

Conservationⁱⁿ Germany

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There are certainly more "sexy" topics than legal structures but when talking seriously on preservation, we cannot simply focus on theory, we also need to discuss the political and administrative contexts that are crucial to the implementation of preservation. Preservation of monuments is not executed solely in the ivory towers of academia, rather, as part of cultural policy. As such, it is part of social development, is contradictory and influenced by diverse interests.

This short essay can only provide a brief overview, and, hopefully, sufficient information to understand institutionalised German conservation politics.

1. CONSERVATION IN THE 19TH CENTURY

Although the system guidelines for conservation in Germany emerged in the 19th century, the term "monument" is not an invention of that century. The notion of something being a monument, and hence the decision of what deserves to be preserved, is not static, but undergoes changes and alterations over the course of time. Yet, it is important to see that a certain original conception is still valid up to the present day.

Asking some stranger, bypassing in the street, to explain his understanding of the term "monument", he would probably refer to a sculpture of a famous poet, the plaque remembering the victims of war or a statue of some king. This understanding is closely connected to the original meaning of "monument" as it was used in ancient Rome. The term "*monumentum*" is derived from "*monere*", which means "to remember, to remind". The monument is meant to counteract transition and is intended to transfer meaning to present and future generations. It is intended to secure established institutions, traditions and rights and also celebrates the activities and achievements of previous generations. By doing so it contains a political statement and demands political power on behalf of those claiming it. This original meaning of "*monumentum*" is still inherent in the current notion of monument since every generation defines what to value, remember and forget.¹

The origins of institutionalised preservation of monuments can be traced back to Romanticism and Historicism, hence to the 19th century. Critical in the emergence of institutionalised conservation are three important aspects:

1. THE EXPERIENCE OF LOSS:

The experience of loss and destruction of vast amounts of works of art at the end of the 18th century and in the early 19th century was an important aspect. This time saw the Napoleonic Wars which affected the whole of Europe and in its wake the destruction of a huge amount of existing architecture. In Germany the Napoleonic period was accompanied by the restructuring and reorganisation of territories and administrative system which eventually led to the secularisation of ecclesiastical territories and religious orders (Reichsdeputations-Hauptschluss of 1803), which again resulted in destruction of buildings such as monasteries, churches etc.

2. THE INFLUENCE OF ENLIGHTENMENT:

The Enlightenment considered art as a mean to educate mankind. According to this idea, the preoccupation with works of art shapes the character and eventually forms noble-minded human beings.

3. THE SEARCH FOR NATIONAL IDENTITY:

Works of art, especially buildings, may embody national values and thus contribute to the formation of some sort of national identity. The early 19th century, in German speaking Europe, was the period that gave birth to the idea of the united national state, inspired by the significance and importance of the Holy Roman Empire of German Nation of the Middle Ages. Against this background it is hardly surprising to learn that 19th century German society cultivated patriotism by preserving national monuments, and especially regarded the Gothic architecture as the German national cultural heritage. Thus the preservation of national monuments was concordant with the nation-building aspirations of the elites in state and society, and the state had a natural interest to take care, at least, of the national monuments. It is by no means accidental that 19th century Germany completed unfinished medieval buildings such as Cologne (fig. 1), Ulm or Regensburg Cathedrals.²

19th century conservation differs in one fundamental point from our current notion of conservation: monuments were not being perceived retrospectively from the perspective of a historian who reads monuments primarily as a testimony, which documents different stages of history. 19th century conservation architects believed themselves to be in the position to "reinvent" the original state of buildings, and as they regarded themselves to be experts on medieval architecture, they seldom hesitated to demolish the architectural contributions of non-medieval generations. This attitude highlights another aspect of the 19th century mentality towards medieval architecture. Medieval architecture was considered to be the model for their own artistic ambition, and deserved preservation for this very reason. Therefore, monumental conservation was meant to convey the patriotic ideals of the bourgeois society.³

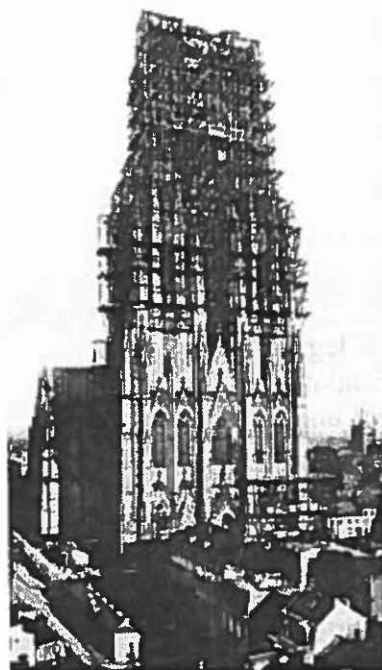


Fig. 1. Cologne Cathedral, 13th century, completed in 1880.

2. CONSERVATION AROUND 1900

The approach towards conservation fundamentally changed around the turn of the 20th century. Theoreticians on conservation, now, took the position of historians and began to regard monuments as testimony and document of an accomplished period. It was Georg Dehio who in 1901 contributed to the discussion on the pro or contra of the restoration of the Ottheinrich-Building, part of Heidelberg Castle, and famously demanded to conserve but not to restore.⁴

Background to Dehio's fundamental statement, which is one of the most important cornerstones of 20th century conservation in Germany, was an academic discussion between Dehio, who taught history of art at Strassburg University and Carl Schäfer, a famous conservation architect. Schäfer intended to add a historicist roof to ruinous Ottheinrich-Building (fig. 2) whereas Dehio explicitly argued in favour of a mere preservation of the ruin, hence a solely conserving approach.

Monumental conservation subsequently became a scientific discipline, and monuments were understood to be primary sources. The purpose of monumental conservation consequently shifted from alteration to preservation and monuments were meant to be kept inclusively of all their historic marks. This approach also banned modern additions since these would diminish the credibility and value of the original documents. This analogy to historic scholarship eventually resulted in the acknowledgement of conservation as an accepted discipline of applied history, with inventories resembling archives and conservation engineers as archivists. Conservation now was scholarly recognised but still had to gain public approval. Georg Dehio, in his famous speech on occasion of the birthday of the German emperor, emphasized in 1905 the significance of monuments in terms of national identity. This nationalistic statement, however, was attacked by Alois Riegl, another influential thinker of the pre-World War I conservation movement, who stated that the quality of something being a monument could, by no means, be dependent on national borders. A monument is a monument regardless whether in Germany, France or Scotland.⁵

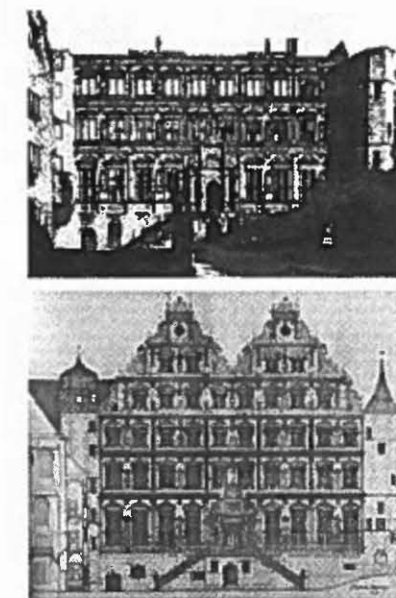


Fig. 2. Ottheinrich-Building, 16th century and the project of Carl Schäfer.

3. CONSERVATION AFTER WORLD WAR II

Dehio's and Riegl's notion of monuments as being primary sources provided the background to current West-German legislation, which directs the treatment of monuments since the 1970s. This legislation was, in its time, warmly welcomed by large parts of German society. What happened between the time of Georg Dehio and Alois Riegl and the introduction of conservation laws in the 1970s?

The shock of Nazism shattered German society after 1945 and discredited terms such as history and home. German population was chiefly concerned with the reconstruction of its own existence. Newly erected residential architecture offered a state of comfort unknown to traditional buildings, and after having experienced war, plight and devastation, people longed for single-detached houses. A new ideal of happiness was being created, often leading to chaotic urban development in villages, and to the depopulation of historic town centres.

Another aspect contributing to the far-reaching change of the built environment after the Second World War was the focus of official politics on industrialisation and progression. Monuments were often perceived as obstacles on the path of economic progress, thus, easily became prone to destruction. The car changed the face of cities, and those charged with the shaping of the built environment, the architects, did not bother about conservation since the subject of architectural history lacked popularity at German universities and was scarcely taught. It is an almost incredible truth that Germany lost more historic architecture in the years after 1945 than during the Second World War.

This post-war development generated increasing disapproval around the end of the 1960s, and contemporary urban design became subject to fierce criticism. Citizens' initiatives mobilised against the abuse of historic town centres as objects of speculation, thus, sensitised citizens, architects and urban designers in favour of the preservation of threatened town quarters. These groups were not so much interested in the preservation of single buildings, but more in urban and social interactions happening in towns. Conservation of the heritage became in this approach equivalent to the protection of a certain milieu. German politics reflected this development and included the protection of urban ensembles in its conservation law.⁶

It was the experience of loss and destruction in the war and during the post-war period, which often deprived high calibre monuments of their urban context, that inspired the extension of the term monument to ensembles. Civic disapproval of the late 1960s, and new developments in historic scholarship encouraged the inclusion of new types of buildings and younger architecture into conservation law. The relevant timeline was shifted from 1870 to 1945.

Historic research was not exclusively concerned with politics anymore but also developed an interest in the economic and social history. Conservation, analogically, ceased to exclusively focus on high quality buildings, and started to protect vernacular buildings, factories, technical monuments etc. This development resulted in soaring numbers of monuments. It is estimated that around 1 million buildings are currently listed as monuments in Germany. Berlin alone has got 8,000 monuments, whereas France, by contrast, protects no more than 40,000 monuments.⁷

A novelty of the law of the 1970s is its extension to privately owned buildings. Until the 1970s listing was confined to publicly owned buildings. The German constitution expresses in article fourteen the right of private ownership. But the same article fourteen emphasises a social responsibility of the owner. Since cultural heritage is public heritage, it falls to responsibility of the private owner to take care and maintain this common heritage. The society in return compensates owners for this restriction of personal freedom by tax reduction and financial contributions.⁸

4. GERMAN CONSERVATION LAWS

Germany is a federal state which is characterised by a diversity of different cultural regions. The German constitution takes this diverting historical and cultural development into account and grants regional governments a considerable influence on the application of cultural policy. Institutionalised conservation is applied exclusively under the sovereignty of regional governments, thus, Germany does not have one universally valid law, but sixteen different laws. These all, however, define the term monument in a similar way. I will now explain briefly the important details of German conservation law and focus the attention on Berlin.

Berlin is not only a city, but also a state, hence, has got a specific conservation law. According to this law, it is possible to list a building as a monument when it is characterised by at least one of the four following criteria. It has to be of historical, artistic, scientific or urban importance. These four criteria often intertwine, and it is often impossible to separate them from each other. It is also crucial that the protection of the building is a matter of public interest. For a person, his/her grandparent's house is of some historical importance, but neither public opinion nor a board of experts would normally share his/her opinion and acknowledge this house as to be of public importance. Therefore, it is not a monument. Preservation often deals with buildings that public opinion does not fully accept as monuments. This for instance is obvious for 1950s architecture. The decision, as to whether these buildings are officially regarded as monuments, is taken by a board of experts but not by politicians or a plebiscite. It is intended that this system ensures professional objectivity and independence.

Who are the experts responsible for this decision? There is a paramount authority, the *Landesdenkmalamt* (State Office of Historical Monuments), which serves under the authority of the Berlin Senate Department of Urban Development. It falls to the responsibility of one particular department of *Landesdenkmalamt* to create an inventory of the architectural stock of the whole region of Berlin. Members of staff of this department visit prospective monuments, research their history and assess the relevant qualities of the building. Acknowledged monuments are listed and this list is being published regularly.⁹ This procedure, neither takes the physical condition of the building, nor the financial situation and future plans of the owner into account. The decision, to list or not to list, is based solely on scientific criteria. Physical condition of the monument and the individual situation of the owner become an issue only when the existing fabric of the building has to be altered. As previously mentioned, article fourteen of the German constitution links the term ownership with the term responsibility, therefore, restricts the sovereignty of the owner. However, it is a crucial commonality of all sixteen German conservation laws that any official demand brought to the owner by the conservation authorities has to be in reasonable accordance to his financial possibilities.

When an owner decides to alter a listed monument, he first has to

contact the *Untere Denkmalschutzbehörde* (District Office of Monumental Protection). This institution is located at local or borough level and finally issues the alteration permission.

To give an example: Mr. Smith owns a listed detached house built in 1780. He decides to brush up its appearance and intends to paint it. Mr. Smith first has to apply for permission at the *Untere Denkmalschutzbehörde*. A member of staff of this authority subsequently contacts the Department of Applied Conservation, located at the already mentioned *Landesdenkmalamt*, and both authorities have to approve the application of the owner. Communication between *Landesdenkmalamt* and *Untere Denkmalschutzbehörde* is usually not a problem. In case of disagreement between these two official authorities, the decision is taken by a third institution, the *Oberste Denkmalschutzbehörde*, which, in Berlin, belongs to the Senate Department of Urban Development. Why this complicated procedure? The *Landesdenkmalamt* is considered to be the independent body bound solely to scientific criteria. The *Untere Denkmalschutzbehörde* is part of town and borough councils, thus takes political and economic interests of the relevant towns or boroughs into account. But, of course, it is only in theory that the *Landesdenkmalamt* acts independently of any non-scientific restrictions since it belongs to the Senate Department of Urban Development, hence, in controversial cases final decision is taken by politicians (fig. 3).¹⁰

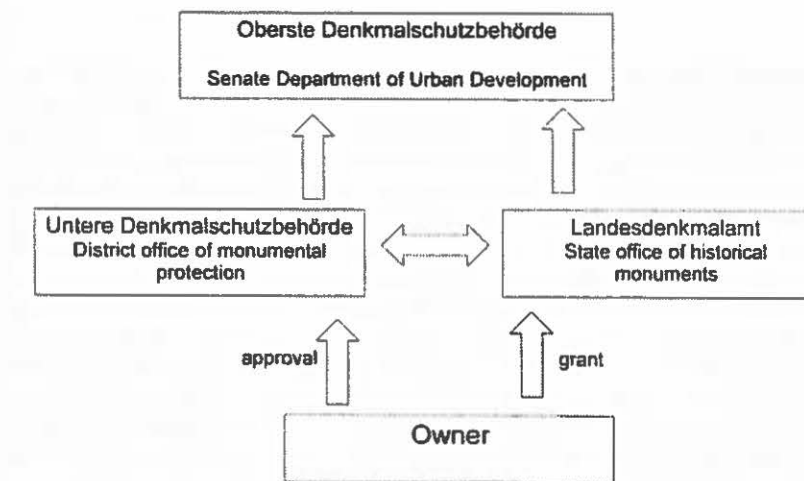


Fig. 3: Institutionalised conservation in Germany.

German institutionalised conservation developed in the course of two centuries. It was and it is still a part of a broader cultural issue and, hence, is dependent on social, political and economic issues.

NOTES

1. W. Sauerländer, "Erweiterung des Denkmalbegriffs?" in W. Lipp, *Denkmal Werte Gesellschaft* (Frankfurt / New York: Campus, 1993), 123-5.
2. G. Kiesow, *Denkmalpflege in Deutschland. Eine Einführung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2000), 13-4, 21-2.
3. All this aspects are expressed by Karl Friedrich Schinkel, one of the father-figures of German conservation, in his famous memorandum which was published in 1815. K.-F. Schinkel, "Memorandum zur Denkmalpflege", in N. Huse, *Denkmalpflege. Deutsche Texte aus drei Jahrhunderten* (München: C.H. Beck, 1996), 70-3.
4. G. Dehio, "Was wird aus dem Heidelberger Schloß werden?" (1901), in N. Huse, 108-15 and G. Dehio, "Denkmalschutz und Denkmalpflege im neunzehnten Jahrhundert" (1901) in: N. Huse, *Denkmalpflege*, 139-46.
5. A. Riegl, "Neue Strömungen in der Denkmalpflege" (1906), in N. Huse, *Denkmalpflege*, 146-9.
6. G. Kiesow, *Denkmalpflege*, 38-45.
7. W. Sauerländer, *Erweiterung*, 128-37.
8. G. Kiesow, *Denkmalpflege*, 38-50.
9. For the conservation law of some German states a more complicate procedure of listing is characteristic.
10. D. Martin, K. Schmidt, *Denkmalschutzrecht in Berlin*, (Berlin: Kulturbuch-Verlag GmbH, 2000), 25-38, 40-1, 54-63.