeological Sites and Monuments”.

<sup>70</sup> See Haskell, “La dispersione e la conservazione del patrimonio artistico”.

<sup>71</sup> “Opere insigni di pittura, e scultura”. The statute of the Academy was defined in 1757. Similarly, the Imperial Academy of San Luca established in the Kingdom of Lombardy-Austria was responsible for restoration of “public, ancient and modern paintings and sculptures”, as defined in the statute of 1745; however, the Kingdom of Lombardy-Austria never issued a specific law on the protection of local artworks. For the quotes and legislation issued in both Parma and Lombardy-Austria, see Speroni, *La tutela dei Beni Culturali*, 118 and 126.

undertook the first excavations of Veleia in 1760, which provide an interesting case regarding the criteria used for classifying the new discoveries. Aiming to differentiate the pieces destined for the royal museum from the ones that could be disposed of, the criteria were shaped mostly on the king's taste. The categories defined for this purpose included definitions such as “[objects] worthy of consideration”, “perfect”, “easy to transport”, “deserving the curiosity of the king”, as opposed to “useless” and “imperfect” objects.<sup>72</sup> Thus, while the Enlightenment was generally pushing towards more scientific and rational methods for classifying knowledge, the duke of Parma continued to rule on a dynastic basis even in the fields of fine arts and archaeology. However, this strict strategy helped to renew the city in terms of art and culture, especially after the dramatic losses of the previous decades.

The Legation of Bologna, for its part, seemed to keep reaffirming its independence from the central administration of the Papal States all through the eighteenth century, especially in the field of the protection of local artworks. As explained earlier in this chapter, Bologna had already moved towards specific forms of safeguard for local paintings at the beginning of the eighteenth century, some years before the office of the Camerlengo would issue similar provisions in Rome. Such innovative regulations can easily be seen both as an inspiring *exemplum* for legislation on the preservation of painting issued in the Papal States soon afterwards, and as early premises for safeguarding local artworks in the provinces, which would develop fully at the beginning of the nineteenth century. For instance, the breve issued in Bologna in 1713 was dedicated to “renowned Paintings of ancient famous artists, which are in high numbers [...] in the churches of this city and of this district”. Protection, therefore, was limited to a specific category of ecclesiastic paintings, those of eminent masters, which should be preserved “for the public devotion, and for the ornament of this city”.<sup>73</sup> Within the same context, the first legal tool that pointed out the differences between the artworks of Rome and the artworks of Bologna was the *Edict Doria* of 1749, which, *de facto*, constructed a system of rules specifically designed for the Bolognese heritage.<sup>74</sup> As Conde mi has argued, this edict was issued according to instructions from Pope Benedict XIV, by reason of his deep attachment to his city, Bologna. However, the constant abuse to local paintings, including illegal exportation, improper restoration and destruction, must have

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<sup>72</sup> “Degni di considerazione”, “perfetti”, “facili al trasporto”, “meritano la curiosità del sovrano”, “inutili”, “imperfetti”. Ibid., 121.

<sup>73</sup> “Celebri Pitture di antichi e famosi autori, che in gran numero stanno [...] nelle Chiese della Città e Distretto”, “il pubblico culto, e il decoro di questa città”. See Conde mi, *Dal “Decoro et Utile” alle “Antiche Memorie”*, 84.

<sup>74</sup> *Edict Doria* issued under Pope Benedict XIV on 5 February 1749. Ibid.

prompted action for effective control to be established and built on the specific needs of the Legation. For these reasons, while the structure of the law was generally inspired by the previous papal *Edict Albani* of 1733, the specific solutions proposed were elaborated purposefully for the Bolognese artistic tradition, in particular for seventeenth-century painting, and for problems related to the negligence of local customhouses and clergy. The definition of artwork, in this case, included exclusively “Pictures, Paintings, Drawings, Carvings of any kind and species, which are sculpted or [...] painted on Marble, Bronze, Wood, Canvas, Copper, or other Materials, or Wall”, which were in both religious and civic public spaces.<sup>75</sup> It is clear that, towards the middle of the eighteenth century, both local awareness and artistic scholarship had developed enough to understand the huge historical difference between the heritage of Rome – composed primarily of antiquities, churches and monuments – and the local heritage of Bologna – composed primarily of early modern painting. Therefore, the legal and conceptual tools defined to protect these two different contexts could not be the same.

In this framework, however, it is difficult to state to what level such a new approach was prompted by cultural and artistic awareness or, as is most likely in those years, by municipal pride, parochialism and devotional reasons. This was clearly a very early step towards the development of a full understanding of the value of local artworks and the so-called minor arts in terms of artistic and historical heritage. The elaboration of a fully inclusive definition of artwork would, in fact, emerge only at the beginning of the nineteenth century, with the *Edict Chiaramonti*, reaching its peak with the *Edict Pacca* of 1820.

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<sup>75</sup> “Quadri, Pitture, Disegni, e Intagli di qualsivoglia genere e specie, che siano scolpiti o rispettivamente dipinti in Marmo, Bronzo, Legno, Tela, Rame, o altre Materie o in Muro”. *Ibid.*, 87.

Figure 2 Giovanni Battista Piranesi, *Veduta di Piazza Navona*, Parigine reprint, 1807.

[http://www.gonnelli.it/photos/auctions/xlarge/7197\\_1.jpg](http://www.gonnelli.it/photos/auctions/xlarge/7197_1.jpg)

Figure 3 *Portrait of Carlo Fea. In Carlo Fea. Miscellanea filologica critica e antiquaria tomo II. Roma: 1790 [Pagliarini, 1836], vol. II, introduction.*

[https://commons.wikimedia.org/wiki/File:Fea\\_da\\_Miscellanea.jpg](https://commons.wikimedia.org/wiki/File:Fea_da_Miscellanea.jpg)

Figure 4 François Bonneville, *Portrait of Quatremère de Quincy*, 1787.

[https://it.wikipedia.org/wiki/Antoine\\_Chrysostome\\_Quatrem%C3%A8re\\_de\\_Quincy#/media/File:Antoine\\_Quatrem%C3%A8re\\_de\\_Quincy\\_by\\_F\\_Bonneville.jpg](https://it.wikipedia.org/wiki/Antoine_Chrysostome_Quatrem%C3%A8re_de_Quincy#/media/File:Antoine_Quatrem%C3%A8re_de_Quincy_by_F_Bonneville.jpg)

## Rome, 1802: the *Chirografo Chiaramonti*

When the so-called *Chirografo Chiaramonti* was issued in the Papal States on 2 October 1802,<sup>76</sup> the archaeologist and jurist Carlo Fea had been in charge as Commissary for Antiquity in Rome for almost three years.<sup>77</sup> Fea had a degree in law from the University of Rome “La Sapienza” and authored several publications on ancient legislation, as mentioned in the literature review; his strong, sincere passion about antiquities led him to combine his knowledge on ancient Roman legislation and the arts, engaging both in activities of excavation and on the effective preservation of the papal heritage. As Rossi Pinelli has demonstrated, his was the mind which conceived both innovative legislation and administration systems in the Papal States at the beginning of the nineteenth century, having a fundamental role also in the construction of a cultural and conceptual structure for the new edict.<sup>78</sup> Fea devoted his life to implementing the rules, caring not only about the effective preservation and conservation of the artworks within the state, but also strongly combating those who threatened the glories “of the Reign”. He was renowned for his sense of social justice, and for “his integrity, indefatigability, disinterest [...] and firmness”,<sup>79</sup> and was so strict and loyal to his mission on public heritage that he was taunted by the Assessor for Painting, Giovan Battista Monti, for his “obtrusive zealotry, addressed to the Prince, as well as to the Public, as well as to the Private Citizens [...]. Fea wishes to communicate nothing to the [Camerlengo] as he wants to work as he likes”.<sup>80</sup>

While Carlo Fea’s profile as Commissary for Antiquity will emerge later in this thesis, in particular in Chapter Three regarding licences for export and the illegal smuggling of artworks, here it is important to observe his contribution to defining the theoretical basis and the concept of art for the new *Chirografo Chiaramonti*. This edict has generally been recognized as the first real break between the old and the new approach to the legal protection

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<sup>76</sup> The law was called either *Edict Doria Pamphilj* or *Chirografo Chiaramonti*, or subsequent variations mixing the terms. The first title comes from the Cardinal Giuseppe Doria Pamphilj, who was Camerlengo of S. Cecilia (Chamberlain of the Holy Roman Church) from 1802 to 1803; the second title comes from Pius VII Chiaramonti, Pope from 1800 to 1823. See Emiliani, *Una politica dei Beni Culturali*, 39-43; Emiliani, *Leggi, Bandi, Provvedimenti*, 86-96.

<sup>77</sup> Carlo Fea (1753-1836). See Ridley, *The Pope’s Archaeologist*; Ridley, “In defence of the Cultural Patrimony: Carlo Fea goes to Court” *Xenia Antiqua*, no. V (1996): 143-158.

<sup>78</sup> For Carlo Fea and his role in drafting the new law, see Rossi Pinelli, “Carlo Fea e il Chirografo del 1802”; Rossi Pinelli, “Tutela e vantaggio generale: Carlo Fea o dei benefici economici garantiti dalla salvaguardia del patrimonio artistico” in *Pio IV Braschi e Pio VII Chiaramonti*, 155-163.

<sup>79</sup> Ridley, *The Pope’s Archaeologist*, 88.

<sup>80</sup> “Zelo indiscreto, dannevole al Principe, al Pubblico, ed al Privato [...] Fea vorrebbe che niente si comunicasse all’E.V., volendo egli operare indipendentemente”. ASR, *Camerale II*, b. 6, fasc. 175.

of both public and private artworks, as well as a milestone for innovative methods related to their conservation and administration. Furthermore, the theoretical foundation underlying the law itself has generally been considered the core of the modern concept of artistic heritage.<sup>81</sup> The edict was built on a progressive system of numbered clauses, not on a discursive text as in the past, making the rules much clearer and sharper than previous legislation. The first few articles provided the lists of artworks to which the law was to be applied, anticipating in both length and inclusiveness the subsequent Spanish *Instruction* of 1803 mentioned previously. Article 1 of the papal edict gave a very comprehensive list of antiquities forbidden for export, while article 2 was devoted exclusively to modern painting, which found here a first specific legal protection differentiated from antiquity:

1) It is forbidden [...] to export any kind of Statue, Bas-relief, other similar works representing Human figures, Animals, made of Marble, Ivory, or any kind of material, and also Ancient Paintings, both Greek and Roman, both sawn off or taken away from the wall; Mosaics, Vases called Etruscan, Glasses and other coloured works, but also any work of carving, ancient Vases, Gems and engraved Stones, Cameos, Medals, Leads, Bronzes, and generally all those works, both large or small, which are known under the name of *antiquities*, both public and private, Sacred or Profane, with no exception, even if they are in fragments, in which Arts and Artists still find great knowledge; also including any ancient Monument, i.e. Tombstones, Inscriptions, Milestones, Urns, Chandeliers, Lamps, Sarcophagi, Cinerary Urns, and other similar ancient things made of any kind of material, including simple small Figurines. This imposition is extended to all the removable works of architecture, i.e. Columns, Capitals, Plinths, Bases, Architraves, Friezes, carved Frames and other ornaments of ancient Buildings, and also hard Stones, Plasmas, Lapis lazuli, Green, Red, ancient Yellow, Oriental Alabasters even crude and not worked, Porphyries, Granites, Basalts, Serpentine, and similar different from the simple white marble.

2) The same general prohibition is extended to Paintings on wood or canvas, which were made by Classical Artists who flourished after the Risorgimento of Arts, or

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<sup>81</sup> This according to the approach of the Italian scholars mentioned in the literature review: Curzi, *Bene culturale e pubblica utilità*; Rossi Pinelli, “Tutela e vantaggio generale”; Emiliani, *Una politica dei Beni Culturali*; Speroni, *La tutela dei Beni Culturali*; Pinelli, “Storia dell’Arte e cultura della Tutela”.



which are somehow connected to the same [Styles], or School, or erudition, or which for any other reason are famous.<sup>82</sup>

The list of 1802, therefore, was based on very wide and practical parameters. The ancient objects to protect, for instance, were selected on the basis of typological criteria – such as mosaics, vases, gems, inscriptions, urns, friezes, capitals, and so on; thematic criteria – such as human figures or animals; functional criteria – such as sacred, profane, public, private artworks; physical criteria based on the materials – such as marble, ivory, lapis lazuli, granites, and so on. Furthermore, extra consideration was given to items that did not preserve their original condition but were still worthy of protection, such as fragments or ancient paintings sawn off the wall. This last aspect can be considered a very early indication of the awareness of historical context and reconstruction of the original circumstances of the artworks, which would develop fully in the next decades, finding a first definition within the papal *Edict Pacca* of 1820.

The criteria informing the list for modern painting, on the other hand, were much more limited, as they only referred to the “classical artists” who worked from the Renaissance onwards. Despite that, a fundamental ground-breaking concept was the idea of including the paintings that were connected to these “classical artists” in terms of style, school or erudition. From this perspective, a sharp difference seemed to emerge also between the paintings owned by a private collector, or by an art dealer, and the paintings considered papal “public” property. While article 2 forbade export only for the classical and Renaissance paintings, article 10 stated that “the Paintings in the Churches [...] must not be removed from the place they are installed, nor sold”, regardless of any criteria of style, school or erudition,

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<sup>82</sup> 1) È proibita [...] l'estrazione di qualunque Statua, Bassorilievo, o altro simile lavoro rappresentante figure Umane, o di Animali, in Marmo, in Avorio, ed in qualunque altra materia, ed altresì di Pitture Antiche, Greche, e Romane, o segate, o levate dai muri, Mosaici, Vasi detti Etruschi, Vetri, ed altre opere colorite, ed anche di qualunque opera d'intaglio, Vasi antichi, Gemme e Pietre incise, Camei, Medaglie, Piombi, Bronzi, e generalmente di tutti quei lavori, o di grande, o di piccolo Modello, che sono conosciuti sotto il nome di *antichità*, pubbliche, o private, Sacre, o Profane, niuna eccettuata, ancorché si trattasse di semplici frammenti, da' quali ancora grandi lumi ricevono le Arti, e gli Artisti; ed eziandio di qualunque antico Monumento, cioè di Lapidari, o Iscrizioni, Cippi, Urne, Candelabri, Lampadi, Sarcofagi, Olle Cinerarie, ed altre cose antiche di simil genere, e di qualunque material siano composte, comprese anche le semplici Figurine. Questa proibizione vogliamo, che si estenda ancora alle opere asportabili di Architettura, cioè Colonne, Capitelli, Basi, Architravi, Fregi, Cornici intagliate, ed altri ornamenti qualsivogliano di antiche Fabbriche, ed anche alle Pietre dure, Plasme, Lapislazuli, Verdi, Rossi, Gialli antichi, Alabastri Orientali, ancorchè grezzi, e non lavorati, Porfidi, Graniti, Basalti, Serpentinii, e altri simili, fuori dal semplice marmo bianco. 2) La stessa generale proibizione di estrarre, vogliamo che si estenda anche alle Pitture in Tavola, o in Tela, le quali sieno opera di Autori Classici, che hanno fiorito dopo il Risorgimento delle Arti, o interessino le Arti stesse, le Scuole, la erudizione, o in fine per alter ragioni siansi rese celebri. Emiliani, *Leggi, Bandi, Provvedimenti*, 87-88.

considering only their religious and devotional purpose.<sup>83</sup> Regarding this aspect, it must be clarified that any artwork, both sculpture and painting, kept in the Papal museums was already considered inalienable. On the other hand, it should be noted that, at this stage, the law applied only to modern painting, but not to modern sculpture; this would be introduced under legal protection only with the edict of 1820.

To understand the importance and the meaning of the new concepts established for the protection of painting, it is necessary to take a step backwards, in order to evaluate the whole of the *Chirografo Chiaramonti* within the context of both the historical events and the cultural advancements of scholarship and artistic knowledge that occurred during the years preceding the edict. Referring to historical legislation on artistic heritage, it is extremely difficult to affirm whether the cultural changes came before the legal and administrative reforms or the legal and administrative reforms prompted a collective shift in the approach to antiquities and fine arts. In the case of the *Chirografo Chiaramonti*, it seems that the cultural innovations appeared before the actual issuing of the law; nevertheless, it is not easy to understand to what extent these changes were being accepted and shared before they were formalised and reinforced by legislation.<sup>84</sup> Conceptual and cultural developments took place in art scholarship during the last decades of the eighteenth century, especially in the framework of the Enlightenment, involving disciplines such as antiquarianism, restoration, excavation, and the new subjects of archaeology and art history. Defining both a theoretical and a methodological structure for the new disciplines clearly brought about the establishment of effective practices for the tutelage, preservation and conservation of artworks. On the other hand, as clarified later in this chapter, the impact of historical events such as the Treaty of Tolentino of 1797 and the French Jacobin occupation of Rome of 1798-99 must also be considered, as not only did they cause the loss of countless statues, paintings, altarpieces, religious furnishings, and entire private collections all across the Papal States, but they also generated a deep cultural and social shock, which permanently changed the attitude and approach to artistic heritage. In the case of the Papal edict of 1802, therefore, the reform in the conceptual, legal and administrative system for the protection of the arts was both connected to the rise of archaeology and art history as autonomous disciplines, and the result of crucial historical events that involved the entire country.

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<sup>83</sup> “I Quadri nelle Chiese [...] non potranno togliersi dal luogo in cui sono collocate, o alienarsi”. Ibid., 91.

<sup>84</sup> For a methodological background on the history of culture and the role of cause and effect within historical research, see Peter Burke, *Varieties of Cultural History*, New York: Cornell University Press, 1996.

A very first trace of changes in the approach towards the protection of artworks, as well as a widening of the concept of artistic heritage in the Papal States at the beginning of the nineteenth century, is found in the prologue of the *Chirografo Chiaramonti* itself, which can be taken as a manifesto of the aims and motivations of the new tendencies. As already demonstrated, the innovative idea of the “general benefit” that the protection of the arts, intended, in this case, as antiquities, was able to bring to the entire society was introduced into the new edict by the Commissary for Antiquity Carlo Fea:<sup>85</sup>

These precious remains of cultured Antiquity provide for the City [of Rome] an ornament which distinguishes it from the other most famous cities of Europe, they provide the most important subjects for the consideration of Scholars, and the most precious models and examples for Artists [...]; they summon to this city the crowd of Foreigners [...]; they support a great number of individuals employed in the Fine Arts; and finally they give life to a branch of commerce and industry which more than any other, is useful to the Public and to the State.<sup>86</sup>

The importance of protecting ancient relics for the ornament and the splendour of the city, as well as for the education of artists and scholars, had started gradually to take shape after the sixteenth century, following the original input of the papal Constitution *Que Publice Utilia* of 1574 and, particularly, the strong statements included within the Florentine law of 1602. Nevertheless, the trailblazing concept of the great benefit that the conservation of antiquities and artworks was able to bring to the local economy, the tourist sectors, and the industry of fine arts, in short to the entire public economy of the state, was only formally introduced within the *Chirografo Chiaramonti*. In addition, the acknowledgment that antiquities needed to be preserved since they were “the most peculiar virtue of Rome, which distinguishes it from all the other cities”,<sup>87</sup> represented a further fundamental point in the fierce battle of Fea for the protection of artworks within the city. Clearly, within this edict

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<sup>85</sup> See the lecture of Carlo Fea of 1797, as argued by Rossi Pinelli: Fea, *Discorso intorno alle Belle Arti in Roma recitato nell'adunanza degli Arcadi il dì XIV Settembre*, Roma: Pagliarini, 1797, xvii-xviii; Rossi Pinelli, “Tutela e vantaggio generale”, 159.

<sup>86</sup> Questi preziosi avanzi della culta Antichità forniscono alla Città di Roma un ornamento, che la distingue da tutte le altre più insigni Città dell'Europa; somministrano i Soggetti li più importanti alle meditazioni degli Eruditi, ed i modelli, e gli esemplari i più pregiati agli Artisti [...]; chiamano a questa Città il concorso dei Forastieri [...]; alimentano una grande quantità d'Individui impiegati nell'esercizio delle Belle Arti; e finalmente [...] animano un ramo di commercio, e d'industria più d'ogni altro utile al Pubblico, ed allo Stato [...]. Emiliani, *Leggi, Bandi, Provvedimenti*, 86-87. Thanks to Em. Prof. Ronald Ridley for offering a translation of this complex excerpt.

<sup>87</sup> “Uno dei pregi più singolari in Roma, che distingue da tutte le altre questa Città”. Ibid., 86.

Fea was seeking to build a legal tool to stop the illicit smuggling of artworks that had been endangering the heritage of Rome for centuries. Yet, more particularly, he was referring to the events that had hit the Papal States in recent years. Within this framework, Fea wanted to establish a strong tool of resistance against the campaigns of artistic appropriation that Napoleon had pursued in Rome at the end of the eighteenth century as a general, following the ideologies of the post-revolutionary French Directoire.<sup>88</sup>

When the *Chirografo Chiaramonti* was issued in 1802, not a long time had passed since the Treaty of Tolentino had been imposed on Pius VI and the Jacobin revolutionaries had occupied the Papal States: the trauma caused by both the heavy losses and the violent depredations inflicted on the heritage of Rome was still very much alive in the minds of broad society.<sup>89</sup> The Treaty of Tolentino, signed on 19 February 1797, forced the Pope to give to France 100 masterpieces of sculpture and painting, plus 500 illuminated manuscripts.<sup>90</sup> The French, free to select the objects to confiscate in the collections of the Pope – that is from the Capitoline and Vatican Museums – removed sculptures such as the so-called *Capitoline Venus*, the *Dying Gaul*, the *Laocoön*, the *Apollo Belvedere*, the *Belvedere Torso*, and paintings such as the *Transfiguration* of Raphael, the *Communion of S. Hieronymus* of Domenichino, the *Jesus at the Grave with the Virgin* of Annibale Carracci,<sup>91</sup> which were the most admired treasures of Rome. The 600 pieces were transferred in Paris to refurbish the “Musée central des arts de la République”, later known as Musée Napoléon, and later still the Musée Louvre.<sup>92</sup> Collective pain was still fresh when the French revolutionaries occupied the Papal State the following year, on 15 February, founding the Jacobin Republic of Rome (1798-1799). During these nineteenth months of occupation, the depredations of paintings, sculptures and monuments perpetrated by the Jacobin revolutionaries were countless; at the same time, the extortionate taxes imposed on aristocratic Italian families, following revolutionary principles, forced many of them to sell their historical art collections

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<sup>88</sup> See Pinelli, “Storia dell’Arte e cultura della Tutela”; Enrico Castelnuovo, “Arti e Rivoluzione. Ideologie e politiche artistiche nella Francia rivoluzionaria” *Ricerche di Storia dell’Arte*, no. 13-14 (1981): 5-20.

<sup>89</sup> See Rossi Pinelli, “Carlo Fea e il Chirografo del 1802”; Pinelli, “Storia dell’Arte e cultura della Tutela”.

<sup>90</sup> See *Ideologie e patrimonio storico-culturale nell’età rivoluzionaria e napoleonica. A proposito del Trattato di Tolentino*, Roma: Ministero per i Beni e le Attività Culturali, Ufficio Centrale per i Beni Archivistici, 2000.

<sup>91</sup> For a complete list of the artworks confiscated in the Papal State, see the Appendix of Chapter XX within the memoirs of Antonio Canova: Antonio D’Este, *Memorie della vita di Antonio Canova*, Firenze: Felia le Monnier, 1864, 222-238.

<sup>92</sup> See Cecil Gould, *Trophy of Conquest. The Musée Napoléon and the Creation of the Louvre*, London: Faber & Faber, 1965; Paul Wescher, *I furti d’arte. Napoleone e la nascita del Louvre*, Torino: Einaudi, 1988.

in order to pay their taxes.<sup>93</sup> In this period, for instance, huge portions of the collections Braschi and Albani left Rome for Paris.<sup>94</sup>

Within this framework, the *Chirografo Chiaramonti* established not only an effective legal tool to stop illicit acquisitions of artworks, but also a clear cultural and political manifesto against depredation, spoliation and plundering. The ethical position of Carlo Fea towards the protection of artistic heritage was unequivocal: the arts and the antiquities of Rome were so special and unique that any attempt at removing them was inconceivable. Very important was the concept that the heritage of Rome, *de facto*, could not be preserved, understood and admired anywhere else than in Rome. The relevance of such concepts becoming normative within the edict can be fully understood in these terms only through the definition of art history and archaeology as scientific disciplines in the last decades of the eighteenth century, that is to say, only through the theoretical innovations of Johann Joachim Winckelmann, Luigi Lanzi, Quatremère de Quincy, and other scholars of the time.

Shortly before the Treaty of Tolentino was imposed on the Pope, the French art theorist Antoine Chrysostome Quatremère de Quincy had published the *Letters on the prejudice that the removal of the monuments of art from Italy, the splitting of its Schools, the spoliation of its Collections, Galleries, Museums, etc. would cause to the Arts and the Sciences*, better known as the *Lettres à Miranda*.<sup>95</sup> Quatremère has been described by current scholarship as a forward-thinking art historian, antiquarian, philosopher and politician, who, importantly, opposed so fiercely the programmes of requisitioning artworks engaged by the French revolutionary government that he was arrested and condemned to die in 1793 – although acquitted thirteen months later. His pamphlet, *Lettres à Miranda*, openly released in opposition to the French Directoire and its policy of confiscations in Italy, raised an intense discussion around the practice of removing artworks from their place of origin to furbish the

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<sup>93</sup> See Racioppi, “La Repubblica Romana e le Belle Arti”; Ridley, *The Pope’s Archaeologist*, 68-72.

<sup>94</sup> See Ferdinand Boyer, *Le monde des arts en Italie et la France de la Révolution et de l’Empire*, Torino: Società ed. Internazionale, 1970, 198-202, 219-240

<sup>95</sup> Antoine Chrysostome Quatremère de Quincy (1755-1849): *Lettres sur le préjudice qu’occasionnerait aux Arts et à la Science, le déplacement des monuments de l’Art de l’Italie, le démembrement de ses Ecoles, et la spoliation de ses Collections, Galleries, Muses, etc.* Paris: 1796 (hereafter: *Lettres à Miranda*). The impact of Quatremère de Quincy on nineteenth-century artistic culture has been widely analysed: Pinelli, “Storia dell’Arte e cultura della Tutela”; Pinelli and Emiliani, *Lo studio delle Arti e il genio dell’Europa. Scritti di A. C. Quatremère de Quincy e di Pio VI Chiaramonti (1796-1802)*, Bologna: Nuova Alfa Editoriale, 1989; Pommier, “La Rivoluzione e il destino delle opere d’arte” in *Più antichi della luna: studi su J.J. Winckelmann e A. Ch. Quatremère de Quincy*, edited by Michela Scolaro, 227-277, Bologna: Minerva, 2000; Pommier, “La tradizione della protezione delle opere d’arte in Italia e la nozione di contesto in Quatremère de Quincy” in *Pio IV Braschi e Pio VII Chiaramonti*, 1-26; Dominique Poulot, *Quatremère De Quincy. Letters to Miranda and Canova on the abduction of antiquities from Rome and Athens*, Los Angeles: Getty Research Institute, 2012; Matilde Marzotto Caotorta, *Il Museo e l’opera d’Arte. La riflessione di Quatremère de Quincy*, e-book per l’Arte: Associazione culturale Finestre sull’Arte, 2011.

new Musée in Paris. Quatremère's condemnation was based on a very obvious core observation: Rome is the natural historical home of antiquity, the place where ancient art had its origins. The city as a whole was to be considered a "total museum",<sup>96</sup> since it was composed not only of monuments and statues, but also of:

The places, the sites, the mountains, the streets, the ancient roads, the respective positions, the cities now in ruin, the geographical relations, the relations between the objects, the memories, the local tradition, the surviving uses, the comparisons and the contrasts that one can make nowhere else but in that place itself.<sup>97</sup>

As Quatremère argued, other nations can plunder, remove, and confiscate artworks, but the deepest meanings and implications of each of them will always remain unmovable. The city – the context – cannot be replaced, reproduced or removed. Thus, any attempt at transferring ancient artworks from Rome to Paris was a contradiction of the signification of art itself. According to Pommier, not only is Quatremère's statement one of the earliest definitions of the concept of artistic context – as we currently understand it – but it is also an implicit condemnation of the idea of the museum elaborated in the nineteenth century.<sup>98</sup> Quatremère clearly condemned the "Museum of the Revolution" conceived by the French, as a warehouse of artworks stolen from subjugated countries; at the same time, he disapproved of the idea of museums in general, as a meaningless storage of objects deprived of their context of origin, their historical and spatial dimensions, their deeper meaning and purpose. In short, as Pommier observed, Quatremère contested any museum that was not connected to a "site" – that is the original place where the objects were found, and that was not a "monument" in turn – that is a historical gallery or collection. In Quatremère's view "any idea of dismembering the museum of Rome is an attack on science, public instruction" and culture, because in this way, he argued, the original place would "lose what the other place cannot acquire".<sup>99</sup>

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<sup>96</sup> "Museo totale", as Pinelli has stated and analysed: "Storia dell'Arte e cultura della Tutela", 52.

<sup>97</sup> Dai luoghi, dai siti, dalle montagne, dalle strade, dalle vie antiche, dalle rispettive posizioni, dalle città in rovina, dai rapporti geografici, dalle relazioni fra tutti gli oggetti, dai ricordi, dalle tradizioni locali, dagli usi ancora esistenti, dai paragoni e dai confronti che non si possono fare se non nel paese stesso. Pommier, "La Rivoluzione e il destino delle opere d'arte", 252.

<sup>98</sup> See Pommier, "La Rivoluzione e il destino delle opere d'arte"; Pommier, "La tradizione della protezione delle opere d'arte in Italia". See also: Pinelli, "Storia dell'Arte e cultura della Tutela"; Pinelli and Emiliani, *Lo studio delle Arti e il genio dell'Europa*; Marzotto Caotorta, *Il Museo e l'opera d'Arte*.

<sup>99</sup> "Perderebbe ciò che l'altro non può acquisire". Pommier, "La Rivoluzione e il destino delle opere d'arte", 254.

Rome, in turn, is integrated within a context, that is Italy. Italy is a comprehensive context, a “kind of general museum [...] [that] the conservation of autochthonous arts preserved [...]”.<sup>100</sup> Quatremère seems to be aware that the uniqueness of the Old Italian States was in the many local “indigenous” varieties of art making, in the countless artistic schools that had been developing in the different provinces, cities and towns throughout the centuries: “It is insane to think that a sample-case stored in a warehouse can produce the same effect of these artistic Schools in their place”.<sup>101</sup> From this perspective, the evaluation that Quatremère gave to the minor artworks, the local artistic traditions, and the “secondary grade of antiquity” was also strictly associated with the specific implications and understanding of art history knowledge: “The inferior ancient artworks, located next to the excellent ones, have the quality to illustrate, and the virtue to instruct, which the isolated masterpieces do not have”.<sup>102</sup> It is clear that, in his pamphlet, not only was Quatremère condemning the idea of the French acquisitions, but he was also fostering a new methodology and approach to art history.<sup>103</sup>

These statements help position the *Lettres à Miranda* in the framework of the theoretical innovations developed in the same years by the art historian Luigi Lanzi and the antiquarians Johann Joachim Winckelmann and Anne Claude Caylus. The argument of Quatremère de Quincy involved a few clear principles that had recently been developed, and that had already produced an impact on the discourses around museology and historiography. First of all, Quatremère’s reasoning implied that artists and scholars needed to travel to Rome in order to learn, find models and study the original pieces of art – “the sojourn in Rome cannot be substituted” with any museum.<sup>104</sup> Secondly, it involved, besides the well-known masters and masterpieces of traditional historiography,<sup>105</sup> a number of secondary artists and artworks as essential to understanding the major ones – “all these secondary grades of the ancient works are most important for learning Beauty and Truth, both as objects of

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<sup>100</sup> “Specie di museo generale [...] [che] la conservazione di opera d’arte autoctone ha preservato”. Pinelli, “Storia dell’Arte e cultura della Tutela”, 52.

<sup>101</sup> “É una follia immaginare che con un campionario riunito in un magazzino si possa produrre lo stesso effetto che producono queste Scuole nel loro paese”. Ibid., 55.

<sup>102</sup> “Nelle opere inferiori dell’antico, poste accanto a quelle eccellenti, vi è una proprietà dimostrativa, una virtù istruttiva, che i capolavori isolati non saprebbero procurarci”. Sgarbozza, *Le spalle al Settecento*, 86.

<sup>103</sup> For the impact of these aspects on aesthetic and artistic taste, see Pinelli, “Storia dell’Arte e cultura della Tutela”.

<sup>104</sup> “Il soggiorno a Roma ha una virtù insostituibile”. Pommier, “La Rivoluzione e il destino delle opere d’arte”, 256.

<sup>105</sup> According to the model proposed by Giorgio Vasari in his *Lives of the most Excellent Italian Painters, Sculptors, and Architects*.

demonstration and as terms of comparison”.<sup>106</sup> That is to say, all these minor ancient products, not necessarily important themselves, had become fundamental in relation to the masters and the masterpieces and their further understanding.

Johann Joachim Winckelmann and Anne Claude, Count of Caylus, had started to develop a leading-edge methodology for approaching and systematizing the study of ancient art already during the 1750s and 1760s.<sup>107</sup> Winckelmann, in particular, was the first to affirm the power of observing, the so-called “ocular critique”,<sup>108</sup> together with the importance of approaching the original artefacts when studying arts – even though, as is well known, he constructed his theories by studying Roman copies of the Greek sculptures, and was never able to see the originals.<sup>109</sup> Winckelmann was an art theorist and expert in classical literature and Greek culture; he worked for several years as librarian in the the vast library of Count Heinrich von Bünau in Dresden, where he had the opportunity to expand his knowledge on classics and arts, before moving to Rome, where he was appointed Commissary for Antiquity, as explained in Chapter Three. In his *History of Ancient Art*, published in 1764,<sup>110</sup> Winckelmann built the first history of ancient Greek art, founding his reconstructions on his visual analysis of the characteristics and peculiarities of each sculpture. He divided the historical chronology into four periods, corresponding to four different artistic styles: the “Ancient era” – before Phidias; the “Sublime era” – with Phidias and his peers; the “Beautiful era” – between Praxiteles, Lysippus and Apelles; the “Imitation era” – which covered the decline of the arts. Winckelmann was the first to analyse and systematise the different artistic periods, styles, and anatomical details, and to deconstruct and reorganize them into a new historiographical framework; he was the first to classify epochs and styles by comparing monuments and statues, discovering their common features, and defining at the same time the parameters and methodology he was applying. He was the first, as Quatremère said, to collect

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<sup>106</sup> “Tutti questi gradi secondari dei prodotti dell’antico servono più di quanto si possa allo studio del Bello e del Vero, sia come soggetti di dimostrazione sia come termini di paragone”. Pommier, “La Rivoluzione e il destino delle opere d’arte”, 256.

<sup>107</sup> Johann Joachim Winckelmann (1717-1768); Anne Claude Philippe de Caylus (1692-1765). Publications on these two antiquarians are countless; here I recommend: Ranuccio Bianchi Bandinelli, *Introduzione all’Archeologia Classica*, Firenze: Laterza, 1976; Schnapp, *The discovery of the Past*; Fausto Testa, *Conservare per imitare. Winckelmann e la tutela del patrimonio artistico in età neoclassica*, Pavia: Cyrano Editor, 1996.

<sup>108</sup> “Critica oculare”, as defined by Ennio Quirino Visconti, one of earliest art historians and director of the Vatican Museums at the end of the eighteenth century.

<sup>109</sup> According to Bianchi Bandinelli, Winckelmann realised that the statues he analysed were Roman copies only at a very late stage of his life. See Bianchi Bandinelli, *Introduzione all’Archeologia*, 11-26.

<sup>110</sup> Johann Joachim Winckelmann, *Geschichte der Kunst des Altertums*, Dresden: 1764.



and organize the *disiecta membra* of antiquity,<sup>111</sup> and to state the importance of a scholar having direct contact with the originals.

Also basing his theoretical constructions on the factual observation of artworks, Caylus, for his part, aimed to analyse morphologies and expressions of sculpture according to a method that was inspired rather by the natural sciences than by antiquarian scholarship.<sup>112</sup> Caylus was a French painter and engraver, who abandoned a promising career as a commanding officer to travel across Europe, studying and collecting ancient materials, and focusing on the scientific analysis of new classes of objects, such as ancient amulets and igneous stones. He was particularly interested in the technical and typological inferences of any ancient object, and developed a descriptive quantifiable method to classify them, based on their respective geographical origins, their morphologies, and the evolution of their techniques and typologies. While Winckelmann, who was originally a librarian, still passed through the literary sources to approach his visual analyses, Caylus affirmed the supremacy of the artefacts and the material evidence over any ancient literary source: this is why, just as Winckelmann can be considered the father of the history of ancient art, Caylus can be considered the father of archaeology.

If we turn to the situation in Florence, in 1775 Pietro Leopoldo of Lorena appointed the Jesuit philologist Luigi Lanzi, together with Giuseppe Pelli Bencivenni, as the new antiquarian and the director of the Uffizi respectively, with the task of expanding the collections and reorganising both the structure and display of the gallery.<sup>113</sup> Lanzi, who had just been dismissed as abbot after the pope's decision to suppress the Jesuit order, had already developed a broad understanding of antiquity, art history, epigraphy and ancient languages, and was particularly acknowledged in the fields of Etruscan culture and Italian Renaissance

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<sup>111</sup> Pinelli, "Storia dell'Arte e cultura della Tutela", 56.

<sup>112</sup> Anne Claude Philippe de Caylus, *Recueil d'antiquités égyptiennes, étrusques, grecques, romaines et gauleuses*, Paris: 1752-68. In these years, the encyclopaedic approach of the Enlightenment was trying to define a method to catalogue all aspects of scholarship. Linnaeus developed so-called taxonomic methodology for the natural sciences, which was also applied in museums and in art history. For the aspects related to the development of science and artistic scholarship in this period, see Krystzof Pomian, *Collectionneurs, amateurs et curieux. Paris, Venise : XVIe-XVIIIe siècle*, Paris: Gallimard, 1987; Schnapp, *The discovery of the Past*.

<sup>113</sup> Luigi Lanzi (1732-1810). For the history of the development of the Uffizi, see Chiara Gauna, *La 'Storia Pittorica di Luigi Lanzi': arti, storia e musei nel '700*, Firenze: Olschki, 2003; Gauna, "Documentazione, selezione e 'cangiamenti' dello stile: il metodo di Lanzi dai taccuini di viaggio alla 'Storia Pittorica'" in *Viaggi e conoscenza patrimoniale. Aubin Louis-Millin (1759-1818) tra Francia e Italia*, edited by Anna Maria d'Achille, Antonio Iacobini, Monica Preti-Hamard, Marina Righetti and Gennaro Torcano, 59-71, Roma: Campisano, 2011; Mina Gregori, "Luigi Lanzi e il riordinamento della Galleria" in *Gli Uffizi. Quattro secoli di una Galleria proceedings*, edited by Paola Barocchi and Giovanna Ragionieri, 367-393, Firenze: Olschki, 1983; Paula Findlen, "Uffizi Gallery, Florence, the Rebirth of a Museum in the Eighteenth Century" in *The first modern Museums of Art. The birth of an institution in 18<sup>th</sup> and early 19<sup>th</sup> century Europe*, edited by Paul Carole, 73-112, Los Angeles: Paul Getty Museum, 2012.

painting. Regarding the Uffizi, the idea was to create the first public collection based on the history of the development of arts in the Grand Duchy of Tuscany: “even if not exceptional items in themselves [these objects] all together can create a good series that the experts will evaluate as curious, interesting and specific of our Country”.<sup>114</sup> Despite their mutual antagonism, the two conservators managed to create a gallery that not only integrated for the first time the productions of the early Italian artists, specifically the early Tuscan painters, so-called Primitives – that is the painters of the late-thirteenth and fourteenth centuries, who generally used to create panels with gold backgrounds<sup>115</sup> – but that also constituted one of the earliest “visual representations of the history of painting”.<sup>116</sup> The development of the Florentine School needed to be illustrated through its processes of progress and decline, according to the chronologies recently defined for antiquity by Winckelmann, considering fundamental comparisons with other Italian schools but giving also a particular focus to the gaps, the minor artists and the artworks that for centuries had been excluded from the Uffizi because “qualitatively inferior”. The layout adopted for the galleries followed historical sequences of artworks, based on comparative analogies and differences of style, further divided by geographical provenance. The aim was to separate the pictures according to the artistic school of origin, and organise them chronologically within each school, “to demonstrate the development of various artistic traditions as well as the evolution of individual artist’s oeuvres”.<sup>117</sup> In this regard, it is interesting to note that soon afterwards, in 1780, the art dealer Christian von Mechel completed the reorganisation of the Picture Gallery of Vienna according to analogous criteria of “visual art history”, based on the coordinates of chronology and geography. He divided the Italian section into five schools, Roman, Florentine, Venetian, Lombard, and Bolognese, while he still kept an unsystematic arrangement for German and Dutch art.<sup>118</sup> Despite the close analogies with the Uffizi Gallery in Florence, Lanzi did not approve of Mechel’s work, deeming it founded on a taxonomic method derived from natural sciences, rather than on a historical approach suitable for the arts and able to offer a comprehensive overview of all artistic styles.<sup>119</sup>

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<sup>114</sup> “Anche non fossero cose sorprendenti ciascheduna da se, [queste cose] tutte insieme formano una buona serie che i periti stimeranno assai curiosa e interessante e particolare al nostro Paese”, as the former curator of the Uffizi Gallery, Raimondo Cocchi, stated. Gauna, *La ‘Storia Pittorica di Luigi Lanzi’*, 80.

<sup>115</sup> More details about these early Italian painters are considered later in this chapter.

<sup>116</sup> “La rappresentazione visiva della storia della pittura”. Gauna, *La ‘Storia Pittorica di Luigi Lanzi’*, 83.

<sup>117</sup> Carole, “Preface: toward a collective history”, in *The first modern Museums of Art*, xiii.

<sup>118</sup> See Michael Yonan, “Kunsthistorisches Museum/Belvedere Vienna. Dynasticism and the Function of Art” in *The first modern Museums of Art*, 167-190.

<sup>119</sup> The most popular models of gallery in Europe at that time were in Dresden (1745), Dusseldorf (1775) and Vienna (1780). The gallery of Dresden was organised according to late-Baroque criteria of symmetry; the

Once the refurbishment of the Uffizi ended, Luigi Lanzi realised that the organisation of the materials through the standards of geography and chronology – space and time – was flexible and functional enough to form the core of a systematic history of painting in Italy as well. The first edition of his volume, *Pictorial History of Italy*, was published in 1792, becoming so famous and influential that it ran through two new editions and more than fifteen re-printings in the following forty years.<sup>120</sup> The early version was organised into four artistic schools, all located in the “Inferior” Italy (a term referring to central Italy as far south as Naples): they were the Florentine, the Sienese, the Roman and the Neapolitan schools. The following editions, expanded and improved, in particular the early nineteenth-century one, included also the schools located in the “Superior” northern Italy, which were the Piedmontese and Lombard schools, divided into Milan and Cremona, together with the schools of Venetia, Bologna, Ferrara, Mantua, Modena, Parma, and Genoa.<sup>121</sup> Stating that “omitting the mediocre is the work of a good politician, not the office of a good historian”,<sup>122</sup> Lanzi purposefully recovered major and minor artists, innovative and repetitive styles, artistic hubs and peripheral locations, within a timeframe running from the late Middle Ages to the end of 1770. He included *exempla* of the moments of peak and crisis, of the rise and the decline of styles; he re-established copious previously unknown evidence of artistic schools that flourished across the Italian peninsula from the late Middle Ages onwards, which he had collected during a series of journeys between 1777 and 1794. It is clear that Lanzi not only managed to define new criteria to overcome the accumulative miscellaneous layout typical of the *wunderkammern*, but also set the earliest foundations of an original theoretical and methodological frame for approaching art history, which soon had a broad impact throughout Europe. The *Pictorial History* rapidly arrived in France, mirroring Quatremère de Quincy’s *querelle* against the artistic confiscations of the French Directoire, and even reinforcing it in

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gallery of Dusseldorf followed criteria of “national schools”, alternating Flemish and Italian rooms; the gallery of Vienna was arranged according to “chronological criteria of schools”, which was initially criticised because descended from the classifications applied to the collections of natural sciences. See Gauna, *La ‘Storia Pittorica di Luigi Lanzi’*.

<sup>120</sup> In 1792 only the first volume was published. Luigi Lanzi, *Storia Pittorica d’Italia. Tomo primo: ove si descrivono le Scuole della Italia Inferiore, la Fiorentina, la Senese, la Romana, la Napolitana*, Firenze: 1792; Gauna, *La ‘Storia Pittorica di Luigi Lanzi’*.

<sup>121</sup> For the analysis of the schools defined by Lanzi, see Chiara Piva, “La Repubblica delle Lettere e il dibattito sul metodo” in *La Storia delle Storie dell’Arte*, 91-179, Torino: Einaudi, 2014.

<sup>122</sup> “Tacere il mediocre è industria di buon oratore, non uffizio di buon storico”. Gauna, “Documentazione, selezione e ‘cangiamenti’ dello stile”, 60.

some passages: “Dismembering the Italian Schools [...] is destroying one of the essential lessons for Europe in its basis”.<sup>123</sup>

As Rossi Pinelli has argued, the *Chirografo Chiaramonti* was the first papal edict to be fully implemented because, in a broad perspective, it was the first to be supported by a strong consistent theoretical and methodological background. For these reasons, she has observed, not only did it have a permanent impact on the legal and administrative approach to the preservation of artistic heritage, but also on the culture and attitudes of Roman society.<sup>124</sup> The core of the new concepts spreading in Europe was based on a number of assumptions: that art and antiquity went through moments of peak and decline, of renaissance and crisis; that the direct observation of the original works was necessary for art scholarship, as well as for comparing masterpieces and minor works, innovative and repetitive styles, different artistic schools and traditions; and that artworks were to be kept in their original context of production, both for cultural and conservation reasons.

It is difficult to suppose that Carlo Fea was not informed on the latest theoretical and methodological innovations of both the history of art and the history of antiquity, influencing his drafting of the *Chirografo Chiaramonti*. He was definitely aware of the publication of the *Lettres à Miranda*, as the pamphlet had circulated in Rome since the years of the Jacobin Republic of 1798-99.<sup>125</sup> No doubt he was also informed about the latest discoveries and innovations in archaeology, as the wide list of ancient objects in article 1 of the edict clearly shows. Both the inclusion of more systematic and scientific parameters of classification and the interest in artefacts such as the “Etruscan vases” demonstrate not only that Fea was aware of the recent developments in antiquarian knowledge, but also that he was willing to transfer them into a legal framework of protection and control. Nevertheless, this does not seem to be the case regarding his treatment of painting. At the beginning of the nineteenth century, scholarship and artistic education in Rome were still too devoted to antiquity to be able to fully appreciate and understand artworks of other epochs and styles. Such an attitude was further reinforced by the general feelings of European travellers, philosophers, architects, and collectors, who continued to see Rome as the stronghold of antiquity and classicism. This is why, despite the fundamental developments within the art historical discipline, Carlo Fea still referred to a cultural paradigm that was founded on the uncontested supremacy of the

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<sup>123</sup> “Smembrare le scuole d’Italia [...] e’ aggredire fin nel suo principio uno dei principali insegnamenti all’Europa”. Ibid.

<sup>124</sup> See Rossi Pinelli, “Carlo Fea e il Chirografo del 1802”.

<sup>125</sup> See Pinelli, “Storia dell’Arte e cultura della Tutela”.

classical and antiquity over any other style. This emerged clearly in the measures he provided about painting: while considering all the typologies of ancient sculpture worthy of protection within the Papal States, he was still reluctant to include all the styles of painting under the umbrella of the law. Article 2 of the edict, indeed, based the parameters for evaluating the paintings created from the Renaissance onwards on their adherence to the classical canon: only the “Paintings made by Classical Artists who flourished after the Risorgimento of Arts” were thus protected by law.<sup>126</sup> Despite this limitation, it should be acknowledged that, as already said, Fea was the first to have included specific clauses and directives within the law regarding the specific preservation of painting, separating them from the prescriptions established for sculpture. In short, therefore, Fea seems to have recognised within the *Chirografo Chiaramonti* the value of the pertinent location and setting for issues related to the preservation of the artworks; the chronological constructions linked to the development of styles in terms of peak and decline; and the approach to original pieces for both the artistic education and scholarship. On the other hand, he was not ready to overcome the idea of supremacy of the classical and antiquity, and he referred to the concepts of artistic schools and minor styles only in terms of their relationship to classical prototypes; thus, arguably, Fea did not fully accept Lanzi’s innovations, rather preferring the position of Quatremère on the “secondary grades” of the arts. Taking Winckelmann’s concept of peak and decline to an extreme, Fea finally put under protection only artworks connected to antiquity in terms of “style, or school, or erudition, or for any other reason”.<sup>127</sup>

The final steps towards the full recognition of the new theoretical innovations, together with the final acknowledgment of the value of both minor arts and local schools in the Papal States, would only appear a few years later, within the so-called *Edict Pacca* of 1820 and its related *Regulation on the Auxiliary Commissions of Fine Arts* of 1821.

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<sup>126</sup> “Autori Classici, che hanno fiorito dopo il Risorgimento delle Arti”. Emiliani, *Leggi, Bandi, Provvedimenti*, 88.

<sup>127</sup> “Arti, le Scuole, la erudizione, o in fine per altre ragioni”. *Ibid.*, 87-88.

Figure 5      Jean Baptiste Isabey, *The Congress of Vienna*, 1814-1815.

<http://www.historiacultural.com/2010/07/santa-alianza-congreso-de-viena.html>

Figure 6      Unknown artist, *Portrait of Bartolomeo Pacca*, 1808.

<http://www.ericfrattini.com/especial-vaticano-archivos-secretos-1.html>

Figure 7      Francois-Xavier Fabre, *Portrait of Antonio Canova*, 1812.

[http://www.nanopress.it/cultura/foto/il-fascino-e-il-mito-dellitalia-dal-cinquecento-al-contemporaneo-le-opere-in-mostra\\_6045\\_14.html](http://www.nanopress.it/cultura/foto/il-fascino-e-il-mito-dellitalia-dal-cinquecento-al-contemporaneo-le-opere-in-mostra_6045_14.html)



## Rome and its Provinces, 1820: the *Edict Pacca*

In the years immediately after the end of the Congress of Vienna in 1815, the establishment of the Papal States moved gradually towards a new model of administration of antiquities and the fine arts, which was connected, in broad terms, both to a restoration of the authorities in charge in the old papal government and to a revision of the traditional organisation devoted to the protection of artistic heritage. The reforms initiated in this period aimed to re-establish and re-launch the Papacy after the upheaval of the second French occupation, enforced by Napoleon between 1809 and 1814. As is well known, during the Napoleonic regime the administrative, bureaucratic, cultural and social foundations of the Papal States had been dramatically overturned, impacting deeply not only the century-old religious establishment and its management of secular matters, but also, as already demonstrated, attitudes towards the protection of the local artistic heritage.<sup>128</sup> Regarding the general administration of the Papal States, the Restoration initiated after Napoleon involved mainly the reconstruction of the bureaucratic and judiciary system, the reorganisation of the local town councils, the mandates of the provinces, and the definition of a new systematic land register.<sup>129</sup> Regarding the administration of the arts specifically, the reforms concerned the formal procedures related to the management, the bureaucracy and the staff appointed in the office of the Camerlengo, as will be discussed in Chapter Two of this thesis. Apart from these organisational changes, however, the systematic confiscations of papal artworks carried out by the French army, to furnish the museum that would later become the Louvre in Paris, was to have wide effects both on the cultural awareness of the population located throughout the provinces of the state, and on the general approach to the protection of the heritage scattered in these less central areas. This section will thus take into consideration the cultural impact of the restitution to the Papal States of the artefacts removed by Napoleon, discussing the various conceptual issues that hindered the central administrators for the arts, the representatives of the local hubs, Pope Pius VII, and the Secretary of the State, regarding the rearrangement of these returned artworks in suitable locations. Analysis of both this debate and the ideas newly elaborated by concurrent artistic scholarship sheds light on aspects of the edict that have not previously been discussed.

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<sup>128</sup> Here I am referring to Ridley, *The eagle and the spade*; Curzi, *Bene culturale e pubblica utilità*; Sgarbozza, *Le spalle al Settecento*.

<sup>129</sup> *Motu Proprio Reformatio publicae administrationis, et tribunalium ditionis Pontificae*, issued on 6 July 1816. See Cosimo Semeraro, *Restaurazione. Chiesa e società*, Roma: LAS, 1982.

After new legislation on the safeguarding of manuscripts and archives was issued in 1819,<sup>130</sup> the attention of the papal executives focused on the dire situation of antiquities, monuments and paintings all over the state, resulting from the Napoleonic occupation of 1809-1814. In this context, the Cardinal Bartolomeo Pacca, Camerlengo of the Holy Church, was the key figure who brought about the definition of a new system of protection of antiquities and artworks.<sup>131</sup> In a relatively short time, between 1820 and 1821, he managed to issue and to implement the so-called *Edict Pacca* and its related *Regulation on the Auxiliary Commissions for Fine Arts*.<sup>132</sup> These new directives not only established an advanced model of administration of artistic heritage throughout the Papal States, but also developed the latest theoretical innovations of art history and archaeology into an effective legal framework of protection, devoting new attention and care to the artworks located all over the provinces of the state and to the minor artefacts that had never before been evaluated. It is interesting to note that, in this framework, the contribution of the Commissary for Antiquity Carlo Fea was rather limited compared to the significant role he had had in elaborating the edict in 1802.<sup>133</sup> The administration for the fine arts established after the Congress of Vienna, in fact, would favour the establishment of commissions to supplant the single commissary, inaugurating, as will be analysed in Chapter Two, also new organisational systems to protect these extended categories of artworks.

It is extremely significant that the *Edict Pacca* provided no systematic definition of antiquity, or even more to the point, no comprehensive list of ancient objects to protect from exportation, destruction or improper restoration. This aspect can be related to the fact that the prologue of the edict explicitly referred to the previous *Chirografo Chiaramonti* for all the

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<sup>130</sup> *Editto sopra le scritture, e libri manoscritti*, issued on 8 March 1819. Pope Pius VII, on 23 December 1815, had also written a rescript establishing that a copy of any book issued in the Papal States was to be deposited with the Library Alessandrina and the Archiginnasium of Rome. See Donato Tamblè, “La Politica Culturale dello Stato Pontificio nell’età della Restaurazione: Antichità, Belle Arti, Biblioteche, Archivi” in *Roma fra la Restaurazione e l’elezione di Pio IX. Amministrazione, economia, società e cultura*, edited by Anna Lia Bonella and Augusto Pompeo, 759-782, Roma-Freiburg-Wien: Herder, 1997.

<sup>131</sup> Bartolomeo Pacca (1756-1844), Cardinal Camerlengo of the Roman Catholic Church from 1814 to 1824. See Gaetano Moroni, “Bartolomeo Pacca” *Dizionario di erudizione storico-ecclesiastica da San Pietro ai giorni nostri*, vol. 50, 85-89, Venezia: Tipografia Emiliana, 1840-1861; Curzi, “Per la tutela e la conservazione delle Belle Arti: l’amministrazione del Cardinale Bartolomeo Pacca” in *Bartolomeo Pacca (1756-1844). Ruolo pubblico e privato di un Cardinale di Santa Romana Chiesa*, edited by Claudia Zaccagnini, 49-68, Velletri: Blietri, 2001.

<sup>132</sup> The *Edict Pacca* was published on 7 April 1820; the *Regolamento per le Commissioni Ausiliarie istituite nelle Legazioni e Delegazioni dello Stato Pontificio* was published on 6 August 1821. See Emiliani, *Leggi, Bandi, Provvedimenti*, 100-115.

<sup>133</sup> According to the documents analysed by Ridley, Fea was rather disappointed with the provisions of the new edict; furthermore, despite keeping his chair as Commissary, he did not like being removed from a position of trust. Ridley, *The Pope’s Archaeologist*, 223-224.

basics provisions, so that it was not necessary to repeat them, but also probably to the realisation that listing – or defining – antiquity was actually useless, and too restrictive, in the context of the second decade of nineteenth-century Rome. Different articles of the law presented various hints about what was intended under the concept of antiquity, but they are too vague and imprecise to be taken as conceptual and legal parameters for a systematic analysis. Article 9, for instance, mentioned the objects “of singular or recognised value for Art or Erudition”; article 14 cited objects “of supreme importance or necessary for the Government”; article 34 referred to materials “of significant value [...] for their rarity and size”; article 7 tried to clarify the criteria quoting “collections of Statues and Paintings, Museums of both Holy and Profane Antiquities”. Only in the case of the destruction of ancient architectural monuments, does the edict mention some typologies of structures to protect: “Walls, Floors, Archivolts” (art. 40), “Sepulchral Rooms, Bathrooms [...] Marbles [...] Stuccos, sawn off Paintings” (art. 42), “Statue, Busts, Bas-relief, Milestones, Tombstones, Basements, small Marble Columns [...] in the Squares, Streets and Porticos” (art. 54), mentioning also the provisions of Sixtus IV in Constitution *Quam Provida* of 1474.<sup>134</sup> Apart from the case of monuments and architecture, it can be affirmed that there was a precise intention not to determine a category, or a list, of ancient objects deserving protection. Such a lack of definition could then correspond to the latest developments in the concept of antiquity itself, which followed the earlier model of the open-ended clauses included in the *Edict Valenti Gonzaga* of 1750. It is highly likely that the traditional lists of objects provided by the old edicts had seemed too limited for the huge variety of ancient materials that art scholarship and archaeological excavations continued to bring to light. As a consequence, the definition of artwork had begun to be approached as a concept in constant development, which could be asserted only on the basis of actual experience of the objects. That is why the approvals regarding the status and artistic character of the artefacts, that is, their value as artworks, were delegated to the assessment of the General Commission of Fine Arts: the panel was authorized to negotiate and establish as often as was necessary whether an object could be considered as artwork worthy of protection or not, making decisions which were based on the intrinsic qualities of each item rather than on given criteria.<sup>135</sup>

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<sup>134</sup> “Di singolare e famoso pregio per l’Arte o per l’Erudizione”, “necessari o di sommo riguardo per il Governo”, “insigne pregio [...] o per rarità e Mole”, “raccolte di Statue e di Pitture, Musei di Antichità Sacre e Profane”, “Muri, Pavimenti, Volte”, “Camere Sepolcrali, Bagni [...] Marmi [...] Stucchi, segare le Pitture”, “Statue, Busti, Bassorilievi, Cippi, Lapidi, Sostruzioni, piccole Colonnate di Marmi [...] nelle Piazze, Strade, e Portici”. Emiliani, *Leggi, Bandi, Provvedimenti*, 103, 104, 107, 108, 109, 110.

<sup>135</sup> The activity of the General Commission of Fine Arts of Rome will be discussed in Chapter Two.

Such a substantial advance in the approach to the safeguarding of antiquities and the definition of artwork in general, nevertheless, appeared not to have informed the guidelines established for the preservation of modern art. In this case, the *Edict Pacca* followed quite different principles, which brought about a reappraisal of the criteria for selecting pieces worthy of protection. From this perspective, articles 17 and 20 deserve particular analysis, as not only did they introduce modern sculpture under protection, but also breached, for the first time in a legislative framework, the uncontested century-old supremacy of classicism:

17) The marbles sculpted by non-living artists, connected with the decadence and the risorgimento of sculpture, are subjected to the same dispositions and Laws as for Antiquities [...].

20) [...] [For] Paintings and Ancient Mosaics, we order that the Paintings of the Classical Schools, the Wooden panel paintings, the Canvases and the Mosaics, which can illustrate the decadence, the risorgimento, the History of the Arts [...] are under the same discipline [...].<sup>136</sup>

These articles intended to give legal protection not only to the artefacts modelled on the classical canon – both sculpture and painting – which were produced in the Ancient Era or after the Renaissance, but also to artworks which were created during the periods of the so-called “decline” of the arts. The explicit aim of these provisions was to direct attention to artistic styles and epochs that were not related to the classical norm in any way, which at that time were regarded as “decaying” according to Winckelmann’s chronologies and as “secondary grades” according to Quatremère’s art history.

To understand the full significance of these clauses, the conceptual innovations of the scholar Seroux d’Agincourt should be evaluated as well, as they had a profound impact on both the theoretical core and the definitions shaped within the *Edict Pacca*. Seroux was a French antiquarian and art historian, who travelled extensively across Europe, and Italy in particular, in order to study and analyse monuments and artistic works that did not necessarily belong to the chronologies established by Winckelmann; he remained in Italy for 36 years, and personally financed drawings and publications related to uncountable ancient

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<sup>136</sup> 17) I marmi scolpiti da Autori non viventi, appartenenti al decadimento ed al risorgimento della Scultura, dovranno essere soggetti alle medesime Leggi che le Antichità [...]. 20) [...] [Circa] Le Pitture e Musaici antichi, ordiniamo che i Quadri di Scuole Classiche, le Tavole, le Tele ed i Musaici, che possono illustrare il decadimento, il risorgimento, e la Storia delle Arti, siano sottoposti alle medesime discipline [...]. Emiliani, *Leggi, Bandi, Provvedimenti*, 105.

and modern monuments. In 1808, d'Agincourt was living in Rome when the first booklets of his major work were published, as parts of a book with a distinctive title: *History of Art through monuments, since its decadence around the fourth century until its renovation in the sixteenth century*.<sup>137</sup> Such a new art history intended to construct the first account on the chronological development of the arts of the Middle Ages, starting from the arts of the era of Constantine and the early Christians, and finishing with the artefacts of the pre-Renaissance. D'Agincourt presented his book as a mere continuation of Winckelmann's theoretical conception, defining Medieval art as a "tragic period in which Art went through [...] weakness and decadence", as it was not inspired by the ideal beauty of ancient sculpture.<sup>138</sup> His aim, indeed, was to show artists "what they should avoid" when creating new artworks.<sup>139</sup> Despite that, he did not suppress the particular fascination for him of the painters of the late-thirteenth and fourteenth centuries, with their typical gold backgrounds, usually referred to as "Fondi oro" or "Primitivi" by early nineteenth-century culture.<sup>140</sup> The concern of d'Agincourt for Medieval art was based on a pure historical interest: despite their "deformity", the artefacts of this period were "useful for the general history of human genius", and needed to be preserved from "degradation" and destruction, as was antiquity.<sup>141</sup> He divided Middle Ages into two main periods: the "Decadence", from the second to the thirteenth century, and the "Risorgimento", from the thirteenth to the sixteenth century; the latter period was further divided into three epochs: the first one, from the mid-thirteenth to the mid-fourteenth century, the next, the second half of the fifteenth century – defined as the "progress of the Risorgimento" – and the third one, in the sixteenth century – defined as the "full Risorgimento". In a relatively short time, even before the issuing of the book was completed in 1823, the new art history of the "decadent periods" had deeply affected the general interest and the aesthetic taste for Medieval arts in the Papal States. In 1825, these innovative constructs informed the criteria defined for the proposed catalogue of papal

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<sup>137</sup> Jean Baptiste Louis Georges Seroux d'Agincourt (1730-1814) published his book, *Histoire de l'Art par les monumens depuis sa décadence au IV<sup>e</sup> siècle jusqu'à son renouvellement au XVI<sup>e</sup> siècle*, in multiple booklets, with a total of six volumes, between 1808 and 1823. Although he was not the only scholar interested in Medieval art, he was the most popular, and was acknowledged as the father of Medieval Art History already in 1830s. See Ilaria Miarelli Mariani, *Seroux d'Agincourt e l'Historie de l'Art par les monumens. Riscoperta del Medioevo, dibattito storiografico e riproduzione artistica tra fine XVIII e inizio XIX secolo*, Roma: Bonsignori editore, 2005; Miarelli Mariani, "Jean-Baptiste Seroux d'Agincourt e la nascita della Storia dell'Arte Medievale" *Ricerche di Storia dell'Arte*, no. 77 (2002): 5-23; Giovanni Previtali, *La fortuna dei Primitivi. Dal Vasari ai Neoclassici*, Torino: Einaudi, 1964, 164-175.

<sup>138</sup> "Funesto periodo in cui l'Arte [fu] sottoposta [...] alla debolezza e al decadimento". For the quote and the methodological approach of d'Agincourt, see Piva, "La Repubblica delle Lettere", 147.

<sup>139</sup> "Quello che devono fuggire". Miarelli Mariani, "Jean-Baptiste Seroux d'Agincourt", 8.

<sup>140</sup> "Fondi oro" refers "Golden backgrounds", "Primitivi" to "Primitives". See Previtali, *La fortuna dei Primitivi*.

<sup>141</sup> "Deformità", "utili alla storia generale dell'umano ingegno", "degradamento". Miarelli Mariani, "Jean-Baptiste Seroux d'Agincourt", 5.

artworks, which further expanded the understanding and semantic of heritage in Rome, as will be explained in Chapter Two. D'Agincourt, *de facto*, had managed not only to upset the supremacy of antiquity in the Papal States, but had also opened a breach in the traditional approach to art history: he had systematised the artistic creations of the Middle Ages, establishing chronologies for the period, which at the time still represented a sort of unknown land for scholars and antiquarians.<sup>142</sup>

As is easy to understand, such a ground-breaking history of art had a strong impact on legislation and on the safeguarding of artworks in Rome. While the *Edict Chiaramonti* of 1802 focused exclusively on the protection of classical paintings created from the Renaissance onwards, the *Edict Pacca* of 1820 not only included the artistic periods of “decadence” under the protection of the law, but also, more importantly, stated that it did so for the benefit of “History of the Arts”. This was a trailblazing statement both in relation to the legal development of papal legislation and to the broadening of cultural concepts related to the fine arts. In this framework, in fact, the artworks were no longer considered as prestigious objects, religious relics, or aesthetic tools for educating artists and common people; here they found an early historical recognition, which initiated the lengthy process of development of the methodology that would become the core of the historical approach to art history. It is clear that not only had the lessons of Winckelmann, Quatremère de Quincy, and Seroux d'Agincourt been taken to a high level of maturation, but also that the innovations they had brought to both scholarship and conservation had been fully accepted and assimilated into an effective legal system of protection. This was particularly true with regard to Luigi Lanzi and his already quoted maxim of not omitting the mediocre in order to produce good history, which soon resulted in the revaluation of the minor schools and artworks that had been neglected in traditional scholarship as well as protection legislation.

Among the “decaying” styles and artworks restored to guardianship and conservation thanks to the *Edict Pacca* were the panel-paintings created between the late-thirteenth and fourteenth centuries, better known as artefacts of the Primitives.<sup>143</sup> After Luigi Lanzi and, in

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<sup>142</sup> This is an observation of Mondini: “Sèroux d'Agincourt et l'art des premiers chrétiens”, 549.

<sup>143</sup> As already mentioned, the “Primitives” were the early Italian painters of the late-thirteenth and fourteenth centuries, who generally used to paint on panels with golden backgrounds. Florence and Siena were the hubs which developed strong traditions of golden background painting; Siena in turn influenced the areas of the central Apennine and Umbria, prompting the development of local panel painting traditions in towns such as Orvieto, Perugia, Gubbio, Fabbriano, and Assisi (where Giotto also worked). Prominent amongst the Primitives were Duccio di Buoninsegna, Cimabue, Giotto, Taddeo Gaddi, Orcagna, Maso di Banco, Simone Martini, Pietro and Ambrogio Lorenzetti, Pietro Cavallini, Taddeo di Bartolo, Gentile da Fabbriano, and Lorenzo di Bicci. The questions related to the reevaluation of these painters between the late eighteenth and the early nineteenth

particular, Seroux d'Agincourt had reinstated them to art history, both European scholars and collectors started to regard the Primitives with growing interest, managing to acquire an important number of them for their private collections, and often for national museums. In the years 1808-1814, Napoleonic art confiscations in the Papal States had a further deep impact on both the loss of these artworks and on their reassessment to scholarship. The French commanders working for the development of Napoleon's Museum arrived in the Papal States with full lists of artworks to remove from the cities of Perugia, Loreto, Ascoli, Fabriano, and others, which were major artistic centres for the production of pre-Renaissance and Early-Modern paintings.<sup>144</sup> Following the case of the Primitives, it is possible to analyse a further aspect in the development of a consistent concept of artistic heritage: the vicissitudes related to their confiscation for the Napoleonic collections in Paris, and their subsequent restitution to the Pope after the Congress of Vienna, shed light on the expansion of a new awareness on the importance of the artworks located in the minor centres of the state, which would find legal expression within papal legislation in 1821.

The first opportunity to reconsider the criteria on the evaluation of the "minor" and "local" arts in the Papal States occurred during the Congress of Vienna, between November 1814 and June 1815. The Inspector for the Fine Arts, the renowned neoclassical sculptor and patron of the arts Antonio Canova, sent there as ambassador of the Pope, had to face several issues related to the restitution of the countless paintings, sculptures and manuscripts confiscated by the French throughout the Papal States from the time of the Treaty of Tolentino onwards.<sup>145</sup> Canova had been nominated Inspector for the Fine Arts in 1802, within the provisions of the *Edict Chiaramonti*, and President of the Academy of San Luca in 1810; his activity within the papal administration of the fine arts, and his innate charismatic personality, would have a profound impact on the protection of artistic heritage in the Papal States.

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century are extremely complex, and connected also to the fluctuations of the art market (as explained in Chapter Three) and the formation of the movement of the so-called "Nazarenes".

<sup>144</sup> For aspects related to the transfer of the Primitives to Paris, see Sgarbozza, "Louvre 1793-1814: la pittura dei primitivi italiani" *Ricerche di Storia dell'Arte*, no. 77 (2002): 24-40; Sgarbozza, "La musealizzazione dei Primitivi. Vicende delle Pinacoteche romane tra 700 e 800" in *Giuseppe Vernazza e la Fortuna dei Primitivi*, edited by Giovanni Romano, 131-146, Alba: Fondazione Ferrero, 2007.

<sup>145</sup> Antonio Canova (1757-1822). There are many studies on the Paris mission of Antonio Canova to recover the artworks of the Papacy. Here I recommend the articles of Zuccoli and Tamblè and the first biography of Canova written by Antonio D'Este: *Memorie della vita di Antonio Canova*; Franca Zuccoli, "La ripercussione del Trattato di Tolentino sull'attività diplomatica di Antonio Canova nel 1815, per il recupero delle opere d'arte" in *Ideologie e patrimonio storico-culturale*, 611-627; Tamblè, "Il ritorno dei Beni Culturali dalla Francia nello Stato Pontificio e l'inizio della politica culturale della Restaurazione nei documenti Camerali dell'Archivio di Stato di Roma" in *ibid.*, 457-513.

Between the years 1809 and 1814, the Napoleonic occupation of Rome had brought about the loss of further vast quantities of artworks, caused by both the furnishing of the Musée Napoleon in Paris and the decision of the French government to close all the Catholic institutes in Italy. After the edict of 1810 declared all the religious corporations dissolved, a mass of paintings, sculptures, altarpieces, ecclesiastic ornaments, religious furnishing, and holy manuscripts flooded Rome, feeding, in the best case, the art market throughout Europe, or, in the worst case, the fires of the homeless.<sup>146</sup> The greatest loss of artworks, however, coincided with the development of the Musée Napoleon between 1809 and 1814, and the determination to move the best pieces of sculpture and painting from Rome to Paris in addition to the prime works already confiscated under the terms of the Treaty of Tolentino. For this purpose, the French commissaries for the fine arts confiscated artworks throughout the Papal States, even in the small provinces, removing the best *exempla* to illustrate the development of the Italian schools to the Musée of Paris.<sup>147</sup> As a consequence, the Papal States ended up losing not only the “major” pieces already widely appreciated by the international élite, but also the “minor” works of the schools recently reinstated in artistic scholarship, in particular the Primitives.

During the negotiations at the Congress of Vienna, Antonio Canova was challenged by two fundamental questions, related not only to the conditions imposed for restoring the artworks to the Papacy, but also, in general terms, to the development of a new paradigm on the management of artistic heritage throughout the whole of Europe. First of all, he had to evaluate the idea of central museums against the concept of local placement of artworks: the fame of such institutions was spreading fast as several galleries were now flourishing in the major capitals of Europe, often following the model of the Musée Napoleon.<sup>148</sup> Related to this, he had to deal with the recovery of the artworks that had been confiscated in the provinces of the Papal States, previously given little attention, which would have resulted in

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<sup>146</sup> Curzi dates this edict to 7 and 28 May 1810, Sgarbozza to 3 May. See Curzi, *Bene culturale e pubblica utilità*, 97; Sgarbozza, “Roma 1810-1814: intorno alla musealizzazione del patrimonio ecclesiastico” in *Milano 1809. La Pinacoteca di Brera e i musei in età napoleonica*, edited by Sandra Sicoli, 248-253, Milano: Electa, 2010.

<sup>147</sup> See Gould, *Trophy of Conquest*; Wescher, *I furti d’arte*; Sgarbozza, “Louvre 1793-1814”; Marzotto Caotorta, *Il Museo e l’opera d’Arte*.

<sup>148</sup> The principal Museums opened or refurbished in Europe after the Congress of Vienna were: the Rijksmuseum of Amsterdam (1817); the Real Museum of Prado of Madrid (1819); the National Gallery of London (1824); the National Museum of Greece (1829); the Altes Museum of Berlin (1830); the Glyptothek (1830) and the Alte Pinakothek of Munich (1836); the Hermitage of Petersburg (1840); the Royal Museum of Brussels (1846). See Carole, ed, *The first modern Museums of Art*; Pomian, ed, *L’anticomanie: la collection d’antiquités aux 18<sup>ème</sup> et 19<sup>ème</sup> siècle*, Paris: École d’Hautes études en Sciences Sociales, 1992 ; Eleonora Bairati, “Alle origini del Museo Moderno: l’eredità della Rivoluzione nella crescita dei grandi musei europei dell’Ottocento” in *Ideologie e patrimonio storico-culturale*, 165-189; Wescher, *I furti d’arte*.



an intense debate on the minor artworks and artistic centres among the papal administrators in the office of the Camerlengo.

The earlier discussions within the congress regarded the conditions for the preservation of artworks in the Papal States prior to the Napoleonic occupation. In particular, the allies blamed the negligence of the papal administration in not taking care of paintings, denouncing the fact that not only they had often been mistreated and poorly maintained, but also that they had always been inaccessible to the wider public, “Scattered here and there [...] in disadvantageous places”.<sup>149</sup> Despite any resolution to the contrary stated in the old laws, paintings placed in small churches throughout the country had been impossible to reach for centuries. The letter that Antonio Canova wrote to Cardinal Ercole Consalvi, the proactive Secretary of the Papal States of that time,<sup>150</sup> on 16 September 1815, was very clear on the issues that the allies raised against the restitutions:

[...] It has been claimed that the paintings of the great masters were scattered here and there in the cloisters, and in the churches of the State, rather than in a gallery, where, collected in beautiful sequences, they could be considered works of the best masters and displayed for the benefit of the young scholars; furthermore, it has been claimed that these miracles of painting were generally poorly maintained, covered with candle smoke and dust, in positions too high and too disadvantageous, and with the lighting generally unfavourable, and that all of this was hugely detrimental for the artworks. And these words were not far from the truth; whereas now [in the Louvre], they are organized according to the respective schools, in a dedicated gallery, where artists from anywhere can study them at any time; furthermore, together with being well displayed, they have proper lighting, and are in a place where they can be easily admired and studied.<sup>151</sup>

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<sup>149</sup> “Qua e là dispersi [...] in luoghi svantaggiosi”. Zuccoli, “La ripercussione del Trattato di Tolentino”, 623.

<sup>150</sup> Ercole Consalvi (1757-1824) was Secretary of the Papal States in 1800-1806 and in 1814-1823. He was a cardinal, skilled diplomat and politician, and was also a patron of arts and artists. He was one of the most active members of the Commission summoned by the pope to oppose the French revolutionaries in 1796; for this reason he was arrested and exiled in 1798-99.

<sup>151</sup> [...] Si viene ad asserire che i quadri de’ grandi maestri rimanevano qua e là dispersi ne’ chiostrì, e nelle chiese dello Stato, invece che in una pinacoteca, ove radunati in bella serie, fossero i più reputati lavori de’ migliori pennelli esposti ad utilità ed esempio della studiosa gioventù; anzi, aggiungesi, che questi stessi miracoli della pittura erano universalmente mal tenuti, coperti di fumo e di polvere in luoghi alti e disadattati, con lume per lo più contrario, a gran detrimento delle arti, e de’ loro cultori. Ne’ in ciò procedesi lungi dal vero; laddove adesso esistono ordinati, secondo le rispettive scuole, in apposita galleria, ove a tutte le ore possono gli artisti di ogni nazione recarsi a studiarli; mentre oltre all’essere ben disposti, sono anche collocati a lume opportuno, e alla portata di venire ammirati e copiati. D’Este, *Memorie della vita di Antonio Canova*, 205-206.

It is evident that, by then, issues related to the physical preservation of artworks, including their maintenance and proper conservation, were the main concerns of the cultural élite of the biggest nations. Nevertheless, none of these factors affected the outcome of the debate on the destiny of the papal artworks finally as much as Antonio Canova's personal opinion. The Inspector for the Fine Arts, after visiting the Musée Napoleon, was completely captivated with the idea of creating a similar museum in Rome. The impact of the Musée on Canova was deep: there, the paintings and the sculptures were well displayed, organised into schools and sections, clearly lit from the high ceiling windows, and regularly cleaned; moreover, the galleries were open every day from the morning to sunset, for the benefit of scholars, artists and the common people. Therefore, it was not too difficult for him to accept the criticism and the conditions imposed by the allies for returning the artworks to Rome:

[...] I have promised that [...] the papal government, from now on, rather than leaving such monuments scattered here and there, as it did in the past, in disadvantageous places, not accessible to the artists, will institute a public gallery, on the model of the other distinguished capitals of Europe [...]. Therefore, their return to the homeland is agreed under *the express condition that they will serve the public and general benefit* [...].<sup>152</sup>

The artworks started to leave Paris in late October 1815. However, it is significant that only half of the pieces confiscated by the French finally returned to Rome. The other half remained in France, in terms of a tacit deed “of benevolence” from the pope to king Louis XVIII, intended to keep good diplomatic relationships between the two states, for the benefit of French Catholics. It has been calculated that finally only 249 of a total of 506 artworks confiscated over some fifteen years came back to the Papal States; 248 were left in France and 9 were declared missing.<sup>153</sup> As soon as these had all arrived in Rome, in February 1816,

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<sup>152</sup> [...] Promettere quindi che [...] il pontificio governo d'ora in poi, invece di lasciare tali monumenti dispersi qua e colà, come erasi fatto addietro in siti disvantaggiosi, e non accessibili agli artisti, ne avria instituita una pubblica galleria, sull'esempio delle altre insigni capitali d'Europa. [...] Sicché il loro ritorno alla patria che gli vide nascere viene accordato *con l'espressa condizione che servano a pubblica e generale utilità*. Letter of 2 October 1815. See *Ibid.*, 206-207.

<sup>153</sup> Regarding the Treaty of Tolentino of 1797: 15 of 20 statues came back to the Capitoline Museum; 17 of 64 sculptures and 1 of 16 paintings came back to the Vatican Museum; the 500 manuscripts confiscated were all returned to the *Primus Custos* of the Vatican Library, Luigi Gaetano Marini. Regarding the depredations of 1798-1799: 45 of 124 paintings were restored to Italy, while 39 were left in France; the other 40 pieces, according to the Minister Lavallée, had never reached Paris. Regarding the Napoleonic confiscations of 1809-1814, D'Este included the full lists of the artworks moved to France in his volume. The returned artworks were relocated into their respective museums in a secretive, cautious operation: the pope avoided any celebration with

they were assigned either to the Vatican or to the Capitoline Museum, following the agreement of the Congress of Vienna, not only fulfilling the expectations of Antonio Canova, but also those of the Secretary of the State, Cardinal Ercole Consalvi, and most of the administrators in the office of the Camerlengo. Nevertheless, Carlo Fea, the omnipresent Commissary for Antiquity, had a completely different opinion regarding the relocation of the restored artworks. As had already emerged in the prologue of the *Chirografo Chiaramonti* of 1802, he had always supported the placement of each piece in its original context.

In order to understand Carlo Fea's position regarding the question of the restored artworks, the epistle that he wrote to the newly appointed Cardinal Camerlengo Bartolomeo Pacca on 16 February 1816 must be analysed, as it clearly illustrates the arguments against the relocation of the arts in the central museums of Rome. Such a *Memorandum [...] to demonstrate the advantage of restoring the objects returned from France to their own ancient locations*<sup>154</sup> is a fundamental document, setting the parameters of both the legal and conceptual approach to the preservation of artistic heritage that would become the core of the *Edict Pacca* of 1820. Fea supported his arguments with "reasons of any nature, religious, political, economic, precautionary and of [ethical and legal] justice",<sup>155</sup> starting his discourse with ancient Roman and early modern papal legislation, in order to recall some *exempla* of similar restitutions that occurred in both the Roman Empire and the early Papacy. He mentioned the religious and devotional feelings of the population in the provinces, already worn out from the depredations, underlining the importance of developing both aesthetic taste and an economic income based on the local fine arts there; in this regard, he also sharply stressed the contradiction between blaming Napoleon for removing the artworks to France yet relocating the artworks to a museum in Rome. The core part of Fea's discussion makes clear both the deep influence of the *Lettres à Miranda* on his thinking, and the alternative standards on conservation he was fostering:

The paintings gathered in a gallery drown and degrade each other reciprocally [...].  
Even in Paris, who was acclaiming that tedious storehouse, that unformed pile of

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the intention of maintaining a good diplomatic relationship with France. See D'Este, *Memorie della vita di Antonio Canova*; Claudio Pietrangeli, *I Musei Vaticani. Cinque secoli di storia*, Roma: Quasar 1975; Tamblé, "La Politica Culturale dello Stato Pontificio"; Tamblé, "Il ritorno dei Beni Culturali dalla Francia".

<sup>154</sup> ASR, *Camerale II*, b. 10, fasc. 246, "Promemoria [...] per dimostrare la convenienza di restituire alle antiche loro sedi gli oggetti che tornano dalla Francia". Analysed in Tamblé, "'Tutta Roma è e deve essere una galleria.' Carlo Fea ed il ritorno dalla Francia a Roma delle opere d'arte dopo la Restaurazione" *Strenna dei Romanisti* 49, (1998): 417-442. Also in Ridley, *The Pope's Archaeologist*, 184.

<sup>155</sup> "Ragioni di ogni sorte, religiose, politiche, economiche, prudenziali e di giustizia". Tamblé, "'Tutta Roma è e deve essere una galleria', 424.

paintings of any school, of any country, of any dimension? What was the real value, the benefit for the arts? [...].<sup>156</sup>

Fea had his own idea of museum, evidently designed on the concept of the “global museum” of Quatremère de Quincy:

The entire Rome is and must be a Gallery. As a whole, and with the multiplicity of the wonderful things of all kinds scattered there, this is what shapes its commendable, seductive, marvellous, unparalleled beauty in the world [...].<sup>157</sup>

In conclusion, Fea also challenged the Enlightenment concept of the museum as the only place able to enhance the democracy and the accessibility of the arts, defending the even more “democratic” right of the entire population to understand artworks throughout the territory, in their pertinent locations.

It seems likely that, in the years of the Napoleonic occupation of Rome, Fea had been assimilating and elaborating the thinking of both Quatremère de Quincy and Luigi Lanzi. In contrast to the *Chirografo Chiaramonti* of 1802, he had by 1816 not only matured his awareness of the importance of local artistic schools and their related settings, but he had also started to appreciate the “multiplicity” and the “wonderful” variety of the arts. Considering Fea’s status and influence, one would have expected that this memorandum would have had an impact on the management of the artworks newly returned to Rome. But not on this occasion. Despite his strong arguments, the memorandum went completely unheeded and the majority of the restored objects ended up partly in the Vatican Galleries<sup>158</sup> and partly in the Capitoline Museum.<sup>159</sup> At this stage, the idea of central museums triumphed over the concept of artworks in their “original context”.

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<sup>156</sup> I quadri riuniti in una galleria si affogano, si avviliscono l’un l’altro [...]. Anche in Parigi, chi lodava quel magazzino indigesto, quell’ammasso informe, di quadri di ogni scuola, di ogni Paese, di ogni grandezza? Quale ne era il pregio, la vera utilità delle arti? [...]. Ibid., 432.

<sup>157</sup> Tutta Roma é e deve essere una Galleria. Il suo insieme, e la molteplicità delle cose belle in ogni genere così disperse, é quello, che ne forma l’ammirabile, il seducente, il magnifico, l’unico bello al mondo [...]. Ibid., 433.

<sup>158</sup> The Vatican Museum was expanded after the Restoration: a new archaeological gallery, the so-called Braccio Nuovo (1816-1822), was opened for the new sculptures acquired within the state, while a new picture gallery (1816) was created for the paintings formerly placed in the provinces; this gallery was soon moved because the collection was rapidly increasing. The topic has been widely analysed; here I recommend: Paolo Liverani, “Dal Pio-Clementino al Braccio Nuovo” in *Il segno di Pio VI Braschi e di Pio VII Chiaramonti nell’arte italiana*, edited by Andrea Emiliani, 27-41, Bologna: Clueb, 1998; Sgarbozza, *Le spalle al Settecento*; Sgarbozza, “Alle origini della Pinacoteca Vaticana”.

<sup>159</sup> The Capitoline Museum, was not expanded after the Restoration, but simply redesigned to house the restored sculptures. See Francesco Paolo Arata, “Il secolo d’oro del Museo Capitolino. Breve storia delle collezioni

The disagreement on the assignment of the artworks to the central museums of Rome that arose between the two influential personalities of Antonio Canova and Carlo Fea soon spread to involve both the local officers working in the provinces and the Secretary of the State, Ercole Consalvi. The delegates responsible for the fine arts in the districts of Rome started demanding back the artworks pertinent to their own territory as soon as they realised that they had been assigned to the museums in the capital.<sup>160</sup> During the Jacobin occupation of 1798-1799 the provinces of the Papal States had been plundered of vast quantities of artworks: the data of D'Este itemises 12 paintings removed from Cento, 30 from Bologna, 1 from Foligno, 1 from Città di Castello, 1 from Todi, 9 from Loreto, 39 from Perugia, 10 from Pesaro e Fano, and another 9 with no specific origin. To that, the artworks confiscated during the Napoleonic occupation should be added, as listed in the volume of D'Este, although a good number of them were declared lost.<sup>161</sup>

In this context, the petitions submitted to Consalvi and Canova by the Legation of Perugia were particularly significant,<sup>162</sup> as they affirmed all the main arguments for returning the artworks produced in the small hubs. According to the analysis of Sgarbozza, Perugia was one of the provinces most heavily affected during the French despoliations, and the first to draw up an appeal for the restoration of the artworks to their legitimate places.<sup>163</sup> At the end of the second occupation, it was calculated that a further 63 paintings, plus several wooden panels, had been removed from Perugia in addition to those confiscated by the Jacobins ; of these, 12 were moved to Paris and the others transferred to the Capitoline Museum.<sup>164</sup> The largest losses were the early Renaissance paintings of Pietro Perugino, Luca Signorelli and

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archeologiche dal pontificato di Clemente XII a quello di Gregorio XVI” in *Il Palazzo dei Conservatori ed il Palazzo Nuovo in Campidoglio. Momenti di un grande restauro a Roma*, edited by Maria Elisa Tittoni, 45-94, Pisa: Pacini, 1997; Chiara Mannoni, “Restauro della scultura antica” in *Il Settecento e le Arti*, edited by Silvia Cecchini, Susanne Adine Meyer, Chiara Piva, Silvia Rolfi Ožvald, 246-250, Roma: Campisano, 2015; Mannoni, “Integrazione o pura manutenzione? Gli interventi di Giuseppe Franzoni, Michele Ilari, Domenico Piggiani e Antonio D’Este sulle sculture del Museo Capitolino (1805-1838)” in *La cultura del Restauro. Modelli di ricezione per la Museologia e la Storia dell’Arte*, edited by Chiara Piva, Maria Beatrice Failla, Susanne Adine Meyer, 441-454, Roma: Campisano, 2014.

<sup>160</sup> For the French confiscations in Umbria see Galassi; for those in Romagna see Giumanini; for those in the other areas of the Papal States there are no publications. See Cristina Galassi, *Il tesoro perduto. Le requisizioni napoleoniche a Perugia e la fortuna della “scuola” umbra in Francia tra 1797 e 1815*, Perugia: Volumnia, 2004; Michelangelo Giumanini, “Opere d’arte, soppressioni napoleoniche e restituzioni. Il caso della Romagna (1797-1817)” in *Pio IV Braschi e Pio VII Chiaramonti*, 213-295; Paul Wescher, *I furti d’arte*.

<sup>161</sup> For the full list of artworks confiscated by Napoleon from the Papal States, see D’Este, *Memorie della vita di Antonio Canova*, “Appendice al capitolo vigesimo”, 222-238.

<sup>162</sup> The administrative structure established in the provinces of the Papal States after the Restoration will be discussed in the next chapter.

<sup>163</sup> Sgarbozza, “Alle origini della Pinacoteca Vaticana”.

<sup>164</sup> During the French occupation, the director of the Capitoline Museum, Agostino Tofanelli, moved 51 paintings to Rome, despite the attempts of the local people and the mayor of Perugia to stop him. See Curzi, *Bene culturale e pubblica utilità*, 107.

the gold-background panels of the Primitives. The memorandum that the Legate of Perugia sent to Consalvi on 2 August 1816<sup>165</sup> demonstrates the high level of awareness of the specificity and uniqueness that each artistic school had achieved within the framework of art history. This document stressed the importance of Perugia in early Renaissance painting, mentioning the negative impact that the relocation of the artworks to Rome had on local artistic education and cultural tourism:

The objects which are inadequate to be placed among the magnificent monuments [...] of Rome, are indeed very precious for Perugia, for the churches [...] for the school of drawing and painting.<sup>166</sup>

Even stronger was the petition that the administrators of Perugia sent to Antonio Canova on 14 September 1816.<sup>167</sup> This document clarified the particular position of the Inspector for the Fine Arts regarding the value he attributed to the artworks that were not part of the classical canon. Canova was accused of having been “not really zealous” in France in asking for the restoration of the artworks of Perugia, rather preferring to barter them for the political and economic support crucial for recovering the other, “most important”, objects. The Legate argued that, of the 249 artworks returned to the Papal States, the majority were the renowned masterpieces confiscated in the centre of Rome; the 248 pieces left in France, with the blessing of Pius VII, were by contrast mainly the gold-background or minor paintings of the provinces. Even though Canova rebuffed the accusations sharply, underlining the impossibility of recovering some Peruginos and several Primitives because they had been moved to the French provinces, it seems highly likely that his artistic inclination still favoured ancient sculpture and Renaissance painting. Probably in his mind what was left behind seemed either unimportant or not precious for the Papal States. The discussion between Canova and the delegates was cut short by Consalvi on 8 October 1817, when he announced that only 8 of the 16 relevant paintings that had been returned from France were to go back to their pertinent locations in Perugia. The rest were already in the Vatican Museum. For Perugia, this was a searing blow: major pieces of Fra Beato Angelico, Pietro Perugino, and Raffaello Sanzio were left in Rome, “for the public and the instruction of young

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<sup>165</sup> See Sgarbozza, “Alle origini della Pinacoteca Vaticana”.

<sup>166</sup> Gli oggetti inadeguati a figurare tra i superbi monumenti [...] di Roma, sono invece molto preziosi a Perugia sia per le chiese [...] sia per la scuola del disegno e della pittura. Sgarbozza, *Le spalle al Settecento*, 220.

<sup>167</sup> These administrators were the local Apostolic Delegate, the town Magistrate, and some Umbrian scholars located in Rome. See Sgarbozza, “Alle origini della Pinacoteca Vaticana”.

international scholarship”, while only paintings by Pisanello, Federico Barocci, Paris Alfani, and some works that had not been attributed to artists went back their original context.<sup>168</sup>

Cardinal Ercole Consalvi, on his side, as Secretary of the Papal States, was in a position to exercise a strong political influence on the issues related to the allocation of the restored artworks. As has emerged in the previous analysis, he clearly supported the idea of central museums in Rome against the concept of local distribution of artworks. His personal standpoint can be demonstrated through the vicissitudes regarding the fate of the paintings returned from the Kingdom Lombardo-Veneto to the Legation of Bologna on January 1817, which also offers the opportunity to understand the position of Pius VII on this issue. In addition to the artworks transferred from Paris, there was also the question of paintings which the French had relocated to Milan, to refurbish the Academy of Fine Arts and the annexed Pinacoteca of Brera. Milan, the leading city of the Austrian Kingdom of Lombardo-Veneto, had under the Napoleonic Empire been nominated the capital of the Kingdom of Italy, and the Brera Gallery was second only to the Musée Napoleon.<sup>169</sup> According to Giumanini, after the Restoration Consalvi played a fundamental role as mediator between the Kingdom and the Legations of the Papal States, as he was not only expected to work actively on issues related to the restitutions, but also to keep the officers in the provinces informed about the resolutions of the Pope.<sup>170</sup> The despatches he sent to Bologna, after the paintings had arrived there from Milan, reported to the Legate that the Pope “for His own generosity, and delicacy of character, requires that the Paintings are restored to the respective old Owners”.<sup>171</sup> Pius VII, even though he had both the commitment of the allies and the legal authority to assign these artworks to his museums in Rome, had finally decided to return them to their original locations, which were, in this case, the altars and chapels of the churches of Bologna. Although a different principle had prevailed for the restitutions to Perugia, a subsequent dispatch made clear that his decision about the restoration of the paintings in the Gallery of

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<sup>168</sup> “Alla pubblica vista e ad istruzione dell’estera Gioventù studiosa”. Letter of Consalvi to the Apostolic Legate of Perugia, 8 October 1817. *Ibid.*, 296. The vicissitudes of the artworks left in Rome by Napoleon, including those moved to the Capitoline Museum, are discussed in Sgarbozza, *Le spalle al Settecento*, 219.

<sup>169</sup> See Sandra Sicoli, “La politica di tutela in Lombardia nel periodo napoleonico: la formazione della Pinacoteca di Brera; il ruolo di Andrea Appiani e Giuseppe Bossi” *Ricerche di Storia dell’Arte*, no. 38 (1989): 71-90; Sicoli, “La Regia Pinacoteca di Brera dal 1809 al 1815: criteri di formazione e problemi di gestione; la tutela mancata” *Ricerche di Storia dell’Arte*, no. 46 (1992): 61-81.

<sup>170</sup> See Michelangelo Giumanini, *Beni Culturali. Reciproche restituzioni tra Lombardo Veneto e Stato Pontificio (1816-1818)*, Bologna: Clueb, 1999.

<sup>171</sup> “Per tratto di Sua generosità, e per effetto di questa delicatezza, che è propria del suo carattere, intende che i detti Quadri siano restituiti ai rispettivi antichi Propretarj”. Letter of 22 January 1817. *Ibid.*, 65.

Brera would be extended also to the related Legations of Ferrara and Forlì and to the Delegations of Urbino and Pesaro.<sup>172</sup>

Consalvi, however, had different plans regarding the artworks returned from Milan. Challenging the orders of Pius VII, he asked, via a private message to the Legate of Bologna, that all the paintings be kept in the local customhouse, using the Legate's "renowned influence with the Owners [...] and all the other ways to succeed in this aim".<sup>173</sup> Since it was clear that the Pope did not want these paintings to be relocated to Rome, Consalvi planned to collect them in one "Place, for the prestige of Bologna, and public instruction", which was likely to be a new museum within the local Academy of Fine Arts.<sup>174</sup> However, of the 57 paintings that Consalvi and the Legates had claimed back from Milan, only 24 were returned; the others were withheld by the Kingdom of Lombardo-Veneto, and partly left in the Brera and partly moved to Vienna. Among the pieces that were not returned was the *Madonna with Jesus, Saints and Angels* of Domenichino, which Consalvi particularly admired. The 24 paintings transferred from Milan all arrived in Bologna in January 1817, in seven chests. Three chests left soon afterwards for Ferrara, Forlì, Urbino, and Pesaro, fulfilling the expectations of Pius VII. Regarding the paintings destined for Bologna, on the other hand, the Legate shortly reported to Consalvi that only half of them "can be held by the Government [...] and be collected in the Academy of Fine Arts".<sup>175</sup> The remaining paintings – curiously enough – were still governed by one of the clauses of the old *Edict Doria* issued in Bologna in 1749: since it specified that works could not be "removed from the place they are, or transferred [...] or exported out of the city" without the approbation of the pope, they were returned to their original owners and locations.<sup>176</sup> The dream of Consalvi to centralise these paintings in the Academy of Bologna was not achieved and the other works too were not held centrally: unlike what had happened with the artworks restored from Paris, assigned mostly to the museums of Rome, the paintings returned from Milan were all destined to return to their original locations.

It is clear that, at exactly the same time that awareness of the local arts and local conservation was increasing, so too was the importance of central public museums. These two contradictory cultural policies were developing simultaneously within the same

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<sup>172</sup> Ibid., 29.

<sup>173</sup> "La nota sua destrezza coi Proprietarj [...] e altri modi per riuscire allo scopo". Ibid., 65.

<sup>174</sup> "Un solo Locale a lustro della Città, ed a pubblica istruzione". Ibid.

<sup>175</sup> "Si ritengono dello Stato, e [...] stare unite presso l'Accademia di belle Arti". Letter of 12 February 1817. Ibid., 67.

<sup>176</sup> "Levare da' luoghi, ove sono, e portare altrove, ed estrarre fuori di paese". Ibid.



framework, apparently in distinction to each other and leading to opposite conclusions. The first principle favoured the context, the original function of the artworks, the semantics of the localities, according to the position endorsed by Quatremère de Quincy; the second principle supported the educational role of the arts and the museums for scholarship and the uplifting of the common people, following the model of the Musée Napoleon.<sup>177</sup> It is reasonable to think that, after the dramatic experience of the French confiscations, the Camerlengo and the entire papal administration would have been oriented more toward the first option than the second. Nevertheless, as demonstrated, in the case of works restored from Paris the papal establishment decided to collect them in the museums of Rome; yet in the case of the paintings from Milan it opted for returning them to their original locations. Considering these circumstances, it is not difficult to understand that, after the Restoration, the two conceptual tendencies – the “centralising” and the “contextualising” one – came to represent two contrasting solutions to the same problem within the administration of the Papal States. The main issues, at that time, related to the optimal physical maintenance of the artworks in a proper environment, and to the legal framework necessary to guarantee that no removal, exportation, or destruction would happen again in the Papal States, principles that could be applied within either solution. The best answer to such questions was therefore not at this stage unequivocal: both approaches offered well-motivated and suitable answers, apt for the further development of scholarship and the fine arts, the improvement of art history as discipline and the uplifting of the entire population. And both pursued the proper conservation of the artworks, both physical and legal.

The figure of Antonio Canova can be taken as the representative *exempla* of the ambivalence of answers to this complex question. Since the early nineteenth century he had agreed in principle with the thesis of Quatremère de Quincy,<sup>178</sup> but at the moment of bringing the restored artworks back to their legitimate place he opted for a “soft” version of the idea of context. He considered it enough to have them back in Rome. Canova did not contest the thesis of the original context prompted by the *Lettres à Miranda*; he simply gave a different answer to the problem of the physical conservation and the legal framework required to preserve the future life of the artworks. Therefore he opted for a museum solution, as did Cardinal Consalvi.

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<sup>177</sup> See Tamblé, “Tutta Roma è e deve essere una galleria”; Castelnuovo, “Arti e Rivoluzione”.

<sup>178</sup> Not only were Quatremère and Canova very good friends, but Canova also organised two reissues of the *Lettres à Miranda* in 1803 and in 1815. See Poulot, *Quatremère De Quincy. Letters to Miranda and Canova*, 1-66; Pinelli, “Storia dell’Arte e cultura della Tutela”.

Carlo Fea, on the other hand, believed that the only possible answer was in the replacement of the artworks to their appropriate locations. Only there, he stated, could the development of scholarship and the arts, the enrichment of the common people, and, most importantly, the legal and material conservation of the artworks be guaranteed. Pope Pius VII, who had the last word on the topic, opted for different solutions in different cases. While he did not hesitate to allocate the artworks returned from Paris to his own museums in Rome, he opted for restoring the paintings returned from Milan to their original locations. Although political implications, related to the high status that Bologna had at the time, might have pushed the pope into making this decision, the fact that such a resolution was extended to Ferrara, Forlì, Urbino and Pesaro makes it all too clear that a well-defined policy was not yet in place so soon after the Restoration.

The conclusive solution to the conservation of the artworks in the local hubs of the Papal States appeared a few years later, in 1821, within the *Regulation on the Auxiliary Commissions for Fine Arts*, published as a follow-up to the *Edict Pacca* of 1820. This directive finally acknowledged the value of the artworks placed in the provinces of the state, not only declaring the importance of “original context” for both preservation and knowledge, but also establishing a system of commissions within each Legation and Delegation, to control the exportations, restorations and excavations in the related areas. The *Regulation* provided the first complete definition of local heritage, which, although still shaped by the prevalent classical taste, appeared to have finally crystallised awareness of the peculiarities of every artistic tradition and their differences from the artworks of Rome. As a consequence of such a recognition, “the local celebrities, even though mediocre” started to be protected by law, since they represented “the quality and the ornament” of each specific area.<sup>179</sup> Most importantly in this discourse, the *Regulation* proposed a fundamental solution to the quarrel between the conservation of the artworks in their original settings and their relocation into a museum: only “when required by the circumstances, the artworks should be moved to another, more suitable place”.<sup>180</sup> According to the *Regulation*, therefore, the conservation *in situ* was to be preferred, as long as it did not compromise the well-being and the proper preservation of the artworks. In that case, the objects were to be transferred into a museum, adding to the original “place a commemorative plaque to indicate the relocation, as eternal

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<sup>179</sup> “Locali celebrità, ancorché mediocri” “pregio ed ornamento”. Emiliani, *Leggi, Bandi, Provvedimenti*, 111-115.

<sup>180</sup> “Nel caso che la circostanza esigesse [...] in altro sito siano le Antichità trasportate”. Ibid.

memory”.<sup>181</sup> Within this statement it became finally clear that, as both options were appropriate, the solution was to be determined each time according to each specific set of circumstances, opting for one option or the other only after having considered both the state of conservation of the object and the risks endangering its survival. Requiring particular conditions to justify removal to a museum, and also calling for an inscription on the site to record the transferral, the *Regulation* proclaimed the importance of “context” for collective memory and local history.

While the legal implications of the *Regulation* will be fully analysed in Chapter Two, together with the related administrative and bureaucratic aspects, here the role and significance of museums in the Papal States during the first decades of the nineteenth century should be briefly elucidated, as their development opposed the idea of preserving artworks in their pertinent locations established at the same time by law. After the Congress of Vienna ended, concluding almost twenty years of French occupation, the Pope needed to redefine and relaunch the domestic and international political image of his state. Following the enormous impact of the Musée Napoleon in Europe and the high social value that the French strategy had afforded to artworks collected in museums, these ideas started to be considered fundamental factors to guarantee collective stability and global recognition in Rome as well.<sup>182</sup> The Capitoline Museum, which was the oldest museum in Europe, was administratively connected to the new Vatican Galleries established after the Restoration, initiating a cultural and political renaissance that was intended as a continuation of the Papal States’ great past. From this perspective, it is important to note that, even after the *Regulation on the Auxiliary Commissions for Fine Arts* established an effective system of artistic tutelage and management in the provinces of the state, the popes continued developing the central museums of the capital. In-between 1821 and the uprising of Rome of 1848,<sup>183</sup> not only the well-known Capitoline and Vatican Museums were continuously refurbished and reorganised, but also new collections and galleries were set up and opened throughout the city centre. The artworks acquired for these museums came principally from new excavations, and acquisitions from private collections, as well as from the purchases related to the right of first refusal for pieces proposed for export. This policy was particularly true for Pope Gregory XVI, who engaged in strong cultural activities based on the promotion of the

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<sup>181</sup> “Al luogo sia con lapide indicato il cangiamento a perpetua rammemoranza”. Ibid.

<sup>182</sup> See Castelnuovo, “Arti e Rivoluzione”. An interesting overview on the political, spiritual and cultural implications of the Restoration of the Papal States is found in Tamblè, “La Politica Culturale dello Stato Pontificio nell’età della Restaurazione”.

<sup>183</sup> See Fiorella Bartocchini, *Roma nell’Ottocento*, Roma: Cappelli ed., 1985.

fine arts between the years 1830 and 1846.<sup>184</sup> In 1837 he inaugurated the Gregorian-Etruscan Museum (Museo Gregoriano Etrusco), and in 1839 the Gregorian-Egyptian Museum (Museo Gregoriano Egizio) in the Vatican; in 1844 he opened the Gregorian-Profane Museum (Museo Gregoriano Profano) in the Lateran and the so-called Gallery of the Primitives in the Vatican. In addition, he expanded the Apostolic Library, the Vatican Picture Gallery and the Tapestry Gallery, improving also the general administration of his collections through the publication of a *Regulation for the Museums and Papal Galleries* in 1833.<sup>185</sup>

It appears that during the first half of the nineteenth century the dichotomy between museums and local conservation was never fully resolved in the Papal States, despite the specific law issued in 1821 which ratified the importance and the role of the provinces in both the administration and the preservation of the local heritage. Even nowadays, the two options still represent two possible and equally well-motivated solutions suitable for the management of artworks in terms of optimal physical, legal and administrative conservation.

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<sup>184</sup> See Alfonso Bartoli, *Gregorio XVI. Miscellanea Commemorativa*, vol. 13, n. 22-36, 1<sup>st</sup> part of the *Miscellanea Historiae Pontificiae*, Roma: Facultate Historiae Ecclesiasticae in Pontificia Universitate Gregoriana, 1948; *Miscellanea Gregoriana. Raccolta di scritti pubblicati nel I Centenario della fondazione del Museo Egizio, 1839-1939*, Città del Vaticano: Tipografia Poliglotta Vaticana, 1941; Francesca Longo, Claudia Zaccagnini, and Fabrizio Fabbrini, *Gregorio XVI promotore delle Arti e delle Culture*, Pisa: Pacini, 2008.

<sup>185</sup> *Regolamento per i Musei e le Gallerie Pontificie*, 21 Febbraio 1833. AC, *Presidenze e Deputazioni – Presidenza del Museo Capitolino (1838-1856)*, b. 21, fasc. 1, sottofasc. 2, titolo 1° “Regolamenti e normative”. See: Mannoni, “Giuseppe Melchiorri, Presidente antiquario nel 1838. La disputa tra Vaticano e Campidoglio per il controllo del Museo Capitolino” *Ricerche di Storia dell’Arte*, no. 118 (2016): 95-102.

Figure 8 Harald Conrad Stilling, *Athens, Monastiraki. The Tzisdaraki Mosque, the Library of Adrian, the Acropolis*, 1853.

<https://guardache.wordpress.com/2012/05/24/50>

Figure 9      Unknown artist, *Portrait of Adamantios Korais*, 1833.

<http://www.pravoslavie.ru/sas/image/101857/185789.b.jpg?mtime=141071781>

Figure 10 *Portrait of Georg Ludwig von Maurer.* In Eleftherios Kazanis and William Miller. *Η Τουρκία καταρρέουσα : ιστορία της οθωμανικής αυτοκρατορίας από τον έτος 1801 μέχρι τον 1913* [Turkey is Crumbling: The History of the Ottoman Empire from the Year 1801 up to 1913]. Athens: Estia, 1914.

[https://commons.wikimedia.org/wiki/File:Georg\\_Ludwig\\_von\\_Maurer\\_\(Kazanis\\_version,\\_c.\\_1914\).jpg#/media/File:Georg\\_Ludwig\\_von\\_Maurer\\_\(Kazanis\\_version,\\_c.\\_1914\).jpg](https://commons.wikimedia.org/wiki/File:Georg_Ludwig_von_Maurer_(Kazanis_version,_c._1914).jpg#/media/File:Georg_Ludwig_von_Maurer_(Kazanis_version,_c._1914).jpg)

## From Rome to Athens

In the first decades of the nineteenth century, while the Papal States seemed to have finally succeeded in establishing an efficient system of protection and management of the domestic artistic heritage, Greece, as a region of the Ottoman Empire, was going through massive, uncontrolled spoliations of the local ancient treasures. The removals carried out on behalf of the Count Choiseul-Gouffier between 1790 and 1803, those conducted for Lord Elgin on the Acropolis of Athens in 1806, as well as the acquisitions by Ludwig of Bavaria from Aegina in 1812, to give but a few examples, represent only the most resounding cases of a practice that was wide-spread and generally well-tolerated by the local Ottoman government. The plundering and destruction of antiquities, which took place in Greece particularly between the end of the eighteenth and the first quarter of the nineteenth centuries, has been widely documented and analysed, from the perspective of both the countless spoliations carried out by European collectors and the deliberate devastation caused by the local inhabitants.<sup>186</sup> In these years Greece was part of the Ottoman Empire, which had ruled Athens and large portions of the Aegean islands since 1458, contributing not a little to the destruction of local ancient heritage.<sup>187</sup> During the early phases of the four-century long *Turkokratia*, Greece was generally cut off from European trade and Mediterranean naval routes, surviving in western scholarship mainly through ancient literary sources.<sup>188</sup> In the seventeenth century, a merchant class developed among the local population, particularly on the coast of Peloponnesus and the islands, such as Crete and Corfù, which established commercial relationships with western ports. The expansion of mercantile routes supported the gradual inclusion of areas of Greece within the Grand Tour of European travellers during the eighteenth century. As early communications with Greece were difficult and sporadic, especially with the mainland, art markets and collectors fulfilled their desire for classical art with ancient copies of classical sculptures available in Rome. Even though a handful of European travellers explored Greece during the Turkish occupation, particularly, as mentioned, in the eighteenth century, publishing extensive volumes on their discoveries once

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<sup>186</sup> There are several publications on this topic. For the purposes of this research, see Catherine Philippa Bracken, *Antiquities acquired. The spoliation of Greece*, London: Newton Abbot, 1975; Yannis Hamilakis, *The Nation and its Ruins. Antiquity, Archaeology and National Imagination in Greece*, Oxford: Oxford University Press, 2007; Simopoulos, *Η λεηλασία και καταστροφή*; Giorgos Toliás, *Ο πυρετός των μαρμάρων. Μαρτυρίες για τη λεηλασία των Ελληνικών μνημείων, 1800-1820* [The fever of the marbles. Testimonies of looting of Hellenic sculptures, 1800-1820], Athens: Oikos, 1996.

<sup>187</sup> The depredations of the Turks were based on religious and iconoclastic beliefs, with different intentions from the removals carried out by admiring European collectors.

<sup>188</sup> See Richard Clogg, *A Concise History of Greece*, Cambridge: Cambridge University Press, 1992, 7-46..



they were back home,<sup>189</sup> no tangible, physical contact seems to have occurred between wider western artistic scholarship and original Greek sculpture before the first years of the nineteenth century when the first confiscated works arrived from Greece. In addition, the fundamental innovations on Greek artistic historiography defined by Winckelmann, as already explained, while bringing knowledge on ancient sculpture to a high level of refinement and for a large public, were still based on a sort of misinterpretation, being constructed on the Roman copies of Greek originals existing in Italy. It can be observed that the rediscovery of Greece operated by European scholarship was a gradual process, which passed from a sort of mythological perception when contact was obstructed during early Turkish occupation, to the first explorations and systematisations of the eighteenth century, resulting finally in the vast antiquarian expeditions and the massive removals of antiquities carried out during the first decades of the nineteenth century. In this context, the removal to London of the Parthenon's marbles accomplished by Elgin, and the intense debates which arose on their authenticity, marked the first real, dramatic impact of original classical sculpture on western culture.<sup>190</sup>

The material rediscovery of Greece brought about some subsequent loss of interest in the ancient heritage of the Papal States – though, clearly, not in Italian painting. A definitive switch of focus from the antiquity of Rome to the antiquity of Athens has been generally, and accurately, explained through the analysis of new aesthetic paradigms and the spread of neoclassical taste at the opening of the nineteenth century, together with the growing demand for artworks throughout Europe, especially in relation to the flourishing of national museums after the Congress of Vienna.<sup>191</sup> At the same time, the renewed fundamental role of international politics and diplomacy in the whole Mediterranean area, especially in the Ottoman Empire and Asia Minor, had a function also in turning the attention of the European nations – particularly Germany, England and France – towards the civilisations of the near

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<sup>189</sup> See, for example: Richard Chandler, *Travels in Greece*, Dublin: 1776; Marie Gabriel Auguste Florent Choiseul Gouffier, *Voyage Pittoresque de la Grèce (1776-1785)*, Paris: 1782-1819; Julien-David Le Roy, *Les Ruines des plus beaux Monuments de la Grèce*, Paris – Amsterdam: H. L. Guerin & L. F. Delatour, 1758; James Stuart and Nicholas Revett, *The Antiquities of Athens*, London: 1762-94.

<sup>190</sup> See Pavan, “Antonio Canova e la discussione sugli ‘Elgin Marbles’” *Rivista dell’Istituto Nazionale di Archeologia e Storia dell’Arte* 21-22, (1974-1975): 219-344.

<sup>191</sup> See Jonathan Scott, *The pleasures of Antiquity. British collectors of Greece and Rome*, New Haven: Yale University Press, 2003; Richard Stoneman, *Land of Lost Gods: The Search for Classical Greece*, London: Hutchinson, 1987; Stephen L. Dyson, *In pursuit of Ancient Pasts. A history of Classical Archaeology in the nineteenth and twentieth century*, New Haven: Yale University Press, 2006.

East.<sup>192</sup> Apart from these indisputable factors, a further element should be evaluated from the perspective of this research, in order to fully contextualise the growing attraction of Greek ancient sculpture and the parallel declining interest in the antiquities of Rome. I am referring to the impact of the new laws on the protection of artworks issued in the Papal States in 1802 and 1820. It is entirely feasible that the beginning of the exportations of ancient materials from Greece was also linked to the deterring effects of the edicts newly published in Rome. It cannot be ignored that, at the time that legislation started to produce the first positive results in preventing both illegal export and unapproved trade of artworks from Rome, European dealers and collectors turned their attention and acquisitiveness to the classical heritage of Greece. In this regard, strong evidence of the success of the new regulations established in the Papal States and the subsequent frustration of the art market is to be found in the data produced by Jonathan Scott about the display of eighteenth-century British collections.<sup>193</sup> According to his analysis, soon after the end of the Napoleonic Empire the quality and the quantity of the objects acquired by English private collectors in Rome suffered a dramatic irreversible decline. For instance, in 1829 the “marble-mad” Lord Monmouth managed to acquire only a sarcophagus and a *metae*, a turning post, from the Circus Maximus; in the mid-1820s the purchases of John Disney must have been even poorer, as Adolf Michaelis described them as “trash, rather than treasures”.<sup>194</sup> Scott states that even if visitors and collectors persisted in buying antiquities in Rome during the second and third decades of the nineteenth century, their purchases were mostly modest and of minor importance. There was the feeling that “the best finds had all been made”.<sup>195</sup> Furthermore, since Carlo Fea had started to keep “a sharp eye” on both the licences for exportation and the general implementation of the edicts, it had become impossible to extract any valuable artwork from the Papal States. Clearly it is pure coincidence that the very first Greek uprising against the Ottoman Empire in 1821 took place only one year after the issuing of the *Edict Pacca* in Rome. However, it is not coincidental that the insurrection for liberating the Greeks from the Turks was prompted by the romantic movement of the Philhellenes, which was almost entirely composed of Europeans pursuing the rediscovery – and one might say the appropriation – of Greek antiquities.

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<sup>192</sup> See Maya Jasanoff, *Edge of Empire. Conquest and Collecting in the East 1750-1850*, London: Knopf, 2005; Lucia Patrizio Gunning, *The British Consular Service in the Aegean and the collection of Antiquities for the British Museum*, Farnham: Ashgate, 2009.

<sup>193</sup> See Scott, *The pleasures of Antiquity*.

<sup>194</sup> Adolf Michaelis, *Ancient marbles in Great Britain*, Cambridge: Cambridge University Press, 1882, quoted in Scott, *The pleasures of Antiquity*, 237.

<sup>195</sup> This and the next phrase: *Ibid.*, 236.

The new focus of the western collectors on ancient Hellenic heritage soon caused the Greeks to face the same problems of destruction, plundering and smuggling that for centuries had brought anguish to the pope and his administrators.<sup>196</sup> Even though Rome and Athens had different milieu and historical backgrounds, as well as deeply different artistic heritages, the questions on the protection of the antiquities that arose in Greece from this moment on proved to be quite similar to those confronted in the Papal States some years earlier. The Greeks too had to address subjects such as the restoration of monuments, the excavation of archaeological sites, and the illicit exportation of sculpture and movable items taken by European collectors. What appeared to be somewhat different, however, was the way in which the local establishment approached and understood antiquity, and subsequently the ways – both legal and practical – in which it endeavoured to solve such problems. In this regard, it should be remembered that Greece was subjected to the rule of the Ottoman Empire until the beginning of the third decade of the century, and was in a constant state of anarchy and revolution from 1821 to 1833. The first effective legislation on the protection of the artworks, *de facto*, was published only in 1834, after the Bavarian Court had been established in Athens.

After an introduction on the edicts issued in Greece during Late Antiquity, this section will focus on the analysis of the regulations and the measures on the protection of the ancient heritage established during the first half of the nineteenth century. While acknowledged as an extremely significant background to this history, the events of the early Ottoman occupation between 1458 and the end of the eighteenth century are only briefly summarised, as they are part of a different historical and cultural narrative. Following the pattern developed in the discussion of papal legislation, the concept of artwork and antiquity developed in the early laws issued in the newly-born Greece, as well as the attitudes related to the protection of local heritage, will be the focus of the remainder of this chapter.

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<sup>196</sup> “Hellenic” and “Hellenism” are terms which were systematically reintroduced in Greece with the emergence of the new state during the 1830s. Thanks to Prof. Yannis Galanakis for this clarification.

## Greece, after independence: the *Gesetz* of 1834

Early initiatives to protect the well-being of ancient monuments in Greece were promoted by Roman emperors during the expansion of the Empire, and can be positioned within the feelings of profound admiration that Roman society developed for ancient classical art and culture soon after the occupation of Athens in 86 BCE. Alongside the large removals of sculptures, which were transferred to Rome to adorn the royal palaces and to be copied by local artists, Roman emperors promoted campaigns of renovation and fortification of ancient constructions *in situ*, wishing to restore the splendour of Classical and Hellenistic Greece.<sup>197</sup> The first to engage with a systematic project of reconstruction of old buildings was Emperor Augustus in 31 BCE, who is known for his profound respect for the local heritage and for pursuing constant interchanges of artists and ideas between Rome and Athens. In 124 CE, Emperor Hadrian launched a new program of restoration and fortification of old monuments within plans for the construction of the so-called *Novae Athenae*. Nevertheless, apart from these campaigns of refurbishment, no regulation was issued for the safeguarding of Greek ancient heritage in legal terms. The first edict issued with this scope was Theodosius II's *Codex Theodosianus*, which, as already mentioned, was implemented in both the Western Roman Empire and the Byzantine Empire in 438 CE. Such a directive protected ancient *spolia* from destruction and forbade the liming of marbles for building new edifices, prohibiting also pagan worshipping and rituals in ancient temples. Although it had broad effects on the regular use of these constructions, Theodosius II's codex did not have the major implications on the preservation of the heritage in Greece that Justinian's *Codex Iustinianus repetitae praelectionis* finally had. Justinian's collection of laws was issued in the Byzantine Empire in 529, and was extended to Rome twenty years later, but it seems to have affected the safeguarding of the monuments in Greece much more than in other parts of the empire. The royal prescriptions on the preservation of ancient structures from vandalism, uncontrolled reuse and liming of marbles, were issued alongside the prohibition to teach pagan philosophy and scholarship throughout the empire. As a consequence, the traditional academies and gymnasiums were closed, especially those in Athens, and scholars left en masse, abandoning to ruin and devastation the ancient structures they had occupied for

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<sup>197</sup> See Alkitis Spetsieri-Choremi, "Urban Development and Monumental Buildings in Athens under Augustus and Hadrian", in *Athens, from the Classical Period to the Present Day (5<sup>th</sup> century BC – AD 2000)*, edited by Charalambos Bouras and Konstantinos Staikos, 166-193, Athens: Kotinos Oak Knoll Press, 2003.

centuries.<sup>198</sup> This period, however, saw the beginning of pagan temples being converted into churches which resulted in their preservation, albeit in modified form: for instance, this was the case of the Parthenon, converted into the Church of Our Lady, the Temple of Artemis, converted into a single-nave basilica, and the Theseion, converted into the Church of S. George in the late seventh century.<sup>199</sup>

After Justinian, no regulation on the preservation of the Greek heritage was issued for the following thirteenth centuries. The only isolated provisions in this regard came from Mehmet the Conqueror soon after Greece was annexed to the Ottoman Empire in 1458.<sup>200</sup> These rules, however, concerned exclusively the properties of the Byzantine Church, so that it can be observed that their main concern involved the status of the ecclesiastic body in Greece, rather than a real interest for the conservation of the local heritage. Within this agreement, Orthodox Ministers were assigned both the administration of the Christian population and the care for the religious places and buildings, while a special privilege granted to Athens established that no churches – except the Parthenon – were to be converted into mosques.<sup>201</sup> Apart from that, the Ottomans were not particularly concerned about the safeguarding of ancient monuments and constructions, and are currently considered to have contributed to the destruction and dispersal of ancient Greek heritage, particularly on account of their iconoclastic principles.

To trace the origins of the modern definition of antiquity in Greece, as well as attempts to raise awareness on the protection of heritage, we should briefly turn the focus to France. In the early nineteenth century, when the first exportations of ancient local sculptures on a large scale started, the Greek humanist, philologist and philosopher Adamantios Korais was living in Paris, the hub of both the Napoleonic Empire and the Enlightenment movement.<sup>202</sup> Korais was the first Greek scholar, and most probably the first Greek, to focus

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<sup>198</sup> Panayotis Tournikiotis, ed., *The Parthenon and its impact in Modern Times*, Athens: Melissa publishing house, 1994; Maria Kazanaki-Lappa, “Athens from Late Antiquity to the Turkish Conquest”, in *Athens*, 194-219.

<sup>199</sup> Bouras, “Middle-Byzantine Athens: Planning and Architecture” in *Athens*, 220-245.

<sup>200</sup> Ibid.

<sup>201</sup> Bouras, “Middle-Byzantine Athens”; Eleni Bastea, *The creation of Modern Athens. Planning the Myth*, Massachusetts: Cambridge University Press, 2000, 93.

<sup>202</sup> Adamantios Korais (1748-1833). Enlightenment arrived in Greece between the end of the eighteenth and the beginning of the nineteenth century, inaugurated thanks to both the Greek scholars living abroad – such as Korais – and the development of trade with Europe. See Olga Augustinos, “Philhellenic promises and Hellenic visions: Korais and the discourses of the Enlightenment” in *Hellenism: culture, identity and ethnicity from antiquity to modernity*, edited by Katerina Zacharia, 169-200, Burlington: Ashgate, 2008; Stephen George Chaconas, *Adamantios Korais: a study in Greek nationalism*, New York: Columbia University Press, 1942;

attention on the question of the loss of the antiquities in his country, and to evaluate all its related theoretical and practical implications. Profoundly inspired by the Enlightenment, the liberal ideas of the French Revolution and, very likely, by the concurrent dramatic removals of artworks in Rome, already in 1803 Korais pointed out the necessity of rescuing “the remains of our past”, fundamental to pursuing the spiritual regeneration of the Greek people; for this reason, he stated also the importance of “not donating or selling the vestiges of our ancestors”.<sup>203</sup> The educational significance of antiquity probably matured in Korais’ mind in response to the idea of the ideological and political potential of the arts in society, which had spread in France during the revolution. According to such an approach, artworks, monuments and ancient relics were entrusted with the role of inspiring ethical and moral values in society, and ensuring the upliftment and instruction of common citizens.<sup>204</sup>

After the looting of numerous Byzantine manuscripts from Patmos in 1807, Korais wrote a further important document to the Ecumenical Patriarchate and the Holy Synod of Athens, defining the first measures necessary to preserve the ancient heritage in Greece. Such a *memorandum* clearly demonstrates that Korais was not only informed about the *Lettres à Miranda* of Quatremère de Quincy, but had also read carefully the *Chirografo Chiaramonti* published in Rome in 1802. In fact, the prescriptions he defined for the preservation of Greek heritage were based almost entirely on the core concepts outlined by Carlo Fea there, adapted to this new context: the importance of preserving the Greek heritage within the land of origin, the rights of the Patriarchate in the management of the public artworks, the control on sales and exportations, and the need for appointing keepers for controlling the safety of ancient materials. Korais recommended also the creation of a public museum, on the standards of the European capitals, where all the “relics of the Hellenic art and history” should be collected:

Manuscripts [...], copies [of manuscripts], ancient Greek coins, pottery, utensils, precious stones, columns and steles, fragments of drums, [...] Greek inscriptions, and all the other evidences of Greek art and history.<sup>205</sup>

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Paschalis Kitromilides, *Adamantios Korais and the European Enlightenment*, Oxford: Voltaire Foundation, 2010.

<sup>203</sup> “Μήτε χαρίζομεν, μήτε πωλούμεν πλέον τα προγονικά κτήματα”. Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 28.

<sup>204</sup> Castelnuovo, “Arti e Rivoluzione”.

<sup>205</sup> “Λειψάνον Ελληνικής τέχνης η ιστορίας”, Χειρογράφων [...], αντιγράφα [...], αρχαία Ελληνικά νομίσματα, αγγεία, σκεύη, λίθους πολυτίμους, κίονας και στήλας, η πλάσματα στηλών [...] Ελληνικά επιγραφαί, και απλώς οτι άλλο λείψανον Ελληνικής τέχνης η ιστορίας. The museum was to be called Ελληνικόν Μουσείον

It is clear that Korais dealt with the care of manuscripts, sculptures and ancient artefacts as a single, undivided “monument of the word and the art”,<sup>206</sup> giving only a slight priority to the conservation of written sources, such as documents, books, inscriptions, gravestones, as they were necessary for the advancement of the philological disciplines with which he was personally involved. In addition, he seemed to be particularly aware of the historical implications connected to the preservation of such items, which provided evidence of the past, and often helped “to explain the obscurities and to reintegrate the gaps within Greek History”.<sup>207</sup> His *memorandum*, however, went completely unheeded at the time. This most probably relates to the chronic lack of funds within the Ecumenical Patriarchate, together with the fact that Korais was fostering ideas and models which were completely obscure to the Greek-Ottoman establishment of the time. Concepts such as the preservation of the original context of production, the primacy of the public benefit over the private, and the value of a museum for both the conservation of the artworks and the edification of the Greeks, would start to be understood and appreciated only a couple of decades later.

Early legal provisions for deterring the export and destruction of antiquities were issued as soon as Greece was declared independent from the Ottoman Empire in 1824, at the end of the first phase of the Revolution.<sup>208</sup> The following year, the first law on the protection of the local ancient relics was published, forbidding the exportation of “coins [...], statues, inscriptions and all the other antiquities” that until then had been sold for “ridiculous prices” to foreigners.<sup>209</sup> According to the prescriptions, these objects were to be collected and kept in the schools situated within the area in which they were discovered. Shortly after, a further pronouncement declared that all the archaeological remains were to be considered national property, repeating that they had to be put under protection and transferred to a safe place.<sup>210</sup> According to Simopoulos, these first laws were nothing more than mere proclamations and generic exhortations, as during the early years of independence the destruction and the

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[Hellenic Museum]. Ibid., 30. For the museum and the memorandum of Korais, see also Petrakos, *Πρόχειρον Αρχαιολογικόν*.

<sup>206</sup> “Μνημείων του λόγου και της τέχνης”. Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 30.

<sup>207</sup> “Να εξηγήσει τα δυσνόητα η ν’αναπληρώσει τα ελλείποντα της Ελληνικής ιστορίας”. Ibid.

<sup>208</sup> For the legislation issued in Greece between 1824 and 1834, see Kokkou, *Η μέριμνα για τις Αρχαιότητες*; Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*; Petrakos, *Πρόχειρον Αρχαιολογικόν*.

<sup>209</sup> “Νομίσματα, αγάλματα, επιγραφάς και ό,τι άλλο λείψανον Αρχαιότητος”. *Χρέη και Δικαιώματα του Εφόρου της Παιδείας* [Duties and rights of the Superintendent of Education], issued on 10 February 1825 by the Ministry of Interior Gregorios Dikaios. Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 1, 16 - vol. 2, 117.

<sup>210</sup> Proclaim of 27 February 1827, *Γενική Εφημερίς της Ελλάδος* [General Gazette of Greece]. See Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 43.

looting of antiquities, both in the mainland and in the Aegean islands, continued undeterred.<sup>211</sup> The widespread corruption, the general indifference and, most importantly, the lack of an effective system of administration throughout the country, continued to have a considerable effect the outcome of any resolution taken on the protection of monuments and sculptures, even in subsequent years.

Despite the widespread anarchy during this early phase of independence, the awareness of the value of antiquity, together with the importance of its preservation and its role in the construction of re-born Greece, was gradually spreading. The rescue and conservation of ancient local treasures, in particular, became one of the inspiring leitmotifs for both the revolutionaries and the first National Assembly, which shaped the final draft of the first Greek constitution in May 1827. One of the main clauses of this document stated that: “(Art. 18) The Government considers that it is necessary to take care to not to sell or transport Antiquities out of the Territory [of the country]”.<sup>212</sup> This did not mean that the concept and the definition of antiquity were systematised, or that the legislation issued from this moment on was effective. The quantity of circulars, protocols and regulations which were published without interval during the following five years demonstrates that no legal provision had a real impact on the safeguarding of antiquities within the country at the time. In 1828, a new directive issued under the governorship of Ioannis Kapodistrias<sup>213</sup> aimed at deterring the exportation and the smuggling of “[...] Antiquities, intended as old coins, sculptures, and other ancient remains” in the Aegean islands.<sup>214</sup> In 1829, a further resolution of the National Assembly ratified the prohibition of sale and export of antiquities from the country, as previously defined within the constitution. The discussion that arose in these circumstances was particularly representative, as it sheds lights on the contradictions of both the idea of antiquity and the legal framework required for its preservation. The assembly created a loophole within the decree itself, sanctioning the export of the “remains” and the “fragments” of ancient materials in cases where its “scientific, archaeological, research” purpose was declared, implying that the removals of antiquities newly discovered by the

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<sup>211</sup> See Simopoulos, *Η λεηλασία και καταστροφή*.

<sup>212</sup> “(Άρθρο ΙΗ') Ο Διοικητής χρεωστέι να φροντίξει να μην πωλώνται ή να μη μεταφέρονται εκτός τηςΕπικρατείας οι Αρχαιότητες”. *Πολιτικόν Σύνταγμα της Ελλάδος* [Constitution of Greece, so-called Constitution of Troezen], issued on 1 May 1827. Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*, 17.

<sup>213</sup> Ioannis Kapodistrias (1776-1831) was the first governor of independent Greece between 1827 and 1831.

<sup>214</sup> “[...] Αρχαιότητες, δηλαδή νομίσματα παλαιά, ερμόγλυπτα η άλλα αρχαία λείψανα”. Circular n. 2400 *Ξεχωριστά οδηγίαι προς τους κατά το Αιγαίον Πέλαγος Έκτακτους Επιτρόπους* [Specific instructions for the Emergency Committee of the Aegean Sea], issued on 12 May 1828. Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 1, 22 – vol. 2, 118.



foreign archaeological missions in Greece was legitimate.<sup>215</sup> Such an issue raised immediate and wide opposition to the parliamentary decree, and Kapodistrias was accused of selling national treasures for personal gain. It was discovered that the Greek government had accepted political, economic and military support from the French crown, and had approved in return the authorization to move to the Louvre some of the sculptures that the so-called French Scientific Mission to the Morea had found in Peloponnesus.<sup>216</sup> Despite political opposition, this material was exported. In a broad perspective, such an episode confirms the fundamental role of antiquities and classical monuments in international diplomacy, particularly immediately after Greek independence. It also points to the lack of resources of the new government for supporting and promoting any program of excavation and conservation of ancient heritage, exacerbated by a lack of museum facilities. In the following years as well, the foremost archaeological excavations in Greece would be undertaken by foreign archaeological schools in Athens, under special agreements with the government. However, as explained later in this chapter, the loophole within the decree was closed, and the international archaeologists were authorized only to publish – but not to export – the discoveries they made at ancient Greek sites.

During these years the first steps towards the development of a consistent legal definition of antiquities were also made, even though none of them was followed by an effective change of approach on local arts. In 1829, one of the umpteenth bills on the safeguard of past remains submitted to the parliament, defined antiquities as:

- 1) [...] Buildings, statues, carved works, vessels , pots , sculpted marbles, and other [objects] according to their dimensions, and other similar things such as dwellings, [...] [or anything] surviving within them, or near them [...] or within their walls.
- 2) These [things] can be anywhere, ecclesiastic, liturgical [areas] [...] and other places.
- 10) A Superintendent [...] will be appointed on the site of the excavations, [...] [for care of] roads, aqueducts, public and private buildings.

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<sup>215</sup> “Αρχαιολογικός έρευνας έπιστημονικού”. Amendment of 2 August 1829. Simopoulos, *Η λεηλασία και καταστροφή*, 327.

<sup>216</sup> The Expédition de Morée started on 3 March 1829. The Greek government signed this agreement in order to obtain the economic resources for building new schools and for buying books and equipment for the pupils. See Kokkou, *Η μέριμνα για τις Αρχαιότητες*; Petrakos, *Πρόχειρον Αρχαιολογικόν*; Simopoulos, *Η λεηλασία και καταστροφή*; Daphne Voudouri, “Greek legislation concerning the international movement of antiquities and its ideological and political dimensions” in *A Singular Antiquity. Archaeology and Hellenic identity in twentieth-century Greece*, edited by Dimitris Damaskos and Dimitris Plantzos, 15-139, Athens: Museum Benaki, 2008.

14) [...] Walls, pavements, arches, and anything else that belong to the ancient buildings, made of mortar, frescoes, inscriptions [...].

22) It is forbidden [...] the removal of statues, pottery, stones, and other similar ancient things, [...] [and] the removal of ancient metallic artefacts and coins.<sup>217</sup>

This document demonstrated that the focus of the government was devoted exclusively to the preservation of the movable and immovable heritage of antiquity. At this stage, there was no interest in safeguarding the artistic productions of other historical phases and styles,<sup>218</sup> such as Byzantine icons, frescoes and chapels, or the few remains of the early Christian centuries; least of all, after almost 400 years of occupation, was there concern about protecting Ottoman remains. On the other hand, the concept of antiquity proposed was intended to exclude also very early and most archaic artworks. For instance, Cycladic sculpture was not even understood as art, and nor were grave goods, such as terracotta figures and vessels, or the diverse varieties of geometric pottery. In short, the concept of antiquity fostered by this Greek bill was designed exclusively on the basis of the market demand for artworks set by the European collectors and archaeologists, who had, indeed, exclusive taste for classical Greece. In any event, this bill was not ratified by the parliament, and the opportunity to provide a first organised framework of intervention in the activities of conservation in Greece was missed again.

In this context, it is interesting to evaluate also the concepts of antiquity, artwork, conservation and museums that were delineated in a report submitted to parliament by the Extraordinary Commission for Iliada in the same year, 1829.<sup>219</sup> Such a definition appeared particularly systematic and trailblazing if related to the Greek cultural background of those

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<sup>217</sup> Α) [...] Κτισμάτων, αγαλμάτων, τορευμάτων, αγγείων, κεραμίων, μαρμάρων είργασμένων, η άλλως επίσημων δια το μέγεθος, και έτέρων τοιούτων πραγμάτων, σωζομένων είς τον οίκον, η πλησίον αυτού [...] είς τα τείχη. Β) Τα αυτά διατάττονται και είς πάντα έκκλησιαστικόν, ίερον λειτουργίαν [...] η άλλων κτημάτων. Γ) Ο Έφορος [...] θέλει διορίσει τας περιοχάς και τους τόπους, όπου αί άνασκαφαι συγχωρονται, [...] των δρόμων, ύδραγωγών, δημοσίων και ιδίων κτιρίων συντήρησιν. Δ) [...] Τοιχοι, λιθόστρωτα, καμάραι, και παν άλλο τι άνήκον είς άρχαίον κτίριον, οιον κονίαμα, τοιχογραφία, η έπιγραφαί [...]. ΚΑ) Απαγορεύεται [...] μετακίνησις άγαλμάτων, άγγείων, πετρών, και άλλων τοιούτων Αρχαίων πραγμάτων, [...] [και] η αφαιρέση την [...] αρχαία έκ μετάλλου τεχνουργήματα και νομίσματα. *Σχέδιον Ψήφισματος* [Draft of decree], submitted on 23 December 1829 by the Director of public instruction and museums, Andreas Moustoxidis. Kokkou, *Η μέριμνα για τις Αρχαιοτήτες*, 51-53. See also Petrakos, *Πρόχειρον Αρχαιολογικόν*, 40-62.

<sup>218</sup> In this discourse I deliberately exclude the Byzantine manuscripts mentioned earlier by Adamantios Korais, as I believe he included them within the activities of conservation for the benefit of philological disciplines, not for their artistic value.

<sup>219</sup> *Προς τους κατοίκους του Τμήματος* [To the inhabitants of the Department], submitted to the Parliament on 7 October 1829 by Panayotis Anagnostopoulos, the Extraordinary Commissary for Iliada (Peloponnesus). See Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 2, 118.

years; in particular, it seems to put forward a contrasting concept of antiquity to that in the previous document:

The Museum is the place where antiquity is located and preserved. Antiquity refers to the past epochs, and includes the works created by Greek ancestors, which are rescued under or above the earth. Antiquity consists of idols of stone, or marble, or gold, silver, copper, or bronze (bronzos), forming varieties of humans or other animals, even if broken. It consists of worked stones, which have epigrams. It consists of vases of silver, gold, brass, bronze, clay, located, often buried, into the land among sections of ancient ruins, or into the old Greek graves. It consists of various coins (monete) of gold, silver, brass, copper, which have various sizes and weight. It consists of books of vellum. Finally, antiquity consists of various other artworks, which are rings of gold, or silver, of worked stones with engravings or embosses, containing figures of humans, animals, birds, insects, snakes, plants. All these things make up antiquity, and the Government recommends aggregating them to the Museum.<sup>220</sup>

A few elements should be observed within this document. First of all, the concept and the definition of antiquity were explicitly based on direct experience of archaeological excavations, and, consequently, on a range of materials that were most likely to be found in any site in Greece and the Peloponnesus; that is to say, the overall concept of antiquity was formed into a typological systematisation based on local heritage, and not on the demands of the art market. Second, the long list of materials, typologies and iconographies evoked the style of the old legislation issued in the Papal States and was no doubt influenced by it, as the use of Italian words clearly demonstrates; therefore, the efforts of local administrators for building a legal framework of protection were informed and not casual. Finally, apart from the attempt of Korais at the beginning of the century, this was the first time that a clear

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<sup>220</sup> Μουσείον ονομάζεται τό μέρος, όπου τίθενται αἱ ἀρχαιότητες καί φυλάττονται. Ἀρχαιότητες λέγονται αἱ παλαιότητες, ὅσα δηλαδή εἶναι ἐργα τῶν προγόνων Ἑλλήνων καί διεσώθησαν ὑποκάτω ἡ ἐπάνω τῆς γῆς. Συνίστανται αἱ ἀρχαιότητες ἀπό εἰδῶλα λίθινα, ἡ ἀπό μάρμαρον, ἡ χρυσόν, ἀργυρον, χαλκόν, ἡ ορειχάλκον (προυντζος), σχηματίζοντα εἶδος ἀνθρώπου ἡ ἀλλου ζώου, γέρα ἡ σπασμένα. Συνίστανται ἀπό δουλευμένας πέτρας, ὅπου ἔχουν ἐπιγράμματα. Συνίστανται ἀπό ἀγγεῖα ἀργυρα, χρυσα, ορειχάλκινα, χάλκινα, πήλινα, εὐρισκόμενα πολλάκις θαμμένα εἰς τὴν γῆν ἀνάμεσα εἰς παλαιὰ ἐρείπια, ἡ τοὺς ἑλληνικοὺς παλαιοὺς τάφους. Συνίστανται ἀπό διάφορα νομίσματα (μονέδες) χρυσα, ἀργυρα, ορειχάλκινα, χάλκινα καὶ μολυβένια διαφόρου μεγέθους καὶ βαρῆτας. Συνίστανται ἀπό βιβλία εἰς μεμβράνας. Καὶ τέλος συνίστανται αἱ ἀρχαιότητες καὶ εἰς ἀλλὰ διάφορα τεχνητά, δηλαδή εἰς δακτυλῖδια χρυσα, ἡ ἀργυρα, εἰς δακτυλιδόπετρας μέ ἐγγλυφα ἡ ἀνάγλυφα, παριστῶντα μορφήν ἀνθρώπων, ζώων, πτηνῶν, ἐντόμων, ὀφειῶν, φυτῶν. Ὅλα ταῦτα συνιστοῦσι τὰς ἀρχαιότητας, καὶ δι' αὐτὰς ἡ Σ. Κυβέρνησις ἐσύστησε τὸ Μουσείον καὶ τὰς συναθροίζει. Κοκκου, *Ἡ μέριμνα γιὰ τὰς Ἀρχαιότητες*, 54.

explanation of the concepts of preservation of heritage was proposed in Greece. Such a definition had some obvious limitations: for instance, the activities of conservation were associated exclusively with the idea of a central museum, ignoring any possible system of administration throughout the territory. Furthermore, a wide range of immovable items, monuments and buildings were excluded from both the concept of antiquity and safeguarding activities, as they could not be transferred into a gallery. Nevertheless, it is clear that in those years the interest of the Greek government was focused on developing both an effective legal framework of protection for local antiquities and a concrete solution for rescuing artworks threatened by the risk of loss. Lacking any other economic resource or administrative tool, collecting objects for a museum would have represented the best solution for preventing further major cases of destruction, looting and smuggling of antiquities.

In order to understand the semantics and the extension of the concepts of antiquity and, possibly, art objects developed in Greece in the early years of independence, the impact that the massive removals of sculptures had had on local inhabitants at the beginning of the nineteenth century should be evaluated, together with the consequences that affected attitudes towards conservation. The concepts related to classical antiquity in Greece have mostly been analysed from the perspective of European collectors and archaeologists, generally considering the paradigms and the canons they imposed on local artistic perceptions soon after they arrived in the Aegean.<sup>221</sup> A famous quotation of Reumont stated that, before the uprising of 1821, Greece was regarded as a sort of huge supermarket, where Europeans could buy and obtain everything they liked without any obstacle.<sup>222</sup> At this stage, as is known, their favoured prey was the art of the Classical era, preferably of Pericles' and Phidias' period, together with so-called Severe style and post-Classical sculptures, such as works by Praxiteles and Lysippus, according to the chronologies defined by Winckelmann. To support their right to remove ancient relics, European collectors had argued that Greek people had not

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<sup>221</sup> The topic has been widely analysed, especially from the perspective of the political use of the classical art before and after the war of liberation from the Ottoman Empire. Here I recommend: Nina Athanassoglou-Kallmyer, "Excavating Greece: Classicism between Empire and Nation in Nineteenth-Century Europe" *Nineteenth-Century Art world wide: a journal of nineteenth-century visual culture* 7, no. 2 (2008), accessed 19 July 2014, <http://www.19thc-artworldwide.org/autumn08/>; Mark Mazower, "Archaeology, nationalism and the land in modern Greece" in *A singular antiquity. Archaeology and Hellenic identity in twentieth-century Greece* edited by Damaskos, Dimitris and Dimitris Plantzos, 33-41, Athens: Benaki Museum, 2008; Anastasia Sakellariadi, "Archaeology and Museums in the Nation Building Process in Greece" Paper presented at NaMu IV Comparing: National Museums, Territories, Nation-Building and Change, Norrköping, Linköping University, February 18-20, 2008, accessed 19 November 2013, <http://academia.edu/220933/>.

<sup>222</sup> See Alfred Reumont, "Fouilles d'Athènes" *Bullettino dell'Istituto di Corrispondenza Archeologica*, n. 10 (1833): 137-139.

made any effort either to block the exportation and the looting of local antiquities, or to diminish their deliberate destruction, rather contributing to their ruination and trade.<sup>223</sup>

The earliest measures that the Greeks undertook for defending their local heritage should be understood, basically, as the autonomous initiatives of common citizens without any administrative power, and often with no wide artistic or archaeological knowledge either. The Greek establishment, in fact, was not allowed to issue any resolution or edict, or to take any legal action to stop the loss of antiquity, as the right of legislating and approving exports was in the hands of the central government of the Ottoman Empire. Some interesting examples on the first actions engaged in by local communities to block the despoliations are in folk narratives that appeared between 1800 and 1820.<sup>224</sup> According to one of these tales, for instance, the Greeks who were carrying the Parthenon's sculptures to Piraeus on behalf of Lord Elgin ran away, abandoning everything half-way, as "they heard the spirit of the marbles crying and protesting" because of leaving the Acropolis; similarly, the Caryatids were said to keep on mourning and lamenting the abduction of their sister for many years after she was removed from the Erechtheion.<sup>225</sup> Such idiosyncratic ideas about antiquity and related views of the need for conservation *in situ* derived from folk superstitions, mythology and apotropaic rituals, and had nothing in common with the definitions of Korais or Quatremère de Quincy. Yet they appear to have deeply informed early popular feelings and approaches towards the protection of antiquity, having effects also on the initiatives that small communities would engage to protect local heritage in the ensuing years, as will be discussed in the next chapter.

A different community initiative for promoting the conservation of Greek heritage was undertaken in 1813, a few years after Korais' memorandum. A small group of Greek enthusiasts founded the so-called *Philomousos* Society,<sup>226</sup> engaging directly with the safeguarding of antiquities throughout the territory. According to its internal statute, the group was devoted to the gathering and purchasing of ancient materials, the organisation of small excavations in the district of Athens, and the promotion of scientific and classical disciplines in the local schools. Furthermore, the Society intended to create a museum of "archaeological things", which included "Collections of stones, Inscriptions, Statues, and

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<sup>223</sup> See Hamilakis, *The Nation and its Ruins*, 69.

<sup>224</sup> *Ibid.*

<sup>225</sup> *Ibid.*, 69.

<sup>226</sup> Φιλόμουσος Εταιρεία, that is Society of friends of the Muses. See: Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*; Petrakos, *Πρόχειρον Αρχαιολογικόν*; Gazi, "Archaeological Museums in Greece".

Pottery, and anything else with value that deserves attention”.<sup>227</sup> Even though the society proved to be extremely active, the project of creating a public museum, or even a simple collection, was not put into full effect. In 1820, for instance, the chairman of the group complained that the constant lack of funds kept on preventing the collection of archaeological materials: the so-called museum, in fact, was composed of books only, despite their belief that “the name Library does not create any hindrance to gather there also artistic objects and antiquities”.<sup>228</sup>

Following both the definitions of Korais and the activities of the *Philomousos*, it appears that, during the early decades of the nineteenth century, the most common idea of conservation was constructed around the concept of antiquity as a single entity, which excluded any clear differentiation between written sources, documents, sculptures or immovable heritage. This attitude was strictly related to the fact that the museum was conceived as a unique place suitable for the conservation of diverse materials, from literary sources to ancient marbles. Within a couple of decades, such a globalising concept of antiquity and the museum was to be shaped into a systematic definition. In particular, selection of the materials to include within a gallery began to be designed on the typologies of materials that were most likely to be found in local archaeological excavations in Greece.

From this perspective, the opening of the first national museum in Aegina, on 21 October 1829, played a fundamental part in both the process of constructing a concept of antiquity and the definition of a wide awareness related to its protection.<sup>229</sup> Quite paradoxically, such a museum also created the grounds for local communities to understand and evaluate antiquity as part of their heritage. According to the data of Gazi, the decrees and the regulations issued after 1827, under the Government of Kapodistrias, were followed almost everywhere by small archaeological excavations, which also undertook the storing of scattered materials, with the purpose of gathering the pieces destined for both the central museum and the first town collections.<sup>230</sup> While the creation of local museums will be analysed in the following chapter, here it is interesting to note that the opening of a central gallery was welcomed in the provinces with massive support and excitement. Within two

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<sup>227</sup> “Αρχαιολογικά πράγματα”, “Συλλογήν ἐπι λίθων, Επιγραφών, Αγαλμάτων τε, και Σκευών, και εἰς οτι ἄλλο των προσοχῆς αξίων”. Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 32.

<sup>228</sup> “Το ὄνομα της Βιβλιοθήκη δεν εμποδίζει να θέτῶνται εἰς αὐτόν τον τόπον πράγματα τεχνών, ἢ αρχαιότητες”. Ibid., 34.

<sup>229</sup> Aegina was the capital of Greece from 1827 to the end of 1829. For the genesis and the history of the first National Museum of Greece, see Petrakos, *Πρόχειρον Αρχαιολογικόν*.

<sup>230</sup> See Gazi, “Archaeological Museums in Greece”.

years, such a “depository for all the Greek antiquities”<sup>231</sup> secured vast quantities of material, most of which was obtained through the donations of private owners from small local communities all over Greece. For instance, an islander from Kithnos donated two full statues, for which he had refused offers of thousands of drachmas from a traveller; some “illiterates” of Mikonos offered their entire collections of ancient instruments; a troop of soldiers of Poros, after having declined a huge amount of money from a European collector, provided two full figures of “a prince and a woman”.<sup>232</sup> It is clear that the reaction of the inhabitants of the Greek villages towards the new national museum of Aegina differed profoundly from the responses of the inhabitants of the papal provinces towards the new central galleries of Rome. Despite this contrast, however, it can be observed that the museum of Aegina had a long-term impact on the perception and evaluation of local heritage which can be compared to what happened in the Papal States. The central museum of Greece represented the first official space where the historic and artistic products of local communities were collected, conserved and promoted within the country and abroad, and in which any typology of material was integrated into the process of the construction of both national unity and national identity. The museum of Aegina was indeed the only national museum created in Europe after the Louvre which did not pursue the collection of artworks and antiquities from other European countries. Its only aim was to gather and preserve Greek antiquities, including various local handicrafts and minor works.<sup>233</sup>

In 1834, the publication of the *Law on the scientific and artistic collections of the State* would dramatically change both the evaluation of antiquities in Greece and the procedures required for its protection within the state.<sup>234</sup> This decree not only established the first system of heritage administration throughout the country, but also finally created an effective legal framework for the conservation, the restoration and the safeguard from illegal

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<sup>231</sup> Ibid., 77.

<sup>232</sup> See Simopoulos, *Η λεηλασία και καταστροφή*.

<sup>233</sup> The analysis of the materials and the collections displayed in the first museums of Greece goes beyond the goals of this thesis. See Gazi, “Archaeological Museums in Greece”.

<sup>234</sup> *Περὶ τῶν ἐπιστημονικῶν καὶ τεχνολογικῶν συλλογῶν, περὶ ἀνακαλύψεως καὶ διατηρήσεως τῶν ἀρχαιοτήτων καὶ τῆς χρήσεως αὐτῶν*, written by the Bavarian Regent George Ludwig Von Maurer, published in the Government Gazette [this is the usual form, though it might be different in Greece] of the Kingdom of Greece of 10/22 May 1834. To clarify the date of issuing of this law: at the time Greece was using the Julian calendar (the first date), while most of the European states were using the Gregorian calendar (the second date); all the documents issued in Greece in these years record both dates. Regarding the law, here I will use the German version of it: Von Maurer, “Gesetz, die wissenschaftlichen und artistischen Sammlungen des Staates, ferner die Auffindung und Erhaltung der Altertümer, sowie deren Benutzung betreffend” in *Das Griechische Volk*, 283-302. For the original text, see *Συλλογὴ Ἀρχαιολογικῶν Νόμων*, 9-29. In the National Archive of Monuments in Athens there is an original file in both languages: ΔΔΕΑΜ ΤΠΠΑ, *Ἐγγραφα Ἀκροπόλεως (1834-1887)*, box 517, φ. Β “Νόμος καὶ Νομοσχέδια (1834/1885)” [laws and regulations].

exportation for both movable and immovable relics. The new legislation was conceived under different cultural conditions, as well as within a different political context from the laws issued during the previous ten years of independence. In 1832 Greece had passed to the control of the Kingdom of Bavaria, under Otto von Wittelsbach,<sup>235</sup> and a transitional Regency was appointed to establish the institutions, the legal structures and the bureaucratic system required for a new modern European country. In this framework, legislation was introduced by George Ludwig Von Maurer an elder statesman, lawyer, legal historian and professor of Law at the University of Munich, who was appointed as Regent of Greece together with Joseph von Armansperg and Karl Wilhelm von Heydeck.<sup>236</sup> His innovative legislation, designed for the protection of Greek heritage, was instantly recognised as extremely efficient and well-constructed, particularly as regards the hierarchical system of management and control that it would create in Athens and the provinces of the state.

Broadly speaking, the strength of the *Law on the scientific and artistic collections of the State* was the fact that it established a separate set of definitions and rules for the conservation of different typologies of historical objects, finally systematising the all-inclusive concept of heritage that had informed previous Greek legislation. As will be explained, it also introduced an early definition of “artwork” in Greece, intended as an object with different forms, characteristics and inferences from antiquity. Articles three and four were exclusively devoted to a specific typology of “heritage”:

Art. 3) [...] Precious manuscripts and printed works that are likely to be found in Churches, Monasteries, State Library or other public buildings [...].

Art. 4) [...] Any book printed in Greece must be send in the Central Library, as well as a copy of any magazine and daily newspaper [...].<sup>237</sup>

As the latter clause demonstrates, Maurer proved to be particularly forward-thinking in the case of written sources: he imposed not only the protection of historical documents, but also the conservation of contemporary printed materials.

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<sup>235</sup> Otto of Wittelsbach (1815-1867), son of King Ludwig of Bavaria, was the first king of the Modern Greece from 1832 to 1862.

<sup>236</sup> George Ludwig von Maurer (1790-1892). See Karl Von Dickopf, *Georg Ludwig Von Maurer: eine biographie*, Lassleben: Kallmünz, 1960; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 85-104.

<sup>237</sup> Art. 3) Kostbaren Manuscripte und Druckwerke, welche in einer Kirche, in einem Kloster, in einer Staatsbibliothek oder in einem andern öffentlichen Gebäuden [...]. Art. 4) [...] In Griechenland gedruckten Büchern, Zeitschriften und Tagblättern ein Exemplar an die Centralbibliothek eingesendet werden [...]. Von Maurer, “Gesetz”, 284.



In the case of antiquity, a list of materials to consider under full legal protection was included in article 110; further indications of what was intended as “antiquity” can be tracked down in some of the clauses included in the other articles:

Art. 7) [...] The rarest and most excellent Antiquities and coins discovered [...].

Art. 61) All the Antiquities discovered in Greece are Hellenic history, thus they are considered to be common national heritage of all the Hellenes.

Art. 85) [...] It is strictly forbidden [...] to destroy any Ancient Monument [...] already discovered or to be discovered [...] including the ruins of old roads, baths, tombs, and any other kind of construction.

Art. 110) Besides the works of sculpture and architecture, all the worked materials of marble or other stones, in any form they have been conceived, as well as paintings, mosaics, vessels, weapons, jewellery and other items made of metal or terracotta, also carved stones, coins and any kind of inscription are considered objects of Antiquity. All these objects are subject to the current legislation.<sup>238</sup>

The list provided in article 110 appeared to be particularly extensive and as far as possible inclusive of the different varieties of materials that were emerging from the archaeological excavations carried out throughout Greece in those years. At the same time, as had already happened in Rome, the absence of strict classifications of the typologies of objects to protect would open the law to a broad range of interpretations and applications. In particular, by stating that any ancient item discovered on Greek land was considered public heritage, article 61 not only demonstrates that the definition of antiquity was now designed on a concrete approach to the object within its location, but also that the criteria for its appreciation and understanding were conceived on an exclusively historical basis. As a result, any new finding could be recognised as antiquity and put under protection whatever its artistic and aesthetic qualities, that is to say, assessing only its context of origin and historical interest. In this regard, it is difficult to affirm to what extent such a definition was influenced

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<sup>238</sup> Art. 7) Ausgezeichnetste von den aufgefundenen Antiquitäten und Münzen. Art. 61) Alle in Griechenland aufgefundenen Antiquitäten sind als von den hellenischen Vorfahren herkommend, als gemeinsames Nationalgut aller Hellenen zu betrachten. 85) Ist es [...] verboten [...] Alte Denkmale [...] oder welche in der Folge noch entdeckt werden, namentlich auch die Ueberreste alter Straßen, Bäder, Gräber u.s.g.m. auf irgend eine Weise zu zerstören oder zu beschädigen. Art. 110) Ausser den Werken der Bildhauerei und Baukunst sind unter Alterthümer auch die Massen von gearbeitetem Marmor oder anderen Steinen, in welcher Form sie vorkommen mögen, begriffen. Ebenso Malereien, Mosaike, Gefäße, Waffen, Schmucksachen und andere Geräthschaften aus Metall oder gebrannter Erde, ferner geschnittene Steine, Münzen und Inschriften irgend einer Art. Sie sind sämmtlich dem gegenwärtigen Gesetze unterworfen. Ibid., 284-285, 293, 298, 302.

by the legal concept of artwork developed in the papal law of 1820. Although Maurer, as an expert on historical legislation, had surely had the opportunity to analyse the decrees published in the Old Italian States, the definition of antiquity informing the law seemed to be mostly designed on the basis of his direct experiences within the Greek environment, on his verification of the major local excavations and discoveries, and on a fundamental wish to protect any typology of object meaningful for interpreting ancient Greek history.

Following the systematisation of the concept of heritage offered by Maurer, the physical space allocated to the conservation of archaeological materials – the museum – was finally separated from the space assigned to the collection of books – the library. As will be explained in Chapter Two, Maurer recognized the museum as the primary tool to deter the loss of heritage and to guarantee the well-being of a wide quantity of materials, conceiving public galleries as a pyramidal structure that, from the central one, passed to the provincial and finally the town museums. In this context it is interesting to note that the systematization of the concept of heritage under the early Bavarian Kingdom brought about not only a definitive division between written documents and ancient relics, but also a separate system of conservation for scientific instruments and artistic materials. The collections of pure science, such as natural history, chemistry, anatomy, physics and mathematics, were separated from the collections of arts, that is, antiquities, paintings and casts, as a sort of final systematisation of the Central European *wunderkammern*. As already mentioned, the concept of an artwork was introduced in Greece within the text of this law: “artworks” were defined as paintings, prints and casts, intended as classes of objects which were historically and formally distinct from antiquity, and required spaces devoted exclusively to their preservation. The *Gesetz*, however, did not specify whether these were meant to be products of local modern artists, or pieces acquired in the international art market. In terms of the concept of heritage in general, each of the categories specified by law was further divided into subclasses of objects, which were intended to be allocated to specific collections, or museums, according to their nature. In short, the Greek heritage was divided into the following collections of materials:

- 1) A Central National Library;
- 2) A Central National Museum of Antiquities;
- 3) A Numismatic Cabinet;
- 4) A Natural History Cabinet;
- 5) A Cabinet for physical and mathematical instruments;

- 6) A Chemistry Laboratory with the required instruments and equipment;
- 7) An Anatomy Theatre;
- 8) A Surgical Cabinet;
- 9) A Collection of Models;
- 10) A Collection of Paintings;
- 11) A Press Centre;
- 12) An Astronomic Observatory;
- 13) A Polytechnic Collection.<sup>239</sup>

To fully understand the extension of such a wide and systematic concept of heritage, as well as its practical implications, it is necessary to evaluate also what was actually excluded from the activities of protection and from the museums conceived by Maurer. It is clear that such a system of administration and conservation was focused mostly, although not exclusively, on antiquities and ancient monuments. However, the last article of the law mentioned the historical and artistic productions of epochs and styles that were not of “antiquity”:

Art. 111) Even the objects which come from the times of the Early Christian Art, namely from the so-called Middle Ages, are not exempt from the provisions of the present law.<sup>240</sup>

Even though the law seemed to include specific categories of non-ancient artworks only as an appendix at the very end of the law, a range of early Christian and Medieval artefacts were incorporated under the legal supervision of the government, breaking, as had already happened in Rome, the prejudice against the “dark” middle Ages that was typical of a place with a massive classical heritage. Despite such a fundamental opening of the law, nevertheless, a further large portion of monuments and artworks created in Greece in post-ancient times was still completely ignored: evidence of other phases of the Middle Ages, as

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<sup>239</sup> 1) Eine Central-Staatsbibliothek; 2) Ein Central-Staatmuseum für die Antiquitäten; 3) Ein Münzcabinet; 4) Ein Naturaliencabinet; 5) Ein Cabinet der physikalischen und mathematischen Instrumente; 6) Ein chemischen Laboratorium mit dem nöthigen Apparate; 7) Ein anatomisches Theater; 8) Ein chirurgisches Cabinet; 9) Eine Modellsammlung; 10) Eine Gemäldesammlung; 11) Ein Kupferstichcabinet; 12) Ein astronomisches Observatorium; 13) Eine polytechnische Sammlung. Ibid., Article 1, 283-284.

<sup>240</sup> Art. 111) Auch diejenigen Gegenstände, welche aus den frühern Zeiten der christlichen Kunst, nämlich aus dem so genannten Mittelalter herrühren, sind nicht ausgenommen von den Bestimmungen des gegenwärtigen Gesetzes. Ibid., 302.

well as relics of the Venetian period, the Frankish period and the Renaissance period – not to mention the Ottoman period – were excluded from protection, conservation and incorporation in museum collections. In this regard, it should be noted that, as already discussed, a significant part of Central European scholarship had already scrutinized and re-evaluated both the Middle Ages and a wide array of Medieval artistic production at this stage, and not only the artefacts of the Early Christian periods. Furthermore, intellectuals and collectors in Europe had been dealing in and studying both Renaissance and Venetian artworks for least a couple of centuries. Therefore, such a limitation within the definition of heritage provided by law cannot be attributed to the paradigms and artistic taste of the Bavarian court and its Central European background. Instead, they should be ascribed to the personal choices and artistic consciousness of Maurer, and perhaps to his belief that there was no Renaissance and post-Renaissance culture in Greece.

The omissions within the conceptual construction of Maurer’s law would be resolved by King Otto of Wittelsbach in person. In 1837, three years after the issuing of the law, he wrote a fundamental directive on the preservation of all the remains and heritage that were not of antiquity.<sup>241</sup> From this moment on, all “the Medieval, Byzantine, Venetian and Turkish remains” found in Athens were considered under the same system of safeguard as the ancient monuments and sculptures, also where they were intermingled with Greek or Roman remains.<sup>242</sup> Even though these prescriptions were limited to the capital and its province, the document clearly shows how, towards the middle of the nineteenth century, the concept of “cultural heritage” was gradually shaped and widened to the point of including almost all the typologies of artworks and artefacts of human creativity in Greece. In particular, the monuments and the products realized during the times of tyranny, such as the Ottoman Empire, and artworks that were generally misunderstood by European artistic taste, started to be considered as worthy of protection. Such a new approach, that was indeed quite unexpected in the context of the classically-devoted Bavarian court, can be explained through different factors that were possibly at work at the same time. First of all, the role of King Ludwig of Bavaria should be considered, as he might have influenced the issuing of this decree rather than his son Otto, who was very young and inexperienced at the time. Ludwig is recognised for his passion for ancient sculpture, both Roman and Greek, as well as later art,

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<sup>241</sup> Order *Περί διατήρησης των εν Αθήναις λειψάνων του Μεσαίωνα* [On the conservation of the Athenian relics of the Middle Ages], issued by King Otto of Wittelsbach on 7/19 December 1837. See Papageorgiu-Venetas, *Athens*, 424.

<sup>242</sup> “Μεσαιώνας, Βυζαντιακά, Βενετικά και Τυρκικά λείψανα”. *Ibid.*

such as Renaissance, Early Dutch and German painting; he is also known for the subterfuges he often employed to acquire antiquities for his collection from both Rome and Athens.<sup>243</sup> However, he also played a fundamental role in the preservation of historical remains in Athens, as, for instance, was the case with projects for constructing modern structures on the Acropolis, which he managed to block, endorsing the conservation of the original ancient, Medieval and Renaissance structures.<sup>244</sup> Together with Ludwig, the Regents appointed to oversee the young King Otto might also have had a role. Maurer, as argued, did not have a particular understanding of Medieval remains, so it can be assumed that he had little consideration for the Byzantine, Venetian and Turkish ones. On the other hand, his colleague Karl Wilhelm von Heydeck, the second of the three Regents, had demonstrated a significant appreciation for Medieval monuments on more than one occasion;<sup>245</sup> in 1834 he also criticised the “blind with anger zeal” of the archaeologists working on the Acropolis, who had destroyed the “picturesque medieval additions” from the classical temples, showing no aesthetic awareness.<sup>246</sup> Therefore, both Ludwig and von Heydeck might have influenced the attitudes of the young Otto towards the preservation of the non-classical remains in Athens. The last factor to evaluate in this framework is related to the purpose of the new decree, which was, as Voudouri has observed, a clear desire to increase “the curiosities of the capital”, which was no doubt connected to a romantic taste for the picturesque.<sup>247</sup> The impact of the European aesthetics of the picturesque and the revival of interest in the Middle Ages might have had a profound impact on the perception of the Bavarian establishment, bringing about, arguably, very early curiosity about the “exotic” remains of the past Ottoman Empire, which were thus to be preserved for their picturesque, romantic, and unusual effects in juxtaposition with the revered classical forms.

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<sup>243</sup> Ludwig I of Wittelsbach (1786-1868) was King of Bavaria from 1825 to 1848. He built up collections of antiquities, as well as museums for later arts, such as the Alte and Neue Pinakothek; through methods that were not always licit, he managed to acquire renowned ancient sculptures such as the so-called *Fauno Barberini*, the *Medusa Rondanini*, and the bas-reliefs of the Temple of Aphaea in Aegina.

<sup>244</sup> In 1834 Ludwig of Bavaria blocked the construction of Otto’s royal palace on the Acropolis, demonstrating that he had deep influence on his son’s decisions. However, the Medieval and Renaissance structures on the Acropolis were removed during the works of restoration of 1840s-1860s. See Papageorgiu-Venetas, *Athens; Mannoni, “‘Marmi inutili da vendere o riutilizzare’. Le aporie di Leo Von Klenze per i restauri dell’Acropoli di Atene e la legge di tutela emanata in Grecia nel 1837” MDCCC 1800*, no. 3 (2014): 53-59.

<sup>245</sup> Karl Wilhelm von Heydeck (1788-1861) was a Bavarian painter; in 1826 he took part to the war of liberation of Greece as lieutenant colonel, and in 1832 was nominated Regent of Greece, responsible for organising the military apparatus of the new state.

<sup>246</sup> The complaints of Heydeck on the destruction of the Medieval remains in Athens are reported by the Greek superintendent for antiquity Ludwig Ross: *Eirinnerungen und Mittheilungen aus Griechenland*, Berlin: Verlag von Rudolph Gaertner, 1863, 84.

<sup>247</sup> See Voudouri, “Law and the Politics of the Past: Legal Protection of Cultural Heritage in Greece” *International Journal of Cultural Property*, no. 17 (2010): 547-568.

Nevertheless, the issuing of such an ordinance did not mean that the concepts and the views it presented were shared by the entire Greek community or indeed by all European scholars and collectors. Considering that the majority of Greeks had no idea of European Romanticism and that the four-century long *Turkokratia* was widely repudiated, it is hardly surprising that it took years before the wider local community started to assimilate the new paradigms and to accept these regulations as standard practice for the conservation of local heritage.

The definition of such a widely inclusive system of preservation, therefore, did not mean that the rules were fully effective and respected, or that destruction, smuggling and removal of antiquities had automatically stopped. As Galanakis has observed, in the years after 1834, and with no major variations after 1837, frequent cases in which the law “was loosely interpreted and even more loosely enforced” kept on encouraging the activities of illegal excavators and smugglers across the country.<sup>248</sup> Among the problems preventing the complete implementation of legislation were the persistent insufficiency of financial support, the lack of political will, and the negligence and shortage of local administrators, which all played a major role. Together with that, differences of opinion within the Archaeological Service in the ministry contributed to exacerbate the relationship between the Greek superintendents and the foreign archaeologists, often creating impasses which blocked the administrative and legal procedures prescribed by the regulations. While the operative aspects of the new law and the deficiencies in its implementation will be discussed in the next chapter, in this framework it is important to note that, despite these political issues, efforts in protecting the Greek local heritage did not stop. In this respect, the need to supervise and possibly block illegal activities regarding local antiquities prompted the issuing of further series of circulars which aimed at the protection of both archaeological areas and typologies of objects that were not covered by the law of 1834. In 1836, for instance, the ministry in Athens sent a specific request to the provincial directorate for Attica, asking for individual solutions to block the unauthorised excavations in the area of Marathon, aiming in particular to protect “the burial mounds and other monuments” on the field of the historical battle.<sup>249</sup>

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<sup>248</sup> Galanakis, “‘University Professor–Antiquities Looter’: A 19<sup>th</sup>-century Athens art dealer and the trafficking of antiquities in Greece under the first archaeological law. Part I” *The Anglo-Hellenic Review*, no. 45 (2012): 7-10; see also Galanakis, “An unpublished stirrup jar from Athens and the 1871–2 private excavations in the Outer Kerameikos” *Annual of the British School at Athens*, no. 106 (2011): 167-200.

<sup>249</sup> Circular of 12 May 1836. See Galanakis, “Re-thinking Marathon: Two ‘Memorabilia’ from the Battle of Marathon at the Pitt-Rivers” in *Rethinking Pitt-Rivers. Analyzing the activities of a nineteenth century collector* edited by Alison Petch, Oxford: 2011, accessed 19 November 2013, <http://web.prm.ox.ac.uk/rpr/index.php/>

Similarly, in 1859 a circular was dispatched to all the prefectures of Greece affirming that, together with statues, inscriptions and tombs, “the bones of our ancestors” were to be protected as well.<sup>250</sup> This document, in particular, offered one of the first legal definitions on the importance of protecting ancient skulls and skeletal remains for the advancement of science and knowledge, laying the foundations for the full development of the concept of anthropological and ethnographical heritage in the twentieth century.

The gradual inclusion of historical sites and new categories of scientific materials under the protective umbrella of the law, while demonstrating, on the one hand, the broadening of the idea of cultural heritage in Greece, proved, on the other hand, that the interest of international collectors and intellectuals had switched from classical sculpture towards minor objects that had never before been valued. Such a change of significance within broad scholarship clearly had an impact on the art market and on the circulation of historic-artistic resources in Europe, influencing, in turn, the issuing of new legislation on the protection of extended categories of heritage. In 1888, the Greek newspaper *Akropolis* affirmed that soon after 1830 both the legal exportation and the contraband of antiquities in Greece had experienced a dramatic change.<sup>251</sup> The journal reported that, in broad terms, massive, bulky objects of antiquity, such as sculptures and architectural parts, had stopped being sought after. The interest of collectors – and subsequently of smugglers – had turned towards small portable materials, such as jewellery, coins, figurines of terracotta, and bronze objects and vases; sculpted marbles were very rare on the market and were generally small, such as heads and minor fragments. This phenomenon was mainly attributed to the practical issues related to illegal exports, which came under pressure because of the deterrent effects of the law, and may have been a factor in the changes in aesthetic taste as had already occurred for the art market in Rome. In this framework, the concerns of the Greek administrators subsequently focused on the rich contraband in these small objects of antiquity, which were, indeed, difficult to control and track down because extremely easy to hide and pass inspections at the customhouses. The actions of the government intensified particularly between the 1860s and mid-1870s. According to the analysis of Petrakos, seven different circulars were issued in the space of about ten years to reinforce both the prohibition of

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object-biography-index/1-prmcollection/648-marathon-spearheads/.

<sup>250</sup> Galanakis and Malgosia Nowak-Kemp, “Ancient Greek skulls in the Oxford University Museum, Part II: the Rhusopoulos-Rolleston correspondence” *Journal of the History of Collections* 25, no. 1 (2013): 1-17.

<sup>251</sup> “Τυμβωρύχοι και αρχαιοκάπηλοι” [Tomb Robbers and Antiquities Looters], *Ακρόπολις* Θ, no. 2072 (17/29 February 1888): 1.

exporting ancient materials from Greece and the need to supervise local excavations,<sup>252</sup> demonstrating the interest of the administrators in blocking smuggling and the difficulties they had in controlling effectively the activities of the grave robbers. These regulations, generally, did not add any new value to the concept of heritage already defined within the law of 1834, but simply aimed to re-establish the prohibition to dig for and trade these minor objects without the approval of the Greek authorities.<sup>253</sup> The effects of these circulars, however, proved to be quite limited, and trafficking of antiquities in Greece continued undeterred, as will be analysed in Chapter Three.

As has emerged from the literature, a switch of approach towards the preservation of the ancient heritage in Greece occurred in 1875. In this year, two events played a fundamental role in changing both the attitudes of the local administration and the general awareness of the community on the importance of protecting antiquities within their place of origin. The first occurrence is related to the excavations of the archaeological area of Olympia, which provides a representative counterpart to the case of the French Scientific Mission to the Morea of 1829. The diggings of the site of Olympia started in 1875 under the direction of the German government, which provided both expert archaeologists and huge sums of money to carry out the work;<sup>254</sup> with that, the Germans were evidently seeking to bring precious ancient treasures back home. The Greek government, nevertheless, granted in return only the right to publish the new discoveries, frustrating the expectations of both international scholars and collectors. Even though the agreement between the two sides had stipulated other forms of benefit for the Germans, as will be analysed in Chapter Three, the circumstances of the excavations of Olympia marked a fundamental change in the habit of the Greeks of ceding fresh archaeological findings to the foreign countries. The new attitude developed within the Greek government between 1829 and 1875, namely between the archaeological agreement with France and the one with Germany, was characterised by a strong will to obstruct the export of local ancient material and the intrusion of foreigners in matters related to Greek heritage. The new procedures of Olympia, of granting only the right

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<sup>252</sup> These circulars were issued on: 14 October 1863, 6 December 1863, 24 October 1864, 4 February 1865, 27 December 1865, 20 June 1866, 8 February 1871. All of them dealt with the supervision of archaeological excavations, protection of antiquities, interdiction of digging, trading and exporting ancient materials. See Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 2, 122-123.

<sup>253</sup> The structure of the Greek administration devoted to ancient heritage will be analysed in Chapter Two.

<sup>254</sup> The agreement between Germany and Greece was signed on 13 April 1874, and ratified when the excavations started on April 1875. See Simopoulos, *Η λεηλασία και καταστροφή*; Stoneman, *Land of Lost Gods*; Petrakos, *Πρόχειρον Αρχαιολογικόν*.



of publishing the fresh discoveries, can thus be designated as a fundamental legal milestone for new forms of archaeological agreements and cultural diplomacy in Greece.<sup>255</sup>

The second event that influenced the approach towards the preservation of the Greek heritage is connected with the massive exportation of the so-called Tanagra figures, which occurred between 1871 and 1875. Tanagra was an immense necropolis of Boeotia, which held vast quantities of small, elegant female figures made of terracotta, created between the third and the first centuries BCE.<sup>256</sup> As soon as the necropolis was excavated and the first Tanagra figures reached the art market in 1871, the biggest museums and collectors of Europe became so enthusiastic about them that a sort of absurd competition was initiated to procure one of these precious exemplars. In only four years, the necropolis was completely ravaged by grave robbers and smugglers; more than 5,000 Tanagra figures were dispersed throughout the collections of Europe. On its side, the Archaeological Service of the Greek ministry managed to secure a reasonable number of exemplars of statuettes, in various poses, and to conduct an excavation in a portion of the necropolis of Tanagra. The legal and administrative implications related to this case will be discussed in Chapter Three; nevertheless, it is fundamental to point out here that the massive loss of the Tanagra figures had, quite unexpectedly, a huge impact on perceptions related to the safeguarding of heritage in Greece, while international scholars were divided between supporters and detractors of the removal of Greek artworks from their place of origin.<sup>257</sup> After 1875, both the local and foreign press started to cover the major cases of smuggling of artworks from the country.<sup>258</sup> Greek people's understanding of the consequences of the massive loss of local heritage gradually matured, as a result of the debates developed among journalists and academics, which drew attention to the problem as well as addressing concurrent issues related to nationhood and the growing nationalism in Greece. An important outcome was that archaeological administration was expanded, in order to prevent both unauthorised excavations and the smuggling of items from the Greek provinces, as will be discussed in the next chapter. In this regard, it should be noted that the system of protection and supervision

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<sup>255</sup> See Dyson, *In pursuit of Ancient Pasts*; Voudouri, "Law and the Politics of the Past".

<sup>256</sup> See Jeanne T. Violaine, ed, *Tanagras. De l'objet de collection à l'objet archéologique*, Paris: Picard, 2007.

<sup>257</sup> Regarding the Tanagra statues, see the opinions of various international scholars of the time: John Pentland Mahaffy, *Rambles and studies in Greece*, London: MacMillan, 1877, 61-62; Charles Diehl, *Excursions Archeologiques en Grèce. Micènes, Délos, Athènes, Olympie, Eleusis, Epidaure, Dodone, Tirynthe, Tanagre*, Paris: Armand Colin ed., 1895, 337-348; Edward Strahan. "Greek terra-cottas from Tanagra and elsewhere." *Scribner's Monthly Illustrated Magazine* 21, no. 6 (1881): 911-926; Olivier Rayet, *Catalogue d'une collection de Statuettes Antiques provenant des fouilles de Tanagra, en Béotie*, Paris: 1877; Salomon Reinach, "Le vandalisme modern en orient" *Revue des Deux Mondes*, no. 56 (1883): 132-166.

<sup>258</sup> See the article of the newspapers *Akropolis* and *The Nation*, which is mentioned later on this section. Further data can be found in the articles of Galanakis mentioned above.

of “small pots, terracottas and small metal objects” coming from local archaeological sites became increasingly strict towards the last quarter of the century.<sup>259</sup> According to the data of Gunning, for instance, the export to England of the objects found in Athemis Orthia near Sparta and in Perachora near Corinth, was regulated by the same standards that had been established for the “major” site of Olympia. Following the case of the export of the Tanagra, therefore, it can be observed that the legal and administrative system of safeguard for Greek heritage prescribed by Maurer began to be improved and extended, and was also expanded to include artworks that had generally been considered “minor”, “small” and “portable”.

To fully understand the context in which Maurer’s law was slowly implemented, affecting progressively both the art market for Europe and aesthetic taste for the Greek minor antiquities, a final aspect should be considered: the growing interest of European scholars and collectors in the heritage of the areas situated in the extreme South-East of the Mediterranean Sea, that is, the coasts of the Ottoman Empire, Asia Minor, Egypt, and also, later on, ancient Persia.<sup>260</sup> It is clear that, as already happened in Rome, the development of new artistic and cultural paradigms worked together with the deterrent effects of legislation on the protection of the heritage, modifying the perception of arts which in turn influenced the laws. As with the papal decree of 1820, once the Greek law of 1834 started to enforce the prevention of exports of “ancient treasures” from the country, the attention of dealers and collectors of Europe turned, once again, towards areas which were more negligent in protecting their local heritage. In 1899, Edward Capps, Professor of Classics at Princeton, applauded both Maurer’s law and the agreement of Olympia for dealing a heavy blow to the export of antiquities from Greece.<sup>261</sup> In particular, he highly praised the law of 1834 for making it possible to create several museums “filled with priceless treasures of ancient art and history” in Greece, and for promoting Athens as “one of the most important centres in Europe for the study of art and archaeology”.<sup>262</sup> Regarding the rule on the right of publishing – but not exporting – the new discoveries achieved in excavations, Capps sharply noted that:

It is doubtful if the foreign societies would have been content to expend so much money and labor in excavations in return for the right of publication alone. While the

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<sup>259</sup> Patrizio Gunning, *The British Consular Service in the Aegean*, 156.

<sup>260</sup> See Jasanoff, *Edge of Empire*; Patrizio Gunning, *The British Consular Service in the Aegean*.

<sup>261</sup> Edward Capps (1866-1950), professor of Classics at Yale and Princeton, was chairman of the managing committee of the American School of Classical Studies at Athens for twenty years, organising also the excavation of the Agora.

<sup>262</sup> “Our own country” refers to the USA. Capps, “A New Archaeological Law for Greece” *The Nation* 69, no. 1779, August 3, 1899, 88-90.

policy of dividing the spoils of excavation would certainly have stimulated popular interest in classical archaeology in other lands, as is well illustrated in our own country by the flourishing condition of the societies which contribute to the Egyptian Exploration Fund, the interests of archaeology at large would scarcely have been furthered by such a plan, and Greece would have been impoverished, as Egypt has been, in proportion as the rest of the world was enriched.

During the second half of the nineteenth century, therefore, the interest of the European collectors, and the whole art market, started gradually to move towards the artistic heritage of Egypt and the ancient areas of Ephesus, Smyrna, Samothrace, Pergamum, and other areas, which were still under the “generous” Ottoman Empire.

## Observations

This short history of the development of the concepts of “art”, “artwork”, and, in general, of “ancient” and “artistic heritage”, has demonstrated that one of the most critical changes in their definition and conceptualisation occurred in the nineteenth century, thanks to the confluence of artistic scholarship and legislation related to the effective protection of historical relics.

An early breakthrough in art definitions had occurred in the sixteenth century, when, alongside the ancient buildings and monuments which had been protected since Late Antiquity, the first “movable” objects of antiquity were placed under protection in the Papal States. A further dramatic break ensued at the beginning of the seventeenth century, when painting was included under legal safeguard for the first time in the Grand Duchy of Tuscany. In these early centuries, it is possible to track a clear distinction – and a rigid hierarchic categorisation – between what was considered “major art” and “minor art”, and also, as an extension of these concepts, “provincial” and “local art”. In broad terms, the major arts, the major artists and the major art forms were identified as the foremost artistic expressions of culture, which were not only products of renowned past masters and traditions, but were also models for new generations of artists. In the Italian peninsula, the “major arts” were sculpture, painting and architecture, as canonised by Leon Battista Alberti in the late fifteenth century. As has emerged throughout this chapter, the “classical canon” and the “classical model” played a fundamental role in defining the characteristics, the attributes and the quality of the “major arts”, until scholarship started to challenge the supremacy of classicism at the beginning of the nineteenth century. The “minor arts”, on the other hand, embraced artefacts which involved other forms and media, which, by reason of their different typologies and characteristics, did not enjoy the same privileged status as the major arts; these were identified as medals, cameos, engravings, carvings, and so on. The expression “local art” – which in these early centuries was not used and understood in the same way as it is today – referred to paintings and sculptures that did not have a national or metropolitan reputation, and to artists that did not work or study in the central hubs of the state. The implications related to the relationship between centres and peripheries represented a critical factor in art history since the times of Giorgio Vasari: for instance, in his *Lives* Vasari criticised the artists who never came in contact with the major hubs and voluntarily decided to stay in the provinces.

As argued in this chapter, in the first half of the nineteenth century the distinction between “major arts”, “minor arts” and “local arts” started to fade, at least in the Papal States and Greece, due to the consequences of crucial historical events, the development of artistic scholarship and the evolution of a new “artistic” awareness in the mindsets of local communities. The expansion of these concepts was a slow, inconsistent process, which began an early development in these years, finding a coherent definition only in later scholarship. For this reason, part of the definitions and the terminologies used in this chapter derive from current scholarship, and are applied retrospectively to past mentalities and epochs, when they were not necessarily used and understood in the same way. This is the case, for instance, with contemporary concepts such as “heritage” and “original context”, which, although they were not used in the nineteenth century, started to emerge among legislators, administrators and scholars in the Papal States and Greece in these years.

Regarding the definitions of “antiquity”, “art” and “artwork”, including “minor arts” and “local arts”, it is possible to state that their conceptual development in scholarship was both reflected and further reinforced by legislation on the protection of the heritage issued in the nineteenth-century. The 1820 edict of Rome and the 1834 law of Athens, in contrast to previous legislation, did not provide any systematic definition of “antiquity”, or include any comprehensive list of ancient objects to put under legal protection. By then, the definition of “antiquity” had started to be perceived as a concept in constant development, which could be asserted and assessed only on the basis of an actual experience of the object. Since there was a precise intention not to determine restrictive typologies of materials to protect, the law and the concept of “antiquity” were opened up to a broad range of interpretations and applications. As a consequence, any ancient relic could be recognised as valuable “for Arts and Erudition” in the Papal States, and part “of the Hellenic history” in Greece, and included under protection, whatever its artistic quality and provenance. This was a fundamental advance in the concept of heritage, and its related artistic and cultural implications: the materials that were usually considered “minor” or “provincial”, or that were found in local areas, from this moment began to be considered worthy of protection.

Regarding the concepts of “art” and “artwork”, on the other hand, some discrepancies emerged in their relevant development and understanding in Rome and Athens. In the Papal States, the 1820 *Edict Pacca*, expanding the 1802 *Edict Chiaramonti*, included both modern sculpture and the art of the “decadence” under legal protection. Within this prescription, non-classical sculpture and a quantity of paintings which had been previously neglected, such as the panel-paintings of the Primitive artists, were included under the definition of “artwork”

next to Renaissance art, ending the century-old supremacy of classicism. In the *Edict Pacca* the definition “fine arts” was extensively used to refer to all these classes of artworks. “Fine arts” traditionally indicated the disciplines which were included within the curricula of the Academy of San Luca: these were painting, sculpture, architecture, miniature painting, drawing, mosaic, and so on, which were appreciated for their visual, figurative and plastic qualities. The *Edict Pacca* of 1820, and the following *Regulation* of 1821, applied this definition to the general administration of heritage, referring to antiquity, modern artworks, painting and sculpture without any distinction – as was the case, for instance, in the Commissions of Fine Arts, as will be analysed in Chapter Two.

In Greece, the law of 1834 introduced an early concept of “art” and “artwork”, but did not employ the definition of “fine arts”. This legislation established institutes devoted to the development and collecting of the “arts” in general, intended as paintings, casts, and prints, even though, as will be explained in Chapter Two, these did not come into full effect in the years immediately after the issuing of the law. The concept of “artwork”, on the other hand, referred exclusively to the tutelage of Early Christian art, defined as part of the Medieval heritage of the country. In 1837, the Byzantine, Venetian and Turkish remains located in Athens were put under protection as well, even though, in this case, their “picturesque” and “exotic” effect in juxtaposition with classical monuments might have had impact on their tutelage rather than any artistic understanding. In Greece, therefore, the inclusion of extended classes of materials under the legal umbrella of law concerned, at least initially, “antiquity” in particular, and involved the artefacts of other historical periods only to a lesser extent. This, most probably, was connected to the belief, likely of the Bavarian legislator, that there was no Renaissance and post-Renaissance culture in Greece. As will emerge in the next chapters, the concepts of “minor” and “local” heritage in Greece was further expanded and connected to aesthetic and artistic perceptions at a later stage, thanks to the activities of Greek archaeologists and administrators.

## **Chapter Two – ADMINISTRATIVE CHRONICLES**

### **Introduction**

If the precondition of an effective preservation of heritage is the recognition of what needs to be protected, as I have argued, its natural consequence should be the establishment of both a systematic structure of administration and a strong legal tool of management. Chapter One traced the development of a consistent concept of heritage in the Papal States and Greece, considering both the definitions included in legislation between Late Antiquity and the nineteenth century, and the historic and cultural factors that played a role in the gradual inclusion of the “minor” and “secondary” arts within scholarship and the law. The first part of this chapter will examine the events that brought about the foundation of a system of administration extended over the legations and the delegations of the Papal States and the districts of Greece to match the extended definition of art that warranted protection, that is to say, a hierarchical structure devoted to the conservation and protection of antiquities and artworks not only in the centre but also located in the “minor” or “provincial” areas of the state.

Given the discourses on the importance of the context of artworks and the minor arts outlined in the previous chapter, this section will evaluate the implications of the establishment of the Auxiliary Commissions of Fine Arts in the provinces of Rome, and the discussions related to the creation of a general catalogue of the artworks scattered throughout these provinces, although this never came to fruition. In the process of shaping an effective system of protection in the Papal States, some further factors will also be considered: the initiatives undertaken to protect local heritage in the principal legations; the policy implemented for the fine arts during the Napoleonic occupation of Rome of 1809-1814; and the measures developed for preserving the artworks in the Republic of Venice in the eighteenth century. Regarding these two latter cases, while it is possible to affirm that they did not have any specific impact on the widening of the concepts and the definitions of artistic heritage, previous studies have demonstrated that they had considerable significance for the operative practices established for managing the arts in the nineteenth century. In this framework, it should be mentioned that France founded the first departmental museums in some minor areas of the state already in 1790, establishing one of the earliest models of local

artistic institutes patronised by a central government.<sup>1</sup> Nevertheless, the first effective administration for heritage in the French provinces was created only in 1837. For these reasons, it is possible to argue that the new system launched in the Papal States in 1820, although inspired by formal aspects of the French management of the arts, constituted an innovative procedure for administering the artistic heritage scattered throughout the country, as will be analysed in this chapter.

The model based on pyramidal administration would inspire also the institution of the committees in the local districts of Greece under the Bavarian king. This will be taken up in the second part of this chapter, which will analyse the new system of administration for antiquities and archaeological sites inaugurated in Greece around the middle of the nineteenth century, considering both its strengths and the problems related to its implementation. In this framework, the popular approaches towards the preservation of the artworks in their place of origin, mentioned in the first chapter, had profound impact, playing a fundamental role in the process of development of early local assemblages of artefacts in the less central communities of Greece. Within these premises, a new connotation of context appeared to take shape: alongside the ideas promoted by Quatremère de Quincy, Carlo Fea, Adamantios Korais, and the practices related to local apotropaic traditions, the concept of context started to be taken into account in the investigations of archaeological sites. During the second half of the nineteenth century, alongside the emergence of archaeology as discipline,<sup>2</sup> the idea of context would acquire scientific significance connected to topography and stratigraphy, which became fundamental for understanding the new findings coming from excavations. The archaeological museums founded in Greece from this moment on, therefore, were mainly conceived in connection with the sites where the objects were discovered, as the aim was to keep them as close as possible to their pertinent site.

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<sup>1</sup> See Poulot, *Surveiller et s'istruire*, 319-375.

<sup>2</sup> See Schnapp, *The discovery of the past*, 275-316.



Figure 11      Map of the Papal States, 1815-1870.

[http://www.emersonkent.com/images/italy\\_1815\\_1870.jpg](http://www.emersonkent.com/images/italy_1815_1870.jpg)

## Administration in Rome and the Provinces of the Papal States, after 1820

As emerged in Chapter One, the edicts on the protection of artistic heritage issued in Rome in the early modern centuries had always proved to be ineffective, despite the efforts of the popes and their officials to make them complete and consistent. Apart from the high pressure of collectors and smugglers on the art market and their unscrupulous breaches of the law, it should be observed that the main reason for the inefficiency of the legislation was the lack of an active system of administration and inspection in both the city and the customs houses of the state. Although the old law was grounded on sharp definitions, the structure of supervision and the guidelines provided for putting it into effect were largely inadequate and insufficient for preventing the loss of artworks.

The first attempt to define an administrative framework for implementing the law had come from Pope Paul III on 28 November 1534. Aiming to deter the improper reuse of ancient materials and their continuous exportation, the Pope established the first commissary devoted to the protection of antiquity in Rome, in the name of Latino Giovenale Manetti.<sup>3</sup> This post was most probably based on the old positions of *Magistri Viarum* and *Praefectus marmorum et lapidum*, established in 1425 and 1515 respectively, for controlling public spaces and the removal of the ancient marbles from Saint Peters.<sup>4</sup> On 11 July 1562, Pope Pius IV split the position into a prefect and a keeper for antiquity, seeking to improve control on the loss of artworks,<sup>5</sup> but since these posts were never effective subsequent laws reverted to a sole commissary. Such a model of commissariat was reinstated and adopted until the mid-eighteenth century, although it was clearly impossible for a single person to administer, supervise and regulate the full extent of the arts in Rome, considering also “the continuous frauds, and disorders, which [...] every day come to offend the public benefit”.<sup>6</sup> In 1750 the *Edict Valenti Gonzaga* slightly improved the system, by establishing a body of three

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<sup>3</sup> Latino Giovenale Manetti (1486-1553) was canon and administrator of the Roman Curia. For the establishment of the positions of commissary, see Speroni, *La tutela dei Beni Culturali*, 13-18; Ridley, *The eagle and the spade*, 13; Ridley, “In defence of the Cultural Patrimony”.

<sup>4</sup> These aspects are discussed in Chapter One. The first, *Etsi de Cunctarum* was issued by Pope Martin V on 30 March 1425; the other bill, without title, was issued by Leo X on 26 August 1515. In 1225 the Municipality of Rome had also established the *Magistri Aedificiarum*, but the duties of this position were only related to the resolution of controversies on public spaces; see Curzi, *Bene culturale e pubblica utilità*, 22-41.

<sup>5</sup> See Speroni, *La tutela dei Beni Culturali*, 13-18; Ridley, *The eagle and the spade*, 14.

<sup>6</sup> “Continue fraudi, e disordini, che [...] tutto giorno nascono in pregiudizio del bene pubblico”. See *Edict Valenti Gonzaga - Proibizione della estrazione delle Statue di marmo, o metallo, Pitture, Antichità e Simili*, issued under Pope Benedict XIV on 5 January 1750. Emiliani, *Leggi, Bandi, Provvedimenti*, 76.

assessors to assist the main commissary.<sup>7</sup> The new positions were expected to take care respectively of “Painting, the one, Sculpture, the other, Cameos, Medals, Engravings and any other kind of Antiquity, the third”, including all bureaucratic aspects related to the inspection and exportation of these works.<sup>8</sup> Nevertheless, it seems that during the second half of the eighteenth century the three posts were never fully assigned: only the assessors for painting and sculpture were effective, implying that the “minor” arts were less cared for despite the edict imposed their protection.<sup>9</sup> The positions of commissary, on the other hand, started to be filled with appointees who were more and more acknowledged in terms of their erudition in antiquity and the fine arts, such as Johann Joachim Winckelmann, Filippo Aurelio Visconti and Carlo Fea. Thus, while the system of administration was still weak and inadequate without permanent assessors, the status of the commissaries was such that its implementation was left completely to their personal discretion and artistic taste. In 1802, this monopoly of the fine arts by the commissary in office was ended by the publication of the *Edict Chiaramonti*, which in its introduction established the new position of General Inspector for Fine Arts, and Antonio Canova was appointed in the same year. The restructuring, and the subsequent split of jurisdictions, impacted on both the authority of the commissary and the previous supremacy of antiquities, as a specific officer devoted to early modern artworks was finally put in place with Canova’s appointment.

The model of administration based on commissions was instituted in the Papal States as soon as Napoleon occupied Rome in 1809.<sup>10</sup> It is interesting to note that, despite this being a French initiative, at that date France itself did not have any consistent legislation on

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<sup>7</sup> According to Speroni an assessor was already appointed to support the commissary in 1726, but I could not find any mention of it in the original body of the edict. See Speroni, *La tutela dei Beni Culturali*, 18.

<sup>8</sup> “[Incombenza] della Pittura ad uno, all’altro della Scultura, ed al terzo degli Camei, Medaglie, Incisioni, ed ogni altra sorte di Antichità”. *Edict Valenti Gonzaga*. Emiliani, *Leggi, Bandi, Provvedimenti*, 77.

<sup>9</sup> This observation is based on analysis of the signatures on the licences granted during the second half of the eighteenth century. For instance, when Johann Joachim Winckelmann was Commissary for Antiquity (1763-1768), two signatures appeared on licences for export: one of Alessandro Bracci (Assessor for Painting), and one of Giuseppe Pozzi (Assessor for Sculpture); similarly, when Filippo Aurelio Visconti was Commissary (1785-1800), only the signatures of Giuseppe Antonio Guattani (Assessor for Sculpture) and Pietro Angeletti (Assessor for Painting) appeared on licences for export. In 1790, Giovan Battista Monti was appointed as Assessor for Sculpture, and was still in charge when Carlo Fea became Commissary for Antiquity in 1800. See ASR, *Camerale II*, bb. 11-12-13-14 (1750-1803).

<sup>10</sup> Here I agree with the arguments of Curzi and Nuzzo: Curzi, *Bene culturale e pubblica utilità*; Nuzzo, *La tutela del patrimonio artistico*. Other scholars, such as Dalla Negra, do not consider the influence of the French administration on the papal administration: Riccardo Dalla Negra, “L’eredità pre-unitaria: gli organismi di ‘vigilanza’ dalla Restaurazione ai Governi provvisori (1815-1859)” in *Monumenti e Istituzioni*, edited by Mario Bencivenni, Riccardo dalla Negra and Paola Grifoni, 3-48, Firenze: Alinea, 1987.

antiquity and fine arts.<sup>11</sup> Indeed, all the regulations issued by the so-called Extraordinary Council for the Roman States and by the Prefecture of Rome during the occupation were based on the cultural and legal tradition of the old papal laws.<sup>12</sup> Regarding the administrative aspects, however, the French officers – as opposed to the papal ones – were extremely strict and effective, and grounded the management of the arts in Rome on a few clear principles. Basically, a series of commissions was appointed to manage and solve specific questions in the wider administrative system; a number of commissaries were in charge of specific duties within each commission, and were expected to contribute to the collegial resolutions; then the final deliberations were transmitted for validation to the French Interior Ministry of Rome, and subsequently to the central government of Paris. Nothing could be done regarding the monuments, the antiquities and the artworks of Rome without the intervention of the designated commission. To give a few examples, the so-called “Commission of Antiquity and Fine Arts”, chaired by the omnipresent Fea, was in charge of the excavations, the restorations and the export of artworks from Rome, as well as for the inspections in the customs houses of the state.<sup>13</sup> The “Commission for the monuments and the civil buildings”, one of largest and most active of the commissions, was responsible for supervising the conservation of monuments, for defining guidelines, projects and economic aspects related to restoration and excavation, and for drafting an inventory of the artworks in the city.<sup>14</sup> Lastly, the “Commission for the embellishment of Rome” was in charge of the implementation of the plans of refurbishment in the public spaces and the monumental areas of Rome.<sup>15</sup>

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<sup>11</sup> The first inclusive law on the protection of heritage in France was issued on 30 March 1887: *Sur la conservation des monuments et objets d'art ayant un intérêt historique et artistique*. See Paul Leon, *La vie des monuments français. Destruction, Restauration*, Paris: A. et J. Picard, 1951.

<sup>12</sup> The Extraordinary Council for the Roman States (Consulta Straordinaria per gli Stati Romani) was established on 10 June 1809, soon after Napoleon had occupied Rome, and was disbanded on 31 December 1810 when the right of legislation passed to the Prefecture of Rome. See Monica Calzolari, “Le commissioni preposte alla conservazione del patrimonio artistico e archeologico di Roma durante il periodo napoleonico (1809-1814). Nuove ricerche sui fondi documentari dell’Archivio di Stato di Roma” in *Ideologie e patrimonio storico-culturale*, 515-559; Ridley, *The eagle and the spade*, 47-93.

<sup>13</sup> *Bureau pour la Police Générale des Antiquités et des Beaux-Arts de Rome et dans l’État romain*, also called *Département* or *Commission des Antiquités et des Beaux-Arts*, active from 15 June 1809 to 31 March 1814. The French governors generally reappointed the old papal officers to the new positions of administrators for the fine arts, because no one had deeper knowledge and understanding about the dire state of antiquities and monuments in Rome. Fea, for example, kept his position as Commissary for Antiquity; he was asked to work on the enforcement of the law, but he lost any jurisdiction on licences, exports, and excavations. See Calzolari, “Le commissioni preposte alla conservazione”; Curzi, *Bene culturale e pubblica utilità*, 87-118; Ridley, *The Pope’s Archaeologist*, 147-150.

<sup>14</sup> *Commission des monuments et des bâtiments civils dans le Département de Rome*, active from 9 July 1810 to 4 May 1814. See Ridley, *The eagle and the spade*, 52-63; Calzolari, “Le commissioni preposte alla conservazione”.

<sup>15</sup> *Commission des embellissements de la ville de Rome*, active from 27 July 1811 to 4 May 1814. See Ridley, *The eagle and the spade*, 63-71; Calzolari, “Le commissioni preposte alla conservazione”.

The French system of commissions had a significant impact on the revision of the papal administration that took place soon after the Congress of Vienna, influencing in particular the network of committees established for supervising the artworks in the central offices and local hubs of the state. One of the first commissions inaugurated in Rome in 1816, the General Consultative Commission of Fine Arts, appeared to have fully accepted the French organisation; the duties of this group involved mainly the new purchases of artworks for the papal collections, taking on part of the responsibilities which were previously carried out only by the single commissary.<sup>16</sup> Following such a model, the Papal States would also inaugurate a slightly more open and inclusive approach to the management of public heritage, gradually introducing an integration of new figures and social classes within the traditional governing bodies of Rome, which had typically been constructed on the basis of dynastic and aristocratic authority. While it might be expected that this too followed French practice, it is difficult to affirm how deep the impact of the French revolutionary principles were on the established cultural and social boundaries of Rome, as the city persisted in its usual “isolation [...] of rigid and crystallised ideals” for several decades.<sup>17</sup> On the other hand, it is certain that the awakening of the middle class in the whole of Europe and the “more widespread awareness of the public value of monuments and artworks” promoted in France, ultimately led to the definition of a system of management based on devolution and peripheral supervision in the erstwhile “rigid” centralised Papal States.<sup>18</sup>

The wide reform prompted by Pope Pius VII after the end of the Napoleonic occupation was not only grounded on new social, cultural and artistic paradigms, but also fostered an innovative model of administration throughout the state.<sup>19</sup> With the decree *Motu Proprio* of 1816 the Papal States were divided into eleven provinces and seventeen delegations, under the direction of the so-called apostolic delegates. These were classified as delegations of first, second and third class; in cases where a delegation was under a cardinal,

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<sup>16</sup> Ridley, *The Pope's Archaeologist*, 185-186. This commission was integrated into the General Commission for Fine Arts established within the *Edict Pacca* of 1820, as clarified later on this section.

<sup>17</sup> “Isolamento [...] di ideali rigidi e cristallizzati”. The questions related to the Restoration of the Papal States and the impact of the French Revolution on the cultural and social mores of Rome is extremely complex. For the quote see: Bartoccini, *Roma nell'Ottocento*, 238. See also Tamblè, “La Politica Culturale dello Stato Pontificio”.

<sup>18</sup> “Consapevolezza maggiormente diffusa del valore pubblico di monumento e opera d'arte”. The impact of the French Revolution on the cultural, social, and political assets of Europe has been widely analysed. For the quote see Curzi, “La riscoperta del territorio”. See also Poulot, *Surveiller et s'istruire*; Castelnuovo, “Arti e Rivoluzione”.

<sup>19</sup> The analysis of the administrative reformations introduced in the other Old Italian States after 1816 goes beyond the aims of this thesis. I recommend Donatantonio Mastrangelo, *Dall'Editto Pacca ai Decreti modificativi del Codice Urbani. Breve storia della normativa sui Beni Culturali*, Roma: Aracne, 2005; Dalla Negra, “L'eredità pre-unitaria”.

it was granted either the recognition of first class or the title of legation.<sup>20</sup> By 1820, the state was organized into the four Legations of Bologna, Ferrara, Forlì, and Ravenna, plus the first-class Delegations of Urbino and Pesaro; seven second-class Delegations of Macerata, Ancona, Fermo, Perugia, Spoleto, Frosinone, and Viterbo; and five third-class Delegations of Ascoli, Camerino, Rieti, Benevento, and Civitavecchia. In administrative control over them all was the Comarca of Rome, a special province that included the capital and the suburbs of Subiaco, Tivoli and the Agro Romano.<sup>21</sup>

In the wake of both the wide reformation and the prescriptions of the *Edict Pacca* of 1820, the *Regulation on the Auxiliary Commissions for Fine Arts* of 1821 conceived a coherent protocol for maintaining regular communications “on the antiquities, the excavations and the fine arts” between the commissions of fine arts based in the legations and delegations and the central office of the Camerlengo in Rome.<sup>22</sup> The hierarchical administration established by the new rules was centred on a General Commission, located in the capital, which was chaired by the assistant *pro-tempore* of the Camerlengo and was composed of the Commissary for Antiquities, the General Inspector for Fine Arts, the Inspector of Public Paintings, the Director of the Vatican Museum, the senior Professor of Sculpture of the Academy of San Luca, and one of the professors of Architecture of the same academy.<sup>23</sup> At the other end of the structure were the Auxiliary Commissions of Fine Arts, which were based in the main hub of each legation and delegation; each of them was composed of the Apostolic Legate or Delegate, his General Secretary and two commissaries, who were expected to be “irreproachable and expert Professors, or two Persons very knowledgeable on the [fine arts]”.<sup>24</sup> The provinces of Bologna and Perugia, specifically, were asked to choose these two commissaries from among the professors in their respective local academies of fine arts;<sup>25</sup> Bologna was also allowed to raise to five the members for its local commission, considering that it was a city “rich in objects of Antiquities and Fine Arts, related both to the public buildings, Ecclesiastic and Secular, and to the Galleries and

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<sup>20</sup> *Motu Proprio Reformatio publicae administrationis, et tribunalium ditionis Pontificae*, issued on 6 July 1816 by Pope Pius VII. See Semeraro, *Restaurazione*.

<sup>21</sup> See the map of the Papal States at the beginning of this section.

<sup>22</sup> The *Regolamento per le Commissioni Ausiliarie istituite nelle Legazioni e Delegazioni dello Stato Pontificio* was published on 6 August 1821. See Anna Maria Corbo, “Le commissioni ausiliarie di Belle Arti nello Stato Pontificio dal 1821 al 1848” in *Lunario Romano*, n. 11 (1982): 433-446; Nuzzo, *La tutela del patrimonio artistico*; Emiliani, *Leggi, Bandi, Provvedimenti*, 111-115.

<sup>23</sup> *Edict Pacca*, art. 2. Carlo Fea and Antonio Canova, as Commissary for Antiquities and General Inspector for Fine Arts respectively, were members of the General Commission of Fine Arts in 1820. This commission derived from the General Consultative Commission of Fine Arts created in 1816.

<sup>24</sup> “Probi ed esperti Professori, o di due Soggetti delle medesime assai intelligenti”. *Edict Pacca*, art. 5.

<sup>25</sup> Bologna and Perugia were the only cities within the Papal States (apart from Rome) to have a local Academy of Fine Arts at the time of the publication of the *Edict Pacca*.

Museums of the private owners”.<sup>26</sup> The Cardinal Camerlengo Francesco Galeffi, the successor of Pacca, also established a series of inspectors in the “most interesting localities” of the Roman Comarca, which were intended as subsidiary adjuncts of the General Commission of Rome.<sup>27</sup> According to a series of reports submitted to the office of the Camerlengo between 1838 and 1839, the auxiliary inspectors were operative in the municipalities of Albano, Subiaco, Frascati, Campagnano, Tivoli and Palestina. Several other towns, which were initially designated for an inspectorate as they were particularly rich in antiquities and artworks, were finally excluded; in most cases, as happened in Castel Madama, the documents reported that “there was no person suitable” for the position, so these towns remained under the General Commission of Rome.<sup>28</sup>

All the commissions and the inspectors, according to their position and grade, were expected to supervise a wide range of activities within their area of competence: they were responsible for granting the licences of exportation; for superintending the archaeological excavations; for approving and supervising the activities of restoration, conservation, removal of sculptures, paintings, ecclesiastic buildings or ancient monuments; for inspecting regularly both private and public collections, preventing any risk of smuggling, destruction and loss; for proposing new artworks to acquire for the pope’s museums; and for drafting inventories of the artistic materials under their jurisdiction.<sup>29</sup> The auxiliary commissions and the subsidiary inspectors were also required to report regularly to the office in Rome about their activities, and to follow the assessments and recommendations set up by the central commission for managing the local establishments. On its side, the General Commission was in charge of defining the guidelines to follow during the restoration, the excavation and the exportation of artworks, for supervising the effective implementation of legislation, and for acting as a court in cases of controversy. The Commissary for Antiquity, the head of the central administrative office, was responsible for granting the final approval on any class of licence in Rome and the Comarca, usually following the preliminary assessments of the

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<sup>26</sup> “Ricca di oggetti interessanti le Antichità e Belle Arti tanto in rapporto ai pubblici Stabilimenti sia Ecclesiastici, che Secolari, quanto in rapporto alle Gallerie e Musei esistenti presso private proprietarj”. ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 46, fasc. 52.

<sup>27</sup> “Più interessanti località”. Pietro Francesco Galeffi (1770-1837), Cardinal Camerlengo of the Holy Roman Church from 1824 to 1837. There is no date on the document. Corbo initiated the establishment of these inspectors in 1839, but Galeffi was already dead by that date. The quote is in a document dated 1841, and refers to events which occurred a few years before. ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 169, fasc. 467. See Corbo, “Le commissioni ausiliarie di Belle Arti”.

<sup>28</sup> “Non vi è persona pratica”. The towns excluded were: Arsoli, Campagnano, Castel Madama, Castelnuovo di Porto, Cori, Genazzano, Palombara, San Vito. ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 169, fasc. 467.

<sup>29</sup> Inventories and licences for exportation: *Edict Pacca*, art. 7-16; excavations: art. 25-35 and the *Regulation on the Auxiliary Commissions*; restorations: art. 36 and the *Regulation on the Auxiliary Commissions*; destructions: art. 40-46; removals: art. 52-56.

Inspector of Public Paintings and the General Inspector for Fine Arts. The commissary also had two assessors under his direct supervision – for painting and for sculpture – who were in charge of any bureaucratic issues related to inspections, payments and tax collecting.<sup>30</sup> In the provinces, the functions of the General Commissary were carried out by the apostolic legates and delegates, who were asked to keep in contact with the central office and to report annually to the Camerlengo on the licences granted in their area of jurisdiction.<sup>31</sup> The Inspector of Public Paintings and the General Inspector for Fine Arts, who were based in Rome, were on the same level: while the first was responsible only for painting, the second was in charge of a broad variety of fine arts, from ancient monuments, to early modern sculpture, to small objects, including coins and engravings.<sup>32</sup> The Camerlengo, finally, was not only responsible for maintaining contact with the pope and the Secretary of the State, but also had “absolute jurisdiction, supervision and presidency over Antiquities Sacred and Profane, over the Fine Arts and the Artists, over any object of art in Rome and in the whole of the Ecclesiastic State, on the Churches, the Academies [...] of any order and category”.<sup>33</sup>

Even though the new administrative structure appeared to be rigid and centralised, the local inspectors and commissaries proved to be largely independent, as they could manage their own duties, reporting to the superiors only at a later stage. Usually the local representatives were appointed on a voluntary basis and were not expected to receive salaries; according to the reports kept in the Archive of the State of Rome, it seems that they also had to cover their personal expenses for the inspections and trips in the minor hubs.<sup>34</sup> This aspect, as will emerge later in this chapter, would cause several cases of negligence and complaint. However, the adoption of such a hierarchical system of commissions, inspectors and assessors attained immediately a level of efficiency and control that had been impossible under the regime of the previous legislation.

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<sup>30</sup> *Edict Pacca*, art. 15 and the *Regulation on the Auxiliary Commissions*.

<sup>31</sup> See for instance the reports on the licences granted by the Legate of Bologna between 1837 and 1854: ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 255, fasc. 2737.

<sup>32</sup> As already explained, the position of General Inspector for Fine Arts was first established in 1802; that of Inspector of Public Paintings was established in 1814. To understand the rationale behind the definition of these positions, see Federica Giacomini, *Per reale vantaggio delle Arti e della Storia: Vincenzo Camuccini e il restauro dei dipinti a Roma nella prima metà dell'Ottocento*, Roma: Quasar, 2007.

<sup>33</sup> “Assoluta giurisdizione, vigilanza e presidenza sopra le Antichità Sacre e Profane, sopra le Belle Arti, e quei che le professano, sopra gli oggetti delle medesime non solo in Roma, ma anche nello Stato Ecclesiastico, e sopra le Chiese, le Accademie [...] di qualsivoglia giurisdizione e privilegio”. *Edict Pacca*, art. 3.

<sup>34</sup> According to Nuzzo, the office of the Camerlengo covered the expenses for the inspections when they were of “public interest”; in the other cases, the costs were covered by the private owner requiring the inspection. However, according to the documents in the Archive of the State of Rome, the expenses were expected to be covered by each commissary. This aspect is further analysed later in this chapter. See Nuzzo, *La tutela del patrimonio artistico*, 65; ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 157, fasc. 256.



Turning the focus from the central offices in the capital to the provinces of the Papal States, analysis of the documents kept in the Archive of the State of Rome has demonstrated the critical role of the legations in pushing towards the renovation of the traditional model of administration of the arts in Rome. In particular, these documents make clear that the first instances of issuing new legislation and for establishing a local system of protection for the fine arts originated in the major legations of the state, Ferrara and Bologna. These early local initiatives were undertaken soon after the artworks returned from Napoleon were relocated with no apparent criteria and rationale, and seem to have been prompted by common recognition of the omissions and the inadequacies of the old papal edicts, in particular of the absence of a peripheral system of control. According to Corbo, between 1802 and 1820, before the Auxiliary Commissions of Fine Arts were instituted, “officers working on other duties” used to be appointed for submitting the reports on local artworks to the commissary in Rome.<sup>35</sup> Such a task was generally assigned to the chancellor of the municipalities, and dealt mainly with new excavations and the related discoveries, most probably for the purpose of prospecting fresh acquisitions for the papal museums. The procedure, in any event, appears to have been slow and mostly ignored.

The promoter of a new policy of management for the artistic heritage of the provinces was the Legation of Bologna.<sup>36</sup> As already explained, Bologna had both a very distinctive artistic tradition, comparable to that of Rome, and an old legal procedure for the protection of local artworks. Even so, the law seemed to have had no real effect and the entire province kept on registering continuous losses of artworks, which had increased uncontrollably in the years after the papal Restoration: “Bologna has plenty of smart speculators, bargaining precious Paintings [...] and smuggling them abroad”.<sup>37</sup> In 1819, when “ten exquisite paintings” vanished from the city hospital, the Legate Cardinal Carlo Oppizzoni was induced to publish a further circular, reinstating the prohibition of removing paintings from ecclesiastic spaces in the entire bishopric.<sup>38</sup> The related correspondence between the Camerlengo in Rome and the Legate of Bologna, as a follow-up to the smuggling of the ten paintings, clarifies some fundamental circumstances which prompted both the publication of

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<sup>35</sup> “Funzionari che avevano altre mansioni”. This old procedure is mentioned only in Corbo, for the quote see “Le commissioni ausiliarie di Belle Arti”, 434.

<sup>36</sup> The documents about Bologna that are discussed in this section are gathered in a single file: ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 41, fasc. 36.

<sup>37</sup> “In Bologna abbondano gli intelligenti e gli speculatori di contrattazioni di Pitture preziose [...] cosicché clandestinamente se ne fanno le esportazioni all'estero”. Letter of 12 February 1820.

<sup>38</sup> “Dieci dipinti pregevoli”. Carlo Oppizzoni (1769-1855) was cardinal and archbishop of Bologna from 1802 onwards; he issued the *Circolare ai Parrochi della Città e Diocesi di Bologna* on 25 January 1819. Neither the artists nor the subjects of the ten paintings are recorded in the documents.

the *Edict Pacca* in 1820 and the establishment of a local system of protection soon afterwards. First of all, the letters of Oppizzoni made clear that the *Edict Chiaramonti* of 1802 was neither known nor in force in the province of Bologna; indeed, the cardinal was following the old *Edict Doria* of 1749, and the circular he had personally issued in 1819.<sup>39</sup> In addition, Oppizzoni pointed out that the *Edict Chiaramonti*, which the Camerlengo had asked him to implement, was not “applicable to the present circumstance” of Bologna. This edict, in fact, only mentioned the artworks of Rome, and dealt with the inspections, the licences and the exportations inside and outside that city.<sup>40</sup>

Given the information that is currently available in the archival documents, it is difficult to affirm whether the failure to implement the *Edict Chiaramonti* occurred in the other provinces of the Papal States or not.<sup>41</sup> It seems highly likely that Bologna was not an isolated case, but was rather the major one among many others. Indeed, what was significant in this case was the impact of the solutions proposed by the legate to overcome the general impasse: “It would be essential for Your Eminence to issue a proper Law as fast as possible [...] as [the *Edict Chiaramonti*] is proved to be ineffective both among the Public Establishments and most of all among the Private collectors” in the entire legation.<sup>42</sup> In the same document, Oppizzoni argued that the main problem of the old edict was not the quality of its prescriptions, but the fact that it was limited to Rome and excluded the “Subjects of the respective Provinces”.<sup>43</sup> In a subsequent letter, the cardinal demanded that the Camerlengo also establish a plan for reorganising the Pontifical Academy of Fine Arts of Bologna. Such a reform would enable “a growing supervision and organisation for safeguarding the objects [...] listed in the edict”, that is to say, a system for putting the new law into force and for administering local heritage.<sup>44</sup> It was only a few weeks later that the Camerlengo issued the *Edict Pacca*, finally establishing the Auxiliary Commissions of Fine Arts in all the provinces of the state.

At about the same time, the Legation of Ferrara put into effect a more practical strategy for resolving both the lack of regulations and the absence of a system of

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<sup>39</sup> Letter of 22 March 1820.

<sup>40</sup> “Applicabile al capo presente”. It referred to the article 5 of the *Edict Chiaramonti*. Letter of 11 March 1820.

<sup>41</sup> An extensive search in the Archive of the State of Rome did not reveal any similar documents related to the other provinces.

<sup>42</sup> “Sarebbe positivamente necessario che V.ra Em.za affrettasse la promulgazione di un’ apposita Legge [...] siccome [il *Chirografo Chiaramonti*] non può dirsi che abbia attualmente una forza operativa pei Pubblici Stabilimenti e molto meno pei Privati”. Letter of 12 February 1820.

<sup>43</sup> “Sudditi delle rispettive Provincie”. Ibid.

<sup>44</sup> “Una sempre maggiore vigilanza e attività per la preservazione degli oggetti [...] contemplate dal Sovrano Chirografo”. Letter of 29 March 1820.

administration in the region.<sup>45</sup> After the paintings confiscated by Napoleon had been returned to Ferrara in 1817, the Legate Cardinal Carlo Grifi conceived the most “convenient methods for restoring and safeguarding” the local artworks and monuments, and established a commission responsible for their supervision and management.<sup>46</sup> The letter explaining this resolution arrived at the central office of Rome after the auxiliary commissions had been instituted, and seemed to be a request to leave the situation as it was. Grifi’s committee was to be in charge “for the proper surveillance, and for the conservation of the objects of the fine arts” within the city, and was composed of one assessor of the municipality, one member of the local aristocracy, two scholars, the General Secretary of the Legation and one of his counsellors.<sup>47</sup> Differing from Pacca’s prescriptions for both the configuration and the responsibilities of the local commission, Grifi’s solution contradicted the aim of the central office to create a consistent standard of management throughout the state; therefore, the *Edict Pacca* and the related *Regulation* were superimposed, overruling this local initiative. Nevertheless, Ferrara undertook the very first independent action by a local community to manage its own artistic heritage, and to safeguard it in practical terms by establishing a specific body of administration; even if it ultimately had no opportunity to prove itself, the initiative demonstrates the growing concern regarding heritage in the provinces.

Analysis of the archival documents has revealed interesting data also on the situation in the legations and the delegations of the Papal States after the auxiliary commissions had been instituted in 1820. Following the despatch of the *Edict Pacca*, the officers of each hub were asked to submit to the Camerlengo the names of the two commissaries forming the local commission. The prompt responses obtained between May and July 1820 can be taken as a sign that such a provision had been awaited almost everywhere. The first reports were presented by the Legations of Ferrara, Bologna, Ravenna and Forlì, and by the Delegations of Perugia, Camerino, Fermo, Macerata, Frosinone, Viterbo, Civitavecchia, Ancona, Benevento and Spoleto; Ascoli, Urbino and Pesaro appointed their commissaries only a year later, while the Delegation of Rieti did not reply at all.<sup>48</sup> In 1821 the *Regulation on the Auxiliary Commissions for Fine Arts* was also despatched, providing the protocol for implementing the

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<sup>45</sup> The documents about Ferrara discussed in this section are gathered in a single file: ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 46, fasc. 52.

<sup>46</sup> “Metodi più convenienti per le loro riparazioni e custodia”. Letter of 10 May 1820; unfortunately, these methods are not outlined in the letter. I have been able to discover no biographical material on Carlo Grifi.

<sup>47</sup> “Dell’opportuna vigilanza per la conservazione degl’oggetti delle belle arti”. Ibid.

<sup>48</sup> These reports are in ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 46, fasc. 52; ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 169, fasc. 467.

new administrative system. A brief outline of key points reported in the archival documents helps to clarify both the organisation of the local commissions and the principal questions they dealt with during their first years of activity.<sup>49</sup>

The Commission of Perugia, for instance, was composed of two zealous professors of the local Academy of Fine Arts, who started their operations of inspection, assessment and supervision even before the *Regulation* was dispatched. One of their first achievements was the compilation of a full catalogue of the artworks of Perugia, which was most probably intended as a firm legal position in answer to both the Napoleonic plundering and the papal appropriation of local paintings. As will be discussed later in this chapter, in 1825 this commission would also push for the compilation of the first general catalogue of the historical and artistic heritage for the entire Papal States.<sup>50</sup>

The Commission of Ancona was the first to raise questions on the expenses that the inspectors were asked to cover. After making its two appointments, the apostolic delegate informed the Camerlengo that the commissaries, although happy to serve the fine arts, were not willing to undertake any trip out of Ancona, as there were “no funds allocated for this duty”.<sup>51</sup> Indeed, financial aspects would represent one of the main issues preventing the ideal performance of the auxiliary commissions in many provinces.

The Commission of Ravenna, for its part, engaged with the question of the conservation and restoration of the local monuments soon after 1821, continuing with this for the following forty years.<sup>52</sup> The activities of this commission were extremely important, as they related to the wide interest that developed in Medieval and Byzantine heritage around the third decade of the nineteenth century. The instatement of scholarship of the Middle Ages facilitated the commission’s rediscovery and restoration of several monuments of the early Christian and Medieval eras, which represented the specific culture of the province of Ravenna. In this context, monuments such as the Basilica of San Vitale, the Basilica of Sant’

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<sup>49</sup> The activities of the Auxiliary Commissions of Fine Arts have never been fully studied as a group; indeed, some of them have never been studied at all. Corbo has analysed the inspections of the local excavations of the Commission of Frosinone; Bencivenni has analysed the activity of the Commission of Ravenna; Nuzzo has analysed some restorations carried out on monuments by the commissions of Albano, Fano, Perugia, Benevento, Rimini, Palestrina and Rome; Curzi has analysed the works of the Commission of Bologna for establishing a picture gallery in the local Academy. An extensive study of their activities would have to start with the local archives of each province; here I have developed a general overview based on the documents kept in the Archive of the State of Rome.

<sup>50</sup> One of the commissaries of Perugia was the painter Tommaso Minardi (1787-1871), who later became Inspector of Public Painting in Rome. Thanks to Dr. Stefania Ventra for this information.

<sup>51</sup> “Assenza di fondi destinati a questa mansione”. ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 169, fasc. 467. Letter of 10 June 1820.

<sup>52</sup> See Mario Bencivenni, “La tutela monumentale nello Stato Pontificio nell’Età della Restaurazione. L’attività della Commissione ausiliaria di Belle Arti di Ravenna” *Romagna, arte e storia*, no. 2 (2001): 13-44.

Apollinare in Classe, the Mausoleum of Theodoric, and the Mausoleum of Galla Placidia were restored for the first time.

The activity of the Commission of Macerata also essentially concentrated on the restoration of local monuments. One of its most important interventions was on the early fourteenth-century frescoes of Pietro da Rimini, in the Chapel of the Basilica of Saint Nicola, which would initiate the rediscovery of the so-called Adriatic School, one of the successful local schools that had developed under the influence of Giotto.<sup>53</sup>

The Commission of Viterbo is a further interesting case, particularly related to the town of Toscanella, currently known as Tuscania. A group of local scholars, possibly driven by the idea of having an inspector, submitted a memorandum to the General Commission of Rome with a detailed account on the “local glories” of the city. The deep cultural awareness of the community of Toscanella, and its remarkable historic and artistic knowledge, did not have an impact on the Camerlengo’s prescriptions. Nevertheless, the subsequent gradual reassessment of the Etruscan necropolis and the proto-Romanic architecture of the province of Viterbo very likely arose as a result of the report of Toscanella, which indeed described all such remains within the area.<sup>54</sup>

In broad terms, the early tasks of the Auxiliary Commissions of Fine Arts were focused on the conservation and restoration of local monuments, and on the control of exports in both the small hubs and the customs houses of the state. After centuries of neglect, the attention of local authorities had clearly converged on the measures required for the maintenance of artworks and on the standards needed for their protection from loss and smuggling. At the same time, the administrative operations related to excavations, new discoveries and the surveillance of local archaeological areas evidenced a high level of improvement, in particular regarding licences for digging on private lands.<sup>55</sup> In this respect, Corbo has analysed the extensive inspections that the Commission of Frosinone carried out on local sites after 1826, which brought about important results regarding the understanding of the pre-Italic Volscian civilisation of *Latium Vetus*.<sup>56</sup>

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<sup>53</sup> Data recorded by Carlo Maria Fiorentino in the introduction to the Inventory of the fund *Camerlengato*, p. II, *Indice 181/1-2*.

<sup>54</sup> ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 169, fasc. 467. Letter of 7 July 1820.

<sup>55</sup> These observations are based on a general evaluation of the hundreds licences of exportation and excavation, and of the reports on restorations submitted to the office of the Camerlengo by the auxiliary commissions between 1821 and 1841, which are kept in ASR, *Camerlengato*, p. I (1814-1823) and p. II (1824-1841).

<sup>56</sup> The Volscians were an ancient Italic civilization of the areas Osco-Umbrian; they extended their dominion to *Latium Vetus* in the sixth century BCE. Thanks to Dr. Paolo Garofalo for these clarifications. See Corbo, “Le commissioni ausiliarie di Belle Arti”, 441-446.

In this framework, only the Delegations of Orvieto and Benevento represented major cases of poor administration, remaining without a local commission for several years after their establishment in the *Regulation*. Interesting data about the situation in these provinces has emerged from the surveys that the office of the Camerlengo set up for the auxiliary commissions in the mid-1820s, in 1837 and in 1848, aiming at mapping and re-launching the activity of local bodies where it was lacking. Orvieto, as clarified later in this chapter, was created as a delegation in 1831; although the city housed rare examples of Italian Gothic architecture requiring urgent maintenance, a local commission was appointed only in 1847, indicating a lack of consideration for the wellbeing of local monuments from both the central office and the local administrators.<sup>57</sup> The Delegation of Benevento, on the other hand, presented a case of negligence due solely to local institutions. According to reports related to the papal surveys, during the 1820s the Auxiliary Commission of Benevento came into effect, as both chairs of commissary were assigned. In 1837, however, the Delegate stated that “there is someone who says that a local Commission was orally established years ago”, making it clear that the commission was not operational; in 1848, he declared that “a Commission was never established in this city”, showing that in the previous decade still nothing had been done to resolve the impasse.<sup>58</sup> From a wider perspective, however, the outcome of the papal surveys of these years demonstrated that the majority of the commissions were fully effective and operative within the relevant provinces, and that they were carrying out the regular activities of management and control in the minor areas of the provinces despite the lack of funds from the central offices of Rome.

Such a detailed and efficient system of administration proved in general to be quite immune from problems of management and control, particularly if we refer to the impact that the political issues that arose in the Papal States after 1830 had on other aspects of the social and political life of Rome. From then until the Unification of Italy,<sup>59</sup> the Papal States went through several reforms, changes of administration, political crises and popular uprisings, which seem to have had only indirect consequences on the general administration of heritage in the provinces of the state. The revolutionary revolts in 1830-1831 and the self-proclamation of the Roman Republic in 1848, for instance, would disrupt the regular

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<sup>57</sup> See ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 169, fasc. 467.

<sup>58</sup> “Esservi chi dice fosse anni addietro installata oralmente la Commissione”; “Non essere giammai stata installata in questa città la Commissione”. These observations are based on the charts compiled at the end of each survey in the mid-1820s, in 1837 and in 1848. Ibid.

<sup>59</sup> The Unification of Italy was declared on 17 March 1861, when the Kingdom of Italy was established. Rome and other provinces of the Papal States were incorporated in Italy on September 1870.

communications between the central office of Rome and the minor areas of the legations and the delegations for some months, but did not cause the disbandment of any of the local commissions.<sup>60</sup> As regards the administration for the fine arts, the reform of the areas of jurisdiction of the legations and the delegations established by Pope Gregory XVI in 1831 would cause a general improvement in the system of management of the auxiliary commissions. As part of this reorganisation, the Delegations of Velletri and Orvieto were formed, while the provinces of Perugia, Urbino and Pesaro were subdivided into six areas in total, each of which was intended to have a local commission.<sup>61</sup>

In 1849, after the one-year-long Roman Republic and the subsequent restoration of the Papacy, the Camerlengo permanently lost any control over the historical and artistic heritage of the state, when its administration passed to the newly established Ministry of Commerce, Fine Arts, Antiquity and Industry.<sup>62</sup> Also in this case, the upheavals related to the change of administration, which decreed the end of the traditional positions of general commissary, inspector and assessor, did not seem to have any impact on the functioning of the local commissions. The peripheral bodies devoted to the protection of the artistic heritage, in fact, continued their activities under the new ministerial supervision without any significant interruption. As the political and social changes of these years did not have any substantial impact on these local bodies, Fiorentino has evaluated that, in a timeframe of about five decades from 1820 until the annexing of Rome to Italy in 1871, the activities of management and control of the heritage in the provinces of the state were more than positive and satisfactory.<sup>63</sup> On this estimation, the extensive contribution that the activity of the auxiliary commissions brought to the advancement of scholarship on local and minor artworks should be added, as the understanding of new aspects of traditional arts was achieved only through the effective system of administration dispersed throughout the state. The rediscovery and the preservation of a substantial part of the heritage of the minor localities, which was inaugurated with the establishment of such an effective organisation, succeeded not only in integrating the requirements of the administrative and legal apparatuses, but also meeting the needs of scholarship, culture and community awareness.

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<sup>60</sup> After the uprising of 1848, Pope Pius IX was removed and the Roman Republic proclaimed; in August 1849 the Papacy was restored. See Bartocchini, *Roma nell'Ottocento*. See also the data recorded by Enrico Flaiani in the introduction to the Inventory of the fund *Segreteria del Camerlengato*, *Indice 1254*.

<sup>61</sup> For references regarding the policy of Pope Gregory XVI, see Chapter One of this thesis.

<sup>62</sup> The Camerlengo still exists nowadays, even though he does not have any responsibility on the protection of heritage; he takes care only of administering the finances and the secular properties of the popes. See Flaiani, introduction to the Inventory of the fund *Segreteria del Camerlengato*.

<sup>63</sup> See Fiorentino, introduction to the Inventory of the fund *Camerlengato*.

## The General Catalogue of artworks in the Papal States

If the two fundamental elements for a law on antiquities and the fine arts to be effective are both a strong conceptual core and a well-defined system of supervision distributed throughout the territory, as I have argued, the third fundamental component is a set of legal instruments to be applied to the management and protection of historical and artistic heritage. The legal apparatus defined by the Camerlengo within the new laws of 1820 and 1821 reached a very high level of refinement and maturity, in particular if we refer to the so-called catalogue of “General Statistics” of the artefacts established within the *Edict Pacca*. The purposes of such a legal instrument were both knowledge of the artworks located in the provinces and the smaller areas of the country, and the proper management of the related operations of inspection and safeguarding. However, the system conceived in the same framework for developing this catalogue did not attain a good outcome. As will be explained, the general lack of funds in the Papal States after the Restoration, together with some negligence within the office of the Camerlengo in Rome, would block initiatives of both central and local administrations in this task, so that the catalogue of “General Statistics” was never realised. The first inventory of the artworks of the Papal States was compiled only after Rome was annexed to the Kingdom of Italy in 1870.

The very first model of a general catalogue of artworks – in the current meaning of this term – was defined in the Republic of Venice during the eighteenth century.<sup>64</sup> As early as 1704, the so-called Keeper of the Public Paintings of the Serenissima was in charge of compiling an “exact inventory” of the collections in the palaces of San Marco and Rialto, and for undertaking the regular maintenance and cleaning of the paintings kept there. In 1725, however, the catalogue was not yet completed, as it is recorded that the Senate was not fully informed of the extent of the paintings “actually requiring immediate and precise restoration”.<sup>65</sup> Almost fifty years later, in April 1773, the Keeper of the Library of San Marco, Anton Maria Zanetti, submitted a memorandum to the Senate complaining about the miserable state of neglect of local public heritage, calling also for the preparation of an “exact inventory” of the paintings kept in the churches, monasteries and schools of the whole of Venice.<sup>66</sup> Zanetti’s intended catalogue had a double purpose: to monitor the state of

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<sup>64</sup> See Speroni, *La tutela dei Beni Culturali*, 135-188.

<sup>65</sup> “Veramente sono in più precise necessità di pronto intervento”. Ibid, 138.

<sup>66</sup> Anton Maria Zanetti (1706-1778) was Keeper of the Library of San Marco from 1737 to 1778.



conservation of the artworks for planning future restorations, particularly necessary because the climate of the city was so humid; and to prevent and block the illegal art market of Europe, which had already caused the loss of important paintings of the Venetian School, such as works by Jacopo Bassano and Paolo Veronese. The idea was to expand the catalogue in stages, gradually including the works kept in all the public institutions of Venice, both in the archipelago and on the mainland. After his memorandum, Zanetti was nominated Inspector of Public Paintings and started drafting the catalogue; by 1774 he had already recorded the paintings of all the ecclesiastic buildings in Venice, including information regarding the author, the subject and the location of each piece.<sup>67</sup> In the same year, the plan was extended to the provinces of Brescia, Padova, Verona, Bergamo, and the smaller localities of the state. For this achievement contemporary art historiography has generally recognised Zanetti as the pioneer of the modern catalogue.<sup>68</sup> Nevertheless, the efficacy of such an extensive project proved to be compromised by the lack of systematic criteria for the selection of artworks: as the only recommendation was to identify and register “the renowned paintings of the famous and distinguished artists” of Venice, the content of this early record was entirely subjective, involving personal judgements rather than establishing more objective criteria of description.<sup>69</sup> The first catalogue of the heritage of Venice, therefore, although it proved to be an excellent tool of supervision for preventing the dispersal of further paintings, was developed exclusively on the basis of the personal taste of Anton Maria Zanetti.

If we turn to the situation in the Papal States, the early legislation on the protection of heritage did not provide any sort of inventory, catalogue, or register to guide the approach to the enormous quantity of material scattered throughout Rome. Between the fifteenth and the eighteenth centuries, the system of protection was based merely on the repressive practices of confiscations, corporal punishments and pecuniary sanctions inflicted on those caught breaking the law, as there were no legal instruments for controlling and preventing the infringements. Not even the *Edict Valenti Gonzaga* of 1750, which for more than fifty years represented the most advanced apparatus for the administration of the fine arts, offered a way to circumvent the risks of smuggling, removal or improper restoration of artworks. As there

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<sup>67</sup> Speroni, *La tutela dei Beni Culturali*, 156-161.

<sup>68</sup> There are several publications on this aspect; here I recommend Piva, “Anton Maria Zanetti e la tradizione della tutela delle opere d’arte a Venezia: dalla critica d’arte all’attività sul campo” in *Il restauro come atto critico. Venezia e il suo territorio*, ed. by Piva, 83-114, Venezia: Edizioni Ca’ Foscari, 2014.

<sup>69</sup> “Insigni pitture che sono opere di celebri e rinomati professori”. Speroni, *La tutela dei Beni Culturali*, 157.

was no inventory, operations were carried out on a case-by-case basis, effecting countless cases of transgression and lack of supervision.

The first rough initiative for creating a general catalogue in the Papal States was promoted by Carlo Fea within the *Edict Chiaramonti* of 1802, which introduced an early system of “exact notes” designed for the collectors of Rome. These records were intended to initiate control of “the Galleries of Statues and Paintings, the Museums of Holy and Profane Antiquities, or simple assortments of objects [...] and even [...] one or two single objects” possessed by the private owners of the city, who, in most cases, were the illustrious personages of the old local aristocracy.<sup>70</sup> Fea’s attempt to control the dynastic inheritances was not well received, however, and we know of several cases where the edict was altogether disregarded. For instance, Prince Altieri listed only “one statue bigger than the normal”, while Prince Camillo Borghese listed “one statue without the head”, although both had rich collections; the art dealer Alexander Day, who had a massive traffic of antiquities from Rome to London, refused to present a note at all.<sup>71</sup> Nonetheless, despite this strong resistance, over the two months after the issuing of the edict more than 150 notes were submitted to the office of the Camerlengo, including some fully comprehensive lists with more than four hundred items apiece.

As demonstrated, the idea of creating a catalogue of private artworks to assist in the protection of those collections that survived came to Fea after some of the richest families of Rome had been forced to sell their collections during the Jacobin Republic of 1798-1799, due to extortionate taxation imposed by the rebels.<sup>72</sup> It should be acknowledged that the very same French Directoire planned to compile the first full catalogue of the ecclesiastic heritage of the Papal States during the occupation, although it was not implemented for lack of time. Such a catalogue intended to record all the artworks coming from the churches and monasteries that had been closed in the occupied areas, and was aimed at blocking the uncontrolled destruction and plundering perpetrated by French soldiers in Rome.<sup>73</sup> Considered in a wider perspective, the catalogue of the papal properties proposed in 1798 and the “exact notes” of private collections established in 1802, although both aimed at

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<sup>70</sup> “Gallerie di Statue, e di Pitture, Musei di Antichità Sacre, o Profane, o semplici raccolte [...] ed anche [...] uno, o più oggetti antichi”. *Edict Chiaramonti*, art. 11.

<sup>71</sup> “Una statua superiore al naturale”; “Una statua senza testa”. Prince Altieri was most probably Paluzzo Altieri. *ASR, Camerale II*, b. 7, fasc. 204.

<sup>72</sup> For instance, the collections Braschi and Albani left Rome for Paris in this period. See Ridley, *The Pope’s Archaeologist*, 147-150; Boyer, *Le monde des arts*, 198-202, 219-240; Racioppi, “La Repubblica Romana”.

<sup>73</sup> Since some of the revolutionary soldiers were ravaging artworks in Rome, the French Directoire published a decree on 2 March 1798 to forbid the destruction of the monuments in the city. See Racioppi, “La Repubblica Romana”.

preserving endangered artworks, followed two distinct paths: while the first focused exclusively on the ecclesiastic heritage, the second engaged only with private artworks. At the time, the two entities were still understood as completely separate typologies of heritage.

During the Napoleonic occupation of 1809-1814, further models of catalogue were elaborated by the French Extraordinary Council and the Prefecture of Rome responsible for the administration of the Papal States. The principal example was the catalogue of 1810, established with the purpose of controlling the dramatic loss of artworks following the abolition of the religious corporations in the Papal States.<sup>74</sup> Soon after these institutions were disbanded, a mass of artworks flooded Rome and the illegal market; in response to the emergency, a group of French commissaries was appointed to compile a catalogue to provide for the safety of the most valuable pieces. The aim was to record all the objects endangered by destruction or smuggling, and to identify the precious “Holy Vases, decorations of Churches, paintings and other artistic objects” that should be moved into the Capitoline Museum for safe keeping.<sup>75</sup> As this catalogue was compiled with the greatest urgency, it proved to be quite generic, no more than a simple list of items. However, according to Curzi, this was the first catalogue which had a real impact on the administration and safeguarding of the artworks in Rome, as it was established as a tool of supervision for preventing the further dispersal of important materials.<sup>76</sup>

The second example to take into consideration is the inventory of the buildings, the churches and the monasteries, in short the non-movable heritage of the Papal States, initiated by the French Council in 1810.<sup>77</sup> In this case, the purpose was essentially to collect records related both to the state of preservation of the monuments and to the operations required for their future restoration. Following the recent analysis of Calzolari,<sup>78</sup> it can be deduced that the criteria adopted for structuring such a catalogue were based on a wide, clear concept of artistic heritage. The monuments were divided into five classes: catacombs; pagan temples converted into Christian churches during the early epochs of Christianity; modern churches

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<sup>74</sup> This catalogue was established with the French decree of 28 May 1810. The religious corporations had been dissolved by the French government on 10 April 1810. See Sgarbozza, “Roma 1810-1814”; Curzi, *Bene culturale e pubblica utilità*, 97-103.

<sup>75</sup> “Vasi sacri, ornamenti di Chiese, quadri e altri oggetti d’arti”. According to the analysis of Sgarbozza, some of the items coming from the disbanded churches were sold, while the rest was moved into the Capitoline Museum; for the criteria used for selecting the pieces destined for the museum, see Sgarbozza, *Le spalle al Settecento*. For the quote, see Curzi, *Bene culturale e pubblica utilità*, 98.

<sup>76</sup> See Curzi, *Bene culturale e pubblica utilità*, 97-103.

<sup>77</sup> This catalogue was established with the *Règlement sur les fouilles et la conservation des monuments dans les Départements de Rome et le Trasimeno*, of 9 July 1810. Only the catalogue of Rome was completed, although the original aim was to map the monuments in the provinces also. See Nuzzo, *La tutela del patrimonio artistico*, 10-24; Calzolari, “Le commissioni preposte alla conservazione”.

<sup>78</sup> See Calzolari, “Le commissioni preposte alla conservazione”.

turned into artistic monuments for their beauty; churches with frescoes, mosaics, pavements, tombs, columns, monuments and ornaments of high value; and churches from which artworks could be removed “without any serious loss for the Study of the History and the arts”.<sup>79</sup> As with the previous example, this catalogue, completed by 1811, was compiled in a relatively short time, but it immediately proved to be an excellent technical instrument, used both for regular inspections and interventions for restoration of the monuments of Rome. Within this framework, according to Curzi, the register of the paintings scattered throughout the minor areas of the Papal States was also initiated, although it never came to completion.<sup>80</sup> The idea of artwork informing this inventory was extremely partial and outdated though, and quite a contrast with the wide concepts promoted by art scholarship in the same years: in fact, it was only planned to record the important masters of the sixteenth and seventeenth century, and in particular those which belonged to the classical tradition. Regarding the catalogues compiled in Rome during the French occupation, following the data available in the literature, it can be observed that none of them, assembled so quickly or in a partial way, was complete and systematic, yet all proved to be fine safety measures for rescuing historical and artistic heritage.<sup>81</sup>

Stemming from these early prototypes, the papal catalogue of “General Statistics” established within the *Edict Pacca* in 1820 represented the first attempt of the local administration to define a complete, functional map of antiquities and artworks scattered throughout the state, assembling data related both to quantity and distribution. Most importantly, the planned compilation of such a catalogue was regarded as the first strong legal tool to use for the procedures of administration and protection, and to consult in the case of damage, removal or illegal exportation of the registered objects. On 16 December 1825, the Camerlengo Galeffi appointed the General Commission of Fine Arts and instructed it to coordinate and establish criteria for compiling the first register of “General Statistics” of papal heritage.<sup>82</sup> The original set of rules prescribed that any person in charge of “a collection of Statues and Paintings, [...] of holy and profane Antiquities, or even just one precious

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<sup>79</sup> “Sans un grave inconvénient pour l’Etude de l’histoire et des arts”. See Curzi, *Bene culturale e pubblica utilità*, 101.

<sup>80</sup> The towns where paintings were recorded were: Caprarola, Narni, Spello, Spoleto, Assisi, Grottaferrata, Frascati, Castel Gandolfo, Marino, Subiaco, Velletri, Cori, Piperno, Sutri, Capranica, Palestrina, Bassano, Rocca di Papa, Cisterna, and Corneto; almost all these towns were part of the Comarca of Rome. See Curzi, *Bene culturale e pubblica utilità*, 114.

<sup>81</sup> According to Sgarbozza, the inventories of the collections of the Capitoline and the Vatican museums, which were compiled in the same years, were also inaccurate, extremely vague and full of mistakes. See Sgarbozza, *Le spalle al Settecento*; Calzolari, “Le commissioni preposte alla conservazione”.

<sup>82</sup> The documentation related to the issues of the “General Statistics”, discussed in this section, is gathered in a single file: ASR, *Camerlengato*, p. II (1814-1823), tit. IV, b. 157, fasc. 256.

object of Fine Art”, had to submit an “exact Note” of his or her property to the office of the Camerlengo, within a period of one month from the introduction of the law.<sup>83</sup> Such an “exact note” referred essentially to the artworks kept in churches, oratories and monasteries, in short in the ecclesiastic building of the state, which were usually administrated by canons and were designated as the property of the pope. Besides the artworks of the Catholic Church, the private collectors and the art dealers were required to submit a “special description” of the objects “of singular and renowned value for Art and Scholarship” that they owned, which were intended to be confined to the state and subjected to regular inspections by the pertinent auxiliary commission.<sup>84</sup> Consequently, all the items registered within the catalogue could not be exported, altered, restored or relocated without the approval of the inspectors, the commissary and the Camerlengo in person.

Given that the purpose of such a catalogue was to track the presence of artworks, antiquities and monuments from the centre of Rome to the small hubs in the provinces, a well-organised system was conceived to gather and authenticate each “note” or “description”. Every collector, dealer or ecclesiastic was asked to compile a list of his artworks; this record subsequently needed to be validated by the pertinent local commission, so that two copies could be created: one was deposited in the office of the auxiliary commission in the related province, the other was sent to Rome, to the archive of the Camerlengo. The original list was returned to the owner, who assumed the legal responsibility for the works; such a document represented the official certificate to display in case of controversy, robbery or inspection.

Even though the guidelines provided were quite clear, soon after the Camerlengo had taken the first steps towards a full implementation of the law, a widespread hesitation seemed to hinder the procedures for collecting the “notes” and the “descriptions” in all the provinces. A few, isolated steps for creating an “exact inventory” of the local artworks were taken only in the province of Perugia, where, as already mentioned, a very resourceful auxiliary commission managed to initiate drafts in the same year, 1825. According to the original proclamation of the Apostolic Delegate for Perugia on 27 May, Adriano Fieschi, the local catalogue was meant to provide for the following information:<sup>85</sup>

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<sup>83</sup> “Raccolte di Statue e di Pitture , [...] di Antichità sacre e profane, o anche uno o più oggetti preziosi di Belle Arti”; “esatta Nota”. The procedures for the catalogue are defined in articles 7-10 of the *Edict Pacca*.

<sup>84</sup> “Speciale descrizione”; “singolare e famoso pregio per l’Arte o per l’Erudizione”. Ibid.

<sup>85</sup> Adriano Fieschi (1788-1858) was Apostolic Delegate from ? to 1834.

The indication of the real current state of conservation [of the objects], the restorations or repairing they need, and anything else that can be important [...] to plan [...] the measures for the benefit of the ornaments that make illustrious this province to foreigners, and that attract the curiosity of admirers.<sup>86</sup>

It is clear that the catalogue of Perugia had a double aim: to found a basis for long-term campaigns of conservation and restoration of the artworks; and to create a system for promoting local heritage, in order to attract scholars and tourists. Moreover, such a catalogue would finally create a tool to control the centuries-old problems of destruction, smuggling, and alteration of Perugian paintings:

We have heard of some Owners of prestigious Paintings acting very barbarously and carelessly, getting rid of them as useless bulk; other times we have heard of someone who entrusted the restoration of illustrious objects to Artificers not skilled at all in that difficult art [...].<sup>87</sup>

On 25 June 1825, the Apostolic Delegate Fieschi submitted a document to the Camerlengo in Rome, raising some questions that were crucial for the completion of the general catalogue of the entire Papal States. The main issue, quite obviously, concerned the financial resources required for fulfilling the tasks and reimbursing the officers involved in the work; the second enquiry regarded the guidelines to follow for compiling the catalogue, necessary for developing a standard format throughout the country. While the economic concerns will be outlined later in this chapter, at this stage of the argument it is important to evaluate the memoranda compiled by the two major artistic institutions of Rome, the Academy of San Luca and the General Commission of Fine Arts, which were entrusted with the identification of the criteria and norms for the catalogue. The analysis of these documents, kept in the Archive of the State of Rome, is useful in tracking the further development of the

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<sup>86</sup> L'indicazione del loro vero stato attuale, dei restauri o dei ripari di cui abbisognerebbero, e quant'altro potesse interessare [...] per poter concertare [...] i provvedimenti da adottarsi a beneficio di tanti ornamenti che rendono illustre presso gli estranei questa provincia, e che richiamano fin da lontano la curiosità dei dotti ammiratori.

<sup>87</sup> Si è talvolta sentito essersi da talun Possessore di pregevole Dipinto dato prova di particolare barbarie col mostrarsi indifferente estimatore del medesimo, e cercare di guastarlo quasi inutile ingombro al suo sguardo: Altre volte si è sentito esservi chi ha affidato i restauri di insigne oggetto ad Artefice per nulla perito nella difficil'arte [...].

concept of artistic heritage, and the systematisation of the methodologies and the approaches to art history which matured during the third decade of the nineteenth century.<sup>88</sup>

The first model of catalogue was proposed to the Camerlengo by the artists of the Academy of San Luca on 8 August 1825. As emerges from the documents, their idea of a catalogue was very wide and comprehensive, and aimed at including both a broad typology of artworks and handicrafts, and a detailed description of each of the objects listed; however, they based this construction on a paradigm that still referred to “major” and “minor” artworks. The materials were classified into four categories: the monuments of Architecture; the monuments of illustrious Painting; the monuments of illustrious Sculpture; the monuments of the subordinate Arts. Significantly, here the definition “monument” is applied indiscriminately to all these forms of art, covering the three traditional “major arts” – architecture, painting and sculpture – as well as the “subordinate arts”. The last entry consisted of objects:

Which have connection with the primary Arts, that is to say: works of wooden carving (intaglio); works of ivory carving (intaglio) both bas-reliefs and full-reliefs; works of hard-stone engraving; works of copper engraving; collections of holy, Roman, Greek, Oriental medals; Shields and Armours from the Middle Age; Tabernacles; Cippi; Ancient Aedicule; Inscriptions; Sepulchral Monuments; Monuments built for the glory of the Saints, and illustrious Men; Mosaics, placed on the walls, on the vaults and on the floors; Miniatures on ancient parchments; Etruscan Vases; Etruscan and Oriental characters; Papyrus; Illustrious Codices.<sup>89</sup>

It is interesting to note that this category, although it referred to items that were thought subordinate to the main arts, demonstrated a clear awareness of both the variety of the artistic production of Rome, and typologies of artworks that had not been created under the auspices of the popes. Apart from the Etruscan artefacts, already included in the *Edict Pacca*, some selected minor artefacts of Greece and the Middle East were introduced to legal

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<sup>88</sup> As already mentioned, these documents are gathered in a single file: ASR, *Camerlengato*, p. II (1814-1823), tit. IV, b. 157, fasc. 256.

<sup>89</sup> Che hanno cognazione colle Arti primarie, vale a dire: lavori d'intaglio in legno; lavori d'intaglio in avorio sia in basso rilievo, sia in tondo rilievo; lavori d'incisione in pietre dure; lavori d'incisione in rame; medaglieri sacri, Romani, Greci, Orientali; Scudi, e Armature del Medio Evo; Tabernacoli; Cippi; Edicole Antiche; Iscrizioni; Monumenti Sepolcrali; Monumenti innalzati alla fama de' Santi, degli Uomini illustri; Musaici tanto ordinati su i muri, e sulle volte, che fissi sul terreno; Miniature sulle antiche pergamene; Vasi etruschi; Caratteri etruschi, e orientali; Papiri; Codici celeberrimi.

protection within this memorandum. This factor was very likely connected to the exploration of Greece and Asia Minor carried out by European states in the same years, which, as previously stated, was gradually introducing new materials and archaeological data to scholarship. On the other hand, the idea of including only the “illustrious” examples of painting and sculpture demonstrated that the basis for selection remained subjective, and that the obsession with masterpieces was still significant despite the historical importance of expanded categories of artefacts having been clearly stated by law.

Regarding the description of the objects, the professors of the Academy recommended specifying the following information:

- 1- The place where the monument is located.
- 2- The owner of the monument.
- 3- A description of the monument.
- 4- The current state of preservation.
- 5- The epoch and the attribution to an artist.
- 6- Specify, if it is possible, the History of the monument, [...] the transfers of ownership, [...] the Authors who wrote about it.
- 7- Suggestions to improve the object, if it needs any restoration, and anything that can assist its better conservation.<sup>90</sup>

Evidently, one of the main concerns of the professors was the state of preservation of the artworks, and the actions required for their protection and optimal maintenance. Most importantly, it emerged that the history of “monuments” of all types was becoming essential for both scholarship and administration: the description of the phases of the existence of each piece, the critical reception it had had through the centuries, the removals and the changes of ownership it had undergone, therefore, were expected to be recorded in the catalogue. From this perspective, it is clear that artworks had started to be considered not only as products born under the hand of the artist, but also as objects with a life history, constituted of different moments of “adoration, admiration, love, hatred, indifference, and successive

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<sup>90</sup> 1 - Il luogo ove il monumento si trova; 2 - Il possessore di detto monumento; 3 - La descrizione del monumento medesimo; 4 - Lo stato in cui si trova attualmente; 5 - L'epoca, l'Autore, a cui può appartenere; 6 - Indicazione, se possibile, della Storia del monumento [...] dei passaggi [...] degli Autori che ne hanno scritto; 7 - Suggestimenti sul miglioramento dell'oggetto, se avesse bisogno di restaurazione, e quanto porria concorrere alla sua migliore conservazione.



degrees of erosion”, that in many cases made them something very different from the original, newly-made pieces created by the artist.<sup>91</sup>

On 2 January 1826, the office of the Camerlengo also received the memorandum of the General Commission of Fine Arts, with their instructions for compiling the general inventory of statistics.<sup>92</sup> As a deep analysis of the documents has revealed, this second model of catalogue represented the most complete legal apparatus conceived for the protection of antiquities and artworks after the French occupation, and provided also an unexpectedly comprehensive definition of artistic heritage. The categories proposed by the commissaries for classifying objects were not only broader than the ones defined by the professors of the Academy of San Luca, but also based on completely different principles:

- 1- Regarding the capital of each province, and the localities under its jurisdiction, it has to be specified if there are ancient remains that precede the tenth century of the Vulgar Era [...] not omitting the ancient roads [...].<sup>93</sup>
- 2- Which are the monuments or the remains of epochs subsequent to that one, until the fifteenth century. [...] This information is of particular importance [...].<sup>94</sup>
- 3- Good Modern Architectures, both Holy and Profane in the surrounding cities.
- 4- It has to be described whether there are sculptures of the first epoch in Public [spaces].<sup>95</sup> In case there are public Museums, or Collections, a complete inventory must be compiled, not omitting the Museums of Medals, the Museums of Cameos and Gems and other rarities, nor the Museums of Natural Sciences, Mineralogy, Physics, as well as the Collections of Old Armour connected to the traditions.
- 5- Similarly, private Museums and Collections must be indicated.

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<sup>91</sup> The words of Marguerite Yourcenar are fundamental to this approach: “On the day when a statue is finished, its life, in a certain sense, begins. The first phase, in which it has been brought, by means of the sculptor’s efforts, out of the block of stone into human shape, is over; a second phase, stretching across the course of centuries, through alternations of adoration, admiration, love, hatred, and indifference, and successive degrees of erosion and attrition [begins]”. See Marguerite Yourcenar, *That mighty sculptor, Time*, New York: Farrar, Straus and Giroux, 1983, 57.

<sup>92</sup> *Memoria sopra la Statistica di Antichità e Belle Arti*, undersigned by the Secretary Filippo Aurelio Visconti.

<sup>93</sup> The definition “Vulgar Era” referred to the Early Middle Ages until the so-called Renaissances of the eleventh and twelfth centuries.

<sup>94</sup> The commissaries remarked that “this information is of particular importance, because in the topographic maps [such data] are not indicated”. These “maps” referred to the “Catasto Alessandrino”, the land register created by Alexander VII in 1660-1661. This register recorded ancient monuments and buildings in the Papal States, but only those next to the main roads of the state. All the other remains were excluded. The Catasto Alessandrino was still in use at this date, as the new land register was completed only in 1836 under Pope Gregory XVI.

<sup>95</sup> Working from the volume of Seroux d’Agincourt, *The Art History explained through the Monuments of its Decadence*, I have concluded that definition of “first epoch” refers to the artworks produced between the half of the thirteenth century and the early fourteenth century. See Chapter One for discussion of d’Agincourt.

- 6- Regarding painting, the Ancient must be annotated together with the ancient mosaics, in any place they are located.<sup>96</sup>
- 7- If there is a public Gallery of Paintings, a description must be submitted, specifying the pieces that deserve particular consideration. Similar [procedures apply to] the Collections of Codices, Engravings and Miniatures.
- 8- The paintings requiring conservation have to be annotated, whether from the decadence, the Risorgimento of the Arts, or the current century, that are in Churches or in private buildings or houses, especially if they form Galleries, in which case we should proceed as for sculpture.<sup>97</sup>

It is clear that while the academics chose the traditional structure of major arts and minor arts as their basis – illustrious painting, illustrious sculpture, architecture, subordinate objects – the commissaries preferred a classification built on historical chronologies. According to their standards, the monuments and the artefacts of any epoch and style could be included within the catalogue, as the related categories were assigned according to their epoch of production and not their artistic qualities. Such an innovative method of classification, not unexpectedly, referred also to the background and the definitions proposed by Seroux d’Agincourt, whose volume *History of Art on the monuments of the “decadence”* had just been published in Rome in 1823. Within this new catalogue, therefore, the artworks of the Early and the Late Middle Ages, which were not mentioned in the *Edict Pacca*, had a specific section equal to the others. Also the pieces that were usually understood as “subsidiary”, such as armour, cameos, gems, codices, prints and miniatures, were considered

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<sup>96</sup> The definition “Ancient mosaics and paintings” referred to the productions of the Roman Empire, such as frescoes and decorations in houses and villas.

<sup>97</sup> 1- Sia indicato da ogni città capo di Provincia tanto per la città, quanto per quelli luoghi di sua dipendenza , se vi sono in città antichi avanzi, che precedano il decimo secolo dell’Era volgare [...] non trascurando le antiche vie [...].

2- Quali sieno i monumenti, o ruderi a tale epoca posteriori, fino al decimo quinto Secolo. [...] Questa notizia è anzi riguardata con tanto interesse, che l’esatte Carte topografiche, non hanno il pregio di perfezione, se non vi si rinvencono indicate.

3 – Le moderne buone architetture tanto Sacre, che Profane di nelle Città di nei dintorni.

4 – Si descrivano, se vi sono Sculture della prima epoca presso il Pubblico. Se vi è pubblico Museo, o Raccolta, formandone diligente inventario, non omettendo in questo i Musei di Medaglie, le Dattialoteche di Cammei Gemmato ed altre rarità, non trascurando i Musei di Storia Naturale, di Minieralogia, di Fisica, di come anche le Raccolte di vecchie Armature utili al costume.

5 – Sieno ugualmente indicati i privati Musei, o Raccolte.

6 – Circa la Pittura, si notino unitamente le Antiche, gli Antichi Musaici, in qualunque luogo questi esistano.

7 – Se vi sarà pubblica Galleria di Quadri, far trasmettere la descrizione annotando quelli degni di una più singolare considerazione. Così circa le Raccolte di Codici, stamature, Miniature.

8 – Si notino le pitture degne di essere conservate, sieno della Decadenza, sieno del Risorgimento delle Arti, sieno del presente Secolo, che esistono nelle Chiese, o nei privati palazzi, o case, specialmente se formano Gallerie, nel che si procederà come nelle Sculture.

here on the same level as painting and sculpture. The specimens of disciplines such as the natural sciences, mineralogy and physics came under legal protection as well. The safeguarding of these objects, which would also be included in the Greek law of 1834, was a rather exceptional new entry for the Papal States; such collections were typical of the northern European *Wunderkammern* and the Florentine cabinets, but had never been common in Rome.

In this context, a further aspect should be noted. If one accepts that these were the most important steps towards the redefinition of the methodological approaches to art heritage and art scholarship, it is noteworthy that they were not taken by the artists teaching in the academy, but by the commissaries dealing on a daily basis with the management of artworks. As emerged in the first chapter, during the early decades of the nineteenth century artistic knowledge had started to widen the traditional concepts and categories of artworks; already at that time, the administrative apparatuses of the state were the first to adopt and further develop these innovations. The elaboration of consistent criteria for the catalogue in 1826 made clear that the practical activities of protection and administration brought about the establishment of new instruments, approaches and perspectives for art history, innovative concepts which the purely academic disciplines had been unable to develop.

The papal catalogue of general statistics designed in 1825-1826, although it was never finalised, represented in principle the most complete and advanced tool for the administration of the arts established up to that point. Although it was based on the models established in Venice and on the inventories compiled during the Napoleonic occupation, the conceptualisation of the new papal catalogue managed to define a more coherent legal apparatus and a wider idea of heritage than those prototypes. In relation to the Venetian model, the papal register clearly integrated the practical aims of managing both the restorations and the exports of artworks as already established by Anton Maria Zanetti. Regarding the relationship to the French model, a report kept together with the memoranda in the Archive of the State of Rome demonstrates that the papal administrators had consulted and extended some of the guidelines established for the catalogues of the Napoleonic Empire. This report, which has no date, is a translation from French of the guidelines applied for the inventories of the empire, presumably made at the behest of the papal administrators. It referred to the following items:<sup>98</sup>

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<sup>98</sup> *Istruzione unita al Rapporto della Commissione delle Antichità della Francia*, without date. For the catalogues of the artworks in provinces of France, see Poulot, *'Surveiller et s'istruire'*, 319-375.

- 1- All the monuments in stone [...] generally recognised as Celtic monuments.
- 2- All the prominences, or accumulations of soil, recognised [as] Mounds; indicate [...] the objects found in those that were [excavated].
- 3- The remains of all the roads from antiquity, or from the middle ages, as well as those less ancient but abandoned [...], a map of these roads must be created. Indicate [...] the buildings [on] these roads [...]; if they were described in some printed books, the title must be specified [...].
- 4- All the ancient milestones [...]; create [...] maps of them; give the title of the books in which they are described.
- 5- All the monuments, buildings, columns, foundations, walls of the cities. It is important to observe [...] especially those whose different construction refers to different epochs [...]. Regarding the walls that are Roman work, it must be examined [...] whether they are founded on older constructions, Gallic or Greek [...]. Also, it must be observed if successive extensions of these monuments exist, noticing all the ancient constructions, or the Medieval, or those preceding the tenth century [...].
- 6- Indicate exactly the places where [...] any kind of antiquity was found [...] [indicate] the traditions related to these places, and the books that talk about them.
- 7- [...] Draw up all the inscriptions [...], Greek, Latin, Medieval, and the ones prior to the tenth century [...].
- 8- [...] Describe all the ancient abbeys and castles [...], all the constructions built between the beginning of the tenth century and the end of the fourteenth century [...].
- 9- The castles, the abbeys, or other constructions after the end of the fourteenth century until the present, that deserve attention for their architecture and popular tradition [...]. Register [...] the current use of it.
- 10- [...] The epitaphs and the inscriptions [...] useful for the history [...].
- 11- Search for [...] the different denominations that the different places had in Latin, in ancient French, or in vulgar dialect, and extend this research to the small places [...].

12- Give the list of the ancient documents, the titles, the chronicles, the memoirs, the lives of the famous people, of all the manuscripts useful for historical studies, existing in the Departments [...].<sup>99</sup>

It can be observed that the general structure of the French catalogue and the papal catalogue were quite similar, although the French prototype mentioned typologies of works that were not common in the papal territories, such as mounds and Celtic or Gallic monuments. In both cases the life history of each artefact acquired a specific importance, together with information related to bibliographic references and local historic traditions. Therefore, it can be inferred that the papal establishment had explicitly drawn these elements from the French scholarship translated for the report.<sup>100</sup> In the Papal States, the data related to the historical vicissitudes of each artwork would assume a fundamental value not only for the management and the legal protection of the artworks, but also, especially, for prospective plans of conservation and restoration.<sup>101</sup>

On the other hand, despite the clear reference to the French standards, the papal register of statistics appears to have widened the concept of heritage, and to have created a

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<sup>99</sup> 1- Tutti i monumenti in pietra [...] ai quali è stata attribuita la denominazione di monumenti celtici.

2- Tutte le eminenze, o terre accumulate, conosciute [come] Tumuli, indicare [...] quali oggetti siano stati rinvenuti in quelli che sono stati [scavati].

3- Le vestigia di tutte le vie antiche, o del medioevo, come pure di quelle meno antiche, che sono state abbandonate [...], fare una carta di queste vie. Indicare [...] le costruzioni [...] sopra queste strade [...]; se sono stati descritti in qualche opera stampata, dare il titolo [...].

4- Tutte le pietre milliarie antiche [...]; fare [...] carte a questo scopo; dare i titoli delle opere dove sono state descritte.

5- Tutti i monumenti, edifici, colonne, fondamenta, mura di città. Bisogna soprattutto fare osservare [...] quelle che attestano diverse epoche per la loro costruzione diversa [...]. Per i muri che passano per opera romana, esaminare [...] se non sono fondati sopra costruzioni più antiche, Galliche o Greche [...]. Osservare inoltre se esistano monumenti de' loro ingrandimenti successivi, notare tutte le costruzioni antiche, o del Medioevo, tutte quelle che credonsi anteriori al X secolo [...].

6- Indicare esattamente i luoghi dove [...] sono state trovate antichità di qualsivoglia genere [...], [indicare] le tradizioni relative a questi luoghi, e le opere che ne hanno parlato.

7 - [...] Disegnare tutte le iscrizioni [...], greche, latine, del Medio evo, che si credono anteriori al X secolo [...].

8 - [...] Descrivere le antiche abbazie, tutti gli antichi castelli [...], tutte le costruzioni fatte dal principio del secolo X fino al termine del secolo XIV.

9 - I castelli, abbazie, o alter costruzioni dopo la fine del secolo XIV fino agli giorni nostri, che meritano l'osservazione per la loro architettura o per tradizioni popolari [...]. Fare conoscere [...] la destinazione odierna [...].

10 - [...] Gli epitaffi e le iscrizioni [...] utili per la storia.

11 - Cercare [...] i nomi che i diversi luoghi hanno portato in Latino, in Francese antico, o in dialetto volgare, ed estendere queste ricerche fino ai piccoli luoghi [...].

12 - Dare la lista delle antiche carte, titoli, cronache, memorie, vite di personaggi celebri, di tutti i documenti manufatti utili per la storia, che esistono nei dipartimenti [...].

<sup>100</sup> The analysis of art scholarship in France after the end of the Napoleonic Empire is beyond the scope of this thesis. A good introduction is Leon: *La vie des monuments français*.

<sup>101</sup> The aspect of the importance of the history of the monuments in relation to the new projects of restoration has been widely analysed. Here I recommend: Nuzzo, *La tutela del patrimonio artistico*.

more coherent combination of the major legal features of the previous “notes” and “descriptions”. The model proposed by the General Commission in 1826 planned to create the first comprehensive catalogue of both private and public heritage of the state; of single items and collections; of profane and holy materials; of artistic and scientific items; of movable and unmovable pieces; of the artworks of the “Decadence” and the “Risorgimento” of the arts; of those of the “Vulgar Era” and the “Modern period”. All these, clearly, were in addition to antiquity. Approaching these materials as equal products of human creativity, this catalogue would make possible the gradual demise of the traditional system of distinguishing minor and major artworks, redefining also the approaches and methodologies of art historical scholarship.

The essential problem of the catalogue of statistics of 1826 was not conceptual but rather, as already stated, related to the lack of economic resources in the central administration, which prevented its implementation. The Camerlengo Galeffi, from the time of his earlier despatches, had made clear that the office of Rome did not intend to bear the expenses for any of the catalogues in the seventeen provinces, as this would have led to the financial collapse of the administration.<sup>102</sup> The General Commission of Fine Arts, on its side, had provided a rather weak solution to the problem, asking that these costs be assigned to the local municipalities and nominating the central Treasury of the Apostolic Palace as the office that should provide further information.<sup>103</sup> The Apostolic Delegate of Perugia, as well as many of the other delegates, had been complaining about the constant lack of funding for the activities of the auxiliary commissions since 1821: “I think that it is unfair that the Professors appointed have to use their own money to execute the orders of the Government”.<sup>104</sup>

The economic problems of the Papal States in the years after the Restoration were so serious and complicated that the funds for compiling the general catalogue were clearly not a high priority. The project to record an inventory of general statistics, therefore, was delayed from the outset. Indeed, it was never to be realized.

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<sup>102</sup> See for instance the letter that Galeffi wrote to the General Commission on 16 September 1825.

<sup>103</sup> Memorandum of the General Commission of Fine Arts of 2 January 1826.

<sup>104</sup> “Non mi sembra conveniente che li Professori incaricati debbano del proprio spendere per eseguire gli ordini del Governo”. Letter of Fieschi to the Camerlengo, 25 June 1825.

Figure 12 Map of the Kingdom of Greece, 1836.

[http://1.bp.blogspot.com/SN7\\_HRC5HdA/U4xZZP1xoYI/AAAAAAAAAsM/yHO8\\_r7ItHg/s1600/Greece+map+1836.pn](http://1.bp.blogspot.com/SN7_HRC5HdA/U4xZZP1xoYI/AAAAAAAAAsM/yHO8_r7ItHg/s1600/Greece+map+1836.pn)

## Athens and its Provinces after 1834

When the *Law on the scientific and artistic collections of the State* was published in Athens in 1834,<sup>105</sup> both the geopolitical situation and the territorial administrative configuration of Greece were still under development. The Bavarian Regent George Ludwig von Maurer was fully aware of that when defining the new system of management for the artistic heritage of the country, so that he elaborated an extremely precise organization for the new legislation in a situation which was unstable and unprepared for its implementation. As already explained, in the first half of the nineteenth century the protection of antiquities and monuments was a major question in Greece, both as a result of the dire consequences of the war of independence and the continuous trafficking of statues and ancient marbles to other European countries: prompt effective resolutions were urgently required from the newly-established Bavarian government. In 1833, soon after King Otto of Wittelsbach took power, an early model of the so-called Archaeological Service was established within the Ministry of Ecclesiastical Affairs and Public Instruction to manage emergency cases of destruction and smuggling of antiquities throughout the country, while waiting for proper legislation to be issued.<sup>106</sup> This body was composed of three inspectors, who were responsible for “the [...] excavation and the discovery of the lost masterpieces of arts, for their care and safeguard, for their surveillance against the [risk of] exportation from the state”, in the three regions of the Peloponnesus, the Aegean Islands and the mainland of Greece.<sup>107</sup> They were under the direction of a general conservator, who was expected to supervise the first director of the National Museum of Greece in Aegina also.<sup>108</sup> In 1834, Maurer reconfirmed the administrators of the Archaeological Service in his decree, further developing an extensive

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<sup>105</sup> *Περὶ τῶν ἐπιστημονικῶν καὶ τεχνολογικῶν συλλογῶν, περὶ ἀνακαλύψεως καὶ διατηρήσεως τῶν ἀρχαιοτήτων καὶ τῆς χρήσεως αὐτῶν*, published in the Government Gazette of the Kingdom of Greece of 10/22 May 1834. As for the previous chapter, I will use the German translation of the law.

<sup>106</sup> This first Archaeological Service was established in April 1833, within the decree *Περὶ τοῦ σχηματισμοῦ καὶ τῆς ἀρμοδιότητος τῆς ἐπὶ τῶν Ἐκκλησιαστικῶν καὶ τῆς Δημοσίας Ἐκπαιδεύσεως Γραμματείας τῆς Ἐπικρατείας* [About the establishment and duties of the Administration for Ecclesiastic and Education Affairs]. In 1834 it would become the Αρχαιολογικὴ Υπηρεσία in the Ministry of Ecclesiastical Affairs and Public Instruction. According to Petrakos, the first service for the protection of antiquities was established in 1829 by Kapodistrias. See Kokkou, *Ἡ μέριμνα γιὰ τὶς Ἀρχαιοτήτες*; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 20-39.

<sup>107</sup> “[...] Ἡ ἀνασκαφὴν καὶ ἀνακάλυψιν τῶν ἀπολεσθέντων ἀριστουργημάτων τῶν τεχνῶν, ἢ φροντίς περὶ τῆς διαφυλάξεως τῶν εἰσέτι ὑπαρχόντων καὶ ἡ ἐπαγρυπνησις εἰς τὸ νὰ μὴ ἐξαγῶνται ἀπὸ τὸ Κράτος”. Petrakos, *Δοκίμιον γιὰ τὴν Αρχαιολογικὴ Νομοθεσία*, 19.

<sup>108</sup> This early body was composed of Adolf Weissenburg (General Superintendent), Ludwig Ross (Inspector for the Peloponnesus), Kyriakos Pittakis (Inspector for the mainland of Greece), Ioannis Kokkonis (Inspector for the Aegean Islands) and Athanasios Iatridis (Director of the National Museum). See Kokkou, *Ἡ μέριμνα γιὰ τὶς Ἀρχαιοτήτες*, 70-71; Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 2, 13-15.



structure of commissions and conservators that were expected to supervise the heritage of Greece at every level, from the capital to individual local communities.

The geopolitical arrangement of Greece under the Bavarian rulers was based essentially on three regions (Νομαρχίες), each of which presided a number of provinces (Νόμοι): the mainland of Greece administered the areas of Attica and Boeotia, Phocis and Phtiotis, Aetolia and Acarnania; Peloponnesus administered the areas of Argolis and Corinth, Achaia and Elis, Arcadia, Messenia and Laconia; the Aegean Islands administered the areas of the Cyclades, Euboea and the North Sporades.<sup>109</sup> Each of these provinces was divided, in turn, into 30 municipalities (Επαρχίαι), each of which was further partitioned into several small towns. Maurer's law, in the first section, prescribed the creation of various museums of different ranks and grades, which were placed in these different localities according to a hierarchical scheme which started from the municipalities, passed through the provinces and regions, and culminated in the ministry in Athens.<sup>110</sup> These local institutions, as previously explained, were classified according to the typologies of materials they collected, differentiating scientific instruments, natural history, antiquities, paintings, coins, casts and written documents.<sup>111</sup> The museums of each area were under the supervision of a conservator, or a superintendent, who was nominated from among the recognised artists, the scholars of the Academy of Science and Fine Arts, and the professors of the University; in the minor areas the appointments were chosen from among secondary school teachers.<sup>112</sup> These conservators, at any level or grade, were not only responsible for collections, museums and inventories, but were also chairmen of the local Scientific and Artistic Commissions. These commissions were established in each region, province and municipality, at different levels and ranks in hierarchical relationships, and were in charge of a wide range of activities within their respective areas of authority.<sup>113</sup> They were responsible for purchasing, selling, and disposing of scientific, ancient and artistic objects in local collections; for drafting the inventories of local museums; for arranging the conditions of conservation of collections; for administering endowments and allocations; and for maintaining collections and related buildings. Each commission, depending on its grade, was required to supervise and to approve the activities of subordinate commissions, and to report regularly to the central

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<sup>109</sup> See John Murray, *Handbook for travellers in Greece*, 2<sup>nd</sup> ed., London: John Murray, 1854, 101. See the map of Greece at the beginning of this section.

<sup>110</sup> Athens was nominated the capital of Greece in 1834, soon after Otto of Wittelsbach was established as King; Aegina had been capital of Greece until the end of 1829, and Nauplio from 1830 to 1833.

<sup>111</sup> *Gesetz*, section 1, art. 1-2.

<sup>112</sup> *Gesetz*, section 2, chapter 1, art. 20-28.

<sup>113</sup> *Gesetz*, section 2, chapter 2, art. 29-47.

Ministry of Ecclesiastical Affairs and Public Instruction. Within this framework, therefore, any purchase, sale, restoration or relocation of works had to be approved by the superior commission and reported for endorsement to the ministry in Athens.<sup>114</sup>

The Central Scientific and Archaeological Commission was the head office for all the commissions from the different areas, at any level or grade.<sup>115</sup> It was composed of the General Conservator, the Curator of the Central Collections, two members of the Academy of Sciences, two members of the Academy of Fine Arts, two Professors of the University, and two other scientists or scholars. Although the Central Commission was asked to supervise the subordinate authorities and their respective activities, its functions were rather limited, and very similar to those of the local panels. Unlike the one in Rome, this commission did not have any decision-making or directive power, and was chiefly concerned with duties of support and assistance to the general conservator. The General Conservator of Greece, or General Superintendent, the so-called *Ephoros*, was ultimately the principal manager of this hierarchy, and the official representative of the Ministry of Ecclesiastical Affairs and Public Instruction.<sup>116</sup> The appointee was responsible for supervising, approving, and giving directives to all the other conservators; for assessing problems related to both ancient and artistic heritage, providing appropriate solutions; and for granting approval for any licence of restoration, exportation or excavation. Once a year he had to undertake a general inspection of all the collections and monuments throughout the various regions. The general conservator, therefore, had absolute jurisdiction over any scientific, ancient or artistic object of the state, being the only authority allowed to take decisions and approve resolutions on the administration of the public heritage.

The pyramidal model of administration established in Greece in 1834 thus established a hierarchy of supervision and control, which vested ultimate decision making in the general conservator. Even though Maurer's aim was to establish a massive corpus of local authorities and local institutes throughout the country, it should be noted that such a model of management was strongly centralized and excluded any real delegation of power. While in the Papal States the auxiliary commissions and the apostolic delegates were conceded some autonomy in granting licences, reporting to the Camerlengo only once a year, in Greece nothing could be done on local heritage without the approval of the superior commission and the endorsement of the general conservator. According to Bastea, the Bavarians established

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<sup>114</sup> *Gesetz*, art. 12 and 48.

<sup>115</sup> *Gesetz*, section 2, chapter 2, art. 34.

<sup>116</sup> Γενικός Έφορος. *Gesetz*, section 2, chapter 3, art. 48-55.

such a highly centralized system in every sector of the state public administration, taking full control of the army, the domestic affairs, the education, as well as antiquities and the arts, and securing for themselves key positions in the government.<sup>117</sup> In the years immediately after the publication of the law, this factor would create problems in the regular management of heritage, related not only to the political clashes that arose between Bavarian and Greek, but also to the numerous cases of neglect of supervision, and to the uncontested authority that the general conservator acquired, involving also personal discretion in the implementation of the rules. As will be discussed later in this chapter, one of the most obvious consequences of such a strong centralization was that the regular activities of safeguarding and control gradually became limited to the most renowned archaeological areas, and mainly to Athens, while the minor hubs and the minor ancient sites remained without official administrators for years.

Before discussing questions related to the implementation of the new regulation after 1834, some further aspects of Maurer's legislation should be evaluated, as they introduced innovative provisions for administering antiquities which have had a strong impact on contemporary attitudes to the tutelage and conservation of cultural heritage.

First of all, concepts of funds and allocations were established, together with criteria for applying them to museums, ancient sites and historical heritage in general, most probably for the first time, within this law. It is noteworthy that the regulation on the protection of antiquities and artworks enforced in Bavaria at that time, an edict published in 1812 that was mostly based on the Swedish law of 1668, did not include any provision related to economic aspects.<sup>118</sup> It seems likely, therefore, that the system for assigning economic resources among public institutions originated within other sectors of the administration of the Kingdom of Bavaria, and that Maurer adopted and reshaped it to serve the management of heritage in Greece.<sup>119</sup> Despite a lack of precedent in the arts, Maurer defined an original, straightforward rule for distributing the funds for managing Greek heritage, based on the local importance of each museum and on the annual amount of invoices, that is to say entry tickets, it was able to generate; further criteria of evaluation were the needs, the overall quality, and the annual accountability – if we can use this contemporary term – of each institution.<sup>120</sup> The funds were granted following the hierarchical scheme which shaped the entire administrative apparatus:

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<sup>117</sup> See Eleni Bastea, *The creation of Modern Athens*, 18-23.

<sup>118</sup> See the first chapter of this thesis and Joachim Reichstein: "Federal Republic of Germany" in *Approaches to the archaeological heritage*, edited by Henry Cleere, 37-47, Cambridge: Cambridge University Press, 1984.

<sup>119</sup> The analysis of the administrative apparatus in Bavaria goes beyond the purposes of this thesis. The biography of George Ludwig Von Maurer offers a good background: Dickopf, *Georg Ludwig Von Maurer*.

<sup>120</sup> *Gesetz*, section 1, art. 9-11.

the ministry assessed the grants for the central collections; the county councils the grants for the regional collections; the provincial councils those for the district collections; the municipal councils those for the municipal collections, and all were finally approved by the general conservator. The government had the right to intervene in times of crisis, and to support any local museum requiring further endowments. In general, however, each institute was expected to arrange and raise its own internal resources through the sale of tickets and the donations of benefactors.<sup>121</sup> The system for calculating the salaries of the commissaries and the conservators followed the same general procedure. The general conservator was the only one entitled to a stipend from the ministry; the other conservators were expected to be paid from the local administrations, according to their rank and to the funds available in each area. The members of the commissions, on the other hand, were not entitled to a salary.<sup>122</sup> Such a system was not dissimilar to the one followed in the Papal States, where the central administration granted funds for the officers in Rome, but did not support the expenses of the local commissaries and commissions.

Related to these aspects, the law provided an early definition of a “statute” and “mission” for museums:

All the Central, District, County, Municipal Collections and Institutes should gradually develop a special Statute, so that they can be exclusively focused on their own conservation needs, increasing standard endowments and annual budgets, setting aside also a certain amount of invoices annually.<sup>123</sup>

Each statute was submitted for the approbation of the king, and deposited in the archive of the Ministry of Ecclesiastical Affairs and Public Instruction, to assist the general conservator in his work. Thus, every museum was asked to define its own purposes, strategies of development and internal resources – an early version of “mission” and “vision” statements which would fully mature in more recent systems of museum management. Such wide self-determination, nevertheless, was limited by the fact that any further initiative undertaken within each locality had to be approved, as already explained, by both the related commissions and the General Conservator of Greece.

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<sup>121</sup> *Gesetz*, section 3, chapter 3, art. 82.

<sup>122</sup> *Gesetz*, art. 10, 21, 37, 53.

<sup>123</sup> Jede dieser Central -, Kreis -, Bezirks -, und Gemeindefammlungen und Anstalten soll nach und nach eine besondere, ihrer Erhaltung und Vermehrung gewidmete Dotation erhalten, und diese für jedes Jahr etatsmäßig festgesetzt, sowie über deren Verwendung jährlich Rechnung abgelegt werden. *Gesetz*, section 1, art. 9.

In addition to these innovations, the law of 1834 introduced the creation of a general catalogue of antiquities and artworks in Greece, as already mooted by the Papal States a few decades earlier. Apart from the inventories dedicated to the collections kept in each museum, which were expected to be compiled by the related local commissions,<sup>124</sup> an “exact note” was prescribed for all private owners and collectors within the country. The rules for submitting such notes followed the prescriptions of the *Edict Pacca* of 1820: the possessors of artworks, a category intended to encompass both individuals and directors of institutions, who owned either antiquities or objects of fine art, had to present a list of their objects; such a list had to be compiled also for any antiquities newly discovered on private land. After the inspection of the conservator in charge, two copies of this note were created: one was submitted to the general conservator, to be deposited in the ministry in Athens; the other was given to the related local commission in the area where the objects were situated, while the original list was then returned to the owner.<sup>125</sup> This system, which again matched that established in Rome, was intended to ensure that the items registered in both museum inventories and in private notes could not be sold, exported, relocated, altered or restored without the authorisation of the pertinent commission and the endorsement of the General Conservator of Greece.<sup>126</sup>

While further aspects – and some problems – related to the export of antiquities from Greece will be analysed in Chapter Three of this thesis, in this section it is relevant to discuss the events and the issues which prevented both the realisation of the inventories and the full execution of aspects of Maurer’s prescriptions. Together with the centralisation of power in the general conservator’s hands, mentioned above, a widespread impasse blocked the procedures for implementing the law soon after 1834, so that only a reduced section of the thorough administrative apparatus conceived by Maurer was put into place. The only partial fulfilment of all the necessary positions meant that a large portion of local conservators and administrators was missing, in particular those that were proposed for the municipalities and provinces of Greece. Lacking any officer in these areas, the care of monuments and archaeological sites was delegated to local veterans and army invalids, as will be clarified later on this section. Such an expedient, although it avoided the complete abandonment of several minor hubs, did not provide a satisfactory solution to the absence of official administrators and archaeologists in the related areas, and often precluded effective

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<sup>124</sup> *Gesetz*, section 1, art. 16 and 17.

<sup>125</sup> *Gesetz*, section 3, chapter 2, art. 65-75.

<sup>126</sup> *Gesetz*, section 3, chapter 3, art. 76-86.

operations of management and legal protection of heritage. As will be analysed shortly, the appointment of the local conservators was *de facto* revoked, and the first special inspectors in the provinces of Greece were nominated only in 1871.

In September 1834, a few months after publishing the law on the protection of heritage, the Regent Maurer tendered his resignation from the Bavarian Court in Greece. At exactly the same time, the General Conservator Adolf Weissenburg, who had been appointed in 1833 and reconfirmed by Maurer in 1834, left his position as well.<sup>127</sup> Apparently a mix of personal reasons and political differences within the Regency had pushed them both into making these decisions.<sup>128</sup> The departure of Maurer was a serious loss for the government, not only because he was fully committed to the task of creating modern legal and administrative structures for the newly born nation, but also because his absence resulted in crucial omissions in the implementation of the law on heritage that he had written, contributing in particular to the failure in the nomination of commissaries in the local communities of Greece. At the same time, the resignation of Weissenburg marked the beginning of a series of changes within the Archaeological Service of the ministry, which would gradually result in the further expansion of the authority of the general conservator and the subsequent deactivation of any other administrative position in the provinces. Maurer had appointed conservators for the three counties of Greece: Ludwig Ross for Peloponnesus, Ioannis Kokkonis for the Aegean Islands and Kyriakos Pittakis for the mainland. After Weissenburg had left, the German archaeologist Ludwig Ross took on the appointment as General Conservator, despite already being in charge of Peloponnesus; a few weeks later, he also assumed the title of Conservator for Antiquity in the Aegean Islands.<sup>129</sup> The previous appointee to this position, Ioannis Kokkonis, had been dismissed on the basis of some “political variations” which are not documented in the current literature.<sup>130</sup> Kyriakos Pittakis,

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<sup>127</sup> Adolf Weissenburg (1790-1840) seems to have had no particular skills or knowledge on art and archaeology. See Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 2, 13.

<sup>128</sup> As already mentioned, the political situation in Greece in these years was very unstable and in a constant state of flux. According to Bastea “between 1833-82 the Ministry of Religious Affairs and Public Education changed minister 77 times with a total of 60 people holding that post. Under Otto there were 30 changes and 26 ministers. In the next 20 years [there were] 47 changes and 36 ministers”. Bastea, *The creation of Modern Athens*, 55-56. See also Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 69-116.

<sup>129</sup> Ludwig Ross (1806-1859) had a doctorate in classical philology from the University of Kiel. After working for two years in the archaeological administration of Greece, he was appointed as Professor of Archaeology at the University of Athens in 1836. See Fani Mallouchou-Tufano, ed, *Πρόσωπα της Ακρόπολης. Ludwig Ross, Francis Cranmer Penrose, Gorham Phillips Stevens* [People of the Acropolis], Athens: Association friends of the Acropolis, 2003; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 85-104.

<sup>130</sup> “Πολιτικήν μεταβολήν”. Ioannis Kokkonis (1795-1864) was an archaeologist and educator. In 1836 he was nominated General Inspector of Public Instruction. See the website of the Library of History and Culture

as officer for the Greek mainland, thus remained the only counterpart to the new General Conservator of Greece within the Archaeological Service. It should be recognised that in these years Ludwig Ross was acknowledged among the German entourage as one of the most competent scholars in classics and Greek antiquities, being also particularly favoured by King Otto himself, who influenced his promotion.<sup>131</sup>

The achievements of this young archaeologist were undoubtedly significant, particularly his major achievements in the field of archaeological excavation, the restoration of monumental areas and the publication of new discoveries during the few years he was in charge as general conservator.<sup>132</sup> Nevertheless, such a centralisation of power in Ross' hands created not only problems of conflict of interest, antagonism and jealousy, but also an unrealistic work load leading to serious negligence. One of the most obvious results of the flattening of the administrative structure, and of the absence of conservators throughout the country, was that effective guardianship of heritage was reduced to the area of Athens, in particular to the most famous archaeological sites of the Acropolis, the ancient Agora, and the Roman Agora. Ross' monopoly, furthermore, was not well regarded by Kyriakos Pittakis, who tried to defend his jurisdiction as Conservator over the mainland.<sup>133</sup> The excessive power of Ross, and the massive presence of the Germans within archaeological administration, had never met the favour of the Greek intellectuals and politicians, who engaged in strong resistance against the assignment of their ancient heritage to foreigners.<sup>134</sup> Growing Greek nationalism did not accept the Bavarian government either, and often regarded it as a new regime comparable to the previous Ottoman Empire. In this situation, it did not take long before Ross was forced out of his position: in 1836 he was removed for publishing new archaeological discoveries without the permission of the ministry,<sup>135</sup> and Kyriakos Pittakis

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Argoliki -Αργολική Αρχαιακή Βιβλιοθήκη Ιστορίας και Πολιτισμού, <https://argolikivivliothiki.gr/>, consulted 30 March 2016.

<sup>131</sup> See Dyson, *In pursuit of Ancient Pasts*, 74.

<sup>132</sup> The most important of Ross' achievements in this period are related to Athenian antiquities, including the discovery and the reconstruction of the Temple of Athena Nike on the Acropolis. See Mallouchou-Tufano, *Η Αναστήλωση των Αρχαίων Μνημείων στη Νεώτερη Ελλάδα (1834-1939). Το έργο της εν Αθήναις Αρχαιολογικής Εταιρείας και της Αρχαιολογικής Υπηρεσίας* [The Restoration of Ancient Monuments in Greece (1834 – 1939). The work of the Archaeological Society at Athens and the Archaeological Service], Athens: Library of the Archaeological Society at Athens, 1998.

<sup>133</sup> Kyriakos Pittakis (1798-1863) fought against the Ottomans during the War of Independence, and became one of the fathers of Greek archaeological nationalism; he had broad knowledge of antiquities, topography and excavations. See Petrakos, *Πρόχειρον Αρχαιολογικόν*, 119-145.

<sup>134</sup> See Dyson, *In pursuit of Ancient Pasts*, 86-132.

<sup>135</sup> According to Stoneman, Ross was dismissed because of unproven accusations that he gave antiquities to a German prince. See Kokkou, *Η μέριμνα για τις Αρχαιότητες*; Stoneman, *Land of Lost Gods*. For the rivalry between Ross and Pittakis, see Petrakos, *Πρόχειρον Αρχαιολογικόν*, 85-104.

finally remained the only appointee in charge in the entire Archaeological Service.<sup>136</sup> For almost the next thirty years, until 1863, he would be the uncontested leader of the administration of antiquities within the ministry, not only retaining his Athens portfolio but also sacking any appointed conservators in the regions and the provinces of the state.

In this context it should be considered that the Central Scientific and Archaeological Commission, which was expected to help and support the general conservator, was never fully effective either. In 1836, soon after Pittakis took up office, a royal decree nominated both the commissaries of this group and their respective responsibilities, prescribing also a protocol for managing the different sectors of archaeological administration.<sup>137</sup> In broad terms, this commission was asked to monitor the maintenance of the monuments, to deal with the new acquisitions for museums, and to supervise the works of restoration and excavation in Athens; it was also invited to publish an archaeological bulletin with regular updates on the archaeological discoveries and the cases of theft. Despite these efforts at improving the administration for antiquities, however, the group was disbanded a couple of years later, for no obvious reason, and was re-established only in 1899.<sup>138</sup>

After the ejection of Germans from the arts administration, the position of the Greek archaeologists – referred to as “archaeological nationalists” by Dyson<sup>139</sup> – was further reinforced by the foundation of the Greek Archaeological Society at Athens in 1837.<sup>140</sup> This independent organization was chiefly composed of Greek scholars and politicians, who received funds and donations for their activities from groups of local and international philanthropists. The establishment of such an institution has generally been seen as a way of compensating for the absence of any other governmental body devoted to the rescue and protection of ancient heritage and to the lack of public economic resources for the arts and

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<sup>136</sup> In 1836 Pittakis became Conservator of the Central Museums, and in 1848 General Conservator of Greece. Petrakos, *Πρόχειρον Αρχαιολογικόν*, 119-166. See also the documents kept in the National Archive of Monuments in Athens: ΔΔΕΑΜ ΤΠΠΑ, *Έγγραφα Ακροπόλεως (1834-1887)* [Documents of the Acropolis], box 517.

<sup>137</sup> Royal decree *Περί διορισμού των μελών της Επιτροπής δια τας αρχαιότητας* [Definition of the members of the Commission of Antiquities] of 16/28 November 1836. See Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol.1, 120-122, vol. 2, 120.

<sup>138</sup> This commission was disbanded in 1838, and an attempt to recreate it in 1840 was unsuccessful. The group was finally re-established with the Royal Decree ΒΧΜΣ 2646/1899 of 11 August 1899. See Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*, 39-40; Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 84-85.

<sup>139</sup> Dyson, *In pursuit of Ancient Pasts*, 75.

<sup>140</sup> *Εν Αθήναις Αρχαιολογική Εταιρεία* was formally founded in 1837, but it had been active since 1834. For the history of the Greek Archaeological Society, see Petrakos, *Η εν Αθήναις Αρχαιολογική Εταιρεία: οι αρχαιολόγοι και οι ανασκαφές 1837/2011* [The Greek Archaeological Society. Archaeologists and excavations, 1837/2011], Athens: the Greek Archaeological Society, 2011; Petrakos, *Πρόχειρον Αρχαιολογικόν*.



archaeology.<sup>141</sup> It is difficult to ascertain to what extent the shortage of public resources prevented the creation of an effective state system of administration for heritage throughout the country – and to what extent other factors might explain the delay; the Papal States, for instance, did not let domestic economic issues prevent the safeguarding of heritage in the provinces. It can be deduced that the principal reason behind the establishment of the Archaeological Society was rather a conflict within the administration of heritage, combined, as said, with the resistance of Greek scholars to cede the protection of their local treasures to the Bavarians.<sup>142</sup>

From this perspective, it should be noted that one of the founding fathers of the Greek Archaeological Society was the Conservator Kyriakos Pittakis himself, who was thus part of both the official administration and this independent initiative. He was to play a fundamental role in defining the political conduct of this semi-private circle and in affirming the autonomy of the Greeks in the protection of their national heritage. For these reasons, Pittakis' position and ethics in shaping thirty years' of the history of archaeological administration in Greece remains quite controversial, and it has proved difficult to make an impartial historical evaluation. His complete devotion to the safeguarding of ancient relics and his immense achievements in rescuing antiquities in Athens do not entirely condone the fact that he had an overriding control of both public and private archaeological programs, monopolising them and possibly annihilating the involvement of others in the management of the public heritage of Greece. Furthermore, during the years of his appointment as Conservator, the respective jurisdictions of the Archaeological Society and the Archaeological Service became rather muddled and undefined, often mingling and interfering with each other; thus, some confusion in the analysis of archival documents and the data available in the literature has also resulted, making it, from the perspective of my research, quite problematic.

In the years after its foundation, the Archaeological Society at Athens engaged in a massive campaign of rescuing antiquities and monuments, undertaking the first effective and fully independent actions for safeguarding local heritage. As has been described in the literature, the society seemed to focus essentially on excavation, conservation and restoration

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<sup>141</sup> Papageorgiu-Venetis has discussed the impact of the financial constraints of the new government on the refurbishment of archaeological sites and on the acquisition by the state of private lands with ancient ruins; Kokkou, on the other hand, has argued that the ministry actually had enough funds for the archaeological excavations, but did not grant a single drachma for them until 1849. See Papageorgiu-Venetis, *Athens*, 8-12; Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 69-116.

<sup>142</sup> In 1883 archaeologist Salomon Reinach mentioned “personal antagonisms and ancient rivalries” between the ministry and the Archaeological Society as the cause of the deferral of the establishment of the National Archaeological Museum in Athens. See Reinach, “Le vandalisme modern en orient”, 144.

of major ancient areas and monuments in Athens, mainly of the Acropolis and its surrounding sites, and on related operations for securing new movable discoveries in museums, galleries and suitable storages. For these reasons, it can be affirmed that the early activity of the society supplemented the limited performances and resources of the Archaeological Service of the ministry. As Dyson has argued, the early rise of local scholars also “meant that the emerging field of archaeology in Greece was shaped to a great degree by the Greeks themselves”, who managed to develop a strong, self-regulating organisation able to measure up to the growing presence of foreign archaeological schools in the country.<sup>143</sup> After 1860, however, the government departments became more active: the Archaeological Service of the ministry gradually expanded both its internal staff and its range of action, engaging with operations of supervision of exportation and prevention of smuggling, and also reissuing several circulars to forbid illegal activities in ancient heritage. Such a change within the public service coincided, evidently, with the appointment of a new General Conservator in 1864, Panayiotis Efstratiades, and particularly with the establishment, under his leadership, of an official system of administration throughout the provinces of Greece in 1870s.<sup>144</sup> Within this renewed political agenda, the 1834 law on the protection of heritage provided an important framework and a parameter of reference, even though several cases of loose interpretation and poor implementation were registered. The law on the protection of Greek heritage of 1834, in particular, would inform Panayiotis Efstratiades’ policy undertaken against illegal exportations and tomb robbing soon after 1870.

While the impact of legislation on the sale and smuggling of antiquities in Greece will be analysed in Chapter Three, in this section it is relevant to evaluate some aspects of the operations to safeguard antiquities that are related to the early phases of activity of both the Archeological Society and the Archeological Service. As Kokkou has observed, the excavations carried out in Athens during the Ottonian period, between 1834 and 1863, were rather rushed and unsystematic, characterised by the necessity of rescuing a huge quantity of material from the risk of smuggling and destruction.<sup>145</sup> The old problems related to the robbery of antiquities combined at this stage with the new losses caused by unauthorised

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<sup>143</sup> Dyson, *In pursuit of Ancient Pasts*, 75. The activities of the foreign archaeological schools in Greece have been widely analysed; here I recommend: Simopoulos, *Η λεηλασία και καταστροφή*; Stoneman, *Land of Lost Gods*; Petrakos, *Πρόχειρον Αρχαιολογικόν*.

<sup>144</sup> Panayiotis Efstratiades (1815-1888), General Curator of Greece from 1864 to 1884, had obtained a degree in epigraphy in Germany. Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 2, 18-19.

<sup>145</sup> The analysis of the early methodologies of excavation and restoration of Greek archaeologists goes beyond the aims of this thesis; a wide literature is available on this topic: Pavan, *L'avventura del Partenone*; Kokkou, *Η μέριμνα για τις Αρχαιότητες*; Mallouchou-Tufano, *Η Αναστήλωση των Αρχαίων Μνημείων*; Petrakos, *Πρόχειρον Αρχαιολογικόν*.

development of buildings, the modernisation of Athens, and several flourishing illegal quarries on the major hills of the city.<sup>146</sup> In addition, the establishment of public galleries for preserving antiquities and artworks, recommended in Maurer's law, was delayed because of a lack of funds and systematic plans, which also deferred the opening of the National Archaeological Museum of Athens until 1886. Prompt solutions to solve the issues were therefore launched by the pioneers of the Archeological Society, who organized several extemporaneous depositories for recovering both the existing endangered pieces and new discoveries coming from the excavations throughout the city.<sup>147</sup> It should be noted that, in this framework, the jurisdictions of the society and the Archaeological Service focused on a unique common interest; the agreement between the two institutions stated that: "Antiquities discovered or purchased or acquired [...] by the Society are property of the National Museum of Greece; until a public building is erected for this purpose, they will be kept by the Society".<sup>148</sup> The first space the society set up, and opened to the public soon afterwards, was the Byzantine church of the Great Lady, which Pittakis had already used to house several ancient inscriptions as early as 1833.<sup>149</sup> The second one was the small mosque in the interior of the Parthenon, which, together with the Propylaea and a few other small Turkish buildings on the Acropolis, was organised as a depository in 1835; in 1863 the first Acropolis museum was also opened on the west side of the hill.<sup>150</sup> At the end of 1835 the temple of Hephaestus in the Agora, better known as the Theseion, was set up as museum as well.<sup>151</sup> In late 1837, the Library of Hadrian was organized as a gallery,<sup>152</sup> followed in 1843 by the opening of the

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<sup>146</sup> On 15 February 1838, Kyriakos Pittakis submitted a memorandum with solutions to prevent the illegal extraction of ancient marble from the quarries, but it was not approved by the government. See Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 105.

<sup>147</sup> In 1846, the Archaeological Society inaugurated also the Casts Museum, which I do not include in my review because it was not created for protecting ancient heritage per se. See Gazi, "Archaeological Museums in Greece"; Gazi, "The museums of casts in Athens (1846-1874)" *Journal of the History of Collections* 10, no. 2 (1998): 87-91.

<sup>148</sup> Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*, 233.

<sup>149</sup> The church of Μεγάλη Παναγία was built amongst the remains of the Library of Hadrian; it was demolished in 1885 after a fire. See Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 158-160; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 155.

<sup>150</sup> The small mosque and other Turkish buildings on the Acropolis were demolished at the beginning of 1840s, during the works of restoration there. The collection was transferred inside the Propylaea and the Erechtheion. See Gazi, "Archaeological Museums in Greece", 139-153; Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 161-169.

<sup>151</sup> The Theseion was the only depository declared a Central Museum by the government, on 13 November 1834. In 1837, the collection kept in the National Museum of Aegina was transferred there. The Theseion was closed as a museum in 1935, when its collection was moved to the National Archaeological Museum of Athens. See Gazi, "Archaeological Museums in Greece", 86-98; Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 170-174.

<sup>152</sup> The pieces kept in the Library of Hadrian were transferred to the Acropolis Museum in 1874. The library had been open to the public every Thursday. See Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 175; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 156.

Tower of the Winds for the same purpose.<sup>153</sup> In 1858, a hall on the ground floor of the University of Athens was prepared to host the largest collections of antiquities gathered by the Archaeological Society up to that time, and was further expanded in the following years.<sup>154</sup> In 1861 the so-called Lyceum Varvakeion was set up as a museum and opened to the public.<sup>155</sup> A hall in the Polytechnic University was organised in 1876 to host the new discoveries that had arrived in Athens from all over Attica and the Peloponnesus, and to accommodate a temporary exhibition of the new materials found in Mycenae by Schliemann.<sup>156</sup> The lack of suitable spaces had also pushed Pittakis to place huge quantities of items in his office inside the ministry building since 1840.<sup>157</sup>

Some deductions can be made from these initiatives. First of all, the principal concern of the Greek archaeologists was, clearly, to safeguard ancient heritage. In this regard, it is interesting to note that, despite the efforts of King Otto to impose the preservation of the Byzantine and other remains in the edict of 1837, this aspect of collecting was neglected and the first Byzantine museum was set up only in 1913.<sup>158</sup> On the other hand, Dyson has clarified that the typologies of antiquities rescued in these years covered a wide range: not only ancient statues were moved into storage, but also a huge quantity of terracottas, bronzes and jewellery, dating from various periods of Greek history.<sup>159</sup> Cycladic and prehistoric antiquities, however, would officially gain the interest of the Greek archaeologists only at a later stage, in 1863, when the collection at the University of Athens finally accepted the first donation of “ten celts” from Euboea.<sup>160</sup>

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<sup>153</sup> The collection kept in the Tower of the Winds was moved to the National Archaeological Museum of Athens in 1932. See Kokkou, *H μέριμνα για τις Αρχαιότητες*, 178; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 156.

<sup>154</sup> The collection at the University of Athens was moved to the so-called Lyceum Varvakeion in 1865. See Gazi, “Archaeological Museums in Greece”, 103-106; Kokkou, *H μέριμνα για τις Αρχαιότητες*, 182-184.

<sup>155</sup> The Lyceum Varvakeion was a building with an Ionic portico in the centre of Athens, donated to the Archaeological Society by Ionannis Varvakis, a Greek who had made his fortune in Russia; it was open to the public twice a week. The collection started to be moved to the National Archaeological Museum of Athens in 1874, and in 1881 the Lyceum was finally closed. See Gazi, “Archaeological Museums in Greece”, 107-116; Kokkou, *H μέριμνα για τις Αρχαιότητες*, 185-186.

<sup>156</sup> The so-called Politechneion was closed in 1889, when the collection was moved to the National Archaeological Museum of Athens. See Gazi, “Archaeological Museums in Greece”, 117-127; Kokkou, *H μέριμνα για τις Αρχαιότητες*, 187-189.

<sup>157</sup> These materials were transferred to the National Archaeological Museum of Athens in 1885. See Kokkou, *H μέριμνα για τις Αρχαιότητες*, 176-177; Petrakos, *Πρόχειρον Αρχαιολογικόν*, 156.

<sup>158</sup> See Vourdouri, “Law and the Politics of the Past”.

<sup>159</sup> See Dyson, *In pursuit of Ancient Pasts*, 65-85.

<sup>160</sup> Exportations of prehistoric and Cycladic objects from Greece were common since the early 1830s. At that time, a chronological framework for prehistoric archaeology was still lacking; for this reason, prehistorical stone tools were generally classified as “Celt”. See Michael Fotiadis, “Collecting Prehistoric Antiquities” in *Mythos: La préhistoire égéenne du XIXe au XXIe siècle après J.-C.*, edited by Darcque Pascal, Michael Fotiadis and Olga Polychronopoulou, 9-15, Athens: Ecole française d’Athènes, 2006.

A second noteworthy point is that the programs of excavation, protection and management carried out by the Archaeological Society were always accompanied by an effective activity of cataloguing. During these early decades, the members of the society kept records of any new finds entering any one of the depositories, as Maurer had recommended in his law. The first catalogues were initiated in 1836 by Kyriakos Pittakis, concerning the items placed in the Library of Hadrian, the Theseion and the Propylaea. These early inventories recorded a wide range of information for all the objects, registering their typology, their size, their state of preservation, the places they were found, their material, their techniques and the dates they were discovered.<sup>161</sup> New registers were initiated in 1861, and covered all the collections for which the Archaeological Society was responsible.<sup>162</sup> Nevertheless, apart from the inventories dedicated to the objects kept within these galleries, no other systematic cataloguing was introduced, leaving unrecorded, at least until the beginning of the twentieth century, the uncountable antiquities, both public and private, that were scattered throughout Athens and the provinces of Greece.<sup>163</sup>

Turning the focus from the capital to the minor hubs of Greece, study of the documents kept in the General Archive of the State of Athens has revealed fundamental data regarding the administration of the archaeological heritage for both local communities and the ancient sites scattered throughout the country. A broad analysis of the documents produced by the Archaeological Service between 1833 and 1854 demonstrates not only the existence of systems of safeguard for local antiquities, although scant and unconsolidated, but also information which expands and improves, to some extent, the data recorded in the recent literature. The particular configuration of Greek heritage, which was mainly monumental and archaeological, with massive quantities of small pieces coming from excavations, did not allow for any other solution than the creation of specific spaces dedicated to the preservation and the management of the movable items. In the Papal States the myriad monasteries, churches, and oratories scattered throughout the minor areas of the state had always offered natural on-site environments for preserving local artworks within – or alongside – their context of origin. In Greece, by contrast, the absence of similar spaces in small communities

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<sup>161</sup> Kokkou set the making of these catalogues in motion in 1845. However, the documents kept in the National Archive of Monuments in Athens demonstrate that Pittakis had initiated the catalogues of the Propylaea and the Library of Hadrian in 1836. See ΔΔΕΑΜ ΤΠΠΑ, *Συλλογοί Ανασκαφαί εν Αθήναις (1837-1886)* [Collection of the excavations in Athens], box 456; Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 156.

<sup>162</sup> See *ibid.*

<sup>163</sup> The law ΒΧΜΣ 2646/1899 of 11 August 1899 set up new rules for the administration and cataloguing of Greek heritage.

would profoundly affect the protection and the management of local antiquities, particularly when we take into account the concurrent lack of resources and administrators in the related areas. Maurer's law, as already explained, had prescribed the establishment of a series of museums in every precinct of the country, and designed them on the pattern of the central museums of Athens. These local galleries were expected to "protect, and maintain [...] any object that has a local interest", according to the fundamental concept of "original context" and "minor localities" that had already shaped the protection of the heritage in the Papal States.<sup>164</sup> The lack of implementation of these directives forced several Greek communities to independently organize the recovery and storage for preserving the findings from local ancient sites.

Analysis of archival documents has demonstrated that, after Maurer resigned in 1834, the Regents still in charge sought to establish a series of custodians in some of the main archaeological areas of the country: in the Sanctuary of Asclepius and Bassae, in Mystras, Nemea, Corinth, Olympia, Messenia, Delphos, Eleusis, Sounion, Aegina, Delos, and Rhamnous.<sup>165</sup> These keepers were not qualified in art or archaeology but appointed from among the local veterans and army invalids, who were asked essentially to keep the sites clean, to check on the state of preservation of local monuments, and to report to the general conservator in the case that issues arose beyond their ordinary duties. According to the documents produced in the following years, it seems that such a system of supervision, while less professional, was more widespread than the one originally planned. Between 1834 and 1854, in fact, records related to several additional local hubs were presented to the Archaeological Service; these documents concerned the administrative districts of Siros, Naxos, Mikonos, Thira, Ios, Andros, Milos and Amorgos in the Aegean Islands; of Argolis, Idra, Corinth, Nauplio, Achaia, Kynaithi (Arcadia), Ileias, Trifylia, Messenia, Mantinea, Lacedaemonia (Sparta), Laconia, Patras, Tegea and Mycenae in the region of Peloponnesus; and of Piraeus, Eleusis, Megara, Aegina, Salamis, Aetolia, Acarnania, Thebes, Boeotia, Euboea, Evrytania, Lokris, Delphi, Phthiotis, and Phocis in the mainland of Greece.<sup>166</sup> It should be noted, however, that the correspondence between these districts and the central Archaeological Service was generally sporadic and unsystematic; I deduce that gaps in

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<sup>164</sup> "Alles, was Localinteresse hat, an Ort und Stelle selbst zu erhalten und zu bewahren". *Gesetz*, chapter 1, art. 8.

<sup>165</sup> Decree of 29 October/8 November 1834. ΔΔΕΑΜ ΤΠΠΙΑ, *Εγγράφα Ακροπόλεως (1834-1887)*, box 517, φ. Β "Νόμος και Νομοσχέδια (1834/1885)".

<sup>166</sup> The documents discussed in this section are kept in the General Archive of the State in Athens: ΓΑΚ, *ΥΕΔΕ Α'* (1833-1848), φ. 1122-1182 and *ΥΕΔΕ Β'* (1848-1854), φ. 181-191. Keepers were also appointed for the archaeological sites of Athens, such as the Acropolis and the Theseion.

information are not merely a reflection of some limitation in the ministerial archiving of the documents. Furthermore, a proportion of these documents simply concerned permissions for excavation submitted by private landowners. Nevertheless, what should be observed in this scenario is that there was a genuine attempt at coordination between the centre and the periphery regarding the protection of local heritage: the community keepers submitted reports dealing with new discoveries coming from excavations, and requests for instructions related to conservation and restoration of monuments. The central Archaeological Service in Athens, represented in these years by Pittakis, dispatched directives and authorizations when required. Based on these data, it is possible to conclude that a basic organisation was established both for safeguarding the local heritage and for keeping standard procedures for excavations and restorations throughout the country. On the other hand, Pittakis never undertook inspections or trips to these local areas; the only inspection recorded in the documents was carried out by Ross in Peloponnesus in 1834.<sup>167</sup> The small hubs were thus largely autonomous in running the activities related to the rescue and the preservation of their past memories, in contradiction of Maurer's planned administration. Such a strong independence had, clearly, both negative and positive consequences for the effective management of the local relics. The lack of legal safeguard, the widespread impunity of grave robbers and smugglers, and the insufficiency of funds and expert archaeologists were major issues which were aggravated by the absence of structured systems of supervision and guardianship. On the other hand, the self-determination of the small communities brought about the development of a strong awareness of the importance of assuring protection for local heritage: minor collections flourished in countless villages throughout Greece, which were gathered, expanded and managed by the local inhabitants alone.

In the years between 1834 and 1870 unstructured museums were thus assembled in several areas of the country, from the Aegean Islands, to the Peloponnesus, to the mainland of Greece. A full assessment of these collections is problematic, as archival sources and references in the literature report different data about their early distribution and layout. Indisputable information is in the documents kept in the General Archive of the State, which register the existence of sixteen small collections throughout the country, in Ermoupoli, Idra, Ermionida, Corinth, Kynaithi, Trifylia, Lacaedemonia, Laconia, Sparta, Aetolia, Acarnania, Skripou (Orchomenus), Euboea, Evrytania, Phthiotis, and Megara.<sup>168</sup> These collections,

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<sup>167</sup> ΓΑΚ, *ΥΕΛΕ Α'* (1833-1848), φ. 1131.

<sup>168</sup> See *Ibid.*, φ. 1122-1179. The early collections of the Greek local communities have not been widely analysed in the literature; furthermore, the available data is extremely contradictory.

which were initially placed inside schools, ancient temples and town halls, were provided with more suitable accommodation, often proper galleries, in the years which followed their creation. Gazi, on the other hand, has recorded the existence of eight museums, some additional to the archival records: Sparta, Syros, Schimatari, Aegina, Olympia, Amphiareion, Eleusis and Epidauros. She provides a comprehensive summary of their activities and achievements:

[In these cities], museum development mainly involved providing for these collections' proper accommodation and arrangement in permanent premises (Sparta, Syros, Schimatari, Aegina). It also involved intensified collecting activities in an attempt to safeguard as many antiquities as possible in the new museums (Schematari). Elsewhere, site museums were built for housing the finds of specific excavations (Olympia, Amphiareion, Eleusis, Epidauros).

Six out of the eight museums were housed in purpose-built buildings (Sparta, Olympia, Amphiareion, Eleusis, Schimatari, Epidauros). Four out of these were regularly accessible to visitors and generally qualified as museums (Sparta, Olympia, Eleusis, Epidauros), whereas the other two were basically a "storage area" and not so much of a proper museum (Amphiareion, Schimatari). Only two out of the eight museums were accommodated in existing public buildings (Syros, Aegina).

As for their geographical distribution, three museums were in the Peloponnese (Sparta, Olympia, Epidauros), three in Sterea Hellas (Amphiareion, Eleusis, Schimatari) and two on the islands (Syros, Aegina).<sup>169</sup>

Kokkou adds to the list the small assortments of objects gathered by the inhabitants of Thespieae, Delos, Tinos, Thebes, Tegea, Megalopolis, Eretria, Troezen and Orchomenus;<sup>170</sup> Reinach, in 1883, also mentioned the local collections of Mykonos, Argos, Tanagra and Piali.<sup>171</sup> Even though the geography and the arrangement of these early community museums requires further investigation and assessment, it is recognised that the materials gathered there were generally well cared for and protected, even where the facilities provided were no more than simple storage. However, the "excellent" and "remarkable" objects found in local excavations were still expected to be – and were – transferred to Athens, to be included in the

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<sup>169</sup> Gazi, "Archaeological Museums in Greece", 200-201.

<sup>170</sup> See Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 304-312.

<sup>171</sup> Reinach, "Le vandalisme modern en orient", 149.



galleries of the Archaeological Service, as Maurer had initially prescribed. It can be concluded that, as had already occurred in Papal States, the solution regarding the wellbeing and proper preservation of objects was to be determined each time according to the specific cases: while much was preserved locally, works which were “significant” were to be transferred into the central museums of Athens, where their physical and legal preservation and their promotion could be better handled than in the conditions offered by local storage.

Apart from the local initiatives described above, a factor which probably had an important impact on the preservation of the archaeological materials in their place of origin, and on the subsequent construction of museums within the ancient sites, was the emergence of archaeology as a scientific discipline in the middle of the nineteenth century. The three paradigms of archaeology, that is, stratigraphy, typology and technology, as summarised by Boucher de Perthes in 1847, introduced new significance to the concept of context and its implications.<sup>172</sup> Stratigraphy, namely the analysis of the position of layers in archaeological remains, started to be considered the only methodology able to reestablish historical chronologies and events, and was necessarily connected with the simultaneous analysis of the typologies and the technologies of the materials. The first storage for keeping the new findings was built within the archaeological sites mainly to assist scientific study, that is to say for swiftly protecting the new findings and for facilitating the archaeologists’ cross-checking of the typologies of the findings and the stratigraphy of the terrain. It seems very likely that such site-storage started to be converted into accessible museums mainly for practical reasons related to scientific, touristic and economic needs, as, for instance, seems to have happened in the renowned sites of Sparta, Olympia, Eleusis and Epidaurus.

Sparta can be taken as a representative example for both the opening of one of the earliest museums on an archaeological site and for the establishment of efficient local administration for ancient heritage after 1870. The initial nucleus of the collection of Sparta dated back to 1833, when Ludwig Ross, as Conservator for the Peloponnesus, gathered some pieces from the ancient site in Mystras. In the following years, after part of this first collection had been destroyed by fire, the pieces were transferred to the archaeological area of Sparta, where, according to Gazi’s data, the first proper rooms were set up to accommodate them.<sup>173</sup> The site, however, still remained without any official administration

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<sup>172</sup> The volume of Jacques Boucher de Perthes *Antiquités celtiques et antédiluviennes* was published in 1847, and is considered the manifesto of the new archaeological science. My observations are indebted to the classes on archaeology I attended in 2004-2005 at the University of Rome “La Sapienza” (Prof. Andrea Carandini), and Schnapp, *The discovery of the Past*.

<sup>173</sup> The date of the fire is unspecified. See Gazi, “Archaeological Museums in Greece”, 200-205.

or supervision, and was managed only by a group of local inhabitants. In 1871, Panayiotis Eftratiades, as General Conservator of Greece, appointed two temporary inspectors to supervise the region of Athens and the Peloponnesus, asking them to carry out an extensive assessment on the state of preservation of the archaeological areas and the collections scattered throughout the minor communities of the two counties, and to devise possible solutions for their management.<sup>174</sup> As a result of the examination, the Inspector for the Peloponnesus, Panayiotis Stamatakis, inaugurated the official museum of Sparta, and finally assigned a specific committee of local scholars to direct it in 1874. Regarding the two new inspectors, it seems that the outcome of their activity in the provinces of Greece was so remarkable and valuable that the Archaeological Service asked the ministry to make them permanent, thus re-establishing the three positions for the Aegean Islands, the Peloponnesus and the mainland that had originally been prescribed by Maurer. In 1875, two of these three inspectors were confirmed, also following the massive loss of the statuettes of Tanagra, as explained in Chapter One, finally bringing official administration and scholarship to “local” and “minor” heritage in Greece.<sup>175</sup> In 1882 the inspectors were increased to five, and in 1887 to seven.

Finally, consideration should be given to the role of Panayiotis Eftratiades in the development of a new model of protection and management for ancient heritage in Greece. After replacing Pittakis in the position of General Conservator in 1864, Eftratiades paved the way for the establishment of several new positions of administrators within the Archaeological Service of the ministry, which included not only the inspectorates for the provinces already mentioned, but also the new role of Registrar for Attica and Boeotia, a Curator of Antiquity, and two junior Superintendents for the area of Athens.<sup>176</sup> This new situation within the ministry, while it did not fully resolve the shortage of administrators throughout the smaller towns of Greece, clearly launched a gradual reform that would reduce the monopoly of the general conservator. Such an improved system clearly responded to the augmented awareness on the importance of developing an apposite administration for the benefit of local antiquities and scholarship; as will be analysed in Chapter Three, this new understanding would have also an impact on the trade and the circulation of antiquities in Greece in the last decades of the nineteenth centuries.

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<sup>174</sup> See Kokkou, *Η μέριμνα για τις Αρχαιότητες*, 117-135.

<sup>175</sup> Panayiotis Stamatakis was appointed as Conservator for the Peloponnesus; Antonios Blastos was appointed as Conservator for the region of Athens. See *Ibid.*

<sup>176</sup> See *Ibid.*

## Observations

Legislation on the protection of archaeological and artistic heritage, to be effective and fully implemented, requires an executive body of administrators devoted to the procedures of inspection, restoration, conservation, excavation, cataloguing, as well as the approval of exports and elaboration of projects related to the local works. Without such operative branches, law is simply a construct of theoretical concepts that, despite their significance, remain rather abstract and devoid of any actual impact on the preservation and the management of heritage. The system of administration established throughout the provinces of Papal States after 1820 brought about immediate achievements in the protection of works that had never before been evaluated, together with evident widening of scholarship related to new categories of artefacts recently introduced into legal safeguard. Indeed, the artistic awareness and knowledge that had pushed towards the broadening of the administrative system appeared to have further developed thanks to the establishment of such an improved structure of management. In Greece, where the establishment of a full, efficient body of executives was delayed for political reasons – not for a lack of awareness on the value of the heritage – the protection and the subsequent rediscovery of both local and minor historical and artistic traditions was initially fragmented and impeded. On the other hand, the artistic consciousness of the Greek communities pushed towards the establishment of independent initiatives for the preservation of local artworks, bringing about the rescue of significant quantities of materials that could be lost or damaged without official administration. In both cases, the Papal States and Greece, the minor and local heritage scattered throughout the remote areas of the country was re-evaluated both through a wider understanding within local communities and through scholarship itself, and new systems of safeguarding assigned to its supervision and organisation.

Together with this, the importance of the catalogues of movable and immovable items appeared to be recognised as soon as early forms of administration for antiquities and the arts were established in both countries. Even though not fully resolved, these registers proved to be fundamental instruments to use in different circumstances, that is to say, particularly in the management of cases of emergency that endangered monuments and artefacts, the organisation of projects concerning restoration and collection of works, and the inspections of the possessions of private collectors and dealers. They also proved to be significant for the further development of the disciplines of archaeology and art history, as the general attitude of the administrators of both countries was to adopt criteria of classification which aimed to

overcome gradually the traditional hierarchy of major and minor arts, in favour of approaches based on historical chronologies and typological classifications of artefacts. In this perspective, the register of the artworks proposed in the Papal States in 1825 and Maurer's pioneering provisions of 1834 not only mirrored the latest advances of knowledge in the arts, but also seemed to formalise and reinforce the methodological and conceptual approaches which were gradually switching from antiquarian scholarship to art history and archaeology.

## Chapter Three – LEGAL CHRONICLES<sup>1</sup>

### Introduction

If one considers the cultural and political framework of both the Papal States and Greece in the nineteenth century, analysed in the previous chapters, it often appears that in both countries a sort of gap, or discrepancy, arose between the attitude and functioning of the administration – the body devoted to the formulation and implementation of the laws – and that of local communities – the social structures that had to recognise and respect the laws. Scholars, politicians, prelates, lawyers, academics, professors and archaeologists were all subjects that played a role in the definition of the instructions related to the preservation of local heritage, both in terms of “what” to protect and “how” to do it. Common people and local communities, on the other hand, were expected to receive and follow the regulations, although, as has been argued, they often raised their voices and undertook practical actions in defence of their local treasures, opposing the issued legislation or asking for its improvement. A significant segment of society to which the regulations were addressed was composed of art dealers and art collectors, both local and international, who might be expected to heed the laws but did not always do so, and art smugglers and grave robbers, who invariably ignored or undermined the legislation. This chapter will take into consideration these latter groups in particular, approaching them as subjects that had, as a consequence of their operations, an important role both in the implementation of the law and in its effect on the art market and the circulation of artworks. Specific examples of licit and illicit art dealing will support the analysis of the flaws and the legal loopholes of the laws, and the evaluation of the measures that were proposed by scholars and administrators to improve their implementation and reduce the cases of infringement.

Accurate assessment of weaknesses in the legislation also requires review of the procedures followed by the administration to control and regulate the trading of works in both the Papal States and Greece. While seemingly objective, the execution of the legislation in fact depended on the application of judgements which were predominantly subjective.

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<sup>1</sup> Part of this section formed a paper I presented at the annual conference of the British Association of Art Historians: “*Ordinary*”, “*Insignificant*”, “*Useless*”: *Legal loopholes for exporting antiquities in nineteenth-century Rome and Athens*, in “The Physical Circulation of Artworks and its Consequences for Art History” – AAH Conference 2016, University of Edinburgh, 7-9 April 2016.

Together with the lists defined by law to prevent the sale of specific categories of objects, there were common standards used to assess the significance and quality, in short the aesthetic and economic value, of the artefacts put forward for export. These criteria were generally followed by the officers in charge to determine if an artwork was remarkable enough to merit legal protection or, conversely, if it did not deserve attention and care, and thus could be exported after the approval of a licence. Study of the authorisations of exports granted in both countries has demonstrated the profound implications of the criteria used to assess items for the effective execution of the law, making it possible to argue that some of the conceptual and legal loopholes of the rules are the result of their nineteenth-century cultural background. In this framework, discussion of both the standards of evaluation and the classes of objects to which they were applied will not only clarify the ambiguities within the legislation itself, but will also shed light on the artistic and aesthetic taste underlying the legal definitions used to judge which artefacts were not worthy of protection, in order to understand what was not yet perceived to be “artwork”.

The data discussed in this chapter come principally from unpublished archival documents, nineteenth-century travel guides and newspapers, and published articles on individual topics which relate to legal and illegal exports, as well as procedures proposed by administrators and scholars to improve the regulations. Regarding the Papal States, research has involved mainly the documents kept in the Archive of the State of Rome, in the files of *Camerale II* (1750-1809), *Camerlengato I* (1814-1823), *Camerlengato II* (1824-1841).<sup>2</sup> For Greece, I have examined records kept in the General Archive of the State of Athens. However, the files of the Ministry of Ecclesiastical Affairs and Public Instruction, which contain the documents of the approved exports of antiquities, cannot be fully consulted: only the sections A (1833-1848) and B (1848-1854) are classified; the sections C (1855-1884), D (1886-1926), and E (1926 onwards) are not classified as yet.<sup>3</sup> In view of the lack of archival data on the later period, cases of export of antiquities recorded in nineteenth-century publications and recent literature will also be used to discuss both the approach of the Greek administrators towards the art market and the legal loopholes of the law of 1834.

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<sup>2</sup> From 1809 to 1814 the Papal States were under the Napoleonic occupation. The index of the *Camerlengato II* records only the years 1824-1841, but it contains licences of exports approved by the administrators of Rome until 1854.

<sup>3</sup> ΓΑΚ, *ΥΕΔΕ Α'* (1833-1848), *ΥΕΔΕ Β'* (1848-1854), *ΥΕΔΕ Γ'* (1855-1884), *ΥΕΔΕ Δ'* (1886-1926), *ΥΕΔΕ Ε'* (1926 onwards).

Figure 13 *Shop of Bartolomeo Cavaceppi. In Bartolomeo Cavaceppi. Raccolta d'antiche statue busti bassirilievi ed altre sculture restaurate da Bartolomeo Cavaceppi scultore romano. Roma: Generoso Salomoni, 1768, vol. I, intro.*

## Licences of exports and the art market in the Papal States

Early mention of the need to obtain a “licence of extraction” (export) for acquiring and transferring artworks outside the Papal States appeared in the *Edict Sforza* of 1646.<sup>4</sup> This edict prohibited the export of antiquities without formal permission of the papal administration, conferring on the commissary the authority to approve or refuse licences after “considering [the objects’] quality, and quantity, the seller, and the buyer”, that is to say, after having inspected the materials proposed for sale.<sup>5</sup> In 1717, the *Edict Spinola* improved and expanded this prescription by assigning to the commissary the supervision of any trading of artworks in the state, even of those that did not involve the relocation of the items abroad.<sup>6</sup> This edict aimed specifically to place under state control the free circulation of antiquities and statues in Rome, since preceding prescriptions had invariably been ignored, in particular by local art dealers and foreign collectors and aristocrats. A previous edict, in 1704, had also introduced the requirement of a licence for the export of manuscripts and archival documents.<sup>7</sup> Within this set of laws, the fundamental parameters to regulate the sale, the trade, and the export of “heritage” in the Papal States were established, while an early procedure of right of first refusal entitled the government to monitor both the items put forward for sale and the new discoveries coming from the excavations, in order to acquire the most significant pieces for state collections. Nevertheless, as already argued, legislation was not successfully implemented at this stage, and the system for authorising exports and controlling the art market became operative only some decades later.

In 1750, the *Edict Valenti Gonzaga* established the first effective procedures for approving licences of export and supervising the trading of artworks in Rome.<sup>8</sup> Within the new administrative structure, three assessors appointed for painting, sculpture and minor antiquities were required to carry out full inspections and assessments of the materials put forward for export, in order to prepare a report concerning their conservation condition, artistic quality and overall merit.<sup>9</sup> Following these preliminary reviews, which were only

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<sup>4</sup> *Edict Sforza - Editto sopra l'estrattioni, e cave di Statue, Figure, Intagli, Medaglie. Inscrittioni di marmo, di mischio, metallo. Oro, Argento, Gioie, e cose simili antiche e moderne.*

<sup>5</sup> “A fede della qualità, e quantità, venditore, e compratore”. Emiliani, *Leggi, Bandi, Provvedimenti*, 57.

<sup>6</sup> *Fourth Edict Spinola - Proibizione sopra l'estrazione di Statue di marmo, o metallo, Figure, Antichità e simili.*

<sup>7</sup> *Second Edict Spinola – Editto sopra le Pitture, Stucchi, Mosaici, et altre Antichità, che si trovano nelle cave, Inscrittioni antiche, Scritture, e Libri manoscritti.*

<sup>8</sup> *Edict Valenti Gonzaga - Proibizione della estrazione delle Statue di marmo, o metallo, Pitture, Antichità e Simili.*

<sup>9</sup> As explained in Chapter Two, only the assessors for painting and sculpture were effective.



advisory, the Commissary for Antiquities had the authority to make the final decision, determining whether the pieces were worthy of protection or suitable for export. If he approved the export, a licence was issued and the objects were allowed to leave the country.

It is clear that, even though such a system was potentially efficient and based on inspections, it was ultimately in the hands of the commissary to decide whether an item was “significant” or “worthless”, that is to say, whether it fell within the parameters of legal protection or not. Apart from a generalised list of artworks, the edict did not provide any clarification regarding the artistic qualities or the characteristics that an object should have in order to merit the status of non-exportability. As a result, the criteria applied for approving the export were not only completely delegated to the personal discretion of the commissary, but were also, most importantly, based on exclusive interest in the masterpieces and the singular pieces which were believed to be essential to a history of art, focused at the time on great artworks. In the years after the issuing of the edict, large numbers of licences of export were granted, in all cases following criteria of evaluation which might seem extremely flexible and generous to us. The most common descriptors applied to the unwanted materials were “mediocre” and “ordinary”, used to indicate artefacts that were not remarkable enough to be considered worth keeping within the state.<sup>10</sup> Johann Joachim Winckelmann, Commissary for Antiquity in Rome between 1763 and 1768, used to put the verdict “good but not unique” on the licences he granted for export.<sup>11</sup> In 1765, for example, he approved the export of a statue of *Venus*, stating that “even though its bust is really beautiful, we cannot compare it to the Venus of the Capitoline Museum, which is perfect and well preserved”,<sup>12</sup> in 1766, he authorized the sale of eight containers of statues and bas-reliefs, arguing that “none of these pieces is of a particular rarity, or erudition, or art”.<sup>13</sup>

The licences granted by the Commissary Filippo Aurelio Visconti between 1785 and 1800 are even more representative of this concern for masterpieces.<sup>14</sup> The most common arguments he used to approve exports regarded the subject and the style of the objects under

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<sup>10</sup> “Mediocre”, “ordinario”. It should be noted that it is not possible to identify the artworks approved for export in the Papal States, as the licences do not give detailed descriptions or mention the places for which these pieces were destined. The documents discussed in this section are kept in ASR, *Camerale II*, b. 11-15.

<sup>11</sup> See Rossi Pinelli, “Carlo Fea e il Chirografo del 1802”.

<sup>12</sup> “Quantunque il torso di essa sia bellissimo, non può ella compararsi alla Venere nel Museo Capitolino, la quale è di perfettissima conservazione”. Licence granted to Giovanni Dick on 12 May 1765. ASR, *Camerale II*, b. 11, fasc. 284.

<sup>13</sup> “Non essendovi tra li descritti marmi rarità alcuna, né di erudizione, né di scultura”. Licence granted to Giuseppe Martinelli on 20 January 1766. *Ibid.*

<sup>14</sup> Filippo Aurelio Visconti (1754-1830) was a numismatist, whose term as Commissary followed that of his father, Giambattista Visconti, who held the position between 1868 and 1884. In 1816 he was nominated Secretary of the General Consultative Commission of Fine Arts, and confirmed after the issuing of the *Edict Pacca* in 1820.

scrutiny. In 1788, referring to a statue of a *Faun with Hermaphrodite*, he stated that “the lasciviousness of the subject and the inaccuracy of the sculpture” made it suitable for sale.<sup>15</sup> He was also influenced by whether a work was unique or not: in 1789 he approved the export of a statue of *Minerva* and other pieces based on the fact that, although being of “good style”, the subjects were “too common”<sup>16</sup> and similar to those of “major monuments of the Public Papal Museums”.<sup>17</sup> Further expressions that Visconti used to approve exports concerned the artistic significance of the items, which were often considered of “null merit” or “nothing compared to similar pieces kept in the [papal] Museum”.<sup>18</sup> The licence he approved in 1797 for a bust of *Young Jupiter* was based on an extremely controversial verdict, which is typical of the hunt for unmatched works in these years: “Clearly, this is not one of those common monuments, which are neglected by both artists and scholars [...]. [Nevertheless], although it is rare, it is not unique, and although it is of high-quality style, it is not from an incomparable Greek sculptor”.<sup>19</sup> According to Ridley, at the time Visconti was Commissary “an untold wealth” of artworks was approved for export and transferred abroad, as “hardly anyone was refused a licence”. Most of these were purchases by English collectors and agents, and by Italian art dealers working for foreign clients.<sup>20</sup>

The situation appeared dramatically changed after the issuing of the *Edict Chiaramonti*. Soon after 1802, the purchase and export of ancient sculptures in Rome became extremely restricted compared to the previous decades, to the point that numerous local antiquity dealers reported a severe drop in their business to the office of the Camerlengo. The sculptor and restorer Carlo Pacetti even pointed his finger at the new edict as the cause of the detriment of his company: since the trade of antiquities was allowed only within the city, foreign collectors gave up buying the ancient statues he had restored, as they did not want to go through an assessment which would have only ended up with a rejection of an application

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<sup>15</sup> “Attesa la indecenza dell’atteggiamento e la trascuratezza della scultura”. Licence granted to Nicola La Piccola on 29 February 1788. ASR, *Camerale II*, b. 13, fasc. 295.

<sup>16</sup> “Minerva di buono stile”, “il soggetto è comunissimo”. Licence granted to Giuseppe Angelini on 29 January 1789. Ibid.

<sup>17</sup> “Monumenti maggiori ne’ Pubblici Pontifici Musei”. Licence granted to Giuseppe Del Prato on 19 April 1789. Ibid.

<sup>18</sup> “Niun merito”, “chi mai vorrà paragonarlo [...] ai [pezzi] del Museo Clementino?” (He used a rhetoric form). See the licences granted to Pietro Dado Montagnini on 6 April 1788, to Thomas Jenkins on 16 January 1792, and to Antonio D’Este on 6 January 1796. Ibid., b. 13, fasc. 295 and 297; b. 14, fasc. 298.

<sup>19</sup> “Non è certo uno di quelli comuni monumenti, cui non si rivolge, né l’artista, né l’erudito [...]. Se non è comune, pure non è un unico monumento, e benché sia di bono stile, pur non è [...] d’inarrivabile Greco Scalpello”. Licence granted to Annibale Malatesta on 25 November 1797. Ibid., b. 14, fasc. 299.

<sup>20</sup> For instance, Gavin Hamilton obtained more than 30 licences, James Byers 12, Collin Morrison 12; the Italian Massimiliano Labourer obtained uncountable licences, such as one to send abroad 34 cases of “mediocre” and “modest” paintings. For the quote and the data, see Ridley, *The Pope’s Archaeologist*, 108-110.

to export.<sup>21</sup> Among the business he had missed, Pacetti mentioned the sale of a statue of *Achilles*, a *Fauno*, and a *Goddess of Peace*, for which licences of export to England, France and Spain respectively had been refused. The *Edict Chiaramonti*, in broad terms, had established that the artworks free to leave the Papal States after the approval of a licence were “both Sculpture and Painting of living Artists [...], as well as the paintings of dead Artists, as long as they are not significant and pertinent to the Categories included [in the list]”.<sup>22</sup> As argued in Chapter One, the law had substantially extended the classes of works to be considered, granting, alongside antiquity, specific safeguarding to Renaissance painting – although, as said, not to modern sculpture; however, the criteria used to assess the artistic significance of each piece were still assigned to the discretion of the commissary, as had been the case with the law of 1750. In this framework, the principal responsibility for the harsh tightening up of the rules for export rested with the Commissary for Antiquity, Carlo Fea, who, as already mentioned, had since his first appointment in 1800 worked tirelessly both to obstruct the massive removals of antiquities from Rome and to reform the entire system of licences, exports and art trading in the Papal States. Fea had the administrative position, and the personal rigour and determination, to make a mark also on the parameters for assessing the objects proposed for sale. His convictions about the importance of minimizing the outflow of antiquities from Rome was so deep that he often refused to inspect the materials put forward for purchase, because “in any case, their export would be rejected”.<sup>23</sup> During the 36 years of his appointment, Fea repeatedly turned down exports on the basis of arguments and criteria that contrasted strongly with those of his predecessors, Winckelmann and Visconti. In 1803, for instance, he refused a licence for two statues, *Apollo Sauroctonus* and *Antinous*, claiming that: “even though they are damaged [these statues are] beautiful for the art, and original and interesting for scholarship”.<sup>24</sup> In 1820, Fea refused the sale of a *Sitting god of the Horti* on the basis of an extremely strict verdict: “[the piece] is original for what concerns the antiquarian aspects, but not for the merit of the sculpture”;<sup>25</sup> in other words, he rejected the export not because the piece had qualities related to the artistic standards of the

<sup>21</sup> Report without date. ASR, *Camerale II*, b. 14, fasc. 299.

<sup>22</sup> “Le Produzioni di Autori viventi, sia in Scultura sia in Pittura, [...] ugualmente [...] le pitture di Autori morti, purché non siano del pregio, e della Classe descritta”. *Edict Chiaramonti*, art. 5.

<sup>23</sup> “L’antico, di cui comunque non si dà estrazione”. See the case of Gioacchino Murat’s collection in 1802. ASR, *Camerale II*, b. 6, fasc. 189.

<sup>24</sup> “Benché tronco [...] bello per la scultura, nuovo ed interessante per l’erudizione”. Licence rejected to Gioacchino Marini on 16 August 1803. *Ibid.*, b. 14, fasc. 300.

<sup>25</sup> “Una certa novità che può essere degna di essere considerata per ciò che riguarda la parte antiquaria, e non mai al merito della scultura”. Licence rejected to Francesco de Santis on 3 January 1820. The licences discussed in this section are in: ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 37, fasc. 6. This licence is in the subfasc. 108.

time, but because it was relevant for art history. Such a change of approach towards exports did not mean that any form of Roman antiquity was banned from the international art market. The improved system of supervision and the “sharp eye” of the Commissary on the exports had simply managed to minimise the loss of extended typologies of ancient sculptures, vases, bas-reliefs, and so on. Fea did approve the export of hundreds of items, all judged as “bad”, “poor”, “amorphous”, “third-rate”, and of “little” or “no merit” for scholarship,<sup>26</sup> as well as items that had been rejected for acquisition for the papal collections, such as zoomorphic masks, milestones, vases and candelabra.<sup>27</sup> Among these low-quality materials, however, there were also artefacts which were not appreciated as art at the time, such as small figures of animals from Asia Minor, Turkish lanterns of terracotta, and Egyptian sarcophagi and statues, which started to be valued and added to the papal collections only a few decades later.<sup>28</sup>

Within the framework set up by the *Edict Chiaramonti*, it is also possible to observe the gradual development of different approaches for the export of antiquity and the export of painting. The number of paintings which were approved for sale and export during the first two decades of the nineteenth century seemed to increase rather than diminish, denoting that the interest in painting had grown both on the international art market and in art scholarship, and had achieved the same popularity as antiquity. On the other hand, it also seems to indicate that Carlo Fea and his Inspector Antonio Canova did not have the same consideration and care for painting that they had for antiquity.<sup>29</sup> A report compiled by the Secretary of the Papal States in 1802 outlined the rise of painting in both artistic fashion and the art market in early nineteenth-century Europe. Referring to England, he stated that a number of antiquities recently introduced into the country could hardly find buyers, as “sculpture here is not in fashion anymore, painting is in vogue”.<sup>30</sup> For these reasons, he recommended an increase in supervision and inspection of painting within the Papal States. Even so, as the new edict protected only the paintings created after the “Risorgimento of the arts”, the pieces that were not considered to be by classical or Renaissance artists continued to be approved for export in Rome. In this period numerous paintings were transferred abroad on the basis of the negative

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<sup>26</sup> “Cattivo”, “infimo”, “informe”, “poco o niun merito”. *ibid.*

<sup>27</sup> See, for instance, the licences granted to George Cacheburne on 3 June 1823 and to Freeborn Smith on 30 May 1823. *Ibid.*, subfasc. 19 and 20.

<sup>28</sup> See, for instance, the licences granted to Monsieur Rogers on 22 January 1822 and to Ferdinando Giorgini on 5 May 1822. *Ibid.*, subfasc. 43 and 52.

<sup>29</sup> As already mentioned in Chapter Two, the position as Inspector for Public Painting was established in 1814.

<sup>30</sup> “Non essendovi ora la scoltura in moda, ma bensì la pittura”. Letter sent by the Secretary of State Carlo Erskine to the office of the Camerlengo on January 1802. ASR, *Camerale II*, b. 7, fasc. 198.

verdicts of the Commissary and the Inspector, who used to label them with opinions such as “very poor quality”, “rubbishy”, “third-rate”, “pieces of furniture”, expressing the belief that they lacked quality for both arts and scholarship.<sup>31</sup> Among these “mediocre” works appeared those by artists such as Giordano, Procaccini, Valentin, Baciccio, Castiglione, Veronese, and Vasari.<sup>32</sup> Entire collections were also exported, as was the case of the collection of Giuseppe Freidhof, for instance, which was designated as full of “third-rate artists of the fifteenth century”,<sup>33</sup> and the collection of Prince Stanislaw Poniatowski.<sup>34</sup> This last example represents a case in which the pope personally granted an authorisation for exporting sixteen works, although they were by “Classical artists”, including a *Holy Family* of Titian, a *Head of woman* of Leonardo, a *Portrait of old woman* of Rembrandt, an *Annunciation* of Zuccari, a *Ganimede* of Parmigianino and the *SS. Peter and Paul* of Reni. Pius VII granted Poniatowski a special licence for these paintings for political reasons, to avoid endangering political relations with both Lithuania and Poland.<sup>35</sup> But in many cases regular licences were granted, as happened with a further 300 paintings exported at this time, on the basis that “none of them is of a classical author, or is interesting for the Arts and the Schools”.<sup>36</sup> This included artists such as Borgognone, Mazzolino, Palma, Giorgione, Bellini, a number of Flemish painters, followers of the schools of Tiepolo, Guercino, Albani, Poussin, Rosa, Veronese, and Parmigianino, as well as a few Guido Reni works deemed “irregularly” modelled.<sup>37</sup>

In 1820, with the issuing of the *Edict Pacca*, new criteria for granting export licences emerged, while the authority of managing the assessments was assigned to the newly-established General Commission of Fine Arts. In addition to antiquities and Renaissance paintings, the new law forbade, as already clarified in Chapter One, the trade of both modern sculpture and artworks of the “decadence”, which included artefacts of the Early Christian period, and of the late-thirteenth and fourteenth century, including the Primitive artists. The edict also established the first official customs duty on the export of both antiquities and paintings, calculated as 20% of the value set by the administration for each of the pieces for

<sup>31</sup> “Pessimo”, “senza alcun valore”, “pittore infimo”, “pezzo di mobilio”. The licences discussed in this section are in: ASR, *Camerale II*, b. 15 and *Camerlengato*, p. I (1814-1823), tit. IV, b. 37, fasc. 6.

<sup>32</sup> See, for instance, the licences granted to Alessandro Paolo Greppi on 16 February 1804, to Alliston Washington on 19 February 1808, and to Pietro Palmaroli on 31 March 1808. ASR, *Camerale II*, b. 15, fasc. 302 and 306.

<sup>33</sup> Licence granted to Giuseppe Freidhof on 13 March 1817. ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 37, fasc. 6, subfasc. 162.

<sup>34</sup> *Ibid.*, subfasc. 30.

<sup>35</sup> Stanislaw Poniatowski was the grandson of the King of Poland and the Grand Treasurer of Lithuania; since the pope had not recognised his illegitimate sons with the Italian Cassandra Luci, he moved to Florence in 1820, and the pope did not wish to further alienate him. *Ibid.*

<sup>36</sup> “Non avendone trovato fra questi alcuno che sia d’autore classico, ch’interessi le Arti e le Scuole”. *Ibid.*

<sup>37</sup> “Scorretto”. *Ibid.*

which licences were requested.<sup>38</sup> This tax applied only to old artworks, not to contemporary art. It is to be noted that, before 1820, Fea had fixed customs duties of 15% for paintings and 18% for antiquities, but, as it was merely an informal fee and not prescribed by law, complaints regarding its legitimacy were registered, as well as several subterfuges to avoid payment.<sup>39</sup> After the *Edict Pacca* had made it statutory, the customs duty was rigidly applied to every licence of export issued in the Papal States for the following thirty years, as recorded in the archival documents of the file *Camerlengato II*.

The new criteria established for assessing both the monetary value of items and customs duties were based on an important innovation developed within concurrent art scholarship: this was the quantity (extent) of the restorations of each artefact requested for export. During the second decade of the nineteenth century, restoration had started to be perceived as an alteration and a falsification of the original piece, particularly for antiquities; in 1816, for instance, the General Consultative Commission of Fine Arts of Rome had decided to refuse new purchases for the papal collections of sculptures which were heavily altered by restoration.<sup>40</sup> One of the first licences of export informed by this new approach was approved in 1815 for the group of *Rape of Europe* and a *God Mithras*, which were evaluated as “restored [...] lacquered and retouched to the point that one cannot recognize the antique, so that there is nothing interesting for scholarship and art”.<sup>41</sup> In 1820, the *Edict Pacca* would make this parameter statutory, prescribing a rather uncommon method to evaluate the economic worth of the artworks, based on the extent of their restoration: “do not calculate modern restorations in the customs duty, because, being a product of a modern artist, they should not be charged”.<sup>42</sup> In 1821, the *Regulation on the Auxiliary Commissions of Fine Arts*, in general financial terms, affirmed that “Retouching, or inappropriate restoration, never increases the value of the artistic objects, but rather compromises their antiquity, and also diminishes their economic value”.<sup>43</sup> Clearly, the parameters for evaluating artworks were still commercial, not absolute. This new approach was to have profound effects both on the

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<sup>38</sup> *Edict Pacca*, art. 14.

<sup>39</sup> See Ridley, *The Pope's Archaeologist*, 113-119.

<sup>40</sup> For the restoration of ancient sculpture between the end of the eighteenth and the beginning of the nineteenth century, see Rossi Pinelli, “Artisti, falsari o filologi? Da Cavaceppi a Canova, il restauro della scultura tra arte e scienza” *Ricerche di Storia dell'Arte*, no. 13-14 (1981): 41-56.

<sup>41</sup> “Ristaurato [...] e patinato, e ritoccato in maniera che non si riconosce quasi l'antico; che nulla interessano per l'erudizione e per l'arte”. Licence granted to Antonio Franzoni on 14 February 1815. ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 37, fasc. 6, subfasc. 230.

<sup>42</sup> “Non comprendere giammai I moderni restauri, perché essendo questi una industria dei moderni Artefici, non vogliamo che ne risentano aggravio”. *Edict Pacca*, art. 15.

<sup>43</sup> “I ritocchi, o inopportune restauri, non accrescono giammai alle cose il minimo pregio, anzi alterandone l'antichità, ne diminuiscono il prezzo reale non poco”. *Regolamento per le Commissioni Ausialie di Belle Arti*.

trading of antiquities in the Papal States, and on the quality of the Roman artworks circulating in the international art market. The antiquities exported from the Papal States after the issuing of the edict were generally restored, completed with new parts or repaired to the point of having lost their original style and artistic quality, and sometimes their original iconography too. For example, the licence granted for a group of sculptures, which included the busts of *Antonino Pio* and *Marco Aurelio*, reported that they were so “heavily restored, to show little merit”;<sup>44</sup> similarly, the export of a collection of statues and other fragments was motivated by the fact that all the pieces were “damaged by Restoration”.<sup>45</sup>

Regarding painting, on the other hand, the extended protection to works of new epochs and styles did not necessarily imply a reduction in their export. The new standard on the amount of restoration was an added factor in applying the traditional opinions of “bad quality”, “ordinary”, and “rubbishy”, so that the number of exports of paintings remained quite significant. In 1821, for example, export of eight paintings, three of which were of “classical artists”, was approved as they were “not of first class”, “not worthy”, “suffering old restorations”.<sup>46</sup>

At this stage of the argument, before coming to interpretations and possible deductions on the weaknesses of the law, it is necessary to evaluate aspects related to illicit trafficking, infringements, sanctions and resolutions proposed to improve the supervision system. These factors make it possible to discern precisely the questions which depended on nineteenth-century aesthetic taste and those which related to loopholes and faults in the legislation, providing a more objective perspective on the effectiveness of the extension and application of the edicts. Such an analysis, moreover, creates a vivid picture of the market for antiquity and painting in the early nineteenth-century Papal States.

According to the analysis of Rossi Pinelli and Speroni, the principal shortcoming of the eighteenth-century law on the protection of papal heritage lay in the fact that it permitted both the commissary and the assessors to obtain percentages of profit on each of the licences of export they approved, since they were not granted any other form of salary or payment

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<sup>44</sup> “Molto restaurate, mostrando poco merito”. Licence granted to Banco Torlonia on 6 June 1822. ASR, *Camerlengato*, p. I (1814-1823), tit. IV, b. 37, fasc. 6, subfasc. 38.

<sup>45</sup> “Guastati dal Restauro”. Licence granted to Francesco De Sanctis on 7 July 1822. *Ibid.*, subfasc. 33.

<sup>46</sup> “Non essendo di prima classe”, “non trovandovi merito tale”, “sofferto dagli antichi restauri”. Licence granted to Atanasio Raezyksy on 10 April 1821. *Ibid.*, subfasc. 67.

from the government.<sup>47</sup> The habit of taking “presents” was broadly tolerated within the entire papal administration, not only in the sector assigned to the management of the arts, resulting in blatant cases of poor application of the rules, corruption, and breaches, which were basically endorsed by the law itself. Within this system, the approval of a licence of export often depended on the benefits that the administrators could gain, rather than from the assessment of the real merits of the artwork. This obvious contradiction was resolved in 1802 within the *Edict Chiaramonti*, when salaries were established for each of the appointed administrators, that is, the commissary, the inspector and the assessors. The new edict also required that the examinations of the artworks would be carried out “free of charge and without emoluments”; any defaulting, from that time, would be prosecuted by law.<sup>48</sup> Together with this, as already explained, a system of “exact notes” was created to control the properties of private collectors and aristocrats, establishing a further fundamental element in the battle against corruption, abuses and illicit trafficking of artworks. The new legal system conceived by Carlo Fea, therefore, was not only well-advanced and effective in preventing any possible infringement, but also undermined the centuries-old privileges of both papal administrators and aristocrats, reducing irrevocably their freedom in circumventing the law.

There were exceptions, however. The concessions granted to both Roman and international aristocracy should be particularly considered when evaluating the effective functioning of the papal legislation on the fine arts. Despite the firm prescriptions of the *Edict Chiaramonti*, and the subsequent improvements of the *Edict Pacca*, aristocrats continued to have the benefit of special papal privileges until the Papal States were fully annexed to Italy in 1871. This allowed them to carry out several exports of artworks under the protection of the pope himself, regardless of any remonstrations and opposition from Carlo Fea, the Camerlengo and the General Commission of Fine Arts. In 1804, for instance, the collection of the ambassador of Spain was exported with a special, duty-free authorisation granted by Pope Pius VII; even though these artworks had been assessed to be of “special artistic merit” by both the Commissary and the Inspector, they were permitted to be exported because the pope believed this would please “his Catholic Majesty” of Spain, for whom he had “great and due regard”.<sup>49</sup> In 1819, similar reasons supported the sale of the renowned statue of *Fauno Barberini* to Ludwig of Bavaria. In this case, the pope approved a licence of export because

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<sup>47</sup> According to Rossi Pinelli, presents and emoluments used to be agreed within the contract of employment of each administrator, as, for instance, the contract of the assessor Giovan Battista Monti. See Rossi Pinelli, “Carlo Fea e il Chirografo del 1802”; Speroni, *La tutela dei Beni Culturali*, 36-45.

<sup>48</sup> “Gratis e senza alcun pagamento”. *Edict Chiaramonti*, art. 5.

<sup>49</sup> Ridley, *The Pope's Archaeologist*, 119.



Ludwig had been a strong defender of the rights of the Papacy during the Congress of Vienna; this excellent work, therefore, was accorded him as “a boon in repayment”.<sup>50</sup> The situation did not change after the issuing of the *Edict Pacca* in 1820. Alongside further licences granted to Ludwig of Bavaria in 1825 and 1828, and to the Duke of Hamilton in 1825,<sup>51</sup> the export of the so-called *Madonna Colonna* of Raffaello in 1825 made clear that most of these privileged licences were accorded by the popes on the basis of political and transnational diplomacy. After Duke Giulio Lante had put the *Madonna* on sale on the art market, the Camerlengo Galeffi issued several warnings based on the prohibitions regarding exporting artworks that were currently in force. The painting, however, was acquired by the Court of Prussia and legally transferred to Berlin. In this case, Pope Leo XII had determined that it was desirable to keep “the friendship” of a Protestant king, for the benefit of the “Catholics in his states”. Also, he had recommended that Lante should not be prosecuted severely, “in consideration of his respectfulness”, thus nullifying the efforts of the Camerlengo to implement the rules in an impartial way.<sup>52</sup>

With the issuing of the *Edict Pacca* in 1820, while the system of protection of heritage was extended to the provinces of the state, new forms of infringements and legal loopholes came to light. Analysis of the reports kept in the file *Camerlengato II* has made it clear that the principal problem faced by the administrators for the fine arts between the 1820s and the 1840s related to the increased number of customhouses to organise and supervise. Before the establishment of the new procedures of control, the only customhouses to monitor were located in the ports of Ripetta and Ripa Grande on the river Tiber in central Rome. Here the assessors used to carry out a second inspection, to ensure that the artworks which were departing corresponded to those listed in the licence; after this final check, official seals were stamped and the cargo could leave the country.<sup>53</sup> Once the system of supervision was extended all over the state, however, problems arose for the commissaries who were supposed to inspect the remotest customhouses of the provinces, as the road network was not at all developed in most of these minor areas. Furthermore, as already discussed, the local commissaries were expected to self-finance their own travels. As a case study of these circumstances, the illicit trading in painting carried out by Gaetano Tambroni in the Legation of Bologna clarifies further issues that arose in the Papal States after the

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<sup>50</sup> Ibid., 216-220.

<sup>51</sup> Ibid., 227-228.

<sup>52</sup> “L’amicizia”, “noi Cattolici nei suoi stati”, “a riguardo della qualità del personaggio”. Lante was finally fined by the Camerlengo. ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 172, fasc. 564-566.

<sup>53</sup> For the procedures of inspection carried out in the customhouses of Rome in the eighteenth-century, see Speroni, *La tutela dei Beni Culturali*, 36-45.

publication of the *Edict Pacca*, as well as highlighting aspects related to the tactics used by the traffickers to circumvent the rules.

Between 1828 and 1829, the painter Gaetano Tambroni was accused of the illegal sale of artworks belonging to the Pontifical Academy of Bologna, and the illegitimate approval of licences of export for paintings coming from local private collections.<sup>54</sup> In these years, Tambroni was both Inspector of the Academy's picture gallery and a member of the Auxiliary Commission of Bologna, and had considerable influence on the administrative procedures related to the supervision of both the local art market and public collections. According to the reports submitted by the Apostolic Legate to the Camerlengo in 1829, the most common strategy pursued by local private collectors to get around the law was to claim that the artworks put forward for sale were either copies or originals largely refurbished, retouched or damaged by modern restoration.<sup>55</sup> Tambroni was accused of having validated uncountable quantities of such false declarations, and also having granted annulments of, or substantial reductions to the related customs duties in return for rich "presents" and benefits. Following this procedure, for instance, works of Perugino, Innocenzo da Imola and Cortignola from the Ercolani collection, and a remarkable painting of *Madonna with Child and Saints* of Correggio from the Brocchi collection, had been exported to Venice and England respectively.<sup>56</sup> The export of Correggio's painting, in particular, had induced the Auxiliary Commission to start investigating Tambroni, as the customs duty he assigned to it was only 60 scudi. Alongside the illegal licences granted to private collectors, Tambroni was involved in a wide trafficking of paintings coming from the local Academy of Fine Arts.

According to the reports of the Apostolic Legate, it appears that the strategies pursued by Tambroni and his partners in crime were based on a substantial understanding of both legislation and artistic scholarship. Tambroni used to bring the paintings to "his friend the restorer", who was given the task to repaint, "ruin" and "cover them up, so that, showing no value, they could be exchanged and sold without any obstacle"; these interventions were then removed at a later stage.<sup>57</sup> After the modifications, Tambroni himself was responsible for approving licences of export for such "worthless" works. Through this procedure, paintings

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<sup>54</sup> Gaetano Filippo Tambroni (1763-1841), was a neoclassical painter; he was member of the Academy of Fine Arts of Bologna and Inspector of the Picture Gallery for the Auxiliary Commission of Fine Arts of Bologna. The reports and letters discussed in this section are in ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 192, fasc. 920.

<sup>55</sup> Letter of the Apostolic Legate of Bologna Carlo Oppizzoni, 23 January 1829.

<sup>56</sup> Letters of 20 October 1828, 6 January 1829, and 10 February 1829.

<sup>57</sup> "Suo amico restauratore", "rovinarli", "mascherarli e così apparendo di niun pregio non trovando ostacolo per dolosi cambi e vendite". Letter of 6 January 1829.

such as *Christ and Disciples at the Sepulchre* by Prospero Fontana, *Luis of France and four ladies* by Lavinia Fontana, and *Mary and Saints* by Simone Contarini, originally placed in the gallery of the academy, had been exported. Tambroni had also organised a “secret place”, on the border between the Papal States and the Duchy of Modena, to store the paintings coming from both public collections and private dealers of Bologna. The pieces placed there were then transported to the customhouse when the situation was favourable, in order “to export them without [paying the] duty”.<sup>58</sup>

Within this research, it has not been possible to track the outcome of the case of Gaetano Tambroni, as the dossier related to his illegal activities passed from the office of the Camerlengo to the Court of Law of Rome, which might indicate that he was finally prosecuted. The data that have emerged from the archival documents regarding this and other cases, however, make it possible to offer some observations. First of all, there was a significant difference between the exports approved for artworks which were believed “worthless”, the exports granted for political and diplomatic reasons, and the exports carried out by pursuing illicit tactics, that is to say, by infringing the law. While in the late eighteenth century the differences between these aspects were generally ambiguous and blurred, in 1802 and, even more obviously, in 1820, they became clearly identifiable as result of the sharpening of the rules. Such a rationalisation was undoubtedly related also to the reorganisation of the administrative system of supervision, and to the concurrent refining of the theoretical methodologies of art history scholarship, which gradually grounded the rules and the criteria that were fundamental for implementing the law, such as typologies of artefacts, historical chronologies, and the amount and the quality of restoration. The systematisation of both legislation and scholarship would thus bring about the development of a distinct set of parameters for recognising and dealing with legal loopholes, infringements and abuses related to artistic assessments.

Together with this, it should be acknowledged that, apart from the example analysed, evidently no other major cases of corruption occurred within the fine arts administration between the third and fifth decade of the nineteenth century, given the information that is available in the archival documents. This might indicate either that the illegal activities of the Inspector Tambroni were an isolated case in the Papal States, or that others were so cunning, or perhaps so minor, that they were never discovered. On the other hand, in the same years, the central and the local commissions were facing other problems, concerning mainly the

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<sup>58</sup> “Per estrarre senza gabella”. Ibid.

inspections of the local customhouses and the new strategies pursued by collectors and dealers to avoid payment of the duties, which were considered examples of fraud. In 1837, the Camerlengo Galeffi tackled these issues, and asked his most reliable officers to put forward solutions to resolve them, in order to meet limitations within both legislation and administration. The report compiled by the delegate of the Auxiliary Commission of Bologna included the most complete and analytic suggestions submitted to Galeffi in response to his request, offering firm proposals to solve both the ambiguities of the law and cases of clandestine circumvention.<sup>59</sup>

The principal question addressed within this report regarded the situation in the customhouses of the Papal States. The delegate described it as “inadequate and indecorous”, as the commissaries were not even provided with the basic equipment to carry out inspections: stationery and chairs were regularly missing, and often also the customhouses’ porters and secretaries were absent. This last issue, in particular, created easy opportunities to smuggle artworks across the state’s borders, as, for instance, had happened with Tambroni. Therefore, the delegate not only recommended that the Camerlengo set these issues to right, but also put forward ideas to further improve the supervision. First, he suggested introducing a register of the incoming and outgoing artworks in each customs house, in order to record the “progress and the status” of any trading “for the benefit of the authorities”. Alongside this, he argued that the customs staff should be prevented from allowing the removal of any box which did not have the seal of the Camerlengo, since the absence of a seal indicated that the items had not yet been inspected. In this regard, the delegate proposed replacing the current seals, with the imprint of the Colosseum, with new ones, with the dome of Saint Peter and the papal keys, in order to avoid forgeries and the misuse of old licences. He also suggested the reissue of a document to remind everyone of the responsibilities and tasks assigned to each of the appointments in the administration of the fine arts; this note should also recap the rules for assessing the artworks and for attributing values to each class of materials.<sup>60</sup> Finally, regarding the customs duty, the delegate believed that the rate was too “heavy” and that by reducing it to 5% or 6% the risks of infringement would also diminish. This robust argument was completed with the addition of a sound critique of the entire system of assessment of the artistic and economic value of artefacts. According to the

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<sup>59</sup> As this report is not signed or dated, I will refer to its author as “the delegate”. ASR, *Camerlengato*, p. II (1824-1841), tit. IV, b. 255, fasc. 2737.

<sup>60</sup> “Insufficiente e inadeguato”, “il movimento e lo stato”, “giovando ciò assaissimo all’ autorità”, “gravoso”, “sarebbe necessario dichiarare per legge, che il beneficio della libera esportazione é per I soli autori viventi [...] [mentre] tutte le opera di quelli, I quali sono da cinque o dieci anni defunti, sieno sottoposte a dazio”.

delegate, the major ambiguity lay in the fact that the law established different parameters of evaluation for antiquities, painting, modern artworks, and ancient artworks with restoration. This not only created confusion and cases of personal, subjective interpretation among the officers in charge of the inspections, but also allowed private collectors to tamper with their artefacts in order to avoid paying duties. The solution he proposed to resolve these misinterpretations was substantial: “The law should declare that free export is allowed only for living artists [...] [while] all the artworks of artists who died earlier than five or ten years ago should be subjected to the customs duty”. With this, he intended that all works by dead artists should be charged at the same customs rate.

The plan to resolve the ambiguities within the administrative and legal system of heritage protection in the Papal States was not finalised at this point, as the Camerlengo Galeffi died in the same year, 1837, and his successor does not seem to have followed up his intentions. Nevertheless, Galeffi’s project makes clear that the papal administrators were aware of the shortcomings and gaps within the system, as well as being informed of the continuous development and refinement of artistic scholarship, although this was not pursued as thoroughly as the legal aspects. From this perspective, the idea of the delegate of Bologna to attribute the same customs rate to any artwork of a dead artist might be considered, arguably, as the initiation of the lengthy process of development of the approach that would become the core of several recent laws on the protection of artistic heritage, which safeguard all old artwork inclusively, whatever its quality, style and epoch of production.

Figure 14 *Tomb hunters in Corinthos.* In *The Illustrated London News*, 21 April 1877, 364.

<http://www.chs-fellows.org/2012/10/17/guns-drugs-and-the-trafficking-of-antiquities-archaeology-in-19th-century-greece/iln-21-april-p364-tomb-robbers2/>

## Export and the market for antiquities in Greece

Turning to Greece, the early definitions established by law to characterise the works suitable for export, which, in this case, were particularly antiquities, appear to be more specific and systematic than those applied in the Papal States, even though they were similarly based on the evaluation of the items in relation to their grade of “significance” and “merit”. According to the law of George Ludwig von Maurer of 1834, “unnecessary duplicates” of items, “useless single objects”, and “antiquities that are superfluous and not important for the State” could be approved for export by both the local commissions and the general conservator. In particular, the “useless replicas” allowed for trading were defined as the objects that were of the “same kind and quality” as another piece.<sup>61</sup> With this, the law intended that the works which were believed to be repetitions of an identical “prototype” in terms of subject, style, canon and iconography could be allotted to the art market, as they were considered of no value for Greek art and scholarship. On the other hand, the artefacts that were appraised as “valuable” and “important” could be retained by the ministry to be included in the national collections and museums. As will emerge in this section, this concerned particularly the new findings coming from private excavations, which, following a system of shared-ownership, belonged in equal parts to the state and the landlord of the site, and could be acquired by the ministry by applying the right of first refusal.<sup>62</sup> The artefacts coming from public excavations, in contrast, were managed directly by the Greek ministry, as they were considered collective property of the Greeks. The organisation of public sites could be assigned either to the Archaeological Service or to foreign archaeological missions in Greece. In this case, specific agreements were stipulated between the Greek and the foreign government to define both the conditions of the excavations and the specific amount of discovered items to be allocated to each member of this partnership. The analysis of the diggings of Olympia in this section will clarify the legal aspects of such agreements, referring, in this specific case, to the contract between the Greek ministry and the German mission; particular focus will be on the criteria defined to assign part of the new findings to the Germans as repayment for their work, as they shed light on the implications of the concepts of “duplicate” and “replica” of an artwork.

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<sup>61</sup> “Überflüssigen Doubletten”, “Doubletten oder einzelnen unbrauchbar”, “Antiquitäten für den Staat weder notwendig noch wichtig”, “Derselben Art und Qualität besitzen”. *Gesetz*, art. 8, 14, 77, 79.

<sup>62</sup> *Gesetz*, art. 64 and 80.

One of the earlier applications of the definition of “useless antiquities”, suitable for “sale or reuse”, appeared in the projects for the restoration of the Acropolis of Athens, which were designed by the Bavarian architect Leo von Klenze a few months after Maurer’s law was issued.<sup>63</sup> Together with the plans for re-erecting the ancient temples, Klenze defined the appropriate methods for organising the area of the Acropolis as an archaeological site. His instructions for carrying out the work were extremely clear: the sculptures that were still “plastic”, that is, well modeled and preserved, were to be stored in the Theseion or in the small mosque in the Parthenon, until they could be transferred into the Acropolis Museum once it was set up. On the other hand, the pieces that maintained only some “shape, profile, cornice, ornament, work of relief or painting of some interest” were to be placed “in a picturesque manner in and around the ruins” on the Acropolis, to preserve the picturesque character of the site – a whimsical requirement from a neo-classical architect. The other materials, that were fragments, “shapeless” or considered to have no artistic relevance by the conservator in charge, could either be reused for reconstructing the Acropolis, or “sold to the highest bidder” as building material.<sup>64</sup> Finally, the rubbish and the debris, which Klenze described as the pieces that did not come under any of the previous categories, could be thrown down the hill and used to create new streets and infrastructures. To give some indication of the amount of material removed, Ludwig Ross, at the end of his two-year appointment as General Conservator, is reported to have obtained for his office the incredible sum of 50,000 drachmas from the sale of the “Useless Marbles” coming from the Acropolis.<sup>65</sup> These included both the material coming from Venetian and Ottoman monuments, which were removed to free the classical temples, and the formless, irrelevant ancient fragments designated by the Conservator. The early approach towards the protection of antiquity in Greece, therefore, was not dissimilar to the one pursued in the Papal States: in broad terms, the materials reputed to be “unimportant” could be either sold or reused.

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<sup>63</sup> Klenze submitted four memoranda to the Bavarian Regency; those submitted on 22 August and 15 September 1834 related to the restoration of the Acropolis. See Leo Von Klenze, *Aphoristische Bemerkungen gesammelt auf seiner Reise nach Griechenland*, Berlin: 1838, 389-396, 422-424; Mannoni, *I restauri dell’Acropoli di Atene tra Ottocento e Novecento. Prospettiva storica e dibattito critico*, Tesi di Laurea Specialistica, Università di Roma “La Sapienza”, 2008-2009; Mannoni, “Marmi inutili da vendere o riutilizzare”.

<sup>64</sup> “Formen, Profile, Gesimse, Ornamente plastischer Arbeiten oder Malereien noch einiges Interesse gewären”, “malerische Art in und um die Ruine gruppiert und warden”, “sie würden an die Meistbietenden verkauft”. Klenze, *Aphoristische Bemerkungen*, 394.

<sup>65</sup> “Unbrauchbarer Steine”. To understand the value of the sale, one might note that, according to Deligiannis, the fine prescribed in 1834 for failing to report the discovery of fresh antiquities was 50 drachmeas maximum. For the quote see Ross, *Eirinnerungen und Mittheilungen aus Griechen*, 83. See also Theodoros Deligiannis, *Ελληνική νομοθεσία από του 1833 μέχρι του 1876* [Greek legislation from 1833 to 1876]. Athens: Angelopoulos, 1876, 287.



Such an attitude appears to have profoundly informed the policy followed by the Greek archaeologists soon after the Bavarians were dismissed from the Archaeological Service and the management of local heritage. Analysis of the documents kept in the archives of Athens has revealed that the sale of the “useless” materials removed from the Acropolis occurred on at least two further occasions, in 1840 and in 1848-1849.<sup>66</sup> The General Conservator Kyriakos Pittakis, in charge during this period, carried out works of restoration which involved the elimination from the Acropolis of any structure that was not believed to be of classical origin. The majority of the “insignificant”, “superfluous” material mentioned in the documents, therefore, can be identified as the elements removed from the Venetian, Frankish and Ottoman structures in the Propylaea and the Erechtheion, as well as from the small mosque, and the remains of the Byzantine church and frescoes that were within the Parthenon. Besides this, additional material removed was constituted of “shapeless” and “insignificant” antiquities, which were considered either not of classical origin or relevant enough to be preserved. As had already occurred during the years of Ross, these pieces were either reemployed for the works of restoration, or sold to private contractors as building materials, in order to raise the funds needed to continue the operations of refurbishment of the Acropolis.

The unavailability for consultation of part of the documents in the archives of Athens, already mentioned, precluded research on the reports produced by the Archaeological Service from 1855 onwards. But, given what was available there and the information that is currently accessible in the General Archive of the State, it seems that no substantial records were produced on approved exports of antiquities when Kyriakos Pittakis was General Conservator of Greece, from 1836 to 1863, apart from those directly related to the Acropolis. While such a lack of data suggests a lack of concern related to “superfluous” and “insignificant” antiquities, it prevents a definitive analysis of the artworks dispersed from Greece in these years. Petrakos has also pointed out the dramatic gap that a similar absence of documentation creates in the history of the practices of collecting in Europe and the activities of the foreign archaeological missions in Greece.<sup>67</sup> In lieu of this archival material for analysis, two significant cases of the export of antiquities carried out in 1875 will be developed from data recorded in nineteenth-century and recent publications. Analysis of the legal and cultural

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<sup>66</sup> ΓΑΚ, *ΥΕΛΕ Α'* (1833-1848), φ. 1157 and *ΥΕΛΕ Β'* (1848-1854), φ. 184.

<sup>67</sup> “It is not known and it will never be known which are the [Greek] antiquities that are currently in the foreign museums or which collections left legally Greece after the archaeological missions” in the period of both Ludwig Ross and Pittakis. Petrakos, *Πρόχειρον Αρχαιολογικόν*, 64.

implications related to each of them will not only serve to clarify the approach of the Greek administrators towards both the art market and the scholarship of the time, but will also expand and reinterpret the accounts of the historical events offered in recent literature.

The export of 876 antiquities discovered during the German excavations at Olympia between 1875 and 1881, is the first case that offers substantial examples related to the aesthetic and legal standards used by the Greek administrators to assess artworks. As emerged in Chapter One, the agreement stipulated between the Greek and German governments regarding these excavations had established, together with the methods for digging and supervising the site, the duties and the benefits for both parties.<sup>68</sup> The Greeks had imposed their own inspectors on the area during the excavation, as they held, *de facto*, the legal ownership “of the artefacts of ancient art and of all the other objects that [...] will be discovered during the excavations” of Olympia.<sup>69</sup> The Germans, on their side, had obtained the right to publish any new discovery and achievement, as well as permission to transfer to Berlin materials that the Greek officers did not consider valuable and interesting enough for their own national collections. According to the procedures defined in the contract, these “worthless” pieces were to be identified and cross-checked by the Greek inspectors following a specific list of instructions, which ranked the new discoveries into classes of value. The items recognised as the “most precious”, which were the “works of art that are unique, [which exist] only in a few exemplars, [and which are] exceptional and not similar to, or duplicate” of other objects, were entirely excluded from export, as the Greeks would keep them for the benefit of their local collections.<sup>70</sup> On the other hand, the materials that, despite having only a few similar models, were regarded as “insignificant”, were assessed individually according to their respective “quantity” and “quality”; in the case of approval, these items could be exported. This included “lamps of clay, milestones, arrows of acacia, small stoneware and bronze figurines, of humans and animals, sacred or votive gifts to the gods, and all the copious quantity of items of bronze, fossil (shell), clay and stone”.<sup>71</sup> The most significant clause of the instruction regarded the objects identified as “duplicates,

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<sup>68</sup> The contract was undersigned on 13/25 April 1874, and was ratified on 12/26 November 1875: *Περί κυρώσεως συμβάσεως μεταξύ Ελλάδος και Γερμανίας περί αρχαιολογικών ανασκαφών εν Ολυμπία* [Ratification of the convention between Greece and Germany for the archaeological excavations in Olympia]. See Petrakos, *Πρόχειρον Αρχαιολογικόν*, vol. 1, 179-186.

<sup>69</sup> “Των προϊόντων της αρχαίας τέχνης και παντός άλλου πράγματος, ου τινος ήθελεν επέλθει ηνακάλυψις, ως εκ των ανασκαφών”. *Ibid.*, 179.

<sup>70</sup> “Εργων της τέχνης είνε μοναδικά, ολίγα μόνον διπλά, πλειότερα δε όμοια η πολλαπλά απαντώνται”. *Ibid.*, 181.

<sup>71</sup> “Λύχνοις πηλίνος, σταθμοίς, ακωκαίς βελών, μικροίς πηλίνοις και χαλκίνοις άγαλματίοις, ανθρώπων και ζώων, α η ευσέβεια ως αναθήματα προσέφερε τοίς θεοις, και ων το πλήθος ανέρχεται των μεν χαλκίνων εις εξακισχίλια, των δε πηλίνων εις υπερδισχίλια περίπου”. *Ibid.*

repetitions, or multiples” of the “artworks” found during the excavations.<sup>72</sup> The German government had asked to be assigned the remains of the Sacred Alti, the Philippeion and the Exedras of Herod, since, it argued, their structures were deeply damaged and the original pieces necessary to restore them had been largely lost, removed or plundered by previous antiquarians. In particular, the Germans hoped to acquire the “surviving relics” of “capitals, bases of columns, fragments of cornices and epistyles [...], some treasures, as well as some of the many heads of lions, used as drainpipes, and pottery [...]” still available in the area.<sup>73</sup> Their request can thus hardly be considered modest. The Greek government, on its side, accepted the deal in broad terms, but in the agreement specified that export would be approved only for the materials that the inspectors could verify as “doubles or repetitions”, raising wide resentment and disappointment among the German archaeologists. The director of the excavations, Georg Treu, at the end of the work, complained about the scant gains that Germany had obtained: “How modest is the value [...] of these doubles, multiples and repetitions, and how remarkable is the quantity of the artworks remaining in Greece [...]”.<sup>74</sup> The list that he had compiled of items he hoped to acquire from the new discoveries of Olympia had, in fact, been mostly refused by the Greek ministry:

[Stone artefacts]: Eight heads of lions from the Temple of Zeus, one statue of the Fortune Nemesis, two imperial statues, one block, one statue with toga, two statues with himation, five statues of ladies with pepulum. [Inscriptions]: samples from the sacerdotal collection. [Bronzes]: about 25 statuettes, about 300 prehistoric votive animals and workshop artefacts, utensils and gears, parts of wares and jewels, animals and parts of animals, arms, various objects, about 100 weights, six double inscriptions, complete but multiple. A full collection of about 1,500 copper items [from among about 14,000 that have been found]. [Clay]: one head of Hera [of the two heads that have been found], one lion, about 50 prehistoric statuettes and workshop artefacts, about 25 lamps, about 40 weights and columns, about 500 pieces [from among about 2,000 “pieces of architectural stoneware jewels” that have been found], about 600 clay objects in collection [from among 4,000 that have been found].

<sup>72</sup> “Διπλών και ομοίων η πολλαπλών”, “Καλλιτεχνημάτων”. Ibid.

<sup>73</sup> “Σωζομένων λειψάνων”, “κιονόκρανα τινα, βάσεις κιόνων, μέλη γείσων και επιστυλίων [...] τινων θησαυρών, ωσαύτως δε και τινος εκ των πολλών κεφαλών λεοντών, αίτινες εχρησίμευον ως υδρορροάι, και κεράμους [...]”. Ibid.

<sup>74</sup> “Όσω μικροτέρα η αξία των ανωτέρω καταγραφέντων διπλών και πολλαπλών και επαναλήψεων, και οσω μεγαλείτερος ο αριθμός των μετά την αφαιρέσιν αυτών εν τη Ελλάδι απομεινόντων καλλιτεχνημάτων”. Ibid., 185.

[Architectural]: multiple architectural members from about 20 constructions in detached position [...]. [Coins]: the German mission is excluded from the revision of the multiple coins, because of the presence of the Greek officer *in situ* [about 6,000 coins have been found]. [Various objects]: insignificant samples in terms of quantity and quality.<sup>75</sup>

In 1881, Germany was granted 876 pieces, many fewer than the 2,200 objects originally asked for by Georg Treu.<sup>76</sup> However, there is no document to evaluate the rationale followed by the Greek inspectors in declining most of this request, to assist us to comprehend the characteristics of the artefacts believed to be “repetitive” and “useless”.<sup>77</sup> In terms of legal and artistic understanding, the reason for approving the export of some of these pieces was, as stated in the agreement, to “avoid repetitions” in the museums and collections of Greece.<sup>78</sup> The “double and repetitive” artworks of Olympia were, in the mindset of the Greeks, the samples that had identical subject, style, and iconography to another prototype, which was generally believed to be better preserved or superior to these “repetitions”. The duplicates of such a model, therefore, were approved for export and relocated to Germany, as they were not believed to be worthy of protection or useful to the Greek artistic and academic establishment.

The massive export of the Tanagran figurines that took place during the 1870s is the second example which helps us to understand the legal implications of the concepts of “unnecessary duplicate” and “superfluous antiquity” in Greece. As already mentioned in Chapter One, soon after these small Boeotian statuettes reached the art market in 1871, an

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<sup>75</sup> [Λίθινα]: 8 κεφαλαί λεόντων του ναου του Διός, 1 άγαλμα Νεμέσεως Τύχης, 2 άγαλματα αυτοκρατόρων, 1 κοσμός, 1 άγαλμα τηβεννόφορου, 2 άγαλματα ματιόφορων, 5 άγαλματα γυναικών πεπλοφόρων. [Επιγραφές]: δείγματα τινε καταλόγων ιερέων. [Χάλκινα]: 25 περίπου άγαλματα, 300 περίπου αναθήματα ζών παναρχαίας και ατελεστάτης τέχνης, οκεύη και εργαλεία, μερη σκευών και κοσμήματα, ζώα και μερη ζώνων, οπλα, αντικείμενα κόσμου, 100 περίπου βάρη, 6 περίπου διπλά επογραφών, απαντα εκ των πολλαπλών. Εν σθνόλω 1500 περίπου αντικείμενα χαλκίνα [απο τα περίπου 14000 που είχαν βρεθει]. [Πήλινα]: 1 κεφαλή Ηρας [απο τις δύο που είχαν βρεθει], 1 λέων, 50 περίπου άγαλματα παναρχαίας και ατελεστάτης τέχνης, 35 περίπου λυχνία, 40 περίπου βάρη και σπόνδυλοι, 500 περίπου τεμάχια [απο 2000 "περίπου τεμάχια πηλίνων αρχιτεκτονικών κοσμημάτων" που είχαν βρεθει], 600 περίπου αντικείμενα πήλινα εν συνόλω [απο τις 4000 που είχαν βρεθει]. [Αρχιτεκτονικά]: Πολλαπλά αρχιτεκτονικά 20 περίπου κτιρίων απο της αρχικής των θέσεως αποσπασθέντα και μετακομισθέντα, δείγματα σωλήνων. [Νομίσματα]: Η είς Βερολίνον αποστολή εξαιτείται, ινα εκεί επί παραουσία Έλληνος επιτρόπου καθαρισθώσι πρός εξέλεγγιν των πολλαπλών [είχαν βρεθει 6000 περίπου νομίσματα]. [Αντικείμενα διάφορα]: Δείγματα ασήμαντα κατά τε τον αριθμόν και την αξίαν . List submitted on 10/22 February 1881. Ibid., 184.

<sup>76</sup> George I of Greece, king from 1863 to 1913, approved the export of these items on 8 February 1882; they reached Berlin on 1887. Thanks to Prof. Yannis Galanakis for providing this information.

<sup>77</sup> These observations are based on the data collected by Petrakos. The Olympia collection in Berlin was largely destroyed during the Second World War, making it difficult to assess the “repetitive” artworks. Ibid.

<sup>78</sup> “Προς αποφυγήν επαναλήψεως”. Ibid., 181.

uncontrolled Tanagra-mania spread among international collectors and museums, prompting in turn wild competition among the art dealers in Athens. The demand for the Tanagran figures that quickly grew on the European art market was followed by both rising prices and the production of countless forgeries. In 1873 a single figurine of *Aphrodite playing with Eros* was marketed at the incredibly high price of 9,000 French francs,<sup>79</sup> and in 1877 the Antikensammlung of Berlin acquired two statuettes for more than 18,000 francs. A year later the British Museum purchased four of the figures for almost 20,000 francs, discovering only later that two were modern forgeries.<sup>80</sup> In less than a decade, more than 5,000 Tanagra figures, both original and counterfeit, were dispersed throughout Europe, while about 1,000 necropoleis in Boeotia were devastated by grave robbers and unscrupulous art dealers seeking more examples.<sup>81</sup> The illegal excavations brought about the loss of fundamental data related to stratigraphy, chronologies and typologies, detrimental to both scholarship and local arts; in addition, grave robbers damaged or destroyed large quantities of diverse figurines, which were ruined during rude nocturnal diggings and transfers. In this situation, the Archaeological Service in the Greek ministry and the Archaeological Society at Athens managed to conduct systematic excavations in a portion of the area of Tanagra, procuring, as already explained, a good number for the state collections and sufficient data for understanding the chronologies; apart from this, however, they did not undertake any substantial action to stop the loss of these figurines.<sup>82</sup>

While the rapid increase in value of the Tanagras can be related to the very high demand on the international art market in Europe, the neglect of the Greek establishment towards their trafficking should be evaluated against the specific background of Greece at that time. The conduct of the local administration towards the export of these figurines has generally been connected to reasons of transnational diplomacy and lack of political will, as by Simopoulos and Petrakos, who point out that the Archaeological Service had been aware of the ongoing illegal trafficking in Boeotia since the early 1870s, but had refused to undertake any action.<sup>83</sup> Petrakos has recently put forward similar explanations to criticise the

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<sup>79</sup> Neither the buyer nor the seller of this piece is reported. These and further examples are reported by Galanakis, who offers an assessment of their prices both in francs and pounds. To understand the value of the sale, one might note the contemporary salary of the General Conservator of Greece, which was 400 francs per month, while that of a University Professor was 350 francs per month; both were considered very good salaries. See Rayet, *Catalogue d'une collection de Statuettes*; Galanakis and Nowak-Kemp, "Ancient Greek skulls", 4-5; Petrakos, *Δοκίμιο για την Αρχαιολογική Νομοθεσία*, 64.

<sup>80</sup> See Galanakis and Nowak-Kemp, "Ancient Greek skulls", 4.

<sup>81</sup> See Rayet, *Catalogue d'une collection*, v-vii.

<sup>82</sup> See Galanakis and Nowak-Kemp, "Ancient Greek skulls".

<sup>83</sup> See Petrakos, *Πρόχειρον Αρχαιολογικόν*; Simopoulos, *Η λεηλασία και καταστροφή*, 391-393.

attitude of the Greek administration towards the excavations of Olympia. According to his analysis, the Olympia agreement was basically the result of the authority of Germany over the small and young Greece, which was forced to accept the decisions and the conditions imposed by the stronger counterpart.<sup>84</sup> This interpretation, however, contradicts the relatively strict guidelines that operated at Olympia, and the frustration of the Germans at the poor acquisitions they obtained from the excavations. The Greeks, indeed, appeared to follow a quite successful policy in these circumstances, considering that the ministry did not have sufficient funds to carry out the massive works of excavation on its own, and that ultimately it approved the export of only the materials which were believed to be “duplicate” and “useless”. In the case of Tanagra, on the other hand, international diplomacy is not a sufficient reason to contextualise the ravaging of the site and the massive export of the statuettes. In this scenario, the chronic shortage of inspectors and officers within the Archaeological Service should rather be considered as the primary reason, as it probably played a strong part in preventing the local authorities from intervening.<sup>85</sup> In 1875, the only appointee officially in charge within the Archaeological Service was Panayiotis Eftratiades, who was based in Athens and was at the time launching new reforms to expand the number of inspectors in the provinces of Greece. In this situation, therefore, no one actually had the power to stop the plundering of the necropolis of Boeotia.

Questions related to the legal aspects of the law of 1834 should also be raised, as they reveal the artistic and aesthetic implications which are behind the general acquiescence of the Greek archaeologists on the export of these figurines. In terms of Maurer’s regulation, the Tanagras represented no more than duplicates and repetitions of one another, artefacts that were mostly replicas of an identical subject, style, canon and iconography. As with the “double” artworks of Olympia, they were not thought of as unique pieces. Once the Greek ministry and the archaeological society had secured good samples, therefore, the superfluous copies could be exported, as it was considered this would not have any consequences for Greek art and scholarship. Even if artistic taste alone is not sufficient to explain the neglect of these pieces by the Greeks, the implications of the aesthetic perception of the time provide new perspectives on both the exports of Boeotia and the excavations of Olympia, in addition to questions related to the legal repercussions of the law, the shortage of supervision, and the

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<sup>84</sup> See Petrakos, *Πρόχειρον Αρχαιολογικόν*.

<sup>85</sup> Here I agree with the position of Galanakis, as emerged from several of his articles.

construction of artistic knowledge: all these aspects contribute to current understanding of the export of antiquities in nineteenth-century Greece.<sup>86</sup>

Accurate assessment of the Greek legislation of 1834 also requires the evaluation of aspects related to the activity of private art dealers and collectors. As with the Papal States, analysis of art trading, and the resolutions proposed to increase the supervision, clarify the applications, the consequences and the loopholes of both the legal and administrative systems for protecting heritage in Greece. Such an examination also involves factors related to the illegal market of ancient relics in Athens. The trafficking of antiquities conducted by Athanasios Rhusopoulos in the second half of the nineteenth century, as a case study, will focus on the strategies applied by local and international dealers to circumvent the law, providing a significant counterpart to the account on the smuggling of artworks in the Papal States presented in the previous section.

It is pertinent that travel books at the time offered advice on acquiring antiquities and artworks in Greece, just as they might make suggestions about souvenir purchases today. In 1884, the English *Handbook for travelers in Greece* by John Murray recorded the presence in Athens of a “superior class of collectors who, while not ostensibly dealers in antiquities, are very willing to dispose of their possessions when a good opportunity occurs”.<sup>87</sup> The guide particularly emphasised the existence of a law which prohibited “the removal of *all objects of antiquity* (however insignificant) from the kingdom, under penalty of fine and confiscation”. For this reason, travellers and patrons were advised to consult local experts to discover the safest way to finalise their purchases: clearly, the guide was referring to the requirement of obtaining an authorisation from the local administrators before exporting the artworks. In 1889, the popular Baedeker’s guidebook listed N. Polychronopoulos, S. Palaiologos, A. Xachoustis, A. Erneris, and J. P. Lambros among the most renowned art dealers in Athens, mentioning also what they had to offer in the form of assortments of small objects, vases, statuettes, terracottas, and so on.<sup>88</sup> These materials were generally defined as “genuine but expensive”, although Murray’s guidebook informed readers that the production of both *pastiches* of ancient fragments and “spurious manufactures” had been increasing, together

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<sup>86</sup> In 1875 Olivier Rayet discussed the negative consequences for scholarship of the destruction of the stratigraphy in the tombs of Tanagra, blaming it on the Greek law of 1834: “Les figurines de Tanagra, au Musée du Louvre (2<sup>ème</sup> article)” *Gazette des Beaux-Arts*, Sixième Livraison (Juin 1875): 551/558.

<sup>87</sup> For this and the following quote, see Murray, *Handbook for travellers in Greece*, 161.

<sup>88</sup> See Karl Baedeker, *Greece. Handbook for travellers in Greece*, London: Dulau and Co., 1889, 34.

with the distribution of forged “vases, terracotta statuettes”,<sup>89</sup> and “coins and gems, imported from Italy and France”.<sup>90</sup> Murray’s guide also pointed out that Greek dealers generally specialised in the trade of specific categories or typologies of objects, so that, for instance, good “coins, Tanagra Terracottas, and Rhodian Ware” were available from Lambros, while gems and souvenirs from the Acropolis were offered at Martinelli’s.<sup>91</sup> The items most frequently sought after by travellers in this period were metal and stone tools, terracotta bells, cups, jars, vases, vessels, figurines, pots, plaques, and tomb accessories, including gold bands, strigils and mirrors, with a growing demand for early Cycladic and Geometric-style objects, as well as skulls, bones, and skeletons, used in early anthropological research in Europe. Considered one of the finest dealers of “cores, blades, flakes, arrowheads, axes, hammers, weights, swords, bronze vessels, and various more, including fishhooks and needles”, particularly from Bronze Age, Athanasios Rhusopoulos was an art collector, university professor, and member of the Archaeological Society, but he was also a well-known international trafficker of ancient artefacts.<sup>92</sup>

According to Galanakis, the early illegal activities of Rhusopoulos can be positioned in the framework of some gaps in Maurer’s law, so that it is problematic to assess whether his trafficking ensued from his infraction of the rules or from a technical loophole in the legislation. Galanakis has observed that the principal flaw of the Greek law concerned the conditions it imposed on the supervision of archaeological excavations conducted on private lands, and on the management of new artefacts uncovered there.<sup>93</sup> The ownership of the material found on private sites, as already mentioned, was expected to be shared between the landlord and the government; the application of the right of first refusal meant that the government was entitled to purchase these objects when it believed they were significant for the public museums and scholarship. The landlord, however, was allowed to refuse the government’s offer, if the bid he was presented with was too low.<sup>94</sup> If he declined the state

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<sup>89</sup> Murray, *Handbook for travellers in Greece*, 161.

<sup>90</sup> Baedeker, *Greece*, 34.

<sup>91</sup> Murray, *Handbook for travellers in Greece*, 161.

<sup>92</sup> Murray’s guide described Rhusopoulos: “Rhusopoulos, Professor of Archaeology in the University of Athens, has an interesting collection of vases, terracottas, coins, gems, etc... (see below, under *Museums and Collections*), which he is always willing to show travellers. Although the more important specimens are seldom for sale, he also has a number of miscellaneous antiquities to dispose of. His charges are moderate, and the traveller may have the satisfaction of knowing that anything purchased is undoubtedly genuine”. Murray, *Handbook for travellers*, 161. See also Galanakis and Nowak-Kemp, “Ancient Greek skulls”.

<sup>93</sup> Galanakis, “An unpublished stirrup jar”.

<sup>94</sup> Aspects of this prescription are not clear: for instance, did the government, which owned half of these materials, pay to the owner half of their value or the full price? Also, as discussed later in this section, why was the government entitled to receive half of the purchase price only for the sale of important antiquities, and not of any sale? These represent further ambiguous aspects of the law.



offer, the owner was authorised by law to dispose of his collection as he wished, which implicitly permitted the sale, export and relocation of any of these objects to a foreign country. The state had the right to obtain half the purchase price of the artworks that were sold, following the system of shared-ownership, but this applied only in the cases when the items were classified as “so important” by the general conservator. Manoeuvring within such a grey area of the law, especially the assessment of works and the procedures for sharing the ownership of the objects found on private lands, Rhusopoulos managed to carry out several semi-legal exports of antiquities during the early 1860s, before being detected and punished by the General Conservator Panayiotis Efstratiades. The last deal that he carried out before being caught in 1866, the sale of the Corinthian *Aineta Aryballos* to the British Museum, demonstrates the cunning ways Rhusopoulos manipulated both legislation and artistic scholarship in his own favour.<sup>95</sup> In his statement of self-defence against the accusation of smuggling, Rhusopoulos described the *Aryballos* as a “common”, “insignificant” object, “a small pot of the size of an apple, of no artistic value and of a common shape”.<sup>96</sup> He labelled it “valueless” and “superfluous”, without any significance for Greek museums and the arts, adding that he had decided to sell it because it was a mere “duplicate” of “better examples” he already had in his private collection. Most importantly from the point of view of my argument, Rhusopoulos claimed that, since the law of 1834 authorised the sale of “duplicate”, “insignificant”, “unimportant” and “superfluous” materials, the export of this pot could not be considered illegal. In particular, he stated, since the *Aryballos* was originally found in an excavation carried out on his private land in Athens, it was to be considered part of his own legitimate share of ownership. However, he had bypassed the state’s legal right to make him an offer before he would be permitted by law to sell the work. Rhusopoulos was thus prosecuted, as the assessments of the “valuelessness” of the artworks and approvals for excavations and exports were to be given by the general conservator, not private art dealers: he was fined 1,000 drachmas, which corresponded to the money he had earned from the sale, and barred from the Archaeological Society.<sup>97</sup> Nevertheless, his reasoning on the shared-

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<sup>95</sup> For Rhusopoulos’ trafficking in art and the case of the *Aineta Aryballos*, see Galanakis, “University Professor – Antiquities Looter”; Galanakis, “‘Insignificant’, ‘superfluous’, and ‘useless’: legal antiquities for export?” *Center for Hellenic Studies Research Bulletin*, (2012), accessed 19 November 2013, <http://wp.chs.harvard.edu/chs-fellows/2012/12/31/insignificant-superfluous-and-useless-legal-antiquities-for-export/>.

<sup>96</sup> For these quotes and the following ones, see Galanakis, “University Professor – Antiquities Looter”, 9.

<sup>97</sup> Rhusopoulos labelled the *Aryballos* as “insignificant” and “unimportant”, but he sold it to the British Museum for 1,000 drachmas, which was quite a large sum. The picture of Rhusopoulos that has emerged from the literature is of a man keen to make easy money, who did not recognise the authority of the state and the law, and disrespected Efstratiades as well.

ownership could not be disputed, as this represented a real technical ambiguity within the legislation itself.

The activities of Roshopoulos after the 1870s lend themselves to the analysis of further flaws of legislation, particularly regarding the system of inspection in the customhouses of Athens. After being caught, Roshopoulos obtained regular registration as an art dealer, which entitled him to be granted authorisations for exporting the artworks he had on sale.<sup>98</sup> However, according to the studies of Galanakis, it seems that he persisted with illicit trafficking until the beginning of the 1890s, as ultimately it was simpler for art dealers to carry out business without passing through the long, inefficient bureaucracy of the Archaeological Service for obtaining permits. Circumventing the administration, however, did not imply that it was necessarily easy to smuggle artworks out of Greece. A major challenge was presented at the customhouses of the port of Piraeus, where the inspections were particularly strict in the case of artworks and antiquities, most probably purposefully to counteract the lack of supervision within the ministry. The illicit strategies applied by dealers and collectors, in this case, aimed to deceive the customs checks, or to obtain privileged protection from influential officials for transferring artefacts out of the country, by bribing them with money or presents. Roshopoulos' tactic was to register his crates of objects under false categories; boxes he sent to England in 1871, for instance, were labelled as containing books for the British consul, although they were full of skulls and antiquities for Professor George Rolleston of the University of Oxford.<sup>99</sup> Further strategies that collectors used to deceive the inspections was to cut their purchase into small pieces, hiding these in their luggage, or even to register items as domestic animals, then offer bribes to the officer appointed to the check this.<sup>100</sup> There were many ingenious ways of attempting to circumvent the law. A German collector, for example, in the middle of the 1870s, was blocked by an incorruptible customs agent for shipping a "large consignment" of antiquities as "personal effects".<sup>101</sup>

In broad terms, the loopholes in the legal system of heritage protection in Greece may have been evident to the administrators working on its implementation, as had been the case in the Papal States, but they were equally evident to the majority of the art dealers and grave robbers who contravened the rules. The resolutions proposed by the Archaeological Service to improve the supervision, that is, the new regulations issued for expanding the number of

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<sup>98</sup> Galanakis, "An unpublished stirrup jar".

<sup>99</sup> Galanakis and Nowak-Kemp, "Ancient Greek skulls".

<sup>100</sup> See Edmond About, *La Grèce contemporaine*, Paris: 1855, 252-257.

<sup>101</sup> See Capps, "A New Archaeological Law for Greece".

inspectors and the varieties of the protected artworks, although crucial, appeared not to have been sufficient to resolve completely the technical ambiguities of the law of 1834. The anonymous author of the report “Tomb robbers and antiquities looters”, published in the Greek newspaper *Akropolis* in 1888, seemed to be particularly aware of this.<sup>102</sup> The clever analysis offered in this article makes clear that its creator had been so fully involved within the administration of the heritage in Greece, and knew its defects in such detail, that it is possible to propose the name of the General Conservator Panayiotis Efstratiades himself as the probable author,<sup>103</sup> although other Greek archaeologists, such as the members of the Archaeological Society, are not excluded. The report presents an accurate assessment of the situation related to the protection of antiquities and ancient sites in Greece, tackling particularly the problem of the excavations conducted on private lands and the connected system of shared-ownership of the new materials discovered there. The author observed that the first step for reducing the trafficking of antiquity from the country was to stop tomb robbing and illicit diggings on private properties. This could be achieved by providing severe, firm penalties, since Maurer’s prescriptions, *de facto*, did not stipulate any sort of punishment to deter infringements and circumventions of this law. Together with this, it was argued, the extensive freedom of the landlords on their properties should be reduced for the benefit of the entire community: under the existing legislation private owners were allowed to refuse the offers of purchase from the state; to raise the prices of both their collections and lands to exorbitant levels; to use the material coming from their private excavations as they wished; to offer their collections to foreign buyers; and to deny the government access to their land either for excavations or inspections. The author proposed a series of measures that the state should consider in order to prevent, control and reduce the illegal export of antiquities related to private ownership. First of all, he requested the introduction of penalties for private landlords and collectors, such as regulations to expropriate their properties and reduce their autonomy. Then, importantly, he argued for increasing the number of archaeologists and inspectors within the ministry, making clear that he was aware of the fact that no legislation could be effective without a structured network of administrators working on its implementation. The author also asked for better salaries, suitable training and legal protection for any new officers that the ministry would appoint within the management of the Archaeological Service.

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<sup>102</sup> “Τυμβωρύχοι και αρχαιοκάπηλοι”.

<sup>103</sup> Panayiotis Efstratiades had retired from the position of General Conservator of Greece in 1884.

This report can be approached as a reflection of increased awareness of the need for reforming both the legal and administrative systems of protection of heritage, as well as denouncing the fact that illegal trafficking of works in Greece in these years had reached its peak.<sup>104</sup> In 1899, Edward Capps, Professor of Classics at Princeton, referring to the dramatic situation he had found in the trafficking by private art dealers soon after arriving in Athens at the 1880s, raised the issue in the American newspaper *The Nation*:

The demand for Greek antiquities has become so strong, and the prices in consequence so remunerative, that the business of smuggling such goods out of the country has reached enormous proportions. The Athenian dealers in antiquities have representatives in the principal capitals of Europe. They do business directly with the management of museums in both sides of the Atlantic [...]. This has long been known to the authorities at Athens, but they profess to be unable [...] to check the traffic. [...] However this may be, the business of collecting and exporting antiquities has become so extensive [...] that ignorance or indifference on the part of the Government is no longer possible.<sup>105</sup>

In the same year, 1899, a new, comprehensive law for protecting Greek heritage was finally issued, superseding the law of Maurer of 1834.<sup>106</sup> Although the analysis of this legislation opens different perspectives and issues on the safeguarding of antiquities in Greece at the beginning of the twentieth century, and goes beyond the scope of this thesis, the new set of rules aimed essentially to resolve the legal loopholes of Maurer's law; thus, some of its implications are relevant to highlight the limitations of the legal establishment discussed in this chapter. Under the new regulations, the system of shared-ownership was abolished, and all antiquities found in private lands were declared the exclusive property of the state. New prescriptions were also defined to limit the freedom of both private collectors and landlords, stating the indisputable primacy of the public benefit over private interest in the management of the heritage and scholarship in Greece. Significantly, the legal

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<sup>104</sup> It is worth mentioning here a long article written by the French archaeologist Salomon Reinach in 1883: he strongly complained about the idea of having a law on the protection of antiquities in Greece, since, he argued, Greeks were not able of caring for their heritage, conducting excavations and advancing archaeological scholarship. Therefore, he believed that Greek artworks should be massively relocated to European nations which were able to preserve them, such as Germany or France. Such a position can be seen as the result of a colonialist mentality, which, fortunately, did not find any support in Greece and abroad. See Reinach, "Le vandalisme modern en orient".

<sup>105</sup> Capps, "A New Archaeological Law for Greece", 88-89.

<sup>106</sup> Law ΒΧΜΣ 2646/1899 of 11 August 1899.

ambiguities created by the approval for export of the “worthless” and “irrelevant” pieces, and the subjectivity of value that this assessment involved, were not retracted. Following Maurer’s prescriptions, the new legislation reissued, *de facto*, the authorisation to trade the objects that the Central Scientific and Artistic Commission would assess as “unnecessary and useless to the collections of the state”.<sup>107</sup> This, it can be argued, was because the export of the “insignificant” antiquities was still perceived neither as a flaw preventing the proper protection of the heritage, nor as a loss for the local arts and scholarship. It represented, indeed, a clear reflection of a continuation of the artistic and aesthetic taste of the late nineteenth-century Greece.

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<sup>107</sup> “Περττά και άχριστα διά τα μουσειά του Κράτους”. Ibid.

## Observations

While the most obvious method for tracking down the development of the concept of heritage, pursued in Chapter One, was analysis of the legislation on the protection of antiquities and artworks, examining what was excluded from protection and what was circulating on the art market also throws further light on the legislation, as well as on aesthetic taste and the concurrent development of scholarship. The issuing of laws for the protection of heritage in both the Papal States and Greece, as argued, was associated with the development of new approaches to archaeology, art history and scholarship, which brought about the gradual inclusion of new typologies of works, and new standards of evaluation, as well as new theoretical and critical concepts in the practices of administering the arts in these countries. In tandem with this, the artefacts that did not meet the requirements of these new criteria were excluded from legal protection and usually approved for export, as their loss was not perceived to have significant consequences for local arts and museums, or to have relevance for scholarship. The definitions used to approve exports – “insignificant”, “mediocre”, “superfluous”, “useless”, “ordinary”, “duplicate”, “repetition”, “not interesting for scholarship and art” – as well as the criteria applied for assessing the significance, the quality, and the artistic and economic value of objects that were to be protected responded to approaches that can be related to their nineteenth-century cultural background. However, it would be simplistic to reduce these issues to a prevailing cultural mentality specific to Italy and Greece, as they were rather part of the dramatic developments in taste and scholarship in Europe as a whole during the nineteenth century.

Objective data demonstrate that the legal and administrative systems developed for safeguarding heritage in both countries, while normalising the local trading of works, also profoundly affected the circulation of antiquities, paintings and minor artefacts throughout the art market of Europe. The restrictions imposed on the circulation of ancient sculpture in Rome at the very beginning of the nineteenth century clearly pushed the interests of international collectors and scholars towards new typologies of objects and new providers. Once the export of fine, important ancient statues was banned, European collectors shifted their attention to painting, which was still relatively easy to purchase and export from the Papal States. It is notable that the acquisition of early Italian panel painting in England increased during these years, coinciding with the low appraisal that it had in Rome at the time.

The tightening of the rules for exporting antiquities in the Papal States, as already argued, was also fundamental in prompting a general shift of interest towards the heritage of Greece. Pursuing the new standards defined by law, the only ancient artefacts authorised for export in Rome were those considered “inferior”, “of third-class”, “insignificant”, and also, later on, “damaged by restoration”. In this framework, therefore, any expert foreign collector would have noticed the drastic decline of quality and significance of the materials allotted to the market; some buyers might also have refused to pay and apply for licences to obtain materials that, in the assessment, were defined as valueless and trivial. In the context of this thesis, it is difficult to estimate definitively the impact that these concepts had on the aesthetic taste and the practices of collecting in Europe beyond Italy and Greece, as these matters would require diverse investigations. Nevertheless, the reciprocal implications of the high demand for antiquities in Europe and the new measures emerging from legislation can be considered to contextualise the turn of interest from the heritage of Rome to the heritage of Athens. In Greece, in the early decades of the nineteenth century, as opposed to the Papal States, antiquities were relatively easy to acquire and export for extremely reasonable prices, or even free; customs duties were not added to the exports either, and this continued to be the case after the issuing of Maurer’s law. In artistic terms, furthermore, Greek antiquities were of first-rate quality, and corresponded to the paradigms that had been defined by Winckelmann much better than the models available in Rome at the time. Greek antiquities had not been subjected to modern restorations and alterations, and still preserved their original style, material and iconography, while in Rome the majority of the sculptures coming from private collections had been extensively repaired and integrated with new parts during the late eighteenth century.

It is clear that the continuous demand for good artworks within the international market constantly pushed scholars and collectors towards new resources, supplies and trading routes, following the advancement of knowledge in the art field, but also prompting, in turn, expansion and development of that scholarship. Alongside the development of criteria for judging the qualities of objects that were not worthy of protection and scholarly attention, one could reflect also on the criteria that defined the positive qualities of works that were, and consider the early semantics and interpretation of concepts such as “originality”, “authenticity”, “copy”, and “replica”, both in terms of antiquities and the paintings which were attracting increasing attention. The definitions that have emerged from examples evaluated in this chapter appear to have encountered growing significance within the practices established for assessing values, prices and the quality of works in the art market. It

would be interesting for future research to understand the development of these values and their implications for the methodologies of current art history.



## CONCLUSION

In 1818, after France had restored to the Papacy artworks confiscated during the two occupations of Rome, Antoine Chrysostome Quatremère de Quincy, author of the 1796 *Lettres à Miranda* discussed earlier, engaged in a new series of epistles, which would be merged in 1836 into the *Letters written from London to Canova in Rome*.<sup>1</sup> His reasoning, this time, concerned the so-called “Elgin Marbles”, that is, the sculptures of the Parthenon of the Athenian Acropolis which had been transferred from Greece to England a few years earlier. Addressing his good friend, Antonio Canova, Quatremère explained his position regarding various topics that had arisen on these statues at the time: their possible attribution to Phidias, the questions regarding their supposed colouring, their chronology and style in relation to Winckelmann’s constructions, and also, not unexpectedly, the issues concerning their removal from their original location in Athens into a museum in London. The standpoint of Quatremère regarding the legitimate “context” of antiquities and artworks in general was well-known to scholars and administrators since the *Lettres* of 1796, and has been extensively discussed in this thesis: he believed that the relocation of an artefact from its site of origin would cause irreparable losses to scholarship, art, education, culture and the conservation of the item itself. Yet, in the case of the Parthenon’s sculptures, Quatremère supported their transferral to London without any qualms. In particular praising their “salvaging” from the hands of the “unenlightened Turks”, he acclaimed their relocation to England as the restoration of a “treasure” to scholarship, art, science and liberty, for the benefit of a community that was willing to effectively take care of their well-being and support their contribution to knowledge.<sup>2</sup> Ironically, the arguments he put forward to justify the removal of the Parthenon marbles were identical to those used by the French to justify abducting papal heritage during the occupation of Rome – arguments that Quatremère had harshly opposed at the time in his *Lettres à Miranda*.

The circumstances – and apparent contradictions – related to Quatremère’s position on the preservation of the heritage of Rome and that of Athens lead to some considerations which are relevant to the arguments of this thesis. As discussed in Chapter One, during the nineteenth century a wide, consistent concept of archaeological and artistic heritage was

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<sup>1</sup> In 1836 Quatremère de Quincy published his *Lettres sur l’enlèvement des ouvrages de l’art antique à Athènes et à Rome*, which contained both the *Lettres à Miranda* and the epistles of 1818. See Poulot, *Quatremère De Quincy*.

<sup>2</sup> *Ibid.*, 59.

gradually defined in both the Papal States and Greece. Similar in their precepts, although responding to very different historical circumstances, these developments involved the recognition of the significance of “minor” and “local” artefacts for both the arts and scholarship, and integrated extended categories of works under the protective authority of legislation. The re-evaluation of the artistic qualities of classes of objects that had never before been appraised was prompted by different occurrences, among which devotional and religious practices in the Papal States, and apotropaic and folk rituals in Greece, played a fundamental role in the early rise of artistic awareness within local communities. Subsequent crucial historical events, which involved confiscations and removals of antiquities and artworks from their place of origin by foreign oppressors, private collectors and illegal trafficking further increased artistic appreciation and understanding. In particular, the depredations of artworks carried out in Rome during the two French occupations of 1798-99 and 1809-1814, and the massive removals of artefacts executed in Athens during the first half of the nineteenth century, encouraged the development, amongst local populations and the arts administrators alike, of both strong feelings of attachment to heritage and the recognition of the necessity of establishing effective legal and organisational systems for protecting the works in their original sites. Clear standpoints on conservation *in situ*, for instance, emerged in the Papal States after France had restored to them the confiscated artworks in 1816. The long debate, involving the administrators in the central office of the Camerlengo, the local officers of Perugia, and Pope Pius VII in person, confirmed the evident concern of the small communities for the preservation of local artworks in their original locations.

Regarding the early development of the concept of “context”, and the awareness of the benefits of preserving antiquities in their pertinent locations, the statement of Carlo Fea of 1797, quoted in Chapter One, can be adopted in relation to each of the various minor localities of both the Papal States and Greece: “Antiquity represents a distinguishing sign of [this] City; it represents a reason to meditate for Scholars, a model for Artists, an attraction for Foreigners, a good employment for people, but also a great resource for commerce and industry”. It is clear, therefore, that the “artistic value” ascribed to new, extended categories of artworks, and the need of preserving them in their relevant settings, was a fundamental factor closely interconnected with other factors. Each of these played an important, specific part in the introduction of new objects and classes of artworks under the protective umbrella of legislation, as both the local communities and the central administrators became gradually more conscious and concerned about their significance.

Among these factors, scholarship was one of the most important. The deepening of artistic awareness was particularly supported by the concurrent definition of coherent theoretical and methodological structures for art scholarship, which were fundamental for the construction of the new disciplines of art history and archaeology, as well as for the development of new approaches to restoration, excavation and the legal protection of artworks between the late eighteenth and the first half of the nineteenth century. In this framework, the concept of “original context” – outlined by Quatremère de Quincy – and the definitions of “minor” and “local” heritage emerged from both collective understanding and new scholarship: both profoundly informed the laws on the protection of artistic heritage that were issued in the Papal States and in Greece, that is, the *Edict Chiaramonti* and the *Edict Pacca* of 1802 and 1820, and the *Gesetz* of 1834.

However, the idea of preserving antiquities and artworks *in situ*, that is, within – or close by – the pertinent context, although quickly proved to be fundamental for the development of related scholarship and legal safeguarding, should not be considered the definitive approach applied by the administrators of heritage in these years. As emerged in Chapter One, the question that initially arose in both in the Papal States and Greece concerned, essentially, the physical conservation of each piece in a suitable environment, and the legal framework required to ensure that no further removal, destruction, plundering, confiscation, and looting of ancient and artistic materials, to the detriment of local communities and scholarship, would occur. In the Papal States, a solution to such an issue was established within the *Regulation on the Auxiliary Commissions of Fine Arts* of 1821: the proper conservation of the artworks – both physical and legal – was to be determined in each case according to the specific situation. The preservation of the object *in situ* was generally to be preferred, unless the standards of protection and the survival of the item would be jeopardised by any sort of risk there. In that case, the artwork was to be transferred into a museum, which could be either in the provinces or in the central hubs. Often the “best” pieces were moved into the papal galleries in Rome: this transferral would definitely have enhanced their conditions of preservation, their promotion, and their accessibility to wide public. Yet other factors that had more to do with acquisitiveness and status than the well-being of works cannot be ignored: these museums may have been beneficial for the guardianship of the works, but they were also beneficial for the reputation and power of the pope and the standing of the Papal States, particularly Rome, as a leading cultural centre in Europe. The case is somewhat different in Greece, where the building of collections might be related to the building of nationhood after the Ottoman occupation, and where a centralised national

museum in Athens developed alongside regional collections, where local initiative played an important part. As affirmed within the *Gestez* of 1834, the ancient materials coming from excavations and archaeological sites were to be gathered into local collections, which were to be created in each of the provinces according to territorial hierarchies. However, as the initial political problems brought about a deferral in the establishment of these local institutes, several independent storage sites were created in the places where there were local treasures needing protection. Even in this situation, the practice that developed for the optimal conservation of these materials was determined according to specific cases: while much was preserved locally, works which were particularly “remarkable” were to be transferred into the central museums of Athens, where their physical and legal preservation and their related promotion were decisively better than facilities offered by local storage.

It is clear that, in this framework, the actions undertaken by the small communities of both the Papal States and Greece in defence of their local artefacts played a fundamental role in the definition of what objects constituted heritage, and in the establishment of a consistent system of administration based on the preservation of items in their context of origin, as well as on the development of extended practices for their proper legal and physical safeguarding. Nevertheless, in both places, the recognition of the significance of the “context”, and of the “minor” and “local” artworks, while corresponding to developing scholarship and artistic awareness, did not definitively supersede the establishment of central museums, which indeed were spreading in Europe at the same time and were recognised as the official institutions for the protection and the promotion of the arts in the nineteenth century. As exemplified at the beginning of the Conclusion, the dichotomy between conservation *in situ* and the museum arose again in 1818, when even Quatremère de Quincy, the father of the concept of “context”, acclaimed the relocation of the Parthenon’s marbles to a museum in London. Quatremère, in this case, had reached this conclusion after evaluating the specific circumstances of Greece under the Ottoman Empire: the Acropolis was not fit to guarantee the best conditions for the physical, legal, and administrative protection and the promotion of these sculptures.<sup>3</sup> Even nowadays these two options – conservation *in situ* or relocation to a museum – represent two optimal solutions suitable for the management of heritage; the decision still invariably depends on the assessment of the specific situation in each case.

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<sup>3</sup> It is interesting to speculate whether Quatremère might have felt differently had Greece already won her independence.

Acquisition of knowledge and development of scholarship on the “local” and “minor” works are also strictly related to their effective administration and supervision. With regard to legislation on the protection of heritage, it is possible to affirm that the establishment of improved systems of management, which, as said, had been prompted by new scholarship and artistic awareness, led to the further development of art knowledge, cultural understanding and methodologies for the conservation of artefacts. As emerged in Chapter Two, scholarship and artistic awareness were reinforced and formalised by legislation; but they in turn encouraged the creation of efficient procedures to supervise local heritage. Similarly, the new administrative structures in the provinces initiated archaeological excavations for minor sites and projects of restoration for local monuments, which brought about the development of studies related to local artistic schools and local artefacts, which again encouraged efforts for their better custody. In Greece, while the establishment of official administration outside the major sites of the country was initially impeded, the protection and the subsequent rediscovery of local artistic traditions were pursued by the pertinent communities, which engaged with independent initiatives to develop the comprehension and preservation of their local works. In the Papal States, the local officers clearly appealed to the Camerlengo to create local bodies of supervision; as a result, the several reforms, changes of administration, political crises and popular uprisings in Italy that occurred between the 1830s and the 1860s did not prevent the performance of the local administrative bodies, which succeeded in continuing their activities even when the communication with the central offices in Rome was disrupted. Based on these data, it is possible to propose that the essential interest in the protection of the “local” and “minor” heritage was not determined hierarchically, from the top of the administration, that is to say the dominant part of the society that had decision-making power. It was rather a cultural awareness that arose within smaller communities and, as it encountered the attention of scholars and the developing methodologies of archaeology and art history, was acknowledged by the main administrators. The central governments, on their side, formalised both the new cultural awareness and artistic scholarship into a refined legal construction, supplying these new interpretations with operative systems of implementation and strong executive instruments which, ultimately, themselves promoted further cultural awareness and scholarship.

A clear result of this reciprocal circularity between legislation and art scholarship is found in the guidelines elaborated for the catalogue of the artworks of the Papal States, which was launched by the local administration of Perugia. This “register of statistics” of local

artworks offers a compelling example of how art scholarship grounded its conceptual basis in the development of new tools for fine arts management, and this management, in turn, re-laborated and redefined methodological questions that further widened perspectives and approaches to art history. As discussed in Chapter Two, the guidelines for the catalogue proposed by the Academy of San Luca in Rome recommended that it specify essential information concerning the life history of objects, such as their critical reception and the changes of ownership they had undergone, which in this framework became fundamental for the activities of administration, restoration and possible further relocation, but again also became essential factors in art scholarship. Alongside their contribution, the instructions defined by the General Commission of the Fine Arts, which built upon existing scholarship, drawing inspiration from the French model of the catalogue in particular, developed technical instruments of administration that would overcome the traditional structure of “major” and “minor” arts, as it was to be based on a system of classification designed according to pure historical chronologies. The inventories compiled in Athens from the 1830s, to offer a further example, were also based on systematic classifications of historical chronologies and typological groupings of artefacts. Based on these examples, it can be surmised that the practical activities of administration of antiquities and artworks required a set of approaches and tools that the theoretical disciplines and artistic scholarship were arguably not able to develop independently. Thus the efforts of administrators to establish effective instruments for the optimal supervision of heritage not only promoted new practices of management, but also, most importantly, reinforced and widened the methodological and conceptual approaches to art scholarship. In this framework, it can be observed that the innovative concepts and the practices developed within local administration supported, ultimately, the concurrent gradual switch from antiquarianism to modern art history and archaeology.

Regarding the establishment of new systems of heritage protection in both the Papal States and Greece, significant inferences derive also from negative outcomes, and the failure to implement the laws. As emerged in Chapter Three, the loopholes of legislation and the cases of transgression that occurred in both countries encompassed also an assessment of works that had been excluded from legal safeguarding: this sheds light on the objects that were not considered worthy of protection, despite the substantial widening of the concept of art during these years. Analysis of both legal and illegal cases of export makes it possible to argue that the administrators of Rome and Athens were entirely conscious of the significant difference between the exports approved for items which were believed “valueless”, the

exports granted for diplomatic and political interests, and the exports carried out by illegal trafficking, that is to say, by infringing the law. In this regard, it is confirmed that, for the most part, the administrators were also aware of the shortcomings and the gaps in the respective legislation, as they constantly sought solutions and improvements to refine the systems of protection and supervision of heritage. Interesting archival data that have emerged regarding the typologies of material exported from both countries and the related circulation of artefacts in the international art market, together with the implications of the loopholes and shortcomings of legislation, clarify approaches to art history and archaeological scholarship of the time. As argued regarding the Papal States, the sharpening of the rules in 1802 and, even more clearly, in 1820, made unmistakable the differences between the exports approved for “worthless” works, and those that were made for diplomatic reasons or by illicit trafficking. This can be applied to Greece as well, where the law imposed by the Bavarian court in 1834, while initially not well received by the local administrators, gradually became effective – even if not completely – because the Greeks themselves elaborated cultural paradigms and scholarship able to support its implementation. As already argued, in both the Papal States and Greece the rationalisation of the rules, and their subsequent functioning, were related to the reorganisation of the administrative system of supervision and to the concurrent refining of the theoretical methodologies of scholarship, which gradually clarified the conceptual criteria fundamental for implementing the law. The systematisation of both legislation and scholarship would thus bring about the development of a distinct set of parameters for recognising and dealing with legal loopholes, infringements and abuses related to artistic assessments, and the recognition of materials that were considered “worthy” or “not worthy” of protection within the respective country. This, in other words, meant that the establishment of consistent methodologies for art history and archaeology, while they made it possible to sharpen and implement the regulations, also reinforced the legal definitions offered within the laws on what was “art” and what was “not art” – and indeed what was deemed worthy of study by scholarship.

The role of legislation also redefined the trends within artistic taste and the art market in nineteenth-century Europe. Together with the impact on the development of art scholarship, administrative practices of supervision, and exports of artefacts, new definitions of “art” in these laws also had implications for the circulation of works in the international art market, influencing artistic taste and collecting practices for both antiquities and paintings. As argued particularly in Chapter Three, the switch of focus from the heritage of Rome to

that of Athens in the early decades of the nineteenth century was strongly related to the new laws on the protection of heritage issued in the Papal States. After the publication of the papal edict in 1802, and even more obviously in 1820, the quality and the quantity of the ancient sculptures available on the market of Rome had a dramatic irreversible decline: no valuable, significant artefact could be acquired and approved for export subsequent to the new guidelines established by law; exceptions, as said, regarded only the exports approved for political or diplomatic reasons. In Greece, on the other hand, antiquities were available in quantity, and were not only of excellent quality and unaltered by modern restoration, but also extremely easy to acquire and export from the country, during the exact period when control was tightening in the Papal States. The interests of international collectors and dealers, therefore, switched towards the “generous” Greek art market. In this regard, it is pertinent that the first regulations on the safeguarding of the heritage of Greece were issued between the late 1820s and 1834, that is, immediately after the country was liberated from the Ottoman Empire and the loss of antiquities became a concern for local scholarship and administration, which subsequently sought to address the problem. Back in Rome, on the other hand, with few antiquities available on the market, visitors and collectors focused more on painting, associated especially with the categories of works that were not included under the protective authority of legislation. These paintings were, initially, those of the periods of the “decadence of the arts”, in particular the works of the so-called Primitive artists, which were excluded from the edict of 1802. Within the edict of 1820 these were added to the legal protection too, following the gradual widening of definitions to include earlier artistic periods – and no doubt the increasing market interest in acquiring these items – so that the Primitives and other artworks of the “decadence”, such as medieval artefacts, became as difficult to acquire as the renowned Renaissance masters.

It is clear that the demand for artworks in Rome and Athens did not stop with the issuing of new laws, although these had a deep impact on the quality, the value and the typology of the materials that were allowed to circulate on the market. In this regard, it is also pertinent that, when the Greek legislation started to take effect and curtail the export of artefacts in the later decades of the nineteenth century, the interests of collectors and dealers moved gradually towards the heritage of Asia Minor and other areas that, in broad terms, were not as strict in their protection of local heritage. As mentioned in Chapter Three, the elaboration of new legislation and scholarship, affecting the art market, brought about the development of further conceptual interpretations which became significant for the evaluation of the artefacts in legal and scholarly terms, but also for the art market itself. Concepts such



as “originality”, “authenticity” and “replica” appeared to have acquired growing significance within the art markets of the nineteenth century, and no doubt had implications for artistic scholarship and legislation that were elaborated afterwards.

Regarding legislation itself, it can be observed that similarities and differences between the edicts of Rome and the laws of Athens have emerged throughout this thesis, and have been particularly evaluated in Chapter Two, when discussing the administrative systems of tutelage established in each state. The relationship between these two legislations clearly reflects the issues that two places with similar problems of destruction, plundering and smuggling of works were confronting, and the answers that each establishment gave to the questions related to excavation, exportation, administration and preservation of heritage. As explained, the law of Athens derived aspects, both conceptual and organisational, from the laws of Rome; nevertheless, there were also fundamental dissimilarities between these two legal systems.

First of all, regarding the concepts of “art” and “artwork”, both laws included antiquities under protection. As explained in Chapter One, the *Edict Chiaramonti* of 1802 provided a clear list of ancient materials that were intended to be under protection. The *Edict Pacca* of 1820 and the *Gesetz* of 1834, by contrast, did not offer any systematic classification of the materials to defend, as the definition of antiquity itself had begun to be perceived as a concept in constant development. This opened the laws to a broad range of interpretations and applications, as the value of each item could be assessed only on a case by case basis, whatever its artistic, aesthetic, historical, typological and functional significance.

The *Edict Chiaramonti*, for its part, included also Renaissance painting under the protective umbrella of the law, and later on the *Edict Pacca* embraced both modern sculpture and the works from the “decadence of the arts” – the inclusion of the so-called Primitive artists into law and scholarship represented a fundamental example. The Greek *Gesetz* encompassed the tutelage of Early Christian art, defined as part of the Medieval heritage of the country; in 1837, the decree of King Otto placed the Byzantine, Venetian and Turkish remains located in Athens under legal protection also.

Regarding the administrative systems of protection, both laws defined a pyramidal hierarchy of officers, inspectors and commissions, distributed from the central hubs (Rome and Athens) to the provinces and peripheries of both states. Therefore, there were a series of administrators allocated at multiple levels. In the Papal State the administration was divided into two layers: there were central officers and commissions in the capital, and local officers

and commissions in the main city of each province. In Greece, on the other hand, the administration was multi-layered: there were central officers and commissions in the capital; local officers and commissions in each county; local officers and commissions in each province; and local officers and commissions in each municipality. Within the papal administration, however, there was an effective delegation of power, and the officers in the provinces were conceded some decision-making autonomy, reporting to the Camerlengo once a year. The Greek administration, on the other hand, was strongly centralised and excluded any real delegation of power: any final decision on local heritage needed to be approved by the relevant superior commission and by the general conservator in Athens. Ironically, in both countries the members of the local administrations, intended as conservators, inspectors, and members of the relevant territorial commissions, were not expected to receive any salary from the central government, and were supposed to subsidise their activities with local funds and grants.

Clearly, further aspects related to both similarities and differences emerge within each law, but these are relatively minor and refer mostly to bureaucratic procedures. It is significant that the Greek law stipulated some extremely advanced systems for managing both central and local museums, which have had a strong impact on contemporary attitudes to the tutelage of artistic heritage. Here it is worth mentioning the procedures for assigning grants and allocations to each institute, which can be related to the contemporary system of “accountability”, and early ideas of “statute”, “mission” and “vision”, which implied the internal definition of purposes, strategies of development and resources for each museum.

To conclude, it can be affirmed that the legal and administrative systems established to protect the heritage in the Papal States and Greece were not an autonomous process independent of other aspects of art and culture. They were prompted by new artistic scholarship and cultural awareness, which clearly pushed towards the development of new procedures of supervision, legal tools of management, ideas and concepts related to art, but they in turn prompted innovative scholarship and understanding on the importance of heritage. This concerned particularly the elaboration of the concepts of “local” and “minor” heritage, and the systems set up by law for their legal and physical safeguarding. A significant part of these nineteenth-century constructs has had profound impact on contemporary attitudes to the conservation and protection of cultural heritage, both in relation to the far more inclusive definitions of “art” and “artwork” that currently encompass wide ranges of the products of human creativity, and the practices of tutelage that have been

implemented to secure their effective survival for the future. These nineteenth-century paradigms also influenced the development of new methodologies for scholarship in the arts, which have been increased, improved and systematised during the twentieth century to become the core of contemporary approaches to art history and archaeology.

## APPENDIX

In the interest of space, I have not included the laws of 1802, 1820 and 1834 in this appendix. I hope to publish their full translation at a later stage.

### Chronology of laws and edicts

- 438 CE, 15 February (Roman Empire) – Emperor Theodosius II, *Codex Theodosianus*
- 458 CE, 11 July (Roman Empire) – Emperor Majorian, *Novella Maioriani 4: De aedificiis publicis*
- 534 CE (Byzantine Empire) – Emperor Justinian, *Codex Iustinianus repetitae praelectionis*
- 554 CE (Western Roman Empire) – Emperor Justinian, *Corpus Iuris Iustinianum*
- 1162, 27 March (Papal States) – Senate of the Municipality of Rome, no title: edict for the Trajan Column
- 1425, 30 March (Papal States) – Pope Martin V, *Etsi de Cunctarum*
- 1452, 1 July (Papal States) – Pope Nicholas V, no title
- 1458 (Ottoman Empire) – Sultan Mehmet the Conqueror, agreement with the Byzantine Church
- 1462, 28 April (Papal States) – Pope Pius II, *Cum Almam Nostram Urbem*
- 1474, 7 April (Papal States) – Pope Sixtus IV, *Quam Provida*
- 1515, 26 August (Papal States) – Pope Leo X, no title
- 1571, 30 May (Grand Duchy of Tuscany) – Cosimo I de' Medici, no title
- 1534, 28 November (Papal States) – Pope Paul III, no title
- 1562, 11 July (Papal States) – Pope Pius IV, no title
- 1574, 1 October (Papal States) – Pope Gregory XIII, *Que Publice Utilia*
- 1597, 7 July (Grand Duchy of Tuscany) – Ferdinando I de' Medici, no title
- 1602, 24 October (Grand Duchy of Tuscany) – Ferdinando I de' Medici, no title
- 1624, 5 October (Papal States) – Pope Urban VIII, *Editto Aldobrandini: Prohibitione sopra l'estrazione di Statue di marmo o di metallo, Figure, Antichità e simili*
- 1626 (Denmark) – King Christian IV, no title
- 1630, or 1666 (Sweden) – King Gustavus Adolfus II, or King Carolus XI, no title

- 1646, 29 January (Papal States) – Pope Innocent X, *Editto Sforza: Editto sopra l'estrattioni, e cave di Statue, Figure, Intagli, Medaglie. Inscrittioni di marmo, di mischio, metallo. Oro, Argento, Gioie, e cose simili antiche e moderne*
- 1655, 30 August (Papal States) – Pope Alexander VII, *Editto Barberini*
- 1669, or 1684 (Sweden) – King Carolus XI, no title
- 1672 (Czechoslovakia) – legal provisions for the castle of Bohuslav Balbin
- 1686, 5 February (Papal States) – Pope Innocent XI, *Editto Altieri: Prohibitione sopra l'estrattione di Statue di marmo o metallo, Figure, Antichità e simili*
- 1701, 18 July (Papal States) – Pope Clement XI, first *Editto Spinola: Prohibitione sopra l'estrattione di Statue di marmo, o metallo, Figure, Antichità e simili*
- 1704, 30 September (Papal States) – Pope Clement XI, second *Editto Spinola: Editto sopra le Pitture, Stucchi, Mosaici, et altre Antichità, che si trovano nelle cave, Inscrizioni antiche, Scritture, e Libri manoscritti*
- 1712, 14 May (Papal States) – Pope Clement XI, third *Editto Spinola*: no title
- 1713, 5 April (Delegation of Bologna) – Pope Clemente XI, no title
- 1717, 8 April (Papal States) – Pope Clement XI, fourth *Editto Spinola - Prohibizione sopra l'estrazione di Statue di marmo, o metallo, Figure, Antichità e simili*
- 1726, 21 October (Papal States) – Pope Benedict XIII, *Editto Albani: Editto sopra li scalpellini, segatori di marmi, cavatori et altri*
- 1733, 10 September (Papal States) – Pope Clement XII, *Editto Albani: Prohibizione dell'estrazione delle Statue di marmo, o metallo, Pitture, Antichità e simili*
- 1738 (Spain) – King Philip V, provisions for the Royal Academy of History
- 1749, 5 February (Delegation of Bologna) – Pope Benedetto XIV, *Editto Doria*
- 1749 (Grand Duchy of Tuscany) – King Leopoldo I of Asburgo-Lorena, provisions for the site of Volterra
- 1750, 5 January (Papal States) – Pope Benedict XIV, *Editto Valenti Gonzaga: Proibizione della estrazione delle Statue di marmo, o metallo, Pitture, Antichità e Simili*
- 1753, 14 July (Spain) – King Ferdinando VI, *Real Decreto*

- 1755, 25 September (Kingdom of Naples) – King Carlo III of Bourbon, *Pragmatica*
- 1760 (Duchy of Parma) – King Philip I of Bourbon, provisions for the site of Veleia
- 1761, 27 February (Spain and South America) – King Carlo III of Bourbon, no title
- 1766, 14 August (Kingdom of Naples) – King Ferdinando IV of Bourbon, *Pragmatica*  
(reissue)
- 1769, 17 March (Kingdom of Naples) – King Ferdinando IV of Bourbon, *Pragmatica*  
(reissue)
- 1780 (German states) – Edict in the Margraviate of Brandenburg-Bayreuth
- 1798, 2 March (Papal States) – French Directoire, decree to prevent the destruction of  
antiquities
- 1802, 2 October (Papal States) – Pope Pius VII, *Chirografo Chiaramonti*, or *Editto Doria Pamphilj*
- 1803, 6 June (Spain) – King Carlo IV of Bourbon, *Instrucción sobre el modo de recoger y  
conservar los monumentos antiguos, que se descubran en el  
Reyno, baxo la inspección de la Real Academia de la Historia*
- 1804 (German states) – Edict in the District of Mecklenburg
- 1810, 28 May (Papal States) – French Extraordinary Council for the Roman States, edict on  
the cataloguing of the heritage
- 1810, 9 July (Papal States) – French Extraordinary Council for the Roman States, *Règlement  
sur les fouilles et la conservation des monuments dans les  
Départements de Rome et le Trasimeno*
- 1812 (Kingdom of Bavaria) – Edict on the preservation of monuments
- 1815 (Prussia) – Edict on the preservation of monuments
- 1820, 7 April (Papal States) – Pope Pius VII, *Editto Pacca*
- 1821, 6 August (Papal States) – Pope Pius VII, *Regolamento per le Commissioni Ausiliarie  
istituite nelle Legazioni e Delegazioni dello Stato Pontificio*
- 1825, 10 February (Greece) – Ministry of Interior Gregorios Dikaios, *Χρέη και Δικαιώματα  
του Εφόρου της Παιδείας* [Duties and rights of the Superintendent  
of Education]
- 1827, 1 May (Greece) – National Assembly, *Πολιτικόν Σύνταγμα της Ελλάδος* [Constitution  
of Greece, art. 18]
- 1828, 12 May (Greece) – Circular n. 2400 *Ξεχωριστά οδηγία προς τους κατά το Αιγαίον  
Πέλαγος Έκτακτους Επιτρόπους* [Specific instructions for the  
Emergency Committee of the Aegean Sea]

- 1829, 3 March (Greece) – Protocol for the French Expédition de Morée
- 1829, 2 August (Greece) – Ratification and amendments of the Greek Constitution
- 1829, 7 October (Greece) – Extraordinary Commissary for Ilida Panayotis Anagnostopoulos,  
*Προς τους κατοίκους του Τμήματος* [To the inhabitants of the Department]
- 1829, 23 December (Greece) – Director of public instruction and museums Andreas Moustoxidis, *Σχέδιον Ψήφισματος* [Draft of decree]
- 1833, 3/15 April (Greece) – Decree *Περί του σχηματισμού και της αρμοδιοτήτος της επί των Εκκλησιαστικών και της Δημοσίας Εκπαιδύσεως Γραμματείας της Επικρατείας* [About the establishment and duties of the Administration for Ecclesiastic and Education Affairs]
- 1834, 10/22 May (Greece) – Bavarian Regent George Ludwig Von Maurer, *Περί τῶν ἐπιστημονικῶν καὶ τεχνολογικῶν συλλογῶν, περὶ ἀνακαλύψεως καὶ διατηρήσεως τῶν ἀρχαιοτήτων καὶ τῆς χρήσεως αὐτῶν*  
[Law on the scientific and artistic collections of the state, on the discovery and preservation of antiquities, as well as their use]
- 1834, 29 October/8 November (Greece) – Provisions for the supervision of the archaeological sites
- 1836, 12 May (Greece) – Circular for the historical area of Marathon
- 1836, 16/28 November (Greece) – Decree *Περί διορισμοῦ τῶν μελῶν τῆς Επιτροπῆς δια τὰς ἀρχαιότητας* [Definition of the members of the Commission of Antiquities]
- 1837, 7/19 December (Greece) – King Otto of Wittelsbach, *Περί διατηρήσεως τῶν ἐν Ἀθήναις λειψάνων τοῦ Μεσαίου αἰῶνος* [On the conservation of the Athenian relics of the Middle Ages]
- 1850 – Edict in the Austro-Hungarian Empire
- 1859 (Greece) – Circular for the preservation of ancient human remains
- 1863, 14 October (Greece) – Circular 11355, *Περί ἐπιτηρήσεως τῶν ἀρχαιοτήτων* [On the supervision of the antiquities]
- 1863, 6 December (Greece) – Circular 1427, *Περί τοῦ ἀρχιφύλακος καὶ τῶν καθηκόντων αὐτοῦ* [On the supervisors and their duties]
- 1864, 24 October (Greece) – Decree *Περί προστασίας τῆς ἐπιχειρήσεως τῶν ἀρχαιολογικῶν ἀνασκαφῶν* [On the protection of the archaeological excavations]

- 1865, 4 February (Greece) – Circular 874, *Περί απαγορεύσεως ανασκαφών και πωλήσεως αρχαιοτήτων* [Prohibition on the excavations and the sale of antiquities]
- 1865, 27 December (Greece) – Circular 35944, *Περί απαγορεύσεως ανασκαφών και ανευρέσεως αρχαιοτήτων* [Prohibition on the excavations and the search for antiquities]
- 1866, 20 June (Greece) – Circular 4241, *Περί προφυλάξεως των αρχαιοτήτων* [Precautions on the antiquities]
- 1871, 8 February (Greece) – Circular 1613, *Περί εκποιήσεως αρχαιοτήτων* [On the alienation of antiquities]
- 1874, 13 April (Greece) – Protocol for the German excavations in the site of Olympia
- 1887, 30 March (France) – Edict *Sur la conservation des monuments et objets d'art ayant un intérêt historique et artistique*
- 1899, 11 August (Greece) – Royal Decree ΒΧΜΣ 2646/1899 on the protection of antiquities



## SELECTED ARCHIVAL MATERIAL

### **ASR – Camerale II**

- b. 6, fasc. 175                      Relazione circa l'esportazione crescente di oggetti artistici e antichi e provvedimenti del generale Naselli (1800-1802)
- b. 6, fasc. 189                      Licenza per esportazione di Statue, generale Murat (1802)
- b. 7, fasc. 198                      Esportazione di quadri, Sloane (1802-1803)
- b. 7, fasc. 204                      Assegne degli oggetti d'Arte esistenti presso privati, date in obbedienza al Chirografo Pontificio 1 Ottobre 1802
- b. 10, fasc. 246                      Promemoria [...] presentato al Cardinal Pacca da Carlo Fea come Commissario alle antichità per dimostrare "la convenienza di restituire alle antiche loro sedi gli oggetti che tornano dalla Francia" (16 Febbraio 1816)
- b. 11                                      Esportazioni anni 1750-1767
- b. 12                                      Esportazioni anni 1768-1787
- b. 13                                      Esportazioni anni 1788-1793
- b. 14                                      Esportazioni anni 1794-1803
- b. 15                                      Esportazioni anni 1804-1809 e Registro delle esportazioni 1802-1805

### **ASR – Camerlengato, p. I (1814-1823), tit. IV**

- b. 37, fasc. 6                      Richieste di esportazioni di opere, anni 1814-1823
- b. 46, fasc. 52                      Carte riguardanti la istituzione delle Commissioni Ausiliarie di Belle Arti nelle Provincie dello Stato (1820)
- b. 41, fasc. 36                      Provvedimenti per impedire l'eliminazione di alcuni pregevoli dipinti per parte dell'Amm.ne degli Ospedali di Bologna (1820)

**ASR – Camerlengato, p. II (1824-1841), tit. IV**

- Indice 181/1-2* Introduction to the Inventory of the fund by Carlo Maria Fiorentino
- b. 169, fasc. 467 Istituzione delle Commissioni Ausiliarie di Belle Arti nelle Provincie (1820-1828) [it contains reports until 1841]
- b. 172, fasc. 564-566 Sull'asserita vendita di un quadro di Raffaello raff. la B. Verg. già di proprietà della Casa Colonna e che si asserisce essersi effettuata dal Duca Lante (1827)
- b. 192, fasc. 920 Bologna – Estrazione fraudolenta di dipinti, favorita da Tromboni [Tambroni] stimatore di dogana (1828-1829)
- b. 255, fasc. 2737 Bologna – Invio di licenze di estrazione di oggetti di Belle Arti (1837-1854)
- b. 157, fasc. 256 Perugia – Delegato Apostolico propone di compilare una Statistica di Antichità e Belle Arti nello Stato Pontificio (1825)

**ASV – Segreteria del Camerlengato**

- Indice 1254* “L’archivio della Segreteria del Camerlengato”, introduction by Enrico Flaiani

**AC – Presidenze e Deputazioni, Presidenza del Museo Capitolino (1838-1856)**

- b. 21, fasc. 1, sottofasc. 2 titolo 1° “Regolamenti e normative” – Regolamento per i Musei e le Gallerie Pontificie (21 Febbraio 1833)

**ΔΔΕΑΜ ΤΠΠΙΑ**

- box 517 Έγγραφα Ακροπόλεως (1834-1887) [Documents of the Acropolis]
- box 456 Σύλλογοι Ανασκαφαί εν Αθήναις (1837/1886) [Collection of the excavations in Athens]

**ΓΑΚ – ΥΕΔΕ Α' (1833-1848)**

- φ. 1122-1130 Αρχαιότητες Αιγαίου (1833-1847) [Antiquities of the Aegean]
- φ. 1131-1149 Αρχαιότητες Πελοποννήσου (1833-1847) [Antiquities of the Peloponnesus]
- φ. 1150-1182 Αρχαιότητες Στερεάς Ελλάδος (1833-1947) [Antiquities of the Greek mainland]
- φ. 1190, αρ. ΣΤ' Αγορά Αρχαιοτήτων (1840-1842) [Purchase of Antiquities]
- φ. 1191, αρ. ΣΤ' Αγορά Αρχαιοτήτων (1842-1845) [Purchase of Antiquities]

**ΓΑΚ – ΥΕΔΕ Β' (1848-1854)**

- φ. 181 Διορισμοί προσωπικού (1848-1854) [staff appointments]
- φ. 182 Κατηγορίες και ποινάι του προσωπικού (1849-1853) [categories and provisions of the staff]
- φ. 183 Αριστεία και παράσημα του προσωπικού (1851-1854) [Decorations and financial resources of the staff]
- φ. 184-186 Ανεύρεσεις, διατήρησις και αγορά αρχαιοτήτων (1848-1854) [Discoveries, conservation and market of antiquities]
- φ. 187 Νομοσχέδια (1849) [Decrees]
- φ. 188 Οικοδομαί (1852-1854) [Constructions]
- φ. 189 Τόποι δι ανασκαφήν (1848-1855) [Excavation sites]
- φ. 190 Σύμμικτα (1848-1854) [Miscellaneous]
- φ. 191 Εκτυπώσεις αρχαιοτήτων (1848-1851) [Publications of antiquities]

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