



HISTORICAL PERSPECTIVE OF HERITAGE LEGISLATION.
BALANCE BETWEEN LAWS AND VALUES



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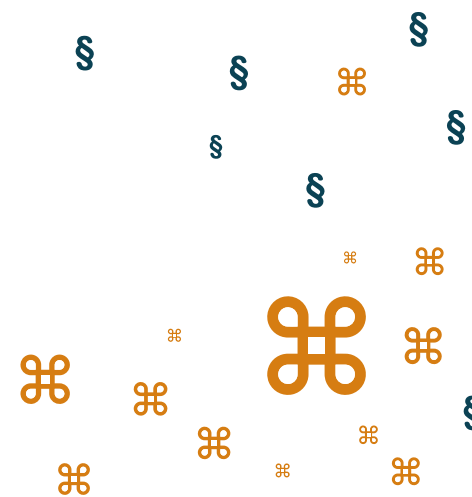
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THE ROYAL PLACAT OF 1666

BRIEFLY ABOUT BACKGROUND AND FURTHER IMPORTANCE

THOMAS ADLERCREUTZ, Jur.kand.

The royal "Placat" of 1666, issued by the governing council under the minority of King Charles XI Sweden, has in some circles in Sweden been hailed as "the first antiquities legislation of the world". Ironically, this is very much in keeping with theories, entertained by the 17th century academicians particularly at Uppsala University, that Sweden itself was also the origin of all civilisation. This extravagant notion has been fuelled both by Sweden's military success in the Thirty Year's War and by a very imaginative reading of the Old Testament, compared to remains and place names in Sweden. In the article, I shall endeavour to translate excerpts of the placat into modern English. I shall also look into preceding legal texts from other jurisdictions, and investigate possible similarities. Furthermore, I will look into the Swedish background to this document. An interesting trace is one leading to Rome, where the abdicated Swedish Queen Christina resided, still with many bonds to Sweden and her cousin's dowager and their son, Charles XI, and his governing council. Finally, I shall try to evaluate the importance of the placat and summarise what happened afterwards.



The Placat: the condensed version

The entire text, in an attempt to translate it fully into modern English, is affixed to the end of this text. The baroque language is difficult to follow in all its flowery intricacies, but here is a condensed reader's review.

The young king, Charles XI, eleven years old by a couple of days, and as his thoughts are expressed by his governors, is dismayed by the way cultural property is being manhandled. He refers to castles, fortresses and cairns, stones with runic inscriptions, tombs and other remains of the old kings of Sweden and Gothia (part of today's Sweden) and other nobles. Such monuments should be treated as objects which by themselves and by virtue of their creation ought to be saved from desecration and disrepute, to the immortal glory of ancestors and the realm. Therefore, he has decided to protect and manage them against unlawful handling, by ordering his subjects, firstly that no-one shall in

any manner make asunder or destroy remaining castles, houses, fortresses, strongholds or cairns, regardless of how small these remains may be, nor should standing stones or stones with runic inscriptions be wasted, but should be left unscathed in their original places. The same applies to all big amassed mounds of earth and burial sites, where many kings and other worthies have established their tombs and resting places. All such old monuments on land pertaining to king or crown, be it the king's or taxable property, are protected regardless of whether it is still that kind of property or has been in the past. Such property is taken into royal custody and trust.

Members of the nobility are requested to take care of antiquities in their lands of tenure as their honour would command. No-one, regardless of standing in society, is permitted to plunder or rob tombs of royals, princes or other nobles, which may be found in ruined or still standing churches or monasteries, much less to use them for own interment or in any way cause their old and rightful proprietors any infringement.

All churches and monasteries and all their inventory, gear, decorations on walls and windows, paintings or any kind of mindfully created interior, as well as tombs and

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burial places inside churches or outside in churchyards, should be shown care, peace and safety as befits their Christian customs, practice and exercise, so that conclusively all elements may serve as confirmation and remembrance of a historic deed, person, place or family, should carefully be respected. No permit should be given to waste or destroy even the slightest part thereof.

And if anyone should contravene the placat, this person should suffer punishment as anyone who disobeys royal command but also be subjected to the king's disgrace. Any abuse, disorder or damage should be corrected, and restitution executed to former condition.

The general vicegerent in Stockholm, governors general, governors, provincial governors, stewards, mayors and councils in the cities, provincial and town constables in the countryside should watch over this placat. The archbishop, bishops, superintendents, provosts and vicars should make the placat publically known and also watch over the objects which may be found in their dioceses, deaneries and parishes and which are of the abovementioned kind. Everyone with knowledge of such objects, or who may possess old scripture, books, letters, coins or seals, should report to their vicars or constables, to facilitate communication.

Short observations as to content

We see that the legal technique of categorising protected objects is applied here. It is not just some particular runic stones that should be spared, but all. Some categories that today would seem natural to protect, such as hidden archaeological remains like traces of settlements, trading posts, workplaces etc. are missing, but this is at the very dawn of the archaeological science.

A further observation reveals that the call on the clergy to make the placat publically known is explained by the fact that the clergy in those days was the only workable channel to the people at large. Attendance at mass was almost obligatory and a part of the service was the announcements from the pulpit of everything from family events such as births and christenings, excommunications, and deaths to various messages from the rulers.

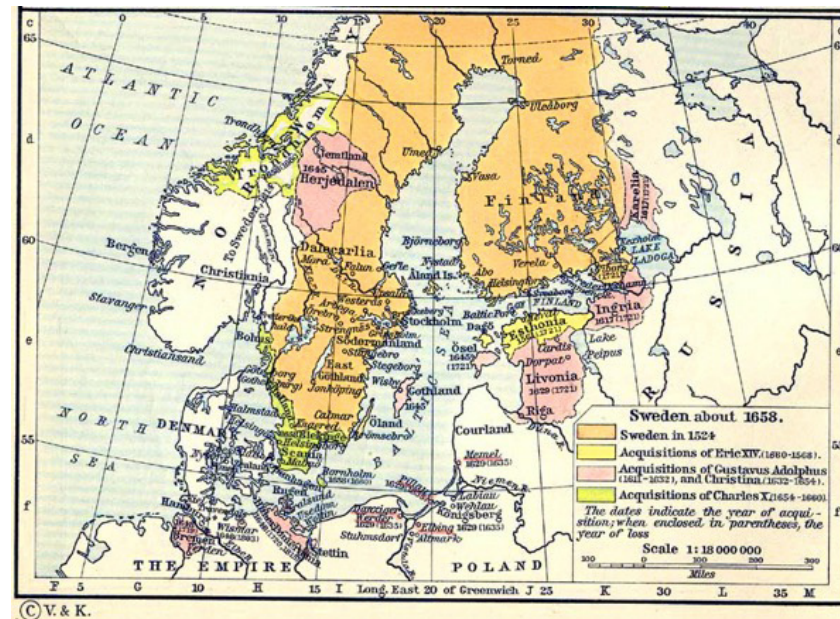
There are two questions as to content that also come to mind. What punishment – apart from royal disgrace – could be imposed? Is it less imposed on the nobility than on the lower classes? I have no clear answer to these questions. These two questions may have a connection.

The nobility clearly had a special relationship to the king, and a special status as the dominant landowners with tax concessions for providing man- and horsepower to the armed forces. But in Sweden there were also landowning farmers. They too wield-

ed some political power as one of the four estates of Parliament (*Rikens ständer*). The system of privileges for the nobility implied that the king would be more lenient with regard to transgressions on land that was exempt from tax. This is probably why the nobility is called to do as “their honour would command”. But there is also a message of punishment for “anyone who disobeys”. The nature of that punishment would likely have to be sought after in the general code of the country – in its edition of 1608 – but I have not investigated what particular provisions might have been applicable.

What effect could “royal disgrace” have had? Probably a great deal, depending on the culprit's dependence of king and government. For a military man or a courtier it meant loss of rank or office and accompanying salary – though not all offices were paid. Needless to say, loss of influence and status also followed. Therefore, nobles, clergy and the occasional farmer or merchant were the ones most sensitive to that kind of royal dissatisfaction. Royal disgrace, however, was in most cases temporary.

The immediate background



The year 1666 was not vital in Swedish history, but 1660 was. Two years earlier the Peace Treaty of Roskilde had resulted in a territorial apogee. The Swedish realm now encompassed former Danish provinces all the way to the strait of Öresund, plus the Bornholm island, from Norway the province of Trondheim, Finland (which had been

a part from the 12th century) all through to Ladoga lake and the mouth of river Neva (the later site of St. Petersburg), Estonia, Livonia (parts of present day Estonia and Latvia) and several provinces and cities in northern Germany. The expansion at the cost of Denmark-Norway had been achieved by the daring military expedition from Jutland across the frozen-over Danish straits under the personal command of king Charles X Gustavus, an adventure which nearly knocked the Danish realm over. In 1660, however, the King's concluding effort to capture Copenhagen failed and Bornholm and Trondheim had to be restituted. Then the King died, at the age of 37. His waistline is reported to have measured two meters.



Charles X
Gustavus
1622-1660

Charles XI at
the death of
his father

1660 marked a turning point: hundred years earlier another king, Gustavus Vasa, had died after nearly forty years of successfully resurrecting the Swedish State from many centuries of internal family feuds and wars with Denmark over succession. There were now two Scandinavian powers with defined borders, confirmed royal lineage and constantly at odd's end. Gustavus's grandson Gustavus II Adolphus entered the internal religious wars of the Holy Roman Empire, and when they finally ended in 1648, Sweden had gained the northern German provinces – in addition to much booty acquired during the many years of criss-crossing Swedish troops throughout central Europe. Though the Swedish war efforts had largely been financed by France that had an old bone of contention with the German emperor, there was no question that Sweden had become one of the major power players on the European stage. But how could this continue? The population of Sweden incl. Finland has been estimated at 1.675 million in 1650, Germany had roughly 10 million inhabitants (having been decimated by 5 million since 1600). England and Wales had 4.5 million. France (in 1670), 18 million, and Russia 15 million. The only comparable neighbouring power Denmark with Norway was populated by approximately 1.25 million.¹

Now in 1660, when the King was dead and no successor ready to step into his boots, one can say that one key issue was how this big but very thinly populated kingdom could be able to maintain the tremendous effort of keeping territories, which many far more resourceful countries and their allies would dearly want to lay their hands on, particularly Denmark, and the emerging power Russia.

As we know, Sweden's status as a major European power did not last long, but that is another story.

The years after 1660 became a period of relative tranquillity for the soon-to-end superpower. The undisputed successor, Charles XI, was only four years old at the time of death of his father, so governing passed to hands of a regency government with Dowager Queen Hedvig Eleonora as its nominal head.

Chancellor of the realm was Magnus Gabriel de la Gardie. By all standards he was a remarkable character in Swedish history. His grandfather, of unclear French origin, had joined Swedish armed forces in 1565 as a mercenary. Excelling in martial achievements, he married into royalty, and his son continuing along the same line also amassed an immense fortune, and strengthened the aristocratic liens. One of the offices he held was that of the governor of Estonia.

The grandson, Magnus Gabriel, having been born with a silver spoon in his mouth, made very good use of his starting position, holding early in life among other positions that of the ambassador to France. His wife was the sister of the now dead king Charles X Gustavus, and he had ingratiated himself with this king's predecessor queen Christina, his wife's cousin. Shortly before her unexpected abdication in 1654, he fell out of favour with the queen and exiled himself to his many landed estates. Now, in 1660, in the will of Charles X, he was named Chancellor of the realm.

Already in 1654 he had become Chancellor of Uppsala University, a position he held for 32 years with vigour. He showed a great interest in arts and culture, particularly projects that would shed magnificence on the realm (and himself personally). One project of great importance to the heritage was the a collection of illustrations of new and old buildings, *Svecia Antiqua et Hodierna*, which was inaugurated at Magnus Gabriel's behest by the regency government in 1661 and conducted under the leadership of Erik Dahlberg.² Not always true to life, the painstakingly detailed etchings portrayed what official Sweden found most worthy of presentation and remains even today a much sought after publication, having appeared in many reprints. Another example of his commitment



Magnus Gabriel De la Gardie
1622-1686

1 <http://www.tacitus.nu/historical-atlas/population/>, accessed 22.10.2017.

2 Peter Ullgren, *En makalös historia. Magnus Gabriel De la Gardies uppgång och fall* [A Story without Parallel. The Rise and Fall of Magnus Gabriel de la Gardie], (Stockholm: Norstedts, 2015), 219.



ĪN HIMINΛ VEIHNI
 NΛMΛ VEIN UIMΛ
 ΨIMAINΛSSNS
 VEINS YΛIKΨΛ
 YIΛGΛ VEINS SYE
 ĪN HIMINΛZGΛH
 ΛNΛ ΛIKΨΛI HΛΛIF

From the Lord's Prayer in the Silver Bible

was the purchase and subsequent donation in 1669 to the university library of the Silver Bible, translated into the Gothic language by bishop Ulphila around 500 AD, and today the main source of knowledge of that defunct tongue.

A historian, Laurentius Bureus, had in 1657 been appointed Antiquarian of the Realm and was, one year later, also made *Historiarum et Antiquitatum* Professor, a fact that to a degree united the administrative and scientific faculties.³ This union was quickly dissolved when Bureus had to resign his academic position, but before his death in 1665 he had authored a memorandum regarding the sorry state of monuments and antiquities, pleading for an inventory being made and special measures being

taken to restore especially royal tombs that had fallen derelict.⁴

De la Gardie had noticed that the young secretary to the university, Johan Hadorph, had shown special knowledge with regard to antiquities. Hadorph took Bureus' concern for the poor conditions of many monuments as a departing point for a proposal directed to the Chancellor in the summer of 1666, calling for regulatory measures against further destruction.

This proposal starts out with an enthusiastic description of the former glory of the realm with castles and fortresses, earthen mounds and stately church buildings, runic inscriptions and other monuments to the memory of the past. All this should be inventoried and preserved. The proposal is in wording very similar to what later the same year, 28 November, was made public as the Royal Placat.⁵

The immediate aftermath

The placat ends with an admonition to the clergy and governors to make inquiries into the state of the antiquities under their domain, and on 18 December 1666 the regency government followed through with special instructions to the same circle of officials. These instructions were accompanied by an "extract" of the placat, edited by Hadorph. But the extract is more than just a summary. It is more succinct and more detailed as to the protected objects. It adds literary sources as objects both to be collected and protected, such as "monkbooks", i.e. chronicles, letters and notes from monasteries and cloisters, books containing legal texts, collections of tales and songs.



Johan Hadorph 1630-1693

Seals and coins are also added. There is an affirmation that when it comes to manuscripts, seals and coins, the king does not request ownership, but promises to return or pay for them.

But of great importance was another idea of Hadorphs', the setting up of a special academy dedicated to research. A decision by the government of the 14 December 1666 marks the start of the *Collegium Antiquitatis*, with its seat at Uppsala and governed by Stiernhielm, Loccenius, Schefferus, Verelius, Celsius and Hadorph. The latter became in actual practice its executive officer.⁶ Hadorph was also appointed Antiquarian of the realm in succession of Stiernhielm.

The Collegium aimed at collecting all the information that governors and the clergy should bring in under the placat and the special instructions issued accordingly. In order to solidify the status of the placat and the Collegium de la Gardie took the matter to the Parliament, where all four Estates in 1668 confirmed the bill of 17 June to that effect. One desired effect of bringing the matter to the Parliament was that economic resources for the inventorying could be more easily be asked for.

The call for a general inventorying of ancient remains was – as could be expected – met with varying results in different parts of the realm. All of the clergy were not happy with tracing and preserving remains connected with heathen times. Nevertheless much documentation was collected during the 17th century, both before and after the placat. Not least valuable were the drawings of church buildings, then still to a large degree preserved as when built in the Middle Ages.⁷

As regards church buildings, there had already been rules aiming at preservation. In the Order of the Church, adopted in 1571/72 and confirming the Reformation with its royal supremacy in Sweden, there were provisions both as to how churches should be built and safeguarding their maintenance.⁸ Further rules were thereafter issued in the Church Act of 1686.⁹

Rule-making continued. Another Royal Placat was issued in 1684 – Charles XI was now of age – regarding finds of coins of gold, silver, copper and metallic vessels. This placat applied to objects that had been hidden in the earth in unruly times or finds from lakebed or seabed, and stated that such finds should be reported. If no one turned up with proof of ownership within a year, then the find would fall to the king by two thirds and the remaining third to the finder. Punishment would follow "according to law", which in this case meant the rules on theft in Chapter 32 of the general country code.¹⁰ The fact that the finder would get just one third for his troubles probably led to a lack of enthusiasm for turning in valuable finds, and the share was later augmented to one half.¹¹

3 Henrik Schück, *Kgl. Vitterhets Historie och Antikvitetsakademien. Dess Förhistoria och Historia*, 1 and 2 [The Prehistory and History of the Royal Academy of Learning, History and Antiquities], (Stockholm: Wahlström & Widstrand, 1932, 1933), 43.

4 Schück, *Kgl. Vitterhets Historie och Antikvitetsakademien*, 1, 252.

5 Schück, *Kgl. Vitterhets Historie och Antikvitetsakademien*, 1, 255 and 2, 60 ff.

6 Schück, *Kgl. Vitterhets Historie och Antikvitetsakademien*, 2, 65 ff.

7 Erik Flodérus and K.A. Gustawsson, "Fasta fornlämningar" [Ancient fixed Remains], in *Ad Patriam Illustrandam* (Uppsala: Almqvist & Wiksell, 1946), 246.

8 Thomas Adlercreutz, *Kulturegendomsrätt. Med en kommentar till kulturminneslagen* [Cultural Property Law. With a Commentary to the Cultural Monuments Act], (Stockholm: Fakta Info Direkt, 2001), 27.

9 Per-Olof Westlund, "Byggnadsminnen" [Historic Buildings], in *Ad Patriam Illustrandam*, 321 ff.

10 I. A. Hedenlund, "Fornfynd och hembudsplikt" [Ancient Finds and Pre-emption], in *Ad Patriam Illustrandam*, 376.

11 Thomas Adlercreutz, "Sweden," in *The Protection of the Underwater Cultural Heritage*. In *National Perspectives in Light of the UNESCO Convention 2001*, ed. Sarah Dromgoole (Leiden: Martinus Nijhoff, 2006), 298.



How well the placat came to be respected by the population at large is difficult to tell. Inventorying, however, was ongoing during most of the 17th century and certainly saved many monuments from neglect and destruction. At the turn of that century into the next Sweden was involved in unsuccessful wars which took most of the attention and resources away. When Charles XII was killed in 1718, autocratic government ended and the Parliament effectively took over. Less interest went into the study of the past. The 18th century came with the Enlightenment and a study of the present and the future.

The Funeral Procession of Charles XII.
Gustaf Cederström 1878

The placat, however, was never rescinded but replaced by a royal regulation of 17 April 1828. This statute built on the former, augmented the number of protected categories of remains and introduced procedural rules for permission to make infringements under certain conditions. There were even rules on economic compensation in certain cases of refused permissions. However, here is not the place to indulge in a further description of the history of cultural heritage legislation in Sweden.

The long-term background: Gothicism

Sweden's rise to become one of the European superpowers underscored a need for a story of a glorious past. The ideological concept of Sweden's primordial significance in global history has become known as Gothicism (*göticism*). The concept was developed in Sweden in the late Middle Ages, when the conflict over the crown between the Swedish and Danish aristocracy led to the doctoring of various chronicles purporting to tell the true series of events since time immemorial. The concept in itself, however, was not even Scandinavian. It goes back to the demise of the Roman Empire and the invasion of tribes from the north, here notably the Visigoths and Ostrogoths, settling on the Italian and the Iberian peninsulas. Their historians had the same need as their counterparts in Sweden one thousand years thereafter, to portray a glorious past, not inferior to that of the Romans.

Iordanes, one of the historians whose works survived, related an older theory of the Goths being direct descendants of Noah and his ark. Departing from the northerly island Scandza, the Goths had spread over Europe and founded many of the dynasties there. Isidorus, bishop of Seville stated in the beginning of the 7th century that Magog (from which name the Goths derived their tribal designation), son of Yaphet, son of Noah, had started the lineage of Goth kings.¹²

The Iordanes/Isidorus theory eventually caught on to Scandinavia. In the 15th century Bishop Nicolaus Ragvaldi of Växjö launched a fantastic version at the Church Coun-

cil in Basel. From their home in Scandinavia the Goths had stormed south and conquered Egypt, Asia and Sicily. They had taken part in the Trojan war and were involved with the Amazons. Philip of Macedonia had married the daughter of a Gothic king. No people were nobler than the Goths, and particularly their contemporary descendants in their place of origin.¹³

The recording of Swedish history only started in the early 13th century, later than in Denmark, Norway and notably Iceland, where the chronicles provided versions for the royal lineage of the other Nordic countries.¹⁴ Several Swedish chronicles appeared, most of them anonymous in origin. One exception is the *Chronica Regni Gothorum* by the theologian Ericus Olai, written in the latter half of the 15th century. He took Swedish/Gothic history back to the birth of Christ.

Three major works from the 16th century mark a high-point of classic Gothicism, authored by the Magnus brothers, Iohannes and Olaus. They were clerics. Iohannes was an archbishop elect, but due to the Reformation reaching Sweden in the late 1520s did not take office but went into exile. Posthumously, his *Gothorum Sveonumque Historia* was published in 1554. Leaning on older sources, he nevertheless embellished the feats of the old Goths up to the point when the work came to be characterised as a "Gothic Iliad". Magog Yaphetson had emerged from Scythia and sailed from Finland to settle in the part of Sweden called *Götaland*, the land of the Goths. His son Sven became king of the Suiones and another son, Göthar, king of the Goths. 836 years after the deluge, Berik ascended to the throne and began the march into the world outside. What other historians, e.g. Herodotus, Justinus and others had related to the Scythians, was in reality to be ascribed to the Goths of Swedish descent. Notably, the Gothic invasion of the crumbling Roman Empire and the Iberian Peninsula was also a work of the Swedes of that period.¹⁵

Olaus Magnus followed his older brother into exile, but before that he had conducted a journey into the wild north of the Scandinavian Peninsula. His experiences served him well when he drew the great map of all of northern Europe from Scotland and



12 Sten Lindroth, *Svensk Lärdomshistoria. Medeltiden, Reformationstiden* [A History of Swedish Learning. The Middle Ages and the Reformation], (Stockholm: Norstedts, 1975), 167 ff.

13 Ole Klindt-Jensen, *A History of Scandinavian Archaeology* (London: Thames & Hudson, 1975), 10; Lindroth, *Svensk Lärdomshistoria. Medeltiden, Reformationstiden*, 168.

14 Lindroth, *Svensk Lärdomshistoria. Medeltiden, Reformationstiden*, 92 ff.

15 Klindt-Jensen, *A History of Scandinavian Archaeology*, 11, Lindroth, *Svensk Lärdomshistoria. Medeltiden, Reformationstiden*, 288–296.

Orkneys into Iceland and Greenland, in nine gigantic sheets, the *Carta Marina*. It has remarkably vivid illustrations of people and fauna, ships and crafts, and mythical animals. His *Historia de gentibus septentrionalibus* was published in 1555. It was a work of great originality, describing not just the history of the Goths but also the nature and environment. It told tales of climate, mountains, rivers and lakes, of religion and superstition, of Finns and Lapps, and of Amazons, and the everyday lives and crafts of the population. Its aim was to portray a people living in a land of great natural beauty, but also containing enormous challenges during dark and cold winters, all of which had contributed to the fostering of a nation of heroes.¹⁶



Charles IX defaming the corpse of his enemy Klas Fleming. Albert Edelfelt

Sweden in 1630 to join in the wars in Germany – never to return alive – his farewell speech to the four estates parliament recalled the Gothic ancestors' "widely spread and immortal name". His name Gustavus was decoded as "Gotstavus": the staff of Goths.¹⁸

But the king's death at the battlefield of Lützen in 1632 dampened the former rhetoric, and Gothicism took a somewhat different path. Now linguistic aspects came into focus. So far no other assumption had been thought possible than that the primordial language must have been Hebrew, Adam's tongue. Now Georg Stiernhielm, one of the first antiquaries, with elaborate comparative studies of the Gothic language as it appeared in the newly discovered Silver Bible of bishop Ulphila tried to assert a theory evolving from analysis, that Swedish was instead that first language.



Gustavus II Adolphus

Gothicism came to play an important part in the political game. One amusing example dates to the Kalmar war in the beginning of the 17th century. The Swedish king Charles IX invited his Danish adversary to settle the matter in a duel man-to-man "according to the lawful customs and tradition of the old Goths". (The Danish king abstained, mocking "the old fool", quoted from Wadén¹⁷).

Iohannes Magnus's *Gothorum Sveonumque Historia* became available in Swedish as of 1620, and its alluring tales were used to collect financial support for the ensuing war efforts. When Gustavus II Adolphus left

This was in sum the ideological background to the issuing of the Royal Placat, with its concentration both on monuments and on runes, being examples of the Goths' intellectual achievements. But just to conclude this narrative on Gothicism, the perhaps most bizarre manifestation of them all should be mentioned: Olaus Rudbeckius' *Atlantica*, compiled at the end of the 17th century and so without any influence in itself on the issuing of the Placat. The quintessence of the *Atlantica* was that Sweden – and particularly Old Uppsala – was not just the origin of all language and civilisation, but also the sunken continent, the *Atlantis*, as related by Plato in *Critias* and *Timeos*.

"Scientific Gothicism"

But there were Gothicists less prone to phantasies, and more eager to apply factual observation and scientific methods. In 1599 King Charles IX issued a passport for Iohannes Bureus, a clergyman's son who had already been noted for *inter alia* his interest in the runic alphabet. He had also shown quite an ability to depict runic inscriptions, which he had started to collect and disseminate. The king now charged him with a mission to travel throughout the country to extend this work. Bureus also became a tutor to the Crown Prince Gustavus Adolphus.¹⁹



Iohannes Bureus

In 1622 the Danish king Christian IV – the man who declined to duel against Charles IX – issued instructions for similar work in Denmark, where the runic specialist was Ole Worms, by twenty years junior of Bureus'. The two exchanged vehement diatribes on the true science of runes.²⁰ Bureus was supported by Gustavus Adolphus, who now, as king, appointed Bureus officially as an Antiquarian of the Realm with two assistants. In the same year he instructed his antiquarians – probably inspired by the preceding Danish instructions – to find and collect monuments and other objects fit "to illustrate the Fatherland"²¹ Together with his assistants he managed to depict 663 rune-stones. This made up almost a quarter of the runic inscriptions found until modern times.²² Focus of their inventorying was mainly on literary sources of all kinds, apart from runic inscriptions interest was directed to coins, calendars, wills and manuscripts of all kinds.²³

A cousin of Bureus', Andreas Bureus, known as the "Father of Swedish Surveying" became instrumental in adding information regarding ancient remains onto the official maps which were being produced as of the 17th century.²⁴

Iohannes Bureus was succeeded as an Antiquarian of the Realm by Georg Stiernhielm, born in 1598 and with a background as a pupil of Bureus but also as an administrator, judge and estate holder in Livonia and also as one of Sweden's prominent poets.²⁵ Stiernhielm in turn was succeeded by Laurentius Bureus and thereafter by Iohan Hadorph, which we have both met: the first one as instigator and the latter as draftsman of the placat.

16 Lindroth, *Svensk Lärdomshistoria. Medeltiden, Reformationstiden*, 296–307.

17 Ingel Wadén, *Personhistorisk tidskrift* 1936.

18 Sten Lindroth, *Svensk Lärdomshistoria. Stormaktstiden* [A History of Swedish Learning. The Great Power Era], (Stockholm: Norstedts, 1975), 250–254.

19 Olle Källström, ed. *Svensk Kulturminnesvård. Ett 300-årsminne* [Swedish Cultural Heritage Management. The 300th Anniversary], (Stockholm, 1930), 14.

20 Oscar Almgren, "Om tillkomsten av 1630 år antikvarie-institution," in *About the Creation of the Antiquarian Office of 1630*, *Fornvännen* 26, (1931): 28.

21 Reprinted in Källström, *Svensk Kulturminnesvård*, 7, and Almgren, "Om tillkomsten av 1630 år antikvarie-institution," 35 ff.

22 Klindt-Jensen, *A History of Scandinavian Archaeology*, 16 ff.

23 Lindroth, *Svensk Lärdomshistoria. Stormaktstiden*, 244.

24 Flodérus and Gustawsson, "Fasta fornlämnningar," 245.

25 Lindroth, *Svensk Lärdomshistoria. Stormaktstiden*, 161 ff.

“The oldest antiquities’ legislation in the world”

On the official website of the Swedish National Heritage Board – and in print – you can find an essay by archaeologist Ola W. Jensen, in which he asserts that the Royal Placat was the world’s first law on the protection of ancient monuments.²⁶ As many readers will already know, this is not correct.

The fact of the matter is that already the proverbial old Greeks and Romans had adopted rules in order to preserve monuments – movable as well as immovable – including buildings, graves, statues and other works of art. At what precise time in history this count should start is, of course, debatable: perhaps with the *Lex Iulia Municipalis* of 44 BC. Or with an injunction issued by the Senate during the reign of Claudius against wilful destruction of buildings.²⁷ But certainly the *Novella Mariana*, issued by emperor Maiorian in 458 AD will be in the early count. This, one of the last Western Roman emperors, managed – after the Vandals’ looting of Rome in 455 AD – to hold back the Goths until he was himself deposed in 461. The novella was directed to the Senate, and ordered that all buildings still standing of beauty or usefulness must not be destroyed or damaged. If anything needed to be removed, this question should be submitted to the Senate, and the purpose should be embellishing or restoring another building. Heavy (i.e. cruel) punishments should be meted out for contraventions, including those committed by judges and assistants to the court.²⁸

When Rome was threatened by total destruction by the Gothic king Totila in 546 AD, the latter received a letter from the Eastern Roman commander Belisarius, telling the Goth that Rome was a masterpiece of human achievement and that obliterating it would be a crime against humanity. Facing this forerunner of the 1954 Hague convention, Totila abstained.²⁹

There are many other examples of rules earlier than the Royal Placat. Several of the city states on the Italian Peninsula adopted prohibitions against wanton destruction of buildings and other constructions: Parma (1254/55), Modena (1327), Piacenza (1391), Carpi (1353), Cremona (1387), Visso (1461), others left unmentioned.³⁰ In Rome the interest to preserve was more outspokenly directed to historic remains, shown in a statute of 1363. The popes also issued several injunctions against unauthorised destruction. Martin V in 1425 ruled that new buildings causing damage to ancient buildings should be removed.³¹ Pius II issued a bull in 1462 forbidding interference with ancient buildings without authorisation.³² Leo X made Raphael not just his chief architect of St. Peter’s but also *custos* of Rome’s monuments. In an edict of 1515 the pope instructed him not to use marble blocks with inscriptions for the work on the cathedral.³³ Further, cardinal Aldobrandini in an edict of 1624 forbade excavation conducted without permission and ordered landowners to report ancient finds within 24 hours.³⁴ That the states on the Italian Peninsula are early with protective legislation

is not strange, given both the richness in remains from Antiquity and the renewed cultural interest in the period, the Renaissance. As O’Keefe and Prott point out “Italian history is characterised by early looting, early protective legislation and early planned excavations.”³⁵ A little stranger is the claim from Swedish authors, among them Jensen, that “we were the first”. When this claim is also asserted on the website of a government agency, a direct descendant so to speak from the *Collegium Antiquitatis*, then one cannot but help feeling a bit comically reminded of Gothicism, today so absent from official thinking about history. In fairness to both Jensen and the National Heritage Board it should be pointed out that they are not alone. The unfounded claim goes back to the well-respected scholar Henrik Schück and his very thorough history of the Academy of Letters, History and Antiquities from the 1930s.³⁶

The Italian connection, however, is interesting from quite another viewpoint. Abdicated queen Christina, a cousin of the deceased Charles X Gustavus, had resided in Rome since 1655 after her conversion to Catholicism. There she developed tight and sometimes complicated relations with the popes and the Vatican administration. She kept a keen eye on what was going on in Sweden from where she would get the main source of income to maintain her court in exile. When news about her cousin the king’s death reached her in 1660 she decided she had better visit Sweden in order to look after her interests in person. Her entourage consisted of fifteen persons. Negotiations in Stockholm with representatives of the regency government were about finances, faith and succession, all touchy issues, where she would also have to meet the man she had once humiliated, Magnus Gabriel De la Gardie.³⁷ It seems unlikely



Queen Christina (left) with Descartes (right)

that the issue of preservation of Swedish monuments and antiquities took any part in the conversation between the parties, yet it does not seem improbable that knowledge of the Vatican rules and the handling of such issues in Rome was somehow disseminated during the many years the queen and her courtiers – according to Furuhagen³⁸, 170 persons – were in contact with their counterparts in Sweden.

Magnus Gabriel De la Gardie too was a man with many contacts, also internationally. In the 1640s he was on his way to Italy when

26 Ola W. Jensen, *Fornlämningsbegreppets historia* [The History of the Concept of Ancient Remains], (Stockholm: Riksantikvarieämbetet, 2006), 14, <http://kulturarvsdata.se/raa/samla/html/7499>.

27 J. J. Bachofen, “Ausgewählte Lehren aus dem römischen Recht,” in *Selected Studies from Roman Law* (Bonn, 1848), 185.

28 Heinrich Giesker, *Der rechtliche Heimatschutz in der Schweiz. Darstellung des Denkmalschutzes, Kunstschutzes, Naturschutzes und Heimatschutzes in engem Sinn, unter Berücksichtigung der Geschichte und des Auslandes* [The Legal Protection of the Homeland in Switzerland. A Description of the Protection of the Cultural Heritage, Arts, Nature and Homeland in a Historic and International Perspective], (Aarau: Sauerländer & Co, 1910), 104 ff.

29 Hans Furuhagen, *Rom. Marmor och Människor* [Rome. Marble and People], (Stockholm: Natur och Kultur, 2000), 97.

30 Giesker, *Der rechtliche Heimatschutz in der Schweiz*, 109.

31 P. J. O’Keefe and L. V. Prott, *Law and the Cultural Heritage*. Volume 1. *Discovery and Excavation* (Abingdon: Professional Books, 1984), 34.

32 Giesker, *Der rechtliche Heimatschutz in der Schweiz*, 110, O’Keefe and Prott, *Law and the Cultural Heritage*, 34.

33 Giesker, *Der rechtliche Heimatschutz in der Schweiz*, 111, Furuhagen, *Rom*, 234.



due to yet another war with Denmark he had to abort his Grand Tour and return home. He had then been on this tour for about ten years and made many acquaintances, also in the highest political circles.³⁹

However, it seems far from necessary to presuppose any exchange of ideas between the very elite of the courts in either country in order to assume that there could have been an influence of Roman, canon or Italian city state law on Swedish lawmakers. As e.g. Stig Jägerskiöld⁴⁰ has shown there was widespread knowledge in Sweden of Roman and canon law and many personal connections between judges, professors of law and more widely in academe. In fact, even queen Christina before her abdication and in her role as sovereign judge showed insight in Roman law⁴¹. It seems more than probable that some inspiration could have reached Hadorph and De la Gardie in as far as the feasibility to protect monuments under law was concerned.

The fact that the placat must be dethroned from the proclaimed position as the absolute origin of protective legislation should not detract from its importance as such for the territories it covered, mainly Sweden as it is today and Finland, which remained part of Sweden till 1809 and where Swedish law continued to be in force even under Russian rule. My guess would be that it had little importance in northern Germany, but Gothicism would have been cherished there too. It will be interesting to learn how it was applied in present-day Estonia, which partly was under Swedish rule as of 1561. I would be surprised if it had much influence in Latvia, where the contested eastern part of Kurland was under Swedish rule for a shorter period in the 17th century.

From a Swedish viewpoint the placat showed foresight. The legal technique of declaring by statute what is under protection rather than itemising piecemeal protected monuments remains to this day. One could say that such a system lacks precision, and it would, if it had not been supplemented by having the monuments marked out on maps. Today it works through an ever expanding digital system, available free of charge to the general public. There you can find the sum of inventorying, from the 17th century up to the new finds of ancient remains – even runic stones – that are reported in every year. So there is reason to celebrate what those old Goths beyond all their wild phantasies were actually able to achieve.

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34 O'Keefe and Prott, *Law and the Cultural Heritage*, 35.

35 O'Keefe and Prott, *Law and the Cultural Heritage*, 35.

36 Henrik Schück, *Johan Hadorph. En minnesteckning* [A Biography], (Stockholm: Svenska Akademien, 1933), 264.

37 Marie-Louise Rodén, *Drottning Christina. En biografi* [Queen Christina. A Biography], (Stockholm: Prisma, 2008), 209 ff.

38 Furuahagen, *Rom*, 28.

39 Ullgren, *En makalös historia*, 72.

40 Stig Jägerskiöld, *Studier rörande receptionen av främmande rätt i Sverige under den yngre landslagens tid* [Studies of Reception of Roman Law in Sweden in the Period of the Younger Country Code], (Lund: C. Bloms, 1963), 46 ff., 51 ff. and 93 ff.

41 J. E. Almquist, "Från gången tid. Drottning Kristina den första kvinnliga domaren i Sverige," [From Times Gone. Queen Christina, the first female Judge in Sweden] *Svensk Juristtidning* 19 (1941): 828.

Appendix



Translated by Thomas Adlercreutz

His Royal Majesty's Placat and Decree regarding Old Monuments and Antiquities

We Charles, by the grace of God, King and Heir Principal of Sweden, Gothia, Vendia, Grand-Duke to Finland, Duke in Scania, Estonia, Livonia, Carelia, Bremen, Verden, Stettin-Pomerania, Cassubia, Vendia, Duke to Ruegen, Lord of Ingria and Wismar,

And also Palatinate Count at the Rhine in Bavaria, at Guelich, Clewe and Bergen, Duke, etc.

Do hereby make publicly known, as We with great discontent experience how not just the Antiquities, Remains and Monuments of Time immemorial, which from heathen Times by deceased Kings of Sweden and Gothia, and other eminent Men and Subjects by their manly Achievements all over Our Realm, partly in Castles, Strongholds and Cairns, partly in Monuments and Stones with runic Inscriptions, partly in their Tombs and Burial Sites in great Numbers, are being treated with such Recklessness and unlawful Self-indulgence that Day by Day they succumb to Wreckage and Destruction,

and also Monuments which have been left by Kings, Queens and Princes, and other Eminences of the Nobility and the Clergy in our Christian Churches to their Honour and Memory, are being destroyed and occupied and damaged by others, something that must be condemned and averted, as such Monuments should be treasured as Objects which by themselves and by Virtue of their Creation ought to be saved from Desecration and Disrepute, to the immortal Glory of our Ancestors and our entire Realm.

For this Reason, with a view to the particular Zeal Our Ancestors, Kings of Sweden, have dutifully exerted, as well as publically to confirm the discontent We take to the abovementioned Disorder, We have decided henceforth to protect and manage against unlawful Handling, by ordering Our faithful Subjects thereby concerned as good and necessary and according to this Our public Placat, firstly that no-one whoever he may be from this Day forward shall in any manner make asunder or destroy the Castles, Houses, Fortresses, Strongholds or Cairns, which still may remain in any or one place, regardless of how small these Remains may be, nor should he in any way waste Standing Stones or Stones with runic inscriptions, but should leave them altogether unscathed in their right former places, the same applying to all big amassed Mounds of Earth and Burial Sites, where many Kings and other Worthies have established their Tombs and resting Places, as We all such old Monuments on Our Land or on Land pertaining to the Crown, be it Our Property or taxable Property, regardless of whether it is now Our property or has been in the past and now surrendered, protect against all wilful Injury as if it were Our private Property, and take it into Our Royal Custody and Trust.

Turning to Our faithful Subjects of the House of Nobility, if there are any such Antiquities in their Lands of Tenure from Time immemorial, requesting them to care for their Conservation, in the vein of this Our Intention, the Importance of the Matter at hand, and as their own Honour would prescribe.

Thereafter We declare that no-one, of high or lowly Status, Cleric or Secular, pertaining to any Estate or Class, is permitted to plunder or rob tombs of Royals, Princes or other Nobles, which may be found in ruined or still standing Churches or Monasteries, much less to use them for own interment or in any way cause their old and rightful Proprietors any Damage or Infringement.

As it is Our will that all Churches and Monasteries and all their Inventory, Gear, Decorations on Walls and Windows, Paintings or any Kind of mindfully created interior, as well as Tombs and Burial places of the dead inside Churches or outside in Churchyards, be shown the Care, Peace and Safety as befits their Christian Customs, Practice and Exercise, so that conclusively all Elements, no matter how small they may meet the



Eye, may serve as Confirmation and Remembrance of a Historic Deed, Person, Place or Family, should carefully be respected and cared for, and that no permit should be given to waste or destroy even the slightest Part thereof.

And if anyone should presume to do anything against or else contravene Our Commandment, then it is Our will that he should suffer as anyone who disregards Our Decree, but also be subjected to Our High Disgrace.

Should there be any Abuse, Disorder or Damage done to any of the Objectives mentioned in this Placat, then We command earnestly that any such Act be corrected, and restituted to its former Condition.

For this reason We command not just Our General Vicegerent in Stockholm, Governors General, Governors, Provincial Governors, Stateholders, Mayors and Councils in the Cities, Provincial and Town Constables in the Countryside to watch over this Placat in full and careful Earnest, but also the Archbishop, Bishops, Superintendents, Provosts and Vicars all over Our Realm, that they each in his Place publically proclaim and also watch over the Objects which may be found in their Dioceses, Deaneries and Parishes and which are of the abovementioned Kind, to which End We also order every Person who may know of such Things, or who may possess old Scripture, Books, Letters, Coins or Seals, that they report to their Vicars or Our Constables, so that We through them may be able to communicate.

Every Person in general and particularly everyone concerned shall dutifully oblige. Furthermore, We have confirmed this with Our Royal Seal and the signatures of Our Highly Honoured and Beloved Mother and other Members of Our Regency Government.

Stockholm, 28 November 1666

(Locus Sigilli) Hedvig Eleonora

Seved Bååt	Gustav Banér	Gustaf Otto Stenbock
In lieu of the Justiciar	In lieu of the Marshall	Admiral of the Realm

Magnus Gabriel de la Gardie	Gustav Soop
Chancellor of the Realm	In lieu of the Treasurer

