

THE RIGHTS OF MONUMENTS

Course number: A4840

Columbia University, Graduate School of Architecture, Planning and Preservation

Instructor: David Gissen

Fall, 2016

655 SCHERMERHORN

9/23: 1PM - 5 PM

9/26: 9 AM -11 AM

9/27: 6:30 PM - 8 :30 PM

9/28: 9 AM - 11 AM

9/29: 7 PM - 9 PM

9/30: 9 AM - 6 PM

Course Description

Do monuments have international rights? And if monuments have such legal rights and protections, what might they be? How do they address protections from iconoclastic violence and combat, historical interpretation and misinterpretation, copyright and reproduction, aesthetic transformations, among other issues?

We will examine written documents (articles, charters, declarations, proclamations, petitions, and statutes) that call for the protection, preservation or destruction of works of architectural heritage. We will engage with the history of these documents -- from roughly 1800 to the present -- and craft a collective document of our own that potentially negotiates relationships between language, law, neglect and iconoclasm, and the aesthetics of heritage.

Many of the documents that we will read emerged during times of war and revolution and resonate with contemporary concerns regarding the fate of cultural heritage as it becomes ensnared in political violence. These documents include Communist writings from revolutionary France; statutes, treaties and legal frameworks that offer physical protections from violence, dispossession, displacement, and even plagiarism; documents that outline post-war and contemporary forms of political and religious iconoclasm, and radical art and urban manifestoes that called for the demolition of monuments from the Futurists and Situationists.

Our ultimate goal will be to draft a provisional declaration of ten rights of the monument and that resonate with contemporary and historical concerns. Such proposed rights might be explicit declarations or axioms for consideration that entangle with the themes in the historical literature.

Structure and Schedule:

We will meet collectively over the course of our six meetings, but in order to better complete the final document on the "rights of monuments," we will divide into four working groups, each focused on a theme concerning the rights of monuments and consisting of two to three students per group (depending on overall enrollment). Each group will have access to a dossier of essays that pertain to their particular theme and one or two relevant historical and

contemporary case studies for consideration. The dossiers form the preliminary basis of the provisional rights that each group will draft relevant to their theme.

Day 1. Review workshop's overall goals and go over the notes on definitions, theory, and method below. Review list of some possible rights of monuments; go over the working group structure and responsibilities.

Day 2. Presentation by Group A.

Day 3. Presentation by Group B.

Day 4. Presentation by Group C.

Day 5. Presentation by Group D.

Day 6. Collectively assemble the Rights of Monuments.

A note on definitions, theory and method

- In this course, the “monument” is defined as a work of built heritage created to commemorate history or an artifact that has become a significant representation of human history due to its partial or complete survival into our time.

- The course draws from contemporary and historical preservation and military law, histories and theory. The composition of the dossiers for each “group” consist of this literature.

- In arguing for the rights of monuments, the course attempts to resituate “post-humanist” theory and its stress on networks, relationships and ecologies to one that is engaged with history and ethics.

- During our seven days we will explore, debate and rewrite the following speculations on the “rights” of monuments, each of which are often at odds with the others:

(Do?) Monuments have the right...

1. to remain in their original location and not be removed, moved, or dismantled.
2. to exist independent of their current sites or their current composition, and to move, travel and exist in multiple locations.
3. to be reproduced in any form by anyone.
4. to be owned, with exclusive rights of the owner to reproduce it.
5. to be free of violence.
6. to be removed by international governing agencies when threatened with violence.
7. to remain intact, unadulterated or disfigured.
8. to be demolished or dismantled when inciting hatred or insulting or impeding the civil rights.

Group A. On the Territorial Rights of Monuments

What rights and protections do monuments have concerning their location? How do legal decrees and charters attempt to establish guidelines and rules regarding the rights of monuments to remain in their original contexts? When monuments are rescued how are the territories of monuments conveyed with them?

Relevant Acts and Charters

British Museum Act of 1963, British Museum, 1963.

ICOMOS, "International Charter for the Conservation and Restoration of Monuments and Sites," Venice 1964.

ICOMOS, "European Charter of the Architectural Heritage" ICOMOS, 1975

<http://www.icomos.org/en/charters-and-texts/179-articles-en-francais/ressources/charters-and-standards/170-european-charter-of-the-architectural-heritage>

UNESCO, "UNESCO Mexico City Declaration on Cultural Policies World Conference on Cultural Policies" Mexico City, 1982

Greek Ministry of Culture, "Why Athens and Not London," undated.

Commentary

Miles Glendenning, "Charters and Conventions: The Internationalisation of Heritage, 1945-89" *The Conservation Movement: A History of Architecture Preservation*, London, Routledge, 2013: 390-414.

Mari Lending, "Negotiating absence: Bernard Tschumi's new Acropolis Museum in Athens," *The Journal of Architecture* 14.5 (2009): 567-589.

Irini A. Stamatoudi The law and ethics deriving from the Parthenon Marbles case, 1997

<http://www.greece.org/parthenon/marbles/legal.htm>

John Henry Merryman, "Thinking about the Elgin marbles." *Michigan Law Review*, (1985): 1881-1923.

David Gissen, "The Architectural Production of Nature, Dendur/New York." *Grey Room* 34 (2009): 58-79.

Lucia Allais, "The Design of the Nubian Desert: Monuments, Mobility and the Space of Global Culture" in *Governing by Design: Architecture, Economy and Politics in the 20th Century* (Pittsburgh, University of Pittsburgh Press, 2012): 179-215. [37]

Group B. The Copyrights of Monuments

Who can reproduce the monument? How have institutions reproduced monuments and for what reason? And in light of contemporary digital reproduction technologies, how are the copyrights of monuments guarded? Are monuments a type of artifact that is “res extra commercium” (un-ownable)?

Relevant Acts and Charters

Henry Cole/The South Kensington Museum, “Convention for Promoting Universally Reproductions of Works of Art for the Benefit of Museums of all Countries.” Paris, 1867.

“Article 2.6g,” “Article 5.14(ii)” The Berne Convention, 1972 edition.

“17 U.S. Code § 102, Subject matter of copyright: In general” and “notes” US Copyright Law
<https://www.law.cornell.edu/uscode/text/17/102>

Creative Commons, “Creative Commons Legal Code”
<https://creativecommons.org/licenses/by/2.5/au/legalcode>

ICOMOS/UNESCO, “The Nara Document on Authenticity,” 1994.

Commentary

Brendan Cormier et al. *Infinite Copies: Notes Toward a Convention*, London, Victoria and Albert Museum, 2016

Erin L. Thompson, “Legal and Ethical Considerations for Digital Recreations of Cultural Heritage,” *Chapman Law Review*, unpublished draft, 2016.

Isabelle Flour, “On the Formation of a National Museum of Architecture: the Architectural Museum versus the South Kensington Museum.” *Architectural History*, vol. 51 (2008): 211-238.

Arindam Dutta, *The Bureaucracy of Beauty: Design in the Age of its Global Reproducibility*, London, Routledge, 2007.

Aura Bertoni and Maria Lillà Montagnani, “Public Art and Copyright Law: How the Public Nature of Architecture Changes Copyright Protection,” *Future Anterior*, Volume XII, Number 1, Summer (2015): 46-55.

Marcus Boon, “Introduction” “What is a Copy” and “Montage,” *In Praise of Copying*, Cambridge, MA, Harvard University Press, 2013: 1-40.

Noah Charney, “Are Replicas Changing the Way We Experience Art,” *Slate*, August 10, 2016
http://www.slate.com/articles/technology/future_tense/2016/08/are_digital_replicas_sucking_the_soul_out_of_the_art_world.html

Group C. On the Protective Rights of Monuments

What rights do monuments have from protection during wartime, social violence, environmental threats and degradation? How have international institutions attempted to offer monuments “rights” outside the immediate ability to protect and safeguard them? How have institutions and activists sought alternative methods for protecting the monument.

Relevant Acts and Charters

Emmerich de Vattel “§ 168. What things are to be spared,” *The Law of Nations or the Principles of Natural Law*, 1758

International Committee of the Red Cross, “Practice Related to Rule 38. Attacks against Cultural Property” undated

[This is a useful list that contains protections for heritage that extend back to the Lieber and Brussel codes]

https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule38

UNESCO, “Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention,” UNESCO, 1954

http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

UNESCO, “Convention Concerning the Protection of the World Cultural and National Heritage,” UNESCO, 1972

Commentary

Franz W. Jerusalem, “Monuments of Art in War-time and International Law,” in Paul Clemen, ed. *Protection of Art During War*, Leipzig, E.Z. Seeman, 1919

[This is a 1919 review of the literature to date that would lead to protections of cultural heritage during war]

D. Meyer, “The 1954 Hague Cultural Property Convention and its emergence into customary international law,” *Boston University International Law Journal*, 11, Fall (1993): 349-389.

Srdjan Jovanovic Weiss, “NATO as Architectural Critic,” *Cabinet Magazine* #1, (2001)

<http://cabinetmagazine.org/issues/1/NATO.php>

Andrew Herscher and András Riedlmayer. “Monument and Crime: the Destruction of Historic Architecture in Kosovo.” *Grey Room*, No. 1 (2000): 109-122.

J. Elias, “(Un) making idolatry: From Mecca to Bamiyan.” *Future Anterior: Journal of Historic Preservation, History, Theory, and Criticism*, 4, #2 (2007): 12-29.

Chiara de Cesari, “Postcolonial Ruins: Archaeologies of Political Violence and Isis,” *Anthropology Today*, Vol 31, 6, (2015): 22 – 26.

Group D. On the Relinquishment of the Rights of Monuments

When can we remove or decommission the monument, thus transforming the monument into something else? The relinquishment of the Rights of Monuments is not necessarily a call for the monument to be destroyed but a call for the monument to disappear as a publically visible and celebrated artifact – a type of artifactual *damnatio memoriae*. Why do historical avant-garde cultural movements often call for the destruction or removal of cultural heritage?

Relevant Acts and Charters

The Commune of Paris, “Declaration against the Vendome Column,” April, 1871

F.T. Marinetti, “The Founding and Manifesto of Futurism,” *La Figaro*, February 20, 1909
[Note: I include this for its concluding sections (note “10”) on the destruction of heritage]

Office of the US Government of Germany, “Liquidation of German Military and Nazi Memorials and Museums,” Directive No. 30, July 22nd, 1946.

The Lettriste International, “Proposals for Rationally Improving the City of Paris,” *Potlatch* #23, Paris, 13 October 1955.

Rem Koolhaas/OMA, “Convention Concerning the Demolition of World Cultural Junk”, “Cronocaos,” Log, 2011.

Commentary

Matt Matsuda, *The Memory of the Modern*. Oxford University Press, 1996.

Kristin Ross, *The Emergence of Social Space: Rimbaud and the Paris Commune*. Verso, 2004.

Rudy Koshar, “Commemorative Noise” *Germany’s Transient Pasts: Preservation and National Memory in the Twentieth Century*, Chapel Hill, U. of N.C. Press, 1998: 199-244.

Tom McDonough, *The Situationists and the City*, London, Verso, 2009

Colleen Flaherty, “Confronting the Past: Historians debate the value and place for Confederate monuments, memorials and other symbols,” *Inside Higher Ed*, January 8, 2016.

<https://www.insidehighered.com/news/2016/01/08/historians-debate-value-and-place-confederate-monuments-and-other-symbols>

Monica Hesse, “The South’s Confederate-monument problem is not going away,” *The Washington Post*, May 8, 2016

https://www.washingtonpost.com/lifestyle/style/the-souths-confederate-monument-problem-is-not-going-away/2016/05/08/b0258e4a-05af-11e6-a12f-ea5aed7958dc_story.html

(Do?) Monuments have the right

1. to _____

2. to _____

3. to _____

4. to _____

5. to _____

6. to _____

7. to _____

8. to _____
