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 Communard 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.  

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 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


ICOMOS, “European Charter of the Architectural Heritage” ICOMOS, 1975

UNESCO, “UNESCO Mexico City Declaration on Cultural Policies World Conference on Cultural Policies” Mexico City, 1982


Commentary


Irini A. Stamatoudi The law and ethics deriving from the Parthenon Marbles case, 1997 http://www.greece.org/parthenon/marbles/legal.htm


**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**


“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](https://www.law.cornell.edu/uscode/text/17/102)

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**Commentary**


**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


**Commentary**


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


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


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]


Commentary


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


(Do?) Monuments have the right

1. to ________________________________

2. to ________________________________

3. to ________________________________

4. to ________________________________

5. to ________________________________

6. to ________________________________

7. to ________________________________

8. to ________________________________