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Introduction

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Reuse Value

Spolia and Appropriation in Art and Architecture
from Constantine to Sherrie Levine

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Introduction

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Just over 40 years ago, the *Archiv für Kulturgeschichte* published an essay by a young German historian that opened up a new field of study.[1] *Spolia*, then generally defined (as in the subtitle of the article) as reused architectural components and sculptures from Greco-Roman antiquity, were not unknown. They had been part of the discourse of art history since the sixteenth century, when Roman artists and humanists spotted them as a sign of artistic decline in late antiquity, and in the twentieth century they were included in studies of the "afterlife" of classical art and culture. The historian, however, was inclined to privilege endpoints – the new products created with *spolia* – rather than origins, and the effect of Arnold Esch's scintillating essay was to shift the emphasis from the afterlife of classical antiquity (with its implication of death) to reuse as a form of new life, with different modalities and myriad inventive outcomes: "the building as *spolium*", "the supplemented *spolium*", "the imitated *spolium*", "the statue: recognized, destroyed, silenced, elevated, assimilated".

The publication of Esch's article coincided with the constellation of trends termed "postmodernism" in art and architecture.[2] The coincidence was fortuitous, as many of the tropes and strategies of postmodernism are also characteristic of *spolia*: fragmentation, historicism, memory, authenticity, authorship, and appropriation, to name only a few. Against the background of postmodern critical discourse *spolia* studies have ballooned in the past 30 years, yet direct acknowledgments of this connection are surprisingly rare. Relatively few studies of *spolia* draw on the language and concepts of postmodern theory, and even fewer critics of contemporary art and architecture are aware of the historical precedent of *spolia*. This volume

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1   Esch, "Spolien".
2   Foster, "The 'Primitive' Unconscious of Modern Art", p. xiv.

addresses that gap, offering a spectrum of positions on how, if, or whether it should be bridged.

Richard Brilliant's aphoristic distinction between *spolia in se* and *spolia in re* expanded the field of *spolia* from material (*in se*) to virtual (*in re*) objects.[3] Although Brilliant coined the phrase specifically to describe the "reuse" of an older style in third-century Roman reliefs, *spolia in re* invites application to other forms of non-physical taking-over, such as quotation and reproduction.[4] Paolo Liverani teases out the implications of such an extension in Chapter 2. Whereas *spolia in se* might be compared to the components of assemblage and collage (and vice versa), *spolia in re* would be verbal and visual formulas, images and motifs. Donald Kuspit's reflections on appropriation art (Chapter 12) imply that at least some of the objects of this signature postmodern practice might be thought of as *spolia*. But first things first: what are *spolia*, and how do they entail reuse?

Reuse

Reuse is ubiquitous and usually unremarkable. In the physical realm, the reuse of materials and artifacts is routine in pre- or non-industrial economies that generate little surplus and cannot afford waste. In cultural economies, the reuse of melodies, stories, images, symbols, and other abstract forms of expression creates an aura of familiarity and provides a common store of self-identifying topoi or emblems that foster cultural cohesion. In such forms and circumstances, reuse can be unmarked and morally neutral.

In other circumstances, reuse emerges as value-laden. For example, in the context of the prolific production and consumption of commodities in mid-twentieth-century America, the reuse of consumer products was negatively charged with implications of backwardness and social marginality. New products made of newly manufactured materials were promoted as more efficient, cleaner, safer, and more aesthetically appealing. If the discarded products of this and other hyper-productive societies were reused, it was elsewhere, on their own impoverished peripheries or in the so-called Third World. By the end of the century, however, concern for managing the waste created by the constant replacement of once-new products by ever newer ones was reversing the negative charge on reuse and investing it instead with positive moral value. Yet because the "psychology of abundance" that accompanied the earlier "throwaway spirit" is still prevalent, reuse is

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3   Brilliant, "I piedistalli del giardino di Boboli".
4   Cf. Sumi, "Poetry and Architecture".

noticeably non-conformist, exceptional, and ideological, rather than systemic and neutral.[5]

Suppliers of reusable building materials valorize not only reuse itself, as a provident, waste-reducing practice, but also its objects: hardware "that can't be replicated", "tremendous, beautiful old wood".[6] The medieval voices quoted by Arnold Esch (Chapter 1) express a similar appreciation for finely cut ancient stone, and the marble columns and other architectural elements discussed by Hugo Brandenburg and Michael Greenhalgh (Chapters 3 and 4) elicited the same admiration. Whether the practice of reuse was ideologically charged in the period of their inquiries, the Middle Ages, is an open question. Our own interpretations of reuse are likely to be colored by the psychology of abundance rather than the "psychology of scarcity" that was doubtless more typical of the Middle Ages, and in which reuse appears unavoidable and banal.[7] Yet the objects of reuse might have commanded attention on other terms. Elements "that can't be replicated", be they doorknobs or marble column shafts, announce their origin in a different context from the one into which they have been (re)built. The reuse of time-bound pieces exposes history, and the presence of multiple such elements creates "palimpsests of an historical process" (Esch) that may be the deliberate product of reuse, or only its unintended effect. The self-conscious, programmatic displays of history in the buildings analyzed here by Hans-Rudolf Meier (Chapter 11) may represent an extreme of the historicizing potential of reuse, but "recycling always implies a stance toward time".[8]

Reuse also implies use; by definition, the objects of reuse are "used". Reuse is transformative but ultimately diminishing, as illustrated by Umberto Eco's example of a jacket.[9] In its initial use, a cloth jacket becomes "worn", after which it can be reused by reversing it, then by mending it, patching it, and finally by changing its shape and function through shortening or refashioning it. Ultimately, its use as a garment is exhausted, but it can still be dismembered and repurposed to make patches for other garments or braided rugs. Strictly speaking, the last phase constitutes recycling rather than reuse: form and function are obliterated, and the object is reduced to its material.

Reuse thus applies to *spolia* only insofar as the latter are objects of use. This is arguably not the case with most *spolia in re*, nor is it true of works of art, which are notoriously useless. Marcel Duchamp's perverse impulse to "Use a Rembrandt as an Ironing Board" brilliantly sums up "the basic antimony between art and Ready-mades" and indeed, between art and nearly

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5   "Psychology of abundance": Fine, *The World of Consumption*, p. 114; "throwaway spirit": Packard, *The Waste Makers*.

6   http://www.youtube.com/watch?v=nGMd7k_dmJA; accessed 29 September 2010.

7   Fine, *The World of Consumption*, p. 114.

8   Seriff, "Introduction", p. 10.

9   Eco, "Riflessioni sulle tecniche di citazione".

everything else.[10] In the case of artworks (unlike, for example, Eco's jacket), "use" must be distinguished from function. A painting can function in the service of cult (as an icon or altarpiece), for commemoration (as a portrait), as a prestige good, or in other capacities, but such functions do not diminish or deplete its utility. On the contrary, intensive exercise of function tends to increase the artwork's capacity for more of the same: the longer a painting serves to enhance prestige, the more prestige it can confer.

If artworks are not used they cannot be reused. How then should we describe the physical incorporation or "re-staging" of older artworks that characterizes nearly every artistic tradition except the classical tradition in the West? Sometimes, in the often surprising employment of art from other cultures in the sectarian contexts of the Christian and Muslim Middle Ages (Kinney, Chapter 5; Flood, Chapter 6), we might describe it as "use": a previously autonomous object has been put to work in the service of another composition or idea, as a sculptor "uses" wood or stone blocks.[11] In other cases, the re-staging might be compared to the self-conscious appropriations of western industrial discards by folk artists, for which many scholars prefer the term "recycling".[12] In yet other instances, re-staged artworks might reflect military spoliation, and are therefore properly *spolia*.

Spoliation

Spoliation entails a forcible transfer of ownership. The spoliated object (animal, person, monument, or culture) is denuded of its portable assets (skin, wealth, ornament, artistic patrimony) and the assets – the *spolia* – are taken as booty or salvaged. *Spolia* are survivors of violence, about which they might be mute (if they bear no visible signs of it) or eloquent. The burden of testimony rests largely with the spoliated object, if it survives to bear witness. For example, after the Romans conquered the city of Ambracia in 189 BCE, its statues were taken intact to Rome while Ambracia was left with "bare walls and door-posts" as a painful memento of its defeat.[13] Recontextualized in the city of the victor, statues and other military *spolia* became elements of Rome's display of world domination.[14] They were also seeds of discord and envy, however, and as signifiers they were equivocal, capable of standing for the transience of power as well as its accumulation, and of reproaching later

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10 Schwarz, *The Complete Works of Marcel Duchamp*, p. 46.
11 Cf. Foster, "The 'Primitive' Unconscious of Modern Art", p. 49.
12 For example, Cerny and Seriff (eds), *Recycled Re-Seen*.
13 Kinney, "*Spolia*", p. 120.
14 Beard, *The Roman Triumph*, pp. 143–86.

owners as unworthy of the glory they embodied.[15] Cicero imagined Mark Antony haunted by the *spolia* in the vestibule of the house of Pompey (d. 48 BCE) because they represented the "matchless man" who had deservedly won them, not Antony himself.[16]

The violence encoded by *spolia* tends to be elided in the metaphorical extension of the term to all recontextualized objects and works of art. For different reasons, many of the authors in this volume consider the elision a mistake. Wharton (Chapter 9) objects that it masks the wounds inflicted on the bodies of donor buildings. Rajagopalan (Chapter 10) demonstrates that objects that appear to be *spolia* intimate a history of violence whether the history is true or not. Brandenburg (Chapter 3) insists on the distinction between architectural elements ripped from intact buildings – *spolia* – and surplus or salvaged inventory as a matter of historical precision. It is the difference between seeing the Arch of Constantine (Figures 8.1 and 8.2) as the product of the deliberate defacement of earlier imperial monuments and seeing it as the routine assemblage of reusable parts taken from storage.

Roman law prohibited architectural spoliation because it produced "disfigured" buildings that were an affront to urban decorum.[17] By contrast, modern US law defines the "distortion, mutilation, or other modification" of art-adorned buildings as a potential infringement on the artist's rights of authorship.[18] Here the aesthetics of the building are not at issue; it is the "honor or reputation" of the author of an artwork that is part of a building (such as a mural painting), which can be damaged by the work's destruction or unauthorized alteration.[19] The violence done to the work is implicitly considered to extend to the artist as well.[20]

Although the taking of *spolia in re* does not harm their original context – on the contrary, as shown here by Liverani, "metaphorical" taking by citation leaves the primary context intact and tends to elevate its stature – it can involve theft of authorship. Plagiarism is the limit case in which quotation turns from

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15 Miles, *Art as Plunder*, pp. 13–104, gives a comprehensive account of Greek and Roman ambivalence concerning *spolia*.

16 Cicero, *Philippics* II.xxviii, trans. Ker, p. 131.

17 Mommsen and Meyer (eds), *Theodosiani Libri* XVI, p. 805 No. XV.1.19; Geyer "Ne ruinis urbs deformetur"; Alchermes, "*Spolia* in Roman Cities of the Late Empire".

18 United States Code, Title 17, Sections 106A and 113 (Visual Artists Rights Act): http://www.sfartscommission.org/pubartcollection/documents/pa05-mural-guidelines/pa05-2-visual-artists-rights-act/ (accessed 30 September 2010). I am grateful to Lisa Kohn for bringing this law to my attention.

19 The provisions of VARA reflect the European concept of the author's "moral rights", which are enshrined in various national laws and in the Berne Convention of 1886: http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html#P85_10661 (accessed 30 September 2010).

20 Under the law, the muralist Kent Twitchell was awarded a settlement of $1.1 million after his *Ed Ruscha Monument* on the wall of a federal government building was painted over without his consent in 2006.

the respectful ascription of authority into plunder. By usurping authorship, the plagiarist steals intellectual property from the author and diminishes what some might call the author's symbolic capital: "if 'D' plagiarizes 'V's' work – instead of D citing V's work [that is, naming V as the author] – then V is potentially harmed by having fewer citations to V's work."[21] Virtual violence can have material effects: as V's reputation suffers so does his or her capacity to earn royalties and fees; such is the monetization of honor in capitalist economies. This is a strictly modern scenario; in other economies, the usurpation of honor or reputation can be theft in itself. This is one of the possibilities raised by the appropriated imagery on the Arch of Constantine and by Kuspit's opening example of the statues of other pharaohs reinscribed with the name of Ramses II.

The military spoliation gladly practiced by Rome and other imperial powers down to Napoleon in the nineteenth century and the generals of the Third Reich in the twentieth is now forbidden. A turning point occurred in 1815 when the Duke of Wellington determined that, like the ancient Ambracians, the defeated nation of Napoleon should be left with the bare walls of the Louvre as a "moral lesson", but its art spoils should be returned to the nations from which they were taken rather than redistributed to the palaces and museums of the victors.[22] Today, following the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict "the seizure of [cultural] properties as trophies" is prohibited. *Spolia* have become an embarrassment, as nations and their cultural institutions struggle with the identification of *spolia* in their possession and the obligation to make restitution.[23]

The UNESCO Convention of 1970 extended the protection of cultural property to peacetime, declaring the obligation of nations to protect such property from "illicit import, export or transfer of ownership".[24] The identification of cultural property, originally conceived as objects of value to all humans, with the "cultural heritage" of modern nation-states may be of debatable utility, as demonstrated notoriously by the "Sevso treasure", but

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21   http://www.checkforplagiarism.net/component/content/article/101-plagiarism-law.
html (accessed 30 September 2010).

22   Miles, *Art as Plunder*, pp. 329–48; quotation from the Duke of Wellington on p. 334.

23   http://www.aam-us.org/museumresources/ethics/upload/ethicsguidelines_naziera.
pdf; http://www.ago.net/provenance-research-project (accessed 30 September 2010); Scott, "Spoliation", quotation on p. 869 n. 232.

24   http://unesdoc.unesco.org/images/0011/001140/114046e.pdf#page=130 (accessed 30 September 2010), pp. 135–41. "Cultural property" includes such things as rare specimens of flora and fauna, products of archaeological excavations, elements of dismembered artistic or historical monuments, coins and seals more than 100 years old, "property of artistic interest" including paintings, drawings, statues, assemblages and montages, rare manuscripts and incunabula, archives, and old furniture and musical instruments.

whatever its merits, the logic of this position entails a notion of collective authorship ("property created by the individual or collective genius of nationals of the State") that is something like the generalized conception of antiquity espoused by the sixteenth-century artists and scholars who first applied the term "*spolia*" to art and architecture (Koortbojian, Chapter 7).[25] A document from the circle of Raphael attributes the grandeur of ancient Rome to the "divine gifts [dwelling] in the hearts of the men of ancient times", a kind of national genius that was extinguished by time and foreign invaders: "the Goths, the Vandals, and other perfidious enemies of the Latin name". Their depredations left the noble works of the ancients "so wretchedly wounded as to be almost a corpse"; "the skeleton ... without [its] ornament – the bones of the body without the flesh".[26]

To these sixteenth-century authors, the reuse of materials was a sign of the miserable existence, "without art", of Romans in the post-classical Dark Ages: "They stripped the ancient walls to obtain bricks, broke marble into little squares, and with a mixture of these squares and the bricks they built their walls ...". The *spolia* on the Arch of Constantine were proof of the Romans' decline over time and a reproof for their diminished capabilities: "The sculptures on the ... arch are very tasteless, without art or good design, though the fragments (*spoglie*) from the time of Trajan and Antoninus Pius are excellent and of the purest style."[27] Although the use of the word "*spolia*" implies a negative moral judgment on the builders, the resetting of the antique reliefs was not considered to have changed them. They remained autonomous elements within a heterogeneous compilation. It was only in the twentieth century, with the observation that the heads of the second-century emperors were recarved when the reliefs were reset in the arch, that the earlier pieces came to be seen as fourth-century appropriations, "radically reinterpreted according to the concepts of the new age and made to correspond with the late antique parts by means of new combinations".[28]

Appropriation

Spoliation is a form of appropriation (Brilliant, Chapter 8) distinguished by forcible dispossession and/or material deprivation of the donor object or person. It bears the ethical or moral value assigned to such acts in any given era

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25 Miles, *Art as Plunder*, pp. 297–302 on the origin of cultural property law; Merryman, "Thinking about the Sevso Treasure"; http://unesdoc.unesco.org/images/0011/001140/114046e.pdf#page=130, Article 4(a), p. 137.

26 "A Report to Pope Leo X", pp. 290–91.

27 "A Report to Pope Leo X", p. 294.

28 L'Orange, *Der spätantike Bildschmuck des Konstantinsbogens*, pp. 190–91.

or culture. In today's world, it is considered "misappropriation",[29] a category
that includes embezzlement and extortion. By implication, appropriation itself
is legitimate. Most *spolia in re* are probably better understood as appropriation
than as spoliation.

Appropriation is fundamental to human existence and as such, it is
essentially neutral.[30] As with reuse, particular acts or practices of appropriation
can acquire positive or negative charge according to circumstances. Often the
charge is political, and in contemporary discourse it is frequently determined
by the direction of the appropriation in relation to perceived distributions of
power. Appropriation of tribal or "primitive" art forms by western cultural
institutions generates a strong negative charge, for example, while the
appropriation of western industrial artifacts or "post-consumer items" by
artisans on the cultural or economic margins is seen as positive.[31]

Appropriation is a common political strategy for asserting "fictive
continuities" (Flood, Chapter 6) that may be lateral – within or between
cultures – or vertical, between the present and cultures or values of the past.
The strategy of vertical appropriation assumes that the appropriated object (or
sign) transfers the desired history or value to the appropriator, but as Nelson
points out, appropriation can be "defeated" by an audience that sees only the
prior stages of signification (as sixteenth-century artists saw only reliefs of
second-century emperors on the Arch of Constantine). The re-photographs
by canonical twentieth-century appropriation artists like Sherrie Levine
seemed to turn the strategy of vertical appropriation on its head. Rosalind
Krauss understood Levine's "pirated prints" as pointers to "a gulf that in turn
establishes an historical divide" existing between Levine and the myths of
origin, originality, and authorship adhering to the photographs she copied
and re-presented.[32] Of course, the claim of discontinuity may be as "fictive" as
the continuities discussed by Flood.[33]

Late twentieth-century appropriation art represents the practice at its most
naked and is an atypical extreme. Unlike the general habit of appropriation, it
called attention to itself by testing the limits of permissible taking. Jeff Koons
was sued by the photographer Art Rogers in 1989 for making three-dimensional
replicas of Rogers' photograph *Puppies*, which Koons claimed to regard as
a banal mass-culture image "resting in the collective sub-consciousness
of people regardless of whether [it] had actually ever been seen by such
people".[34] The court found in favor of Rogers, determining that "'Puppies'

29 Scott, "Spoliation", p. 816.
30 Nelson, "Appropriation", pp. 164–5; Schneider, "On 'Appropriation'", p. 217.
31 Contrast Foster, "The 'Primitive' Unconscious of Modern Art", with the essays in
Cerny and Seriff (eds), *Recycled Re-Seen*.
32 Krauss, "The Originality of the Avant-Garde", p. 170.
33 Welchman, "Introduction"; cf. Foster (ed.), *The Anti-Aesthetic*, p. xvi.
34 http://www.ncac.org/art-law/op-rog.cfm (accessed 30 September 2010).

is the product of plaintiff's artistic creation" and that Koons' unauthorized copy of it had brought monetary profit to Koons without compensation to the original creator.[35] In the eyes of the law, Koons' appropriation of the photograph was spoliation. By contrast, Levine's re-photographs might be considered quotations, since the author is cited, even if effectively denied.

Spoliation destroys the original context; quotation leaves it intact but also suppresses it by excerpting words/images/objects for (re)use: "There is ... always a violence implied in appropriation; and the violence of the cut is always accompanied by the aggravated wound of separation."[36] Levine's ironic quotations cut the bond between image and author by claiming a position "after" the author, in which his *oeuvre* has dissolved into universal availability. Robert Rauschenberg's erasure of a drawing by Willem de Kooning (frontispiece) seems, by comparison, almost a modernist homage. It might be compared to the erasure of the second-century portraits on the Arch of Constantine, effected so that a fourth-century emperor could take their place. In neither case is the erasure complete. The drawing Rauschenberg acquired contained "charcoal, lead, everything. It took me two months and even then it wasn't completely erased. I wore out a lot of erasers."[37] Appropriation is a two-way engagement between aspirant and object, and sometimes the object resists.

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35 http://www.ncac.org/art-law/op-rog.cfm (accessed 30 September 2010); cf. http://www.designobserver.com/observatory/entry.html?entry=6467.

36 Welchman, "Introduction", p. 24.

37 Quoted in Stevens and Swan, *De Kooning*, p. 360.

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