

The condition of cultural property in armed conflicts

*From Antiquity to World War II*¹

by Lieutenant-General Pietro Verri (Rtd.)

Foreword

The condition of cultural property through the armed conflicts which have succeeded one another from Antiquity to the eve of the Second World War is no easy subject to study.

The sources available have of course made it possible to establish that from the latter part of the nineteenth century onwards, domestic and international laws have been enacted to reduce somewhat rather than prevent damage to cultural property during hostilities.

Researching earlier periods is more difficult, though; the further back one goes in time, the more fragmentary and less accurate the available data become.

For the sixteenth, seventeenth and eighteenth centuries, there are the works of the "founding fathers" of the law of war (Vitoria, Suarez, Ayala, Gentile, Grotius, Vattel), essayists, memoirists, more or less trustworthy historians and a few written regulations.

For the Middle Ages, we have chronicles and a few treaties usually following the method of *retractatio* and the jurists *de re militari* of Justinian's day.

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For Antiquity, Greek and Roman classical authors are the only source—when all is said and done, a literary tradition whose accuracy in reporting the actual situation in any given period is difficult to assess.

It is an established fact, though, that throughout that long period, the conduct of war was governed by two principles: first, that hostilities were not directed solely at armies, but at the enemy nation as a whole, persons and property; secondly, that war fed upon itself. The influence of these principles started to fade in the eighteenth century—or rather, after the French Revolution, the effects of which, despite the principles solemnly proclaimed very early on, were only felt later and certainly not during the French Revolutionary Wars and the Wars of the Empire, as we shall see.

As proof of the slow progress of that evolution, suffice it to mention that in 1860, the Imperial Summer Palace in Peking was pillaged by French and English troops and most of its art treasures shipped to Europe. This is only one of countless operations—often forgotten or eclipsed by the feat of arms that went with them—which despoiled, in the course of the centuries, the cultural heritage of nations and the historical features of their countries. In the long sequence of military campaigns, many works of art met with a similar fate time and time again, and as a result, were constantly on the move—the individual history of each work, from its creation to the present day, could relate these trials and tribulations far better than the history of wars. But with few exceptions, it would be difficult—if not impossible—to write such as history.

Furthermore, an in-depth study of art treasures which at some time or other were taken as war booty should also look into the reasons why they were taken: was it for love of art, or merely because of the monetary value of the substance in which they were made? A fascinating topic to research, granted, but beyond the scope of the present study.

We shall confine ourselves to a brief survey of the military operations which, by means ranging from weapons to flames, from wanton destruction to looting or vandalism, have caused damage to works of art. Let us not forget the fact that some stolen treasures were hidden—to dissemble possession of them or preserve them from harm—in the hope of later recovery and no doubt a number of them have in fact never been found again.

Our albeit cursory research confirms the view that the grounds for looting have always been the same, whether in ancient times, in

the Middle Ages or nowadays. Field-Marshal Montgomery once wrote: "A soldier has but one enemy: the beast within man".

To avoid an excessively lengthy study, we have restricted ourselves to Europe; but we are perfectly aware of the damage inflicted on the cultural heritage of peoples involved in armed conflicts on other continents: from the Spanish and Portuguese conquest (at the beginning of the modern era) of countries in what is now called Latin America to the American Revolution (1775-1783), from colonization in Africa and Asia to the American Civil War (1861-1865)—which, incidentally, was at the origin of the first serious internal legislation on the use of violence in wartime. But we shall revert to that topic later.

Part One

From Antiquity to the mid-nineteenth century

1. Antiquity

1. The sources available to us for our research on Antiquity are fairly limited, even if we restrict ourselves to the millenium stretching from the fifth century B.C. to the fall of the Western Roman Empire; furthermore, they are not always reliable, since quite often they are inaccurate or magnified accounts of events that fired the imagination of historians or chroniclers, or events mentioned in the textbooks on the art of warfare that have come down to us.

The information they give is very perfunctory and cannot in any way be considered exhaustive or systematic. They nevertheless convey a comparatively clear notion of the fate of cultural property in an era of constant fighting.

All civilizations of ancient times had one feature in common: violence; destruction was the only strategy, looting the sole objective. Under those conditions, cultural property was bound to suffer the ravages of battle, fire, vandalism, devastation and plundering. And if occasionally, works of art happened to meet with a less disastrous fate, this was only as a result of some individual personal initiative and did not reflect the awakening of any general scruples; it was an exception to the rule, something like Seneca's *pudor*, and not a widespread practice.

2. War, in Rome and ancient Greece, was a fight aiming at the complete annihilation of the enemy, and the accepted practice was that the riches of a vanquished city would go to the victor.

This was the doctrine propounded by Xenophon (the *Cyropaedia* and the *Anabasis*), by Plato (the *Republic* and the *Laws*), by Aristotle (the *Politics*) and Livy (*History of Rome*), by Gaius (*Institutes*) and in *Deuteronomy* (10: 14).

In those days, when war amounted mainly to spoliation, it was impossible to differentiate between war and piracy or robbery, all the more so since, according to Thucydides (i, 5), there was nothing dishonourable about piracy.

Homer has Achilles say that he took many sumptuous treasures from every city he had conquered. For that matter, some historians claim that the real cause of the Trojan War was not Helen's beauty, but the need for the decadent Mycenaean world to restore, by taking Troy's riches, its rather compromised fortunes. Polybius, Greek historian of the second century B.C., recounts (xviii, 4, 8) that some tribes laid waste not only the territory of their actual enemies, but also that of all warring tribes, in allying themselves indiscriminately with troops on either side.

In Homer's day, there were two kinds of booty: private booty, which went to the individual soldier, and collective booty, which was brought to the war council for distribution. First came the "shares of honour" intended for the leaders who had distinguished themselves in the battle. The distribution was carried out by the king or the highest-ranking officer, according to criteria unknown to us but based, it would seem, on the principle of "give little and keep a lot". Yet Homer has Ulysses say, in connection with the plundering of a city: "We divided great spoils in equal shares".

Later on, as a result of the growth of cities and the development of democracy, private booty started to be subject to certain limitations and the spoils divided more equally among the warriors—while the State kept increasing its own demands.

Sometimes, plundering actually jeopardized military operations. In one of his comedies, Menander (Athenian dramatist, fourth and third century B.C.) shows an army put to rout by an adversary it had just defeated, because its troops had abandoned the camp to go and plunder and sell the booty—which, incidentally, had not prevented the narrator's master (the speaker is a slave) from grabbing 600 pieces of gold and silver.

3. While in ancient times, the deities' believed involvement in battles made the fighting more inexorable and ruthless, a custom relative to the inviolability of temples later developed. But breaches of that unwritten law were frequent and occasionally gave rise to reprisals or even new wars. That is why the Amphictionic League, an association of twelve Aegean cities (seventh or sixth century B.C.) had sworn to avenge the desecration and plundering of Apollo's shrine at Delphi. Yet subsequently, in the fourth or third century B.C., Artemis' sacred precinct at Ephesus was burned down, the Dodona sanctuary in Epirus was destroyed, the temple at Delphi was forcibly occupied and its treasure melted down to mint the coins required to pay the mercenaries.

The removal of a small part of Olympia's treasure (363 B.C.) proved fatal to the Arcadian League, whereas the Athenians used some of it with impunity to fortify the sacred precinct at Delos for military reasons—generally considered perfectly valid to justify recourse to sacred treasures.

In any case, respect for sacred property and places of worship was connected with their religious character and not with their artistic value.

4. No regulations governed the conduct of hostilities; no quarter was given. The successive pillaging of Mantinea (418, 385, 222 and 207 B.C.), the depredation and devastation wrought by Xenophon's Ten Thousand (400 B.C.), the spoliation of Corinth (390 B.C.), of Olynthus (348 B.C.), and that of numerous Thracian cities for which Philip II of Macedonia and the Athenians were later to blame each other (340 B.C.), the destruction of Jerusalem, first by the Babylonians in 586 B.C. and again in 168 by the Seleucids who deliberately desecrated the Temple, were not thought horrendous in any way.

Adding to the list would be pointless. Let us rather quote a civilized voice in the midst of so many depredations: the voice of Polybius, a Greek historian of the second century B.C.; after pointing out (5, 11) that when Alexander the Great defeated Thebes in 335 and the city was destroyed, he had wanted the sacred places to be respected and preserved, Polybius then goes on to condemn one of Alexander's successors, Philip V of Macedonia (220-178) who, by way of reprisals, committed villainies as wicked as those of the Aetolians. Polybius writes that the rules of war provided for the destruction of strongholds, forts, cities, people, ships, resources and all other similar property belonging to the enemy in order to

weaken his power and at the same time increase one's own; but that if no advantage could be derived thereby (...), there was no denying that the wanton destruction of temples, statues and other sacred objects was sheer lunacy.

He seems to voice feelings that are different from those prevalent at the time; but in fact, he worries about the victims' potential reaction to the desecration of sacred places and property rather than about any damage to their artistic value.

Plutarch (A.D. 50-120) came closer to advocating respect for the intrinsic value of works of art (though not for their ownership). In his *Parallel Lives*, he wrote that during the siege of Rhodes, Demetrius I, king of Macedonia (fourth and third century B.C.) was about to burn down a castle situated outside the city walls and containing a famous painting by Protogenes (fourth century B.C.) who had worked on it for seven years and started it anew four times; it depicted a local hero, Ialysus (whence the name of the painting), with a dog. Rhodian emissaries apparently told Demetrius: "Why do you wish to bury this painting under a heap of smouldering ruins? If you defeat us, the whole city will be yours, and the painting with it—intact. If not, beware, lest it be said, to your disgrace, that having failed to defeat Rhodes, you waged war on the ghost of Protogenes." The painting was saved but, in the aftermath of later wars, it was removed to Rome and placed in the Temple of the Peace.

Let us also mention the fate of Antenor's bronze group depicting the tyrannicides Harmodius and Aristogiton, which had been set up in the agora of Athens as a symbol of freedom—even though the reasons for the murder of Hipparchus (514 B.C.) were much less edifying, as explained by Thucydides (vi, 54-59). In 480 B.C., the group (together with the statue of Pindar) was carried off by Xerxes, king of Persia, as the spoils of war, and although it was later returned by Alexander the Great, all trace of it has since been lost.

5. We shall not dwell at length upon the Romans, since their behaviour was basically similar; the following statement says it all: "Every page of Rome's history is a cry of anguish and oppression; the object of war was conquest, and conquest engendered slaughter, the pillaging of cities, spoliation, and a whole series of unspeakable horrors".¹

¹ J. Bouquié: *De la justice et de la discipline dans les armées à Rome et au Moyen Age*, Bruxelles, 1884.

Rome's entire history is marked by the successive incursions of its plundering armies from Spain to Greece and Asia Minor, from Africa to Germania, from Sicily to Gaul. For instance, the sack of Bola (414 B.C.) which led to a mutiny because the promise to let the soldiers share in the spoils had not been kept. Or the sack of Corinth (143 B.C.) which Cicero (107 – 43 B.C.) endeavoured to justify in his Verrine orations, though condemning the sack of Aspendus in Turkey (second century B.C.) which was stripped of many artistic treasures, including the famous statue of the *Harpist* "who seemed to play music with his heart". Cicero went on to say that the example of Marcus Claudius Marcellus at Syracuse, in 212 B.C. during the Second Punic War, should be followed and that war should spare private and public buildings, sacred and secular, and all works created for adornment or dedicated to religion. Yet Syracuse was sacked in 413 B.C. by the Athenians; Agrigentium in 262 B.C. by the Romans, in 214 by the Carthaginians and in 210 by the Romans again. Similarly, Tarentum was plundered in 273 B.C. by the Romans, in 213 by the Carthaginians and again in 209 by the Romans.

For Spain, let us mention Sagunto, plundered in 219 B.C. by Carthage, and Numantia, destroyed by the Romans in 133. Let us not forget Jerusalem: in A.D. 70, Titus, son of the emperor Vespasian, snatched a golden menorah from the Temple of Solomon as a trophy for the triumph to be celebrated on his return to Rome.

The destruction of Veii, an ancient town of Etruria and a constant enemy of Rome finally defeated in 396 B.C. after an eleven years' siege, has remained famous: the Roman Senate had issued a decree authorizing everyone to join in the looting.

In the Roman army, looting was a standard procedure. Shares in the spoils were calculated either according to rank, or to merit. Generals first helped themselves to whatever took their fancy, and the rest of the loot was then sold, to make distribution easier—hence the "secondhand dealers" among the camp followers.

Yet in Roman times respect was also often shown for religious property in deference to its sacred character. Plundering moreover hindered the conduct of military operations, as illustrated by the Carthaginian idleness—a consequence of looting and ransoming—in the wake of the battle of Cannae (a village of Apulia in Italy).

6. Thus war still amounted to systematic plundering: the riches of the vanquished passed to the victors. That was the *modus operandi* of Attila, king of the Huns, who laid waste most of Europe before being defeated in A.D. 451 by the Roman general Aetius, in the battle of the Catalaunian plains in Gaul. Attila's system for sharing out the spoils was that the king and other chieftains could help themselves first. Then "experts" assessed the value of the remaining loot before distributing it proportionately among the officers and soldiers, without forgetting the widows and orphans.

To close the chapter on Antiquity, let us mention the successive destructions and burnings of Rome: by the Gauls in A.D. 300; by Alaric, king of the Visigoths, first in A.D. 408 (he raised the siege only after receiving a ransom of 5,000 lbs of gold and 30,000lbs of silver, in addition to 4,000 silk and 3,000 purple garments) and then again in A.D. 410; in 455 by Gaiseric, king of the Vandals who, at the Pope's request, spared nothing but the churches; and in 472 by general Ricimer the Suede, in battle against emperor Anthemius.

For this period, let us dwell for moment on some items that had been plundered and were later recovered. The Museum of Art and History in Geneva owns a silver plate which belonged to an officer in the army of Valentinian I (A.D. 364-375); it had been abandoned with the officer's luggage during a retreat and was later found in the river Arve. A valuable treasure trove, dating from A.D. 350, was found in a stack of hay at the foot of the city walls of Augst, near Basel; it comprised 257 items (medallions, coins, silver plate and ingots).

Booty and hidden treasures, dating from the early Middle Ages and even further back were found in Great Britain and Ireland; in Rome, treasures which can be traced back to the sack of the city by Alaric were found in two different locations. Objects of the same origin were discovered in Toulouse and taken to Angoulême by Clovis in 508. Others were given by Atawulf to his bride Placidia as a wedding gift (A.D. 414).

For this period too, we have information on the trials and tribulations of art treasures, which changed hands as war booty time and again. For instance, items looted in Greece by Alaric were stolen from him (A.D. 402) by Stilicho, a Roman general and son of a Vandal. When Gaiseric captured Rome in A.D. 455 and systematically plundered it, many valuable works of art, including the treasures which Titus had taken from the Temple of Jerusalem in A.D. 70, were taken to Africa, where Belisarius, a Byzantine

general, defeated the Vandals in A.D. 534 and returned in triumph to Constantinople with the booty.

Thus, at the close of Antiquity, the condition of cultural property is rather lamentable.

2. The Middle Ages

1. The early Middle Ages were marked by a series of invasions by utterly implacable peoples from the north and the east. "These invasions were not sporadic episodes which ended with heaps of rubble, but events which dominate the civilization of that time."¹

Once again, Italy is in the foreground, with the struggle between the Goths and the armies of the Eastern Roman Empire still trying to defend the remains of the fallen Western Empire. And according to Procopius, a Greek historian of the sixth century from Byzance, the behaviour of the Byzantine armies was such that the population actually seemed to prefer the Goths. He states that in 546, when Rome was again about to be conquered by Totila, the king of the Goths decided to raze the city to the ground to avenge a defeat which had ended in the slaughter of his people in southern Italy. Having destroyed a third of the city walls, he was about to set fire to the city itself when Belisarius, one of Justinian's generals, hearing of his intentions, sent him a letter: «Building works of art in a city can only be the undertaking of wise men who know how to live with civility; whereas destroying existing ones can only be the work of lunatics who are not ashamed of going down in history as such. As far as we are concerned, everybody acknowledges that Rome is the largest and most famous city under the sun... If you win this war, by destroying Rome, you will not have destroyed someone else's property, but your own; whereas if you preserve it, you will logically acquire the most precious of all artistic heritages. If, however, fate should go against you, having spared Rome, you will have secured yourself the victor's utmost gratitude; but if you have destroyed it, you will be granted no mercy whatsoever and you will therefore not benefit in any way by your deed. Moreover, your behaviour now will determine your reputation for posterity...»

Procopius reports that Totila read this letter several times and, having pondered at some length over the warning it contained, he

¹ G. Vismara: *Problemi storici e istituti giuridici nella guerra altomedievale*, Spoleto, 1968.

resolved to do no further damage to Rome and informed Belisarius of his decision.

2. We notice that during the period stretching from Justinian's time to A.D. 1000, individual looting turned into a calamity for the very strength of fighting units. That is why it was prohibited—at least in theory—and *ad hoc* detachments were created to perform collective looting, while the units pursued military operations. However, the predominant trend was to burn, ransack and wreck «everything within reach». That is what two treatises tell us: *Strategicon* by the emperor Maurice (582-602) and *Tactics* by the emperor Leo VI (886-911). These books also set norms for the distribution of the booty. One sixth went to the Treasury and the remainder was shared out in equal parts among all those who conquered it, irrespective of rank.

The armies of Germanic origin, the Frankish army and the Lombard army, distinguished themselves by their irresistible propensity for pillage: they destroyed everything, like a flood. But what about the Crusades (eight, between 1095 and 1270) which are known for the savage cruelty with which the two parties fought each other in a merciless struggle? Frequently, the Christians were superior to their adversaries through their inhumanity; this conduct, having often changed the original aims of the Crusades, made the spiritual motive unrecognizable. What about the plundering of Zadar (1099), a city whose only fault was to be located on the path of the first Crusade, or the sack of Jerusalem in the same year, or that of Acre (1191) during the third Crusade—all events regrettably notorious for destruction and looting? But the most famous was the sack of Constantinople in 1204, during the fourth Crusade, after the pillaging of 476 B.C. during the Persian wars, of 340 B.C. during the war between Athens and Philipp II of Macedonia, of 743 during the struggle between Constantine V and Artabasdos. The loot, in 1204, included, among other objects, the four colossal bronze horses which went to adorn the basilica of St. Mark in Venice—whence Napoleon took them away in 1806 and France returned them after the emperor's downfall.

In Charlemagne's armies (768-814), warriors were authorized to pillage enemy territory at will: the seizing of plunder was still very attractive, as it had been in the days of the Merovingian armies about three centuries earlier.

Genghis Khan (1155-1227), the Mongol conqueror who founded a vast empire in Asia, is also very famous for the plun-

dering committed by his troops—the proceeds of the loot were distributed on a decimal basis.

3. During the Middle Ages and even later, a distinction was made between «limited wars» or «private wars» or «covered wars» in which the community and the opponent's property had to be spared, but not his life; «open wars»—«*sicut nobiles viri faciunt*»¹—in which looting was possible, but church property had to be spared if the clergy had not provided the enemy with any help or encouragement; and «absolute wars» or «wars to the death» waged by common soldiers, in which all property was at the victor's mercy.

The highly extolled rules of chivalry were implemented to a widely varying extent and their effects were, after all, neither substantial nor lasting; in any case, they were an expression exclusively of the solidarity of one class—the nobility—and the masses, bearing arms or not, did not benefit by them.

4. Hitherto, artillery had consisted of catapults and crossbows of the kind used in assaults as far back as the last five centuries before the Christian era. In 1139, the Church, during the Second Lateran Council, excommunicated crossbowmen and archers. But then the invention of gunpowder around A.D. 1200 and the manufacture of cannons around A.D. 1300 increased the offensive potential of artillery.

The progress in their development was felt during the Hundred Years' War (1337-1453) and in other wars of that time; for instance, in the conquest of Constantinople in 1453 (followed by the umpteenth sack of the city) by Mohammed II in battle against Constantine XI Palaeologus, a conquest which marked the end of the Eastern Roman Empire. The destruction wrought by the bombardments which fired stone and iron cannonballs had devastating effects on the cultural property of cities and castles, all the more so since their aim was completely haphazard.

5. Although the Church endeavoured to alleviate the effects of war, it did not prohibit it. It even considered it legitimate, provided the cause was "just". The Crusades were typical examples of "just" wars: the first Crusade was called at the Council of Clermont in 1095 by Urban II with the rallying cry "*Dieu le veut*" (it is God's

¹ «Such as nobleman wage».

wish). But all things considered, the Church did not wield any great influence.

As we have seen, during the Crusades, plundering the enemy's property was still the main objective of war, even though Saint Augustine had preached that *propter praedam militare peccatum est*.¹ Even the institution of "the peace and truce of God", born of the synod of Charroux (989), while prohibiting any kind of limited or private war, anathematized all those who desecrated places of worship and their surroundings ("up to a radius of 100 feet") and looted them. The protection of sacred places and property was still linked to their sacred character and not to their being works of art.

Besides, the protection of churches also aimed at keeping alive the long-standing institution of religious sanctuary which, as we know, gradually degenerated and created serious difficulties, for the first objective (protection of the persecuted or redemption of transgressors) gave way to the notion of privilege. And religious sanctuary was condemned when, born of the uncertainty of law, it became a source of uncertainty of justice.

To protect churches, the Holy Roman emperor Frederick I (1152-1194) promulgated an edict in 1158 in which he prohibited plundering. That edict was seldom respected and similar orders promulgated at the time and in later centuries were also ignored. However, as Christianity spread, a sense of respect for sacred objects grew; churches were plundered, but the loot was offered to other churches.

6. Let us not forget the companies of mercenaries, notorious in Europe between the ninth and the fifteenth century. They became a scourge during the Hundred Years' War when they attracted all kinds of adventurers whose only way of life was war, who compensated their low and irregular pay with systematic looting and who, at the end of an engagement, ran riot in banditry. Thus it was the *mala guerra* which prevailed, and the usages of the so-called *buona guerra* had difficulty being respected.

During those centuries, soldiers formed syndicates to pool the booty taken individually. The disputes which arose during the sharing out made it necessary to have judges in the armies to settle them. Arguments also arose between cities which had been plundered and various other cities which had subsequently recovered

¹ To wage war for loot is a sin.

that plunder from the enemy but refused to restore it to the original owner. This was the case, during the Hundred Years' War, of the loot seized by the English at St. Omer and regained by other French cities which then refused to return it to St. Omer.

Chronicles abound in information on enormous spoils of war: the loot taken by Charles VIII in 1488 at St. Aubin-du-Cormier, or that amassed by Louis XII (1498-1515) during the occupation of the duchy of Milan; among other objects, he removed from the archives and libraries exquisite codices with miniatures which can now be seen at the National Library in Paris.

Plundering was a consequence of the system as such and of lack of discipline; yet even when it was carried out in an organized manner, it easily led to complete loss of control over the troops. At the battle of Guinegate (1479), for instance, between Louis XI and Maximilian of Austria, the French were close to victory when, because the men started to loot, they were thrown off balance and routed.

One of the most important points in negotiations for the surrender of a city was to settle the exact time of surrender. In the interval, the besiegers relaxed their pressure and the defenders had time to prepare for the arrival of the enemy and to hide public and private valuables. To avoid spoliation, some cities offered cash ransoms—but the risk was that the besiegers would think there was much more to be gained by stripping the city bare.

In practice, the city to be plundered was often subdivided into sectors assigned to the various companies; but still commanders kept most of the booty for themselves. In many cases, a period was set during which plundering was allowed and, at the end of the prescribed time, the commander would come along with pikemen to restore order.

The rules and customs governing the distribution of booty varied depending on the period and the geographical situation. In the fifteenth century, according to Contamine¹, commanders-in-chief received the gold, the silver and the suits of armour; while admirals were entitled to one tenth of the profits, whatever was left was then divided up among the sailors and the soldiers on board; marshals received the horses and the copper- and pewterware, and chiefs of halberdiers were given the artillery.

In the Middle Ages, therefore, soldiering was profitable and provided a comfortable, relatively easy and not excessively dange-

¹ P. Contamine: *Guerre, Etat et société à la fin du Moyen Age*; Paris, 1972.

rous life, to the sole detriment of public and private property which included cultural objects. As mentioned previously, soldiers did not give much thought to works of art—they saw nothing in them but their market value, their weight in gold and silver. The artistic value of works of art was taken into consideration only when they came into the possession of monarchs, who placed them in their collections.

3. Modern times

1. In modern times, hostilities and their effects have been and still are just as appalling as in earlier periods: just think of the wars of religion, in which the distinction between friend and foe was not based on ethnic or political boundaries, but on ideological loyalties which were often more important than these boundaries.

On the eve of the battle of Ravenna (1512) between France and the Spanish and papal forces under the aegis of Pope Julius II, Gaston de Foix addressed the French troops in the following terms: “We shall go to Rome without meeting any resistance; there, you will plunder a wicked court’s glut of misbegotten riches which have been bled from the Christians for centuries; you will take many superb ornaments and great amounts of silver, gold, jewels and wealthy prisoners” (i.e. prisoners who could be held to ransom).

In 1527, Rome was once again sacked by Charles V’s lansquenets. Guichardin, in his *Histoire d’Italie*, devoted a whole extremely scathing passage to it and to the violence and debauchery that went with it; he wrote that all sacred objects, sacraments and saints’ relics were stripped of their ornaments, then desecrated and destroyed. The booty was huge: more than a million ducats worth of coins, silver, gold and jewels, in addition to the proceeds of levies and ransoms.

In 1576 and 1586, Antwerp was plundered by the Spanish infantry—famous not only for its valour, but also for its ferocity and greed. Its example was followed, in the course of the seventeenth century, to the detriment of numerous cities in central and northern Europe; a traveller ¹ wrote recently that in the middle of Germany, one could still see traces of the wars waged in those days. At the end of the sixteenth century, soldiers who survived the war

¹ Antonio Ruini, professor of international law at the University of Modena, in a letter to the author.

had often accumulated enough capital from pillaging to set themselves up as *condottieri* (professional military captains who raised troops and sold their services to states or princes at war). The term "sackman", originally used to describe an unarmed foot-soldier in charge of finding supplies, later came to mean one who lives by pillage and robbery, especially a member of the gangs assigned to looting operations. The English term "freebooter" (1570) is also indicative, meaning one who goes about in search of plunder, or "free-booty", i.e. spoil to be taken by force.

Once again, edicts such as Maximilian II's (1564-1576) "Military Articles" were promulgated to prohibit disorderly pillaging and looting before the battle was over, although, as a rule, they were not respected.

2. We now come to the Thirty Years' War and its atrocities and ruin, its spoliation and debauchery. In conquered cities, people and property were subject to the whims of the victors. Efforts were made to shield churches and those seeking sanctuary in them from these horrors, but not always successfully.

One of the most appalling episodes in this war was the sack of Magdeburg (1631), but the looting which took place seems insignificant against the terrible slaughter of 30,000 civilians there.

Raimondo Montecuccoli (1609-1680), an Italian general in the service of the Holy Roman emperor Ferdinand II, in his *Aforismi dell'arte bellica*, gives the following advice: "After a victorious battle, you must spread terror in the country by fire, by the sword and by plundering".

An ordinance issued in 1613 by the Duke of Savoy forbade soldiers to abandon their positions to engage in pillaging, because "victory must be pursued, on pain of death".

A French regulation enacted in 1648 allotted two thirds of the booty to the cavalry and one third to the infantry. Plundering was considered a well-defined right; it was a means for soldiers to grow rich—and often a cause for desertion.

Towards the end of the seventeenth century, military regulations (for instance those of 1690 issued to the troops of the elector of Brandenburg) had to stipulate once more that destroying and setting fire to churches was prohibited.

3. In the eighteenth century, some moderation came to the fore—a moral reaction to the bloodshed of the previous century. The Enlightenment had an influence on warfare, but let us not be

deceived by the term “limited wars” generally used for that period and up to the French Revolution: although wars were less fierce than in the seventeenth century and conducted in perhaps a more “gentlemanly” fashion, they were more numerous and just as deadly.

4. As from the sixteenth century onwards, legal scholars—called, as mentioned previously, the “founding fathers of the law of war”—had engaged in a complex formulation of precepts and principles which highlighted, as it were, the gradual progress achieved by civilization and causing the more enlightened and sentient beings to reject the tragic realities of warfare as conducted hitherto.

However, we must not be deluded. Grotius (1583-1645), in his *De iure belli ac pacis* (*On the Law of War and Peace*, Book iii, Chapters 6 and 12) did not outlaw capture of enemy property; he merely set out rules on the way of appropriating objects seized in time of war and established “moderations” with respect to devastation and the like. Vattel (1714-1767), in *Le Droit des gens* (*The Law of Nations*, Vol. II, Book iii, Chapter 9) stated that, whatever the reasons for ravaging a country, buildings and works outstanding for their beauty must be spared, since they were a credit to mankind and in no way contributed to strengthening the enemy. Nothing could be gained by destroying them, and blithely to deprive oneself of these works of art was tantamount to declaring oneself an enemy of mankind. He added, however, that if it was nonetheless necessary to destroy such works for military expediency, to accelerate siege operations, for instance, one was obviously entitled to do so. The king or commander-in-chief of the country could destroy them himself, if and when circumstances and the rules of war compelled him to do so.

Thus, pillaging went on and military regulations—such as the ordinance of 1793 by the king of Sardinia, which provided for the spoils to be allotted according to rank—governed the distribution of loot. Basically, the sole concern was to protect friendly territory from spoliation.

5. As far as the French Revolution is concerned, we shall deal with the period of the Terror and the wars of the Vendée. Once again, the bloodshed and the havoc wrought by the fighting were increased by the ideological struggle behind it. Of all the devastation and plundering which took place during the period, we shall

mention only the destruction of the twenty-eight statues which constituted the gallery of kings on the façade of the cathedral church of Notre-Dame in Paris and depicting the kings of Judea and Israel. The Paris Commune, mistaking them for statues of the kings of France, ordered them knocked down—which the *sans-culottes* hastened to do in 1793. Recently, excavations were carried out for the construction of a new building and substantial remains of these statues were discovered; they are now on display in the Musée de Cluny in Paris. In 1981, they were exhibited in Florence.

6. In 1796, when Napoleon was about to leave for Italy, he made the following proclamation to his troops: “Soldiers, you are naked, badly fed. The government owes you a lot (...) I shall lead you to the world’s most fertile plains...”

Napoleon’s armies lived mainly off the countries they occupied—as had been customary during the Thirty Years’ War—by virtue of what was euphemistically called “requisitions” and “war contributions” (Belgium, Germany, Italy, Switzerland, and wherever they went in Europe). There was traditional plundering too, for instance at Cuenca, in Spain “because it had offered resistance” and destruction by fire; the burning of Moscow on 14 September 1812 was the vastest and most destructive of them all and although it was not started by the occupying forces, they sparked it off.

In 1794, the French National Convention set up so-called “Evacuation Agencies”, later replaced by “Science and Arts Commissions”, which followed in the wake of the French armies and had the task of taking possession, in occupied countries, of all items of food and supplies, and all commercial, artistic and scientific objects. As far as science is concerned, the booty transferred to France from Belgium, Germany and Italy did not amount to much compared to the number and value of the works of art. The latter were systematically removed, in a process of outright spoliation founded on an ideological concept according to which France was the first “free” country in Europe, and as such was the only one worthy of harbouring works of art. The memory of the “triumphs” of ancient Rome also played a role: in 1796, it was said that the French did not want to bond either slaves or kings to the chariot of victory, but the glorious conquests of art—after the fashion of victorious Roman generals, as we have seen above.

From Belgium came works by Rubens (*Christ between the Two Robbers*, the *Deposition from the Cross*, the *Crucifixion*), Van Dyck

and Crayer; from Freiburg came a painting of the *Nativity* by Holbein and original musical scores, including Mozart's *Magic Flute*.

In Italy, spoliation was effected partially by means of armistice treaties which provided for the surrender of works of art by way of "war indemnities". For instance, the armistice signed in Parma on 9 May 1796 provided for the transfer of "twenty paintings to be chosen by the commander-in-chief" (thus transformed into an art critic); the armistice signed in Modena shortly after on 17 May 1796 provided for the surrender of another twenty paintings, to be chosen by the "Science and Arts Commission"—resulting in the removal of paintings by Guercino, Carracci and Correggio. The armistice signed at Bologna on 23 June 1796 compelled the Pope to hand over—at the "Commission's" choice—one hundred paintings, busts, vases and statues, and five hundred manuscripts; the selection included *Apollo Belvedere*, the *Laocoon*, a painting by Raphael and one by Domenichino.

By virtue of the armistice signed in Venice on 16 May 1797, the French commander-in-chief was able to select twenty paintings, including one by Paolo Veronese, and six hundred manuscripts, in addition to the four bronze horses from St. Mark's in Venice.

One could claim that these "transfers" were not unlawful, since they were provided for in treaties signed "without coercion". But Napoleon and the "Commission" went further: in some cities, their "levies" were tantamount to outright pillaging—for instance, in Bologna (*St. Cecilia*, by Raphael), in Cento (eight paintings by Guercino), in Mantua (the *Madonna of the Victory*, by Andrea Mantegna), in Loreto (the famous statue of the Madonna di Loreto and three paintings), in Perugia (twenty-seven paintings by Raphael and Perugino), in Verona (six panels of an altarpiece by Andrea Mantegna).

This is only a short extract of a very long list. The French Directory naturally congratulated Napoleon who (as he himself put it) was "proving that he linked the glory of the fine arts to that of the army he commanded". On 27 July 1798, the works of art removed from Italy were paraded through the streets of Paris.

These removals and spoliation gave rise to fierce protest not only in Italy, but also in France, where some people understood how appalling such behaviour was—but to no avail. However, we should like to draw attention to the *Letters on the prejudice that would be caused to arts and science by the removal from Italy of her monuments of art, the dismantling of her schools and the spoliation of*

her schools, museums, etc., in which Quatremere de Quincy maintained that a work of art created for a specific environment could be understood only if studied therein, and that it lost its value if removed from its original environment.

A French historian has written that these razzias, plundering works of art, requisitioning property and exacting ransoms, were unquestionably an affront to the principles of liberty, independence and national sovereignty which had caused France's glory and prestige at the beginning of the Revolution and turned against her quite a number of people who had erstwhile hailed her emancipative vocation (J. Godechot, "*La Grande Nation*", Paris 1956).

Pietro Verri

(To be continued)
