

THING RIGHTS

An architectural re-enactment of the Josephine Baker House by Adolf Loos (1928)

Keywords

Copy

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75 years after the death of its author, the copyrights of a work are expired. In that moment the 'work' is separated from the aura of its creator and becomes a 'thing' that anyone can use. Based on this legal principle, this project shows how, when works are turned into things, the notion of reference can be taken to a further level, turning it into a new project with almost no manipulation by the architect.

The emergence of modern architecture strangely coincides with the development of copyright law. In fact, one could argue that the development, production, seriality and export across seas of modern architecture and that of laws of copyright are necessarily entangled. These days, the question of copyright is challenged by new modes of architectural production. Both computer-generated and parametric work and ever-larger networks of production put pressure on the notion of authorship and ownership. Paradoxically, the more networked and diffused architectural production becomes, the more the concept of the 'starchitect' emphasizes the absolute nature of authorship. These paradoxes must be challenged with the proposition for a

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new mode of architecture, copy-right and copy-left, and modes of critical appropriation that should be debated by architects, lawyers and intellectual property activists. Partly as response to such debates and partly as its catalysts we can currently observe a fascinating variety of appropriations, copying practices and architectural doppelgängers that challenge the legal confines of the profession. Architectural doppelgängers appear to be produced in a kind of shadow economy without exact records, statistics, central planning agencies, archive or lawyers. Architectural copies can be easily ignored or dismissed as low art, or can appear irrelevant for truly disturbing the nature and esteem of the 'original.' But of course the difference between production, copying, and faking lies in the position the object has in relation to the law. Although architecture features in many types of legal processes – as a scene of a crime, as a cause for damages, in property law, or as an evidence for crimes, sometimes even war crimes – at the center of this investigation is copyright law itself, and the way it is applied to architecture.

Copyright is generally understood as the consequence of conferring to some extent the identity of a maker to an object, a thing, a structured assemblage, or a building. It is the right to copy, replicate, duplicate, and receive the financial benefits of this act. As such, new copyright regulations appear exactly at the moment when new practices and new architectural works are reacting to and advancing the condition of modernity. Perhaps one could argue that

1 Adolf Loos. Casa Josephine Baker / *Josephine Baker House*, 1928. Una re-construcción a cargo de Ines Weizman y Andreas Thiele para Ordos 100, 2008. La fachada se produce mediante una proyección de la fotografía sobre la totalidad de su extensión, reproduciendo fielmente la fotografía –incluidos su grano y distorsión mediante un mosaico pixelado. / *A re-enactment by Ines Weizman and Andreas Thiele for Ordos 100, 2008. The facade of the re-enactment is produced by a projection of the photograph onto the entire extent of the façade, faithfully recreating the photographic representation including its grain and distortions by a pixelated mosaic.*

2 Adolf Loos. Casa Josephine Baker / *Josephine Baker House*, 1928. Maqueta, vista desde la calle / *Model, street view.*
© Armin Linke, 2012

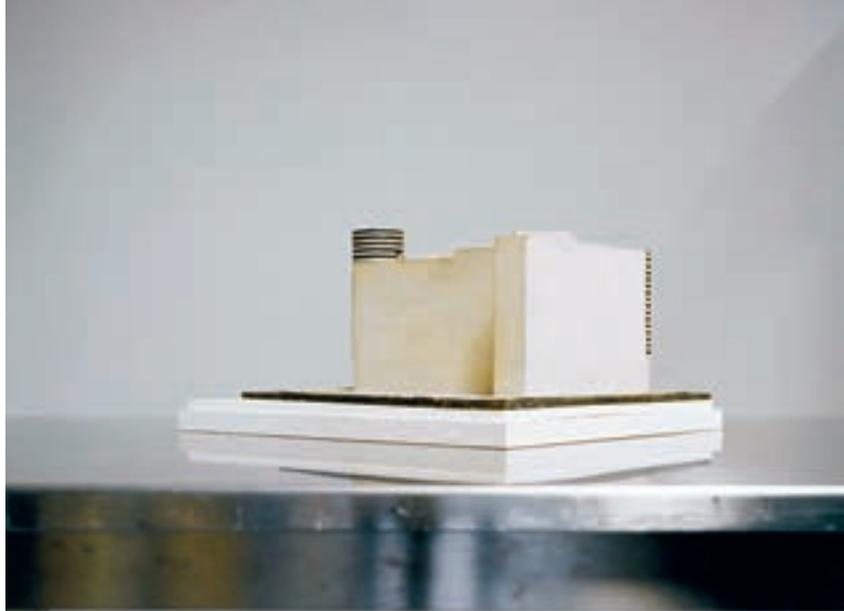
it was in fact copyright law that 'allowed' architecture to be copied, replicated, mass produced and exported across the world (Weizman, 2007).

The state defines the right of authors both during their lifetime, and even beyond death. In international law, copyright is applied in accordance with the country in which the author is a citizen, but not outside of its borders unless the country is a signatory of an international convention. The Berne Convention for the Protection of Literary and Artistic Works defines a minimum duration for the legal copyright protection that is calculated as fifty years after the death of an author, but many countries have raised the duration of the work's copyright protection to up to 75 years after the author's death. This rule aligns the life of a copyright protection to the average lifetime of a person. And perhaps we could think of this protected term of a creative work of art as its second life. As soon as its copyright protection expires, the work falls into the public domain, that is, the work has effectively become public property and may be used freely. At that point, the work enters its third life, which should, in principle, be infinite.

Interestingly, in the 2000s we have entered the era of 'modernism's third life,' past the 75-year-long second life from those authors that died in the period of pre-World War II and whose works can now become public property. Seen that way, this new era in which we already live might be an opportunity to give modernism a second chance. We have finally arrived to a modernism in which the person has been completely expunged and its work made public. Perhaps this moment can help us to revisit modernism with renewed, dis-interested (literally without any financial interest) judgments, and potentially it could be an opportunity to rehabilitate modernism's apparent failures.

In no other field is this question more important than in the case of modern architecture, which sought to distance the author from authorship, the building from uniqueness, and potentially tried to undo the individual through mass production. Finally, 75 years after the first generation of modern architects died, their second death has achieved to dissociate the work from their person. We could even say that only in its third life the work can become truly modern. Now, as we have for the first time freely reproducible architecture, and we enter the first time in which architecture can achieve a third life, modernism can finally be fulfilled.

In this third life, we might see architecture turn into things. In thing-world, copying is the means of reproduction, and copy-rights are thus the most fundamental and inalienable of thing-rights; potentially beyond and in-spite of those of its maker. Copy-rights must be for a thing what human-rights are for humans, because things are also haunted by their potential or actual doubles, replicas, simulacra, reproductions and fakes. Architecture evolves in the physical and digital domain as sequences of copies. Gradual differentiations, variations, distortions and mutations occur as things reproduce themselves. This process is not beyond the



human. For things to reproduce themselves they need humans, just like humans need their physical or technical prostheses – computers, cell-phones, pacemakers or walking sticks.

In 2008, 75 years after the death of the Viennese architect Adolf Loos, one of the famous modernists of the first generation, I attempted to set foot on this new terrain of the third life of modernism. I proposed to celebrate the making public of the copy-rights over Loos' *oeuvre* by building a facsimile of House Baker – the house he designed in 1928 in Paris for the legendary singer Josephine Baker, but never realized.

This architectural re-enactment was a response to the generous invitation to participate in the by now infamous master plan of Ordos 100. In the early 2000s, the city of Ordos in Inner Mongolia (China) was prophesized to become a megacity by 2020. Pressed by the urgency to provide housing for the new inhabitants, a new city district for 200.000 people was being planned. A portion of it was reserved for a private initiative to build an exclusive settlement for wealthier dwellers. The master plan for 100 luxurious villas, a museum, a clubhouse and artists' residences was developed and curated by the artist Ai Wei Wei's FAKE studio in Beijing and the practice of Herzog & de Meuron in Basel. It was Ai Wei Wei's idea to invite 100 international architects to design

3 Adolf Loos. Casa Josephine Baker / Josephine Baker House, 1928. Maqueta, vista posterior / Model, rear view. © Armin Linke, 2012

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100 villas in the middle of the desert, where young architects could enjoy their architectural fantasies for an enormous residence of one thousand square meters. There were only a few conditions: it had to have a swimming pool (to help create a certain humidity in the desert air) and parking facilities for two cars. Loos' House Baker seemed perfectly suited for this brief and, somehow, without initially noticing, this architectural *doppelgänger* began its own, now third life. Although, of course, being awkwardly placed in time and *loci*, and seemingly unaware of its new geopolitical and cultural context, it was now the building itself that began to enjoy its freedom.

First of all, it asked itself about the architectural features of its re-enactment. To answer this question, drawings and documents on Adolf Loos' ideas and design instructions for House Baker had to be found. The Albertina in Vienna, one of the largest and most important art collections of Austria holds the almost complete Adolf Loos Archive, which also includes the model of House Baker. The model is occasionally taken out of its storage to be presented in exhibitions, yet the image that made it famous was a photograph taken in 1930 by Martin Gerlach Junior, a young Viennese photographer that at the time was commissioned by friends of Adolf Loos to photograph the architect's life work for an exhibit and a monograph in honor of his 60th birthday in December 1930.¹ The photograph of the model was published a year after the birthday, first in a smaller French publication by Franz Glück, and then in a much larger one, published by one of the closest collaborators and friends of Loos, Heinrich Kulka (Loos, 1931).

There are different scholarly attempts to explain why Loos decided to clad the Josephine Baker House with horizontal stripes of black and white marble. Some refer it to his interests in tattoos; others saw it as a reflection of the black American star that celebrated its success in a mainly white environment in Paris. But if we look at Baker's stowaway comedy in *La Sirènes des Tropiques* of 1927 – which Loos most certainly had seen when he was in Paris and in which the wet actress falls once into coal and later into flour – we find yet another possible explanation. I will never be able to defend why the 1:100 model that my collaborator Andreas Thiele and I took to Ordos lacked the stripes. Obsessed with its interior we were content with its sterile whiteness, which might also explain why it was not recognized among the 100 models that were presented in the hotel lobby (later to be deposited in the museum that had been turned into a showroom for

the real estate agents). But of course, at this stage we still had to become acquainted with a project that had itself been inspired by a very short encounter, a party-chat between Loos and Josephine Baker, probably also in 1927. Loos' third wife Claire Beck speaks about it later in her memoirs, which she published in 1936 in the hope to be able to raise funds for a tombstone on Loos' grave. It was the evening of their engagement and she remembered very clearly how Loos had been offended when he learned that Baker did not know that he was an architect, or in fact, as he tells her on that occasion, that he was the 'most famous architect in the world' (Loos, 2007:8-10). Baker – who at another earlier occasion had taught Loos how to dance the Charleston – probably talked to many more guests of the cabaret that night, while Loos in a mixture of anger, trying to show-off and most certainly in admiration of the Black Venus of Paris, conceived a love letter in architectural form.

With similar affection we searched through the few drawings and documents about House Baker, trying to translate them into workable plans and volumes. Together with my collaborator, who was luckily up for full-heartedly debating Loos-details, we prepared an enormous set of plans of over 120 pages in A0 format that contained the particulars of how we visualized the project and specified materials and details, closely referring to the works of Adolf Loos.

But the project seemed to endlessly stimulate new questions and retrospectives, and the larger the bundle of documents grew, the more it needed the insights of experts, lawyers, historians, architects, collectors and self-acclaimed heirs of the Loos estate, which had to be consulted to realize a copy of a project that in fact had no original. Designing the copy appeared impossible without consulting and considering their claims.

Apart from the model, the Albertina only holds two sets of inked plans that were probably drawn by Kurt Unger in 1931, who had been Loos's closest assistant in those last years in which Loos was still searching for his dream commission and instead asked to have the drawings for House Baker redrawn and slightly corrected in ink so that they could be published in Kulka's monograph. But Unger did not complete them in time for Kulka's deadline and so the first time they were ever reproduced was in 1964, when the long-awaited monograph *Adolf Loos. Pioneer of Modern Architecture*, which Gustav Künstler completed after Ludwig Münz' death, was published (Münz and Künstler, 1964).

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Ines Weizman. Instalación «Repeat Yourself. Loos, Law and the Culture of the Copy», parte de «The Museum of Copying» (curado por FAT Architects) en el Arsenal de la Bienal de Arquitectura de Venecia, 2012. En 2013 fue expuesta en el Architecture Centre Vienna y la Buell Architecture Gallery en Columbia University, Nueva York. / *Ines Weizman, Installation, "Repeat Yourself. Loos, Law and the Culture of the Copy", shown as part of "The Museum of Copying" (curated by FAT Architects) in the Arsenale at the Venice Architecture Biennale, 2012. In 2013 was exhibited in solo-shows in the Architecture Centre Vienna and the Buell Architecture Gallery at Columbia University, New York.*

When the book appeared internationally, and presumably arrived in a bookshop in Buenos Aires, a lady in her mid-sixties decided to write a series of letters to Vienna. The lady was Elsie Altmann, Loos' second wife to whom, in 1922, he had entrusted his will, which stated that all his belongings would belong to her after his death. In 1933, Altmann was at the height of her career as Vienna's last grand operetta star. Only shortly after Loos' death she was invited to a short-term theatre engagement in Buenos Aires. She assumed that her absence from Vienna would only last for two months and that she would complete the remaining paperwork for the inheritance upon her return. But the increasing anti-Semitic sentiments and eventually the Anschluss of Austria to Hitler Germany in 1938 made her return impossible.

Of course, Altmann was surprised and disappointed when she heard about the 1964 publication, because she had neither been credited nor even received a copy of it.² She understood that she was left out of the credit lines of the Loos estate, and started a legal dispute with the Albertina which, despite her claims and under the leadership of its director Koschatzky, decided to buy the Loos documents and drawings that were in the possession of the heirs of Ludwig Münz, who for years had worked on the monograph for Loos, but had died before its completion.

In the last years before her death in 1984, Elsie Altmann met Adolf Opel, a Viennese filmmaker, novelist and dandy who by chance was a guest in the hotel in Buenos Aires where Altmann earned her living as a receptionist. Charmed by his courtesy the old lady decided to confer Opel her rights over the Loos assets. This was controversial, of course, with Altmann's daughter Esther Gonzales-Varona, who until the 1990s contested this fact, but all her claims failed in front of the court in Austria. Meanwhile, Adolf Opel began collecting, editing and publishing the writings of Adolf Loos, claiming to be the righteous owner of the 'Adolf Loos Archive.' When the Herold publishing house refused to accept Opel as the righteous heir to royalties that had been already paid to Altmann, Opel began to reconstruct his own collection of Loos' writings, reproducing what had been published in earlier collections (*Ins Leere gesprochen*, 1931, *Trotzdem*, 1931). Most of Adolf Loos's writings have been published by Adolf Opel. But Opel also claims the rights to the documents and drawings. In an interview I conducted with him in 2012, he stated that he owned the copyrights for Adolf Loos and that all reproductions

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of works of Adolf Loos need to have his permission. He seemed oblivious of the fact that quietly and without fuss, in 2008, 75 years after the death of Loos', his work had slipped into its third life. **ARQ**

Notas / Notes

- 1 In fact, after the first paper print was developed, the glass plate was never used again, which is until today considered as the 'original' by the Adolf Loos Image Archive at the Albertina in Vienna.
- 2 Elsie Altmann-Loos, Letter to the director of the Graphische Sammlung Albertina, Vienna, Buenos Aires, March 21, 1966. (Altmann-Loos, 1986:284-289, 313).

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