

INSTITUTIONALIZING ARTIFACTS: DESIGNATING LEGAL AND MORAL RIGHTS OVER ARCHITECTURAL ARTIFACTS ¹

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1. The term 'moral right' is a translation from French *droit moral*. It is in use in American Law since 1991. 'In many European countries, and especially in France, the law has long protected artists even beyond the sale of their works, by what are known as the *droit de suite* and *droit moral*. *Droit de suite* is the right to share in the profits of future sales of a work; when a work is sold by one collector to another, the artist gets a portion of the profit made by the seller. *Droit moral* ('moral right') is the right to control alterations of the work, the right to prevent its destruction, and the right to be acknowledged as its author, if one chooses (or when appropriate to disclaim authorship), sometimes referred to as the 'right of paternity' (Strong, 1993, 129). 'The United States has now enacted a very limited moral right for certain works of visual art (moral right became effective on June 1991)' (Strong, 1993, 130).

2. The books owned by Perret did not travel with the rest of the archive and remained in the library of the *Conservatoire National des Arts et Métiers*.

3. The existence of this correspondence and the debate prompted by this affair was brought to my attention by Rejean Legault, who works as a research scholar on the Perret Archives at the Centre d'Archives of the IFA.

The archive of Auguste Perret was deposited at the *Centre d'archives d'architecture du XXe siècle of the Institut Français d'Architecture (IFA)* in Paris, in 1992. This archive was previously housed at the *Conservatoire National des Arts et Métiers*, the result of a donation by Madame Perret in 1959. The material contained in the *fonds Perret* included various documents: drawings, sketches, drafts of articles, personal notes, legal documents, magazines, account books, and correspondence (2). Although these documents were already identified with the name of the architect, one particular folder challenged this designated authorship. This folder, labeled 'C. E. Jeanneret' contained more than fifty letters written by Le Corbusier to Auguste Perret between 1908 and 1923. Signed Charles Edouard Jeanneret, the letters identified the author who would later be known as Le Corbusier. In addition to the text, these letters also contained sketches made by Le Corbusier.

According to the convention signed by the *Archives Nationales* in 1986, the *Centre d'Archives* of the IFA had the legal rights to keep these letters in its archives. Through its affiliation with the *Archives Nationales* and as an architectural institution, the *Centre d'Archives* was the legal possessor of these letters. However, this did not prevent the *Fondation Le Corbusier*, established after the death of the architect, from claiming moral rights over the intellectual content of the letters (3). As they carried the signature of E. C. Jeanneret, the intellectual content of the letters could be considered the property of the *Fondation Le Corbusier*. The existence of sketches in the letters reinforced the foundation's claims. Therefore, even if Auguste Perret was the owner of the letters as material entities, the ideas in the text and in the sketches were considered the work of the author, Le Corbusier. The designation of legal power and control over these letters was bound to a decision regarding their ownership and authorship. In other words the issue of ownership and authorship had to be addressed, and the outcome was determined by specific circumstances. While the authorship was derived from the signature of the sender (Le Corbusier), the ownership was derived from the name of the receiver (Auguste Perret). As a public institution,



Figure 1. Entrance of Archives d'Architecture, 127 rue de Tolbiac, Paris (IFA, les Archives d'Architecture, 1990, 4).

the IFA has the responsibility to give the public access to these documents. As a private institution, the *Fondation Le Corbusier* has the right to control access to the material. This conflict (which has yet to be resolved) highlights the problematic status of artifacts in architectural institutions.

The IFA is not the only institution which faces the problem of recognizing moral rights over the intellectual content of an artifact and claiming legal rights over the material itself. Contemporary specialized institutions which collect, exhibit, and publish architectural artifacts have been confronted with the same problem. In the following study, I shall examine the way two contemporary institutions handle this problem: the *Institut Français d'Architecture* (IFA) in Paris and the Canadian Centre for Architecture (CCA) in Montreal (Figures 1 and 2).

The IFA was established under the jurisdiction of the French *Ministere de l'Equipement, de l'Urbanisme et du Logement*. Moreover, since 1986 it is also governed by the regulations of the *Archives Nationales*. The IFA obtained its legal status according to the Law of Archives passed in 1979. In its legal transactions and publication, it respects the French law of copyrights introduced in 1901. The CCA, on the other hand, is an independent institution. In September 1979, the CCA was incorporated in accordance with 'part-2' of the Canada Corporations Act for non-profit corporations. In January 1984, it was accredited as a public museum by the Canadian Museums Association. The same year, it was granted a legal status by the Department of Communications, Department of Cultural Property Import and Export Act. It also recognizes the Access of Information Act and the Privacy Act re-affirmed in the National Archives of Canada Act of 1987.

Established and governed under the laws of two different countries, the operational structures of the IFA and CCA appear to be framed by two different legal contexts. Yet, I believe that the designation of legal rights over architectural artifacts is not solely conditioned by these external processes. On the contrary, I would argue that this designation is further challenged by the institutional definition of architectural artifact. As a problematic construct, an architectural artifact can resist the straightforward designation of ownership and authorship. As I will try to show, the legal processes within architectural institutions are also dependent on their internal conceptualization of architectural artifact.

In the following section, I will describe the legal context within which these two institutions function. This description will serve as a basis for our discussion, the way each institution addresses the designation of legal and moral right over architectural artifacts.

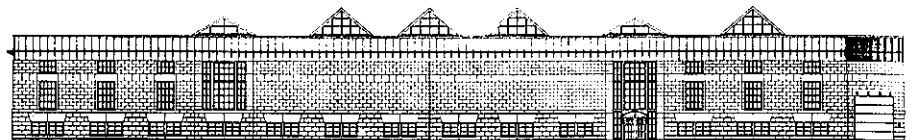
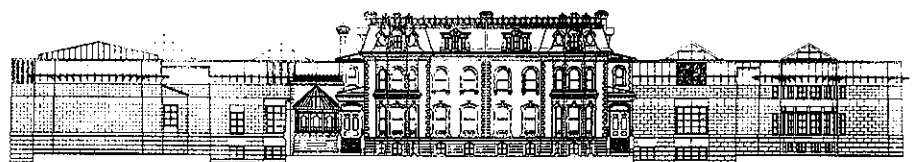


Figure 2. North and South elevations of the CCA building (Richards and Lambert, 1989, 82, 84).



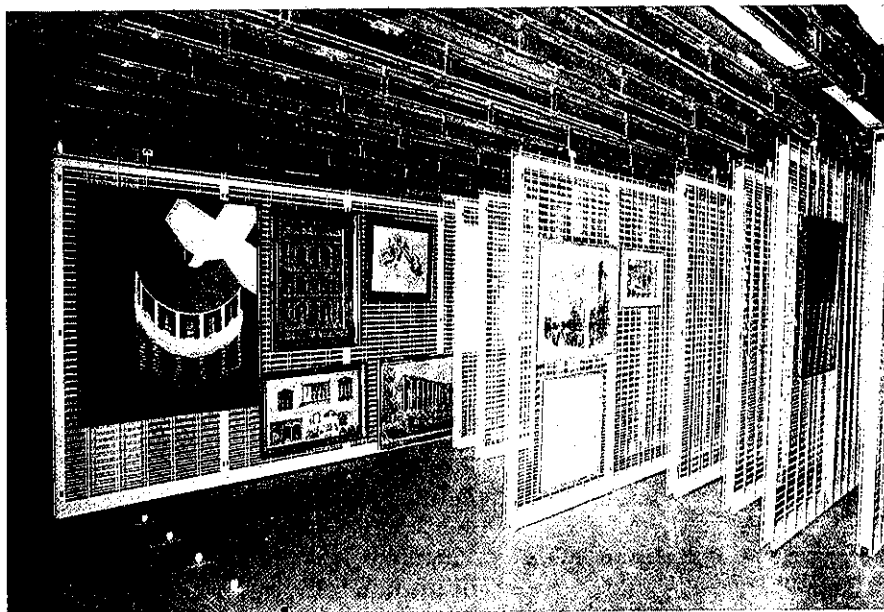
THE LEGAL CONTEXT OF ARCHITECTURAL INSTITUTIONS

The *Centre d'Archives* of the IFA was established in 1986. Before the establishment of the IFA, architects' archives were either kept in private collections, local archives, or donated to the national archives of the *Archives de France*. In October 1986, with a convention signed between the *Archives de France* of the Ministry of Culture and the *Departement de l'Architecture* of the Ministry of Architecture and Urbanism, the *Centre d'Archives* of the IFA obtained its legal status. This institution's purview comprises four departments: library, professional education, exhibition, and *Histoire et Archives*. The department of *Histoire et Archives* was expanded in 1986 with the creation of the *Centre d'Archives*. Located in its new building on *rue de Tolbiac*, the Center developed a program regarding the organization of its archive (Figures 3 and 4).

Figure 3. Reading room, Twentieth Century Architecture Archives of the IFA (IFA, *les Archives d'Architecture*, 1990, 8-9).



Figure 4. Storage room, Twentieth Century Architecture Archives of the IFA (IFA, *les Archives d'Architecture*, 1990, 16).



According to the convention signed by the Ministry of Culture, the archives of architects were to be 'deposited' at the IFA by the *Archives de France*. The term 'deposit' was used in its literal sense and implied that after being 'treated' at the IFA, the archives of architects were to be returned to the *Archives de France*. The process of 'treatment' was understood as the selection, classification, pre-inventory identification of artifacts.

This treatment process could also include the exhibition and publication of artifacts. According to the nature and the significance of the archive and the wish of the donor, the archives of architects could also be returned to local archives in France. Thus the IFA was defined as an 'intermediary center' between the donor and the *Archives de France*.

According to the law of 1979, the IFA itself had the privilege to receive donations (4). Instead of giving the *fonds* to the *Archives de France*, the donations could be directly made to the IFA. The same law defined different types of donations including gift, inheritance, transfer, and deposit. In the second article of the same convention, the IFA was defined as a conservation and treatment center. After their selection, identification and classification, the *fonds* were to be submitted to the 'scientific' and 'technical' control of the *Archives de France*. According to the third article, the IFA could reproduce, publish, exhibit, and film the artifacts to make them public.

Finally, the IFA could advise the Ministry of Culture about the 'status of artifacts'. It could also collaborate in the preparation of the official files needed for the protection of this historical material. While most archives were threatened by physical deterioration, another major threat was deemed to be the international market. The classification of an architect's private archive as 'historical archive' would prevent its trade to another country.

As the archive expanded from different sources, the IFA was confronted with two specific problems: Who had rights over this material, the architect, the donor, the heir, the IFA, the Ministry of Culture, or the National Archives? Who had the right to represent (publish, exhibit) this material? And more importantly, were there different types of rights involved? To address these issues, Gilles Ragot, the director of the *Centre d'Archives* of the IFA, organized a two-day roundtable discussion which took place at the Center on the 11th and 12th of March 1991.

During the meeting, the discussion focused on a large spectrum of legal issues related to the general law of ownership. It also addressed the issues specific to architectural practice, such as the ownership right of an architect, a draftsman, or an engineer, over an architectural drawing. The discussants were specialists in legal issues and in the management of copyright societies, archives, and educational institutions (5). These experts focused on two elementary but fundamental notions: the legal and moral rights over artifacts.

The question of legal and moral rights is rooted in the recognition of the right of a creator over his artistic production (6). In France, this recognition was first given legal status shortly after the Revolution with a special law called *droits d'auteur* (7). According to this law, architecture was considered as a 'cultural product' and protected under the same rubric as painting, cartography, and music. According to Molly Nesbit (1987), this law recognized the dualistic conception of moral and legal rights over the so-called 'cultural forms of labor'. Therefore, from the eighteenth century onwards, the French law established the distinction between ownership and authorship. As Nesbit explains,

4. This is according to the Article 10 of Law no.79-18, passed on the third of January 1979. For more information on the legal status of the institution, see vol. 3 of A. B. C. des Archives d'Architecture, 1992.

5. Participants of the roundtable discussion were M. Michel Huet, a doctor of Law; M. Arnaud Ramiere de Fortanier, the *Inspecteur General des Archives de France*; M. Michel Quetin, the chief conservator of the photography archives of the *Archives Nationales*; Maitre Bernard Jouanneau, the legal counsel of the S. P. A. D. E. M; Maurice Culot, in charge of the department of the *Archives et Histoire*, and Gilles Ragot in charge of the *Centre d'Archives*.

6. See for example, Krauss (1985) and Edelman (1979).

7. See note 3 (A. B. C. des Archives d'Architecture, 10-18).

In law, the term author did not and does not carry with it a mark of supreme distinction, nor did it designate a particular profession, like poet. It was only meant to distinguish a particular kind of labor from another, the cultural from the industrial... According to the law, the privileged, cultural form of labor exhibited certain qualities. First, it took shape only in the certified media. Second, its privilege was justified by the presence of a human intelligence, imagination, and labor that were legible in the work, meaning that such work was seen, a little more crudely, to contain the reflection of the author's personality. The cultural forms of labor could, conversely, be identified from the material used and by the imprint of the author's personality which would follow from working in this material (Nesbit, 1987, 234).

Ownership over the material implied the corporeal properties of the product, and this corporeal property was inseparable from the production of 'the spirit of the work,' a spirit which was thought to be transferred from the personality of the maker. In the mid-nineteenth century, developments in printing technology and industrial production introduced a new dimension to property rights. New ownership rights and legislation questioned the links between corporeal properties and the spirit of the work. Nesbit (1987) gives 'technical drawing' as an example to discuss this issue. The technical drawing participated in the process of industrial manufacturing and yet it did not necessarily reflect the personality of its producer. In France, the result of this unique quality in the legal authorization of drawings was the declaration of the law on design in 1806 and patent in 1844. These legal measures were expanded with the passing of the Copyright Law in 1901. The purpose of the law was to define the rights of ownership and authorship.

In France, 'cultural products' can be sold, donated, or inherited. Moreover, the representation and reproduction rights of these products can also be ceded or sold. When an item is deposited to the archives of the IFA, this item becomes the legal property of the institution. As such, the IFA gains the ownership rights over the material. According to the French Law of Copyrights (1901), however, the material ownership does not give the owner the right of representation. The IFA can preserve and classify the artifacts in its collections. Yet, it cannot freely reproduce or publish them without addressing the problem of copyrights. Even after receiving the right of reproduction, the IFA has the responsibility to protect the moral rights of the source of the material. In other words, in its publications and reproductions, the institution has to give credit to the author of the work. Therefore, the designations, the institution has to give credit to the author of the work. Therefore, the designation of moral rights requires the recognition of authorship over artifacts.

The IFA is compelled to protect the rights of both the source of the artifact (architect, sender, donor, maker) and the receiving institution. The roundtable discussions at the *Centre d'Archive* of the IFA focused on the specific character of architectural artifacts. These discussions revolved around the problematic rights, both legal and moral, attached to the institutional status of architectural artifacts. In light of these discussions, the IFA proposed the formulation of a standard contract (Figure 5).

The goal of this contract was to help clarify the status of the different rights related to the institutionalization of artifacts. This contract was found necessary to protect the rights of the owner and the maker of the material, and of the receiving institution. The first problem was to establish a link between artifacts and their makers. The second was related to the institution's activities, such as publication and reproduction. While preparing a standard contract to be signed by both donors and the institution, the *Centre d'Archive* of the IFA referred to

Figure 5. A contract model of donation, (IFA, les Archives d'Architecture, 1990, 21).

| MODÈLE D'ACTE DE DONATION | |
|---|--|
| Entre : M. X... Adresse Ville | |
| et L'Institut Français d'Architecture siégeant 6, rue de Tournon - 75006 Paris représenté par son directeur, | |
| Il a été convenu ce qui suit : | |
| ARTICLE 1 : M. X..., détenteur des archives relatives à l'activité professionnelle de l'architecte Y... en fait don à l'Institut Français d'Architecture. Dans le cadre de la convention qui lie l'Institut Français d'Architecture et les Archives de France, ces archives deviennent la propriété des Archives de France. L'inventaire de ces archives consiste en la liste des boîtes, liasses, rouleaux, cartons à dessins, clichés et tirages photographiques etc..., enlevés à l'adresse suivante : L'Institut Français d'Architecture, se porte garant de la conservation de ces archives et pourra dans le cadre de ses programmes, les mettre en valeur par expositions, éditions, publications, photographies, articles ou essais. | |
| ARTICLE 2 : M. X... autorise l'Institut Français d'Architecture à utiliser ces archives, les exploiter de toute manière qu'il juge utile, en vue de la promotion de l'œuvre de l'architecte Y... En cas de reproduction d'œuvres et de documents d'archives dans des ouvrages, articles ou publications diverses, réalisés ou co-édités par l'Institut Français d'Architecture, les donateurs ou leurs ayants-droits renoncent à leurs droits d'auteurs. | |
| ARTICLE 3 : L'Institut Français d'Architecture ne peut, ni céder, ni vendre, ni disperser ces archives ; il prendra en charge tous les frais relatifs au transport, à la protection, à la présentation et à la couverture par des assurances, en particulier à l'occasion d'expositions. | |
| ARTICLE 4 : Les membres de la famille auront, sur simple demande écrite, accès à tous les dossiers et pièces utiles dans le cadre d'actions en justice, relevant de la garantie décennale ou trentenaire. | |
| ARTICLE 5 : L'Institut Français d'Architecture fournira, sur simple demande écrite, des reproductions de documents à des tiers (clients, architectes, propriétaires...). Ces reproductions seront facturées au pro-rata des frais occasionnés, et sur base d'un devis préalable. | |
| ARTICLE 6 : En cas de publication d'un ouvrage monographique sur l'œuvre de l'architecte Y..., 7 exemplaires de l'ouvrage seront remis à M. X... En cas de reproduction d'œuvre et de documents d'archives dans des ouvrages généraux, articles et publications diverses, réalisés par l'Institut Français d'Architecture, une photocopie de la partie ou passage relatif à l'œuvre de l'architecte sera remise à M. X... | |

examples collected from other Francophone countries. In the end, the contract prepared for the donation of artifacts included six separate articles. Article one recognized the names of the donor and the architect. In the language of this contract, this article declares the archive of an architect to be the property of the institution. According to this first article, the IFA becomes the legal owner of the material. Within the framework of the convention signed with the *Archives de France*, the IFA may keep the deposited material and the ownership rights within its archives; or it may transfer both the material and the ownership to the *Archives de France*. With the first article in the contract, the IFA assures the conservation of the material. The second article authorizes the IFA to use the material in its archives for the purposes of exhibition, publication, and reproduction. For the publications prepared or co-edited by the IFA, the donors would renounce their copyrights. In other words, the IFA neither buys, nor pays copyrights. When other editors, publishers, museums, and individuals reproduce or represent the material in the IFA archives, they are responsible to pay the copyrights to the individual or the institution which holds the *droit d'auteurs*. The third article in the contract makes it clear that the IFA cannot sell, rent, or disperse the archives. With the rights gained from the *Archives Nationale*, the IFA can select and destroy the material but not give it away.

At the Canadian Centre for Architecture in Montreal (CCA), the designation of legal rights over architectural artifact follows a different procedure. The CCA is a collection-based enterprise. Before it transformed into a public institution, the CCA was a private collection. As any private collector, Phyllis Lambert had the freedom to select, preserve, classify, or eliminate the artifacts in her collection within the constraints of the laws and rules governing such enterprise. The public accessibility of these works depended on her initiative. When she decided to turn her private collection into a public institution, Lambert established a board of directors which commissioned a report to investigate the various types of affiliation for a new architectural collection in Montreal. The four possibilities envisioned were the affiliation with a university or a museum on the one hand, or the creation of a new government institution, or an independent body of trustees on the other hand. The option to form an independent body of trustees was accepted by the CCA board of Directors at its first meeting in September 1979.

As an independent non-profit institution, the CCA defined its own responsibilities and principles. The CCA has the freedom to buy and sell artifacts. Yet, since it was recognized by the government as a cultural institution, it can not operate in a complete isolation. It expands its collection with international acquisitions and has no direct power over the legal designation of an artifact as part of the national heritage of Canada. The CCA is not the only institution which collects and preserves architectural artifacts in the country. The National Archive which was founded in 1872 also holds architectural drawings, models, photographs, and supporting textual documentation in its archives. Similar to the national archives of France, it has been the repository and custodian of architectural material. Although architectural drawings and photographs are not subject to a special legal regulation in the national archives, they are recognized as historic documents (Figure 6).

In 1970, the distinction of authorship and ownership rights over architectural photographs, drawings, correspondence, accounts, and other related sources, became the subject of a special National Archives Program in Canada. According to a new plan, the National Archives of Canada and the Architectural Archives Advisory Committee of the Royal Architectural Institute agreed on establishing and maintaining the National Architectural Archives Program.

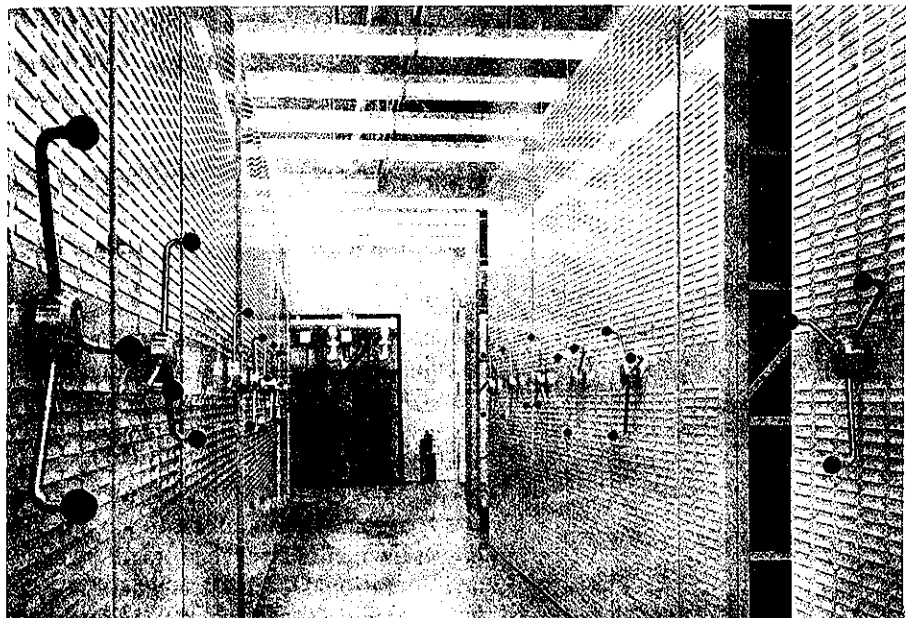


Figure 6. Compact storage shelving at the CCA Archives (Richards and Lambert, 1989, 115).

Under this program, the National Archive collects architectural documents of 'national significance' from private owners. The national significance of an artifact is measured with its representative qualities which illustrates the development of architecture in Canada. The goal is to document the work of Canadian architects, record architectural achievements and contribute to the architectural heritage of Canada.

Although the CCA respects the national status of artifacts, it does not function as a national archive. It is recognized by the National Archive of Canada, yet it does not directly function within the legal framework of their program. In contrast to the national archives, the CCA is not obliged to accept donations. It has the legal capacity to receive or reject any material donated to its archives. Moreover, it is not compelled to preserve the format and unity of the donated or acquired archive. Both the CCA and the national institutions are confronted with the issue of legal and moral rights attached to artifacts. However, the status of the CCA allows the handling of this task by means of a comprehensive procedure. During the acquisition process of an artifact, the CCA also buys its copyrights. As such, the institution obtains the rights of publication, exhibition and reproduction.

The simultaneous acquisition of artifacts and of their representation rights refocuses the attention to internal institutional procedures. The legal transactions related to the acquisition of an artifact includes detailed information about its 'provenance'. The term 'provenance' refers to the chronological history of the ownership of individual items in the acquired material. Moreover, the actual producer (draftsman, modelmaker, photographer) of the artifacts are recorded in these transactions. This information is required for the designation of authorship to the material. At the CCA, assigning the authorship of an architectural artifact to an individual or an institution requires a search for the actual source of the material. In contrast to legal ownership and copyrights, the recognition of authorship implies an institutional decision. In its publications and exhibitions, the CCA chooses to give credit to architects, producers, and donors. To do so, it makes a distinction between the intellectual content and the material qualities of an artifact. However, it does not consider one being more important than the other. Hence the CCA displaces the problem of legal and moral status of architectural artifacts in an institutional context.

The different operational structures of the IFA and the CCA led to contrasting approaches to the legal question. While the IFA constitutes its archives by means of donation and endowment, the CCA builds its archives by means of acquisition. Like the IFA, the CCA gained the right to conserve and classify the items in its collections. But unlike the IFA, the CCA does not have to accept all the material given or donated to the institution. It makes its own decisions about acquisition and becomes the permanent owner of the material. Hence, the CCA evolves in a different legal context and framework.

In different countries different laws and legislation frame the legal operation of specialized architectural institutions. Yet, external conditions are not sufficient to explain the varying construction of the legal status or artifacts. International Confederation of Architectural Museums (ICAM) was established in 1979 to address the legal issues of ownership and representation rights of architectural artifacts. Both the IFA and the CCA are the members of (ICAM). A charter was prepared by the ICAM to set the rules of international acquisitions. This charter was recognized by an international group of institutions. Although each country has its own set of laws, the role of the charter is defined as to bring the debate to an international level. The need for internationally accepted rules was explained in a proposal prepared by ICAM members.

8. This is found in the unpublished 'Proposal, Charter for the Acquisition of Architectural Documents', Helsinki: ICAM, 1979.

A new market in architectural drawings and archives has developed recently with consequences for the work of those involved in serious historical research. Furthermore, dealers will often encourage competition between several museums.

To counter these practices, ICAM must set up a charter that will establish ways of keeping collections together and observing the market. The charter would not concern contemporary architectural drawings produced for sale (8).

This charter specifically focused on the acquisition of architectural artifacts conceived as historical documents. According to its rules, members of ICAM would concentrate on gathering historical documents in their respective countries or regions. If approached by dealers from other countries or regions, the institution solicitor would have to inform the related ICAM member. Operating as a gentlemen's agreement rather than a legal power, the ICAM charter manifests the common interest of specialized institutions in protecting their rights to acquire artifacts and to keep their copyrights. What brings these institutions together in an international organization is their common interest in the collection, preservation, exhibition, and publication of architectural artifacts. ICAM functions with the basic assumption that all these institutions conceive artifacts as historical documents.

The short anecdote about the clarification of legal and moral rights over the correspondence between two architects showed that the designation of the institutional status of an artifact is a problematic issue. The distinction between the designation of ownership and authorship at the IFA and legal and moral rights at the CCA derives from the nature and structure of their institutional configuration. Yet the legal processes within architectural institutions are also dependent on their internal conceptualization of architectural artifacts. By virtue of their complex nature, architectural artifacts often resist clear authorship. As I will try to show, this question of authorship challenges the clear designation of moral rights.

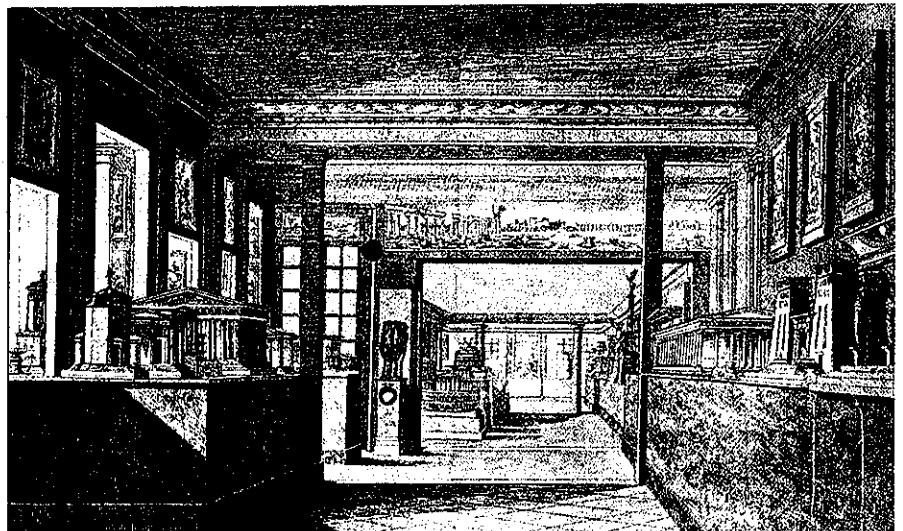


Figure 7. The Cassas Gallery (Richards and Lambert, 1989, 22).

THE COMPLEX STATUS OF ARCHITECTURAL ARTIFACTS

9. See Fouquet (1982) and also 'Museum of Architectural Models', a letter from Henry Walker Benson to the editor of the *Building* (North Shields, January 17, 1848). Benson developed a plan to establish a museum of architectural models.

10. When Soane bought twenty models made at Fouquet's atelier in 1834, he already had Legrand's catalogue in his library.

The recognition of the complex nature of architectural artifacts is not a recent phenomenon. As one of the earliest known modes of architectural representation, architectural models prove a long tradition of resistance to clearly defined authorship. Models are usually made by specialized modelmakers. Thus architectural models can be identified either with the name of the modelmaker or the name of the architect. Architectural models have been collected and exhibited since the eighteenth century (Mosser, 1981). For example, in 1806, the Cassas collection of 76 models was open to the public under the name: *Galerie d'Architecture rue de Seine* (Figure 7) (Boucher, 1926). Both during the exhibition and in the published inventory of the collection, neither the architects of the projects depicted in the models nor the modelmakers were credited. After the exhibition, these models came to be known as the Cassas Collection. Although J. G. Legrand had the idea of transforming this exhibition of architectural models into the permanent collection for an architectural museum, this never happened, and after the exhibition these models became the property of the *Ecole des Beaux-Arts* in 1808 (Hautecoeur, 1923). At the turn of the century these models had been distributed among various institutions. As stated by Dominic Poulot, these architectural models which had never become part of an architectural museum finally created 'ideal museum rooms' in the academies (9). Perhaps the modelmakers who worked for Cassas would not remain unknown until today, if Legrand had succeeded in placing them in a museum.

Awareness of the significance of the name of a modelmaker did not have to wait for another century however. When Sir John Soane bought twenty models from Edward Cressy, he had confidence in the name of the modelmaker, Jean-Pierre Fouquet (1752-1829) (10). Fouquet was commissioned by Cassas and contributed to the exhibition. The name of a professional modelmaker was a supplementary source of information for private architectural collectors. The celebrity of a model maker indicated an authority regarding the precision of the work, its aesthetic quality and durability. After the transformation of Soane's private collection into an architectural museum, these models were identified and described in the legal and security reports as part of Soane's collection (Figure 8). One of the reasons for researching the 'provenance' of each model was the completion of these records. When Cassas commissioned the models of the monuments of antiquity, his purpose was to use them as documents representing the time and place of their production.

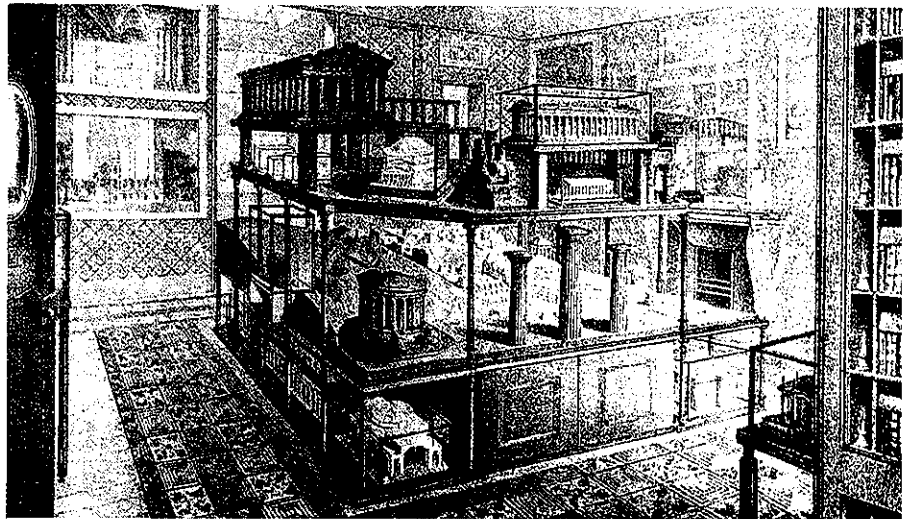


Figure 8. Soane's model room (Richards and Lambert, 1989, 25).

11. The first issues of *The Builder Magazine* and *RIBA Transactions* include many examples of the search for the producer of architectural drawings. The following examples are just a few of them: 'The copyrights of William Burges's drawings. Lockwood and Mawson won a competition where Burges had a hand in the design and was forced publicly to deny it' (*Architect*, vol. 4, December 1869); also, 'Right of Arbitrators to Copy Plans Entrusted to Them' (*Building*, Feb. 24, 1849, letter to the editor from B. Albano).

12. See Dal Co (1991), and Edward Kaufman (1989).

Genevieve Cuisset (1990) suggested the connection between the eighteenth and nineteenth-century collectors and this uncredited modelmaker. She situated the work of Fouquet and his son François in an architectural and/or historical context. The subject of Cuisset's research was the model of Pantheon in Rome, the model of the Mouseion of Halicarnasus, and the model of the temple of Vesta at Tivoli which are kept in Sir John Soane's Museum. Therefore, the subject was no longer the monuments (the Pantheon, the temple, the mausoleum) themselves. The focus of the researchers had shifted from the edifices to their models. The maker was not the designer of the monument, but the builder of the architectural model.

Architectural drawings also resist identification with the name of a single individual (11). An architectural drawing can be executed by a draftsman, a student or a technical expert and yet signed by an architect. Architectural drawings are usually identified by the signature of the architect (Pierce, 1967, 48; Ackerman, 1954, 8). However, this signature is not always appropriately applied to the maker of the drawing (12). In recent years, diversity in architectural drafting techniques and varying levels of expertise of the technicians and renderers required a reevaluation in the attribution of authorship which can best be understood in light of historical precedents.

At the end of the nineteenth century, not only the rights of a draftsman but also the control and legal power of emerging professional organizations were of concerns to architects. For example, John Wyatt Papworth, an architect practicing in London, wrote an article on this subject in 1894. He argued that an architect's drawing had the nature of a 'written document', and was invested 'with all the qualities of a letter, as soon as it had received the architect's signature'. He continued, saying

a letter is document which, by means of words, attempts to supply to the reader some information from the writer; until delivery, it is held to be the absolute property of the writer... But the work of architect varies in character and modes of representation, therefore, an architect puts his signature on various works that each needs a clarification in definition (Papworth, 1894).

By recognizing the documentary qualities of architectural drawings, Papworth emphasizes the importance of the definition of architectural drawings for the purpose of legal authority. According to Papworth, a letter represents the ideas of its writer; therefore, it is the absolute property of the writer until its delivery. As we have seen in the case of Le Corbusier's correspondence, even after their delivery, the property rights of letters remain a point of debate. Papworth claims that the lines drawn on paper represents the ideas of architects, and therefore, should be considered as their property.

Not only the lines drawn on paper can represent the ideas of an architect, but sometimes the paper itself is considered as the source of attribution. As stated by Papworth, the 'Articles of Pupilage' dictate that the pupil who decided to work with a master was to provide all instruments and materials except paper. The paper was provided by the architect himself because it was considered to be his property. Therefore, the drawings made on this paper would be the architect's property. The further questions raised were related to the reproduction and publication of these drawings. The establishment of new architectural institutions, such as the RIBA, demanded the reevaluation of copyrights. For instance, whose property were the competition and prize drawings? Would the architect be able to protect his authority over his drawings after submitting them to a competition? Or would the drawings be legally in possession of the organizers, if not legally their absolute property?

13. *The Builder* (11: 533, April 23, 1853, 267).

14. When computer technology was introduced to architecture, it was conceived as a replacement for existing representation practices. Oliver Witte (1988, 1989) wrote several articles in the *Architecture* magazine related to this assumption. See also Brueggemann (1989) and Mitchel (1979).

Designation of legal authority is determined by a large spectrum of facts ranging from the ideas of an architect drawn on paper to the material rights over the paper itself. Claiming legal authority over architectural artifacts implies the existence of a specific owner or an author as a creator or producer. The 1853 issue of *The Builder* magazine was devoted to this problem. It addressed the economic causes behind the identification of authorship (13). The title of the article is self-explanatory: 'Charging for Modeling without Designs'. The article examines a specific authorship problem involving drawings of cornice molds in England. The problem was brought to the attention of the Marylebone County Court in the fall of 1853. The decision of the court was phrased as, 'unless ornament makers had to make moulds from (architectural) drawings it was not customary to charge for modeling'. Yet, the editors of *The Builder* magazine were not content with the decision and presented a hypothetical situation where an architect makes a design for a mold of a cast ornament. The question raised by the editors was: Should an architect be paid for every cast made out of his drawing? What would prevent an ornament maker using this very same drawing to produce new casts for the construction of other buildings?

Today with the establishment and reorganization of specialized institutions in architecture, the difficulty of defining the 'provenance' and the copyright owners of contemporary and historic architectural material is again an issue (14). Central to this concern is the changes in the relations between architects and institutions in charge of the consecration and preservation of their artifacts. The major reasons of these changes are the interest in the public representation of architectural artifacts, their increasing market value, and the emergence of new representation techniques.

The use of different material in modelmaking, such as metals, glass, and light, or different media such as film and computer animation introduces complications in the identification of the actual producer. An axonometric model produced by computer animation techniques requires a change in the conceptualization of legal and moral rights. With the introduction of computer outputs, all the physical traces left on an artifact are marginalized and lose their significance. Watermarks, types of ink, pens, or paper used for the production of artifacts which are used to trace the location of a drawing, a study of the development of architectural representation technique or draftsmanship, and working methods of the architects in the past become irrelevant (Collins, 1962).

Instead of the physical marks, it is the legal agreements between software companies, architectural offices, computer engineers and architects that become important for gathering information about the maker and owner of artifacts. This information includes all the commercial agencies previously known to be responsible for the transfer of an artifact's ownership. In fact, the significance of knowing who the actual producer of an architectural model is also changed. The designation of authorship over an architectural model becomes important not only during its acquisition, but also in its preservation and exhibition.

Assigning the authorship of an architectural artifact to an individual or an institution requires a search for the actual source of the material. This inquiry tries to establish links between the artifact and its maker. The question of the value of author and authorship has been a central issue in French literary criticism during the last thirty years. In 1968, Roland Barthes (1977) published his seminal essay announcing 'The Death of the Author'. In this essay, Barthes revised the status of an author as the absolute source of authority in a literary work (1977, 142-148).

A year later, Michel Foucault (1977) published his essay: 'What is an Author?'. According to Gayatri Spivak (1993, 105) Foucault's question has been construed

15. See Saunders and Hunter (1991); Long (1991) and Kinney (1991).

by most readers as a rhetorical question to be answered in the negative. By interpreting the notion of author as being 'deceased' or departed, literary critics recognized the identity of particular works independent of their producer (15). This critical apprehension of the author and authorship has been most significant for art criticism. But a question remains: is this uncertainty regarding the status of the author in art and literature pertinent to architecture? Does the definition and description of an architectural artifact call for a specific resolution of authorship within the architectural discipline itself? Answers to these questions must be sought in the legal and moral procedures of specialized architectural institutions.

THE INSTITUTIONALIZATION OF ARCHITECTURAL ARTIFACTS

At the *Institut Français d'Architecture*, a signed contract with the donor gives the institution legal responsibility and rights to treat artifacts. To be treated in the institution, the individual items included in an archive must be identified in the contract. This identification requires the preparation of an inventory.

As a first step, the IFA first receives the archive of the professional activities of an architect and then identifies the group of artifacts preserved in the boxes, bundles, rolls, portfolios, and albums. This inventory which gives information about the physical condition of each item in the donated material provides a control over any alterations made during restoration and reproduction. The identification of each item is important for its future recognition. It also prevents the institution from giving, selling, or dispersing.

During the preparation of this inventory, and following the treatment of artifacts, the IFA focuses on the intellectual content of artifacts. The treatment of a particular artifact, such as a photograph, can help explain the institution's priorities. When the IFA received the Perret Archive, the material included hundreds of black and white photographic prints of Perret's executed projects. Most of these photographs were taken by Chevojon, a well known French photography studio. Chevojon was commissioned by Perret to document his work as well as his competition projects. Most of Perret's architectural works came to be known through these photographs reproduced in various publications.

During the preparation of the inventory of the Perret Archive, these photographic prints were identified with the name of the architect, and were indexed according to the building they depicted. The name of the photographer is known, yet the emphasis is placed on the project depicted. This conception of authorship has a direct impact on the representation of the architect's work. In most of the publications prepared either by the IFA or other publishers, the photographic material is associated with Perret. By focusing on the intellectual content of architectural artifacts, the IFA describes a work with an already established authority, the name of an architect. With that conception, the rights of the maker or producer are not problematized, postponing the discussion on the problematic status of architectural artifacts. Thus the authorship is treated as an inherent quality of the artifact at the *Centre d'Archive* of the IFA.

The Canadian Centre for Architecture, on the other hand, recognizes the dual nature of architectural artifacts. Drawings, models, and other items in the collections (toys, maps, photographs) are identified according to the information provided both by the artifact and the edifice depicted in it. With this recognition, the CCA defines an institutionalization process which conceives of artifacts as evidence for artistic value and sources of architectural knowledge.

16. The descriptions of artifacts in legal transactions resist an understanding which defines them simply as 'as addition to what has been seen or missing as an illustration'. The 'resistance of description towards marginality (what is outside the frame)' is manifested with the alternative relationships and signification it suggests. The description of an artifact in legal transactions seek for a permanency. After the acquisition of an artifact, the legal restrictions regarding the preservation, restoration, and publication of artifacts call for a fixed description of an artifact. This description has to have the capacity to function away from the artifact it refers to. By this capacity the description of an artifact becomes important to legitimize authenticity or originality (Hamon, 1981).

17. This thesis is adapted from the criticism of the 'birth of the author in terms of the formation of (social, historical) subject,' developed by Saunders and Hunter (1991).

At the CCA, the legal transactions include all the necessary information for the acquisition of an artifact. Not only the intellectual content of an artifact but also its physical qualities are the focus of the CCA's attention. For the CCA, the descriptions of artifacts in legal transactions cannot be viewed merely as 'secondary' or 'purely functional' information (16). These descriptions not only give necessary information about the artifacts but also associate them with specific names, dates, and locations. They further classify architectural artifacts according to their mode, technique, and medium of representation.

These descriptions include also the 'provenance' of artifact. At first sight, the history of the previous owners of a recent artifact seems to be easier to reconstruct than the 'provenance' of a sixteenth century drawing. However, when the identification of an artifact is governed, not by the 'personality' of the maker or the designer but by the historical development of particular cultural and legal practices, the CCA faces legal and logistical problems. These problems challenge the conventional assumption that the 'provenance' of contemporary material is easier to identify (17).

The legal transaction and public representation of any artifact in the CCA collections require an 'authorization' process. Authorization is here understood as a process of identifying the owner and the producer of an architectural work. The different dimensions of this process can best be understood with an example. In 1984, the CCA acquired the proto-album of Ilse Bing, a German-born photographer. The album contained the photographs of Budge House (Budge-Heim) designed by Mart Stam in Frankfurt am Main in 1930. In the legal transactions (invoice, contract, copyright) and the inventory of photography archives, the executor of the document was identified as Ilse Bing. The title of the document was 'Budge-Heim, Frankfurt Main'. The full title was 'Germany, Frankfurt Main: Budge-Heim views of the old person's housing complex, designed by Mart Stam. 'The Display Date' of the document corresponds to the date the negatives were taken. The display date could also refer to the date of commission, print or publication. Thus this date could change according to the purpose of display. The description of the document and bibliographical notes included information about individual photographs in the album. Records on the content of these photographs was considered as secondary information.

Ilse Bing did all these photographs for Mart Stam. During the execution of these photographs, the architect was at the site supervising the photographer. Ilse Bing printed and developed all the photographs, then cut and mounted them into an album. Two copies of this album were made, one for Ilse Bing and one for Mart Stam. The CCA acquired the photographer's copy. Each photograph in the album was identified individually. Besides the physical descriptions and bibliographical notes, additional information were required to distinguish between a particular photograph and others with similar or identical descriptions. This additional information can be found in the file entitled 'historical notes'. Historical notes provide information about the historical significance of the subject of the photograph. In this case the subject is the Budge House. A statement in the CCA catalogue guide indicates that any historic or bibliographic information should relate directly to the artifact. As stated in the guide, 'this information does not have to be comprehensive in its representation of the discipline of architectural history as a whole'. In other words, the descriptive record for an architectural subject should record the stage of a building reflected in the documents held, not its entire history (18). In the example of Ilse Bing photographs, the historical notes included information about the execution and reproduction of the photographs. Additional information was given about the subject of the photograph. However, this information was limited to the moment when the photograph was

taken. The changes in the Budge House, its site, the client, the function of the building before or after the execution of the photograph was not included.

This selective historical information reflects the scope and the concentration of the CCA collections. By focusing only on a specific time span which is defined by the artifact, historical notes assume the possibility of fixing historical existence of an edifice to a certain time and space. In other words, the historical evolution of an edifice is assumed to be framed by the moment depicted in the artifact. Thus it is not the subject of a photograph which is considered to be the actual source of historical information. Therefore, the legal responsibility of the institution is to the photographer not to the architect. The copyright of these specific photographs of the Budge House album was bought from the photographer not from the architect. The CCA gives credit to the architect in the public appearance of these photographs. Despite the fact that the photographer owns the legal rights over these artifacts, the moral rights of the architect over the intellectual content of the photographs are recognized and protected by the CCA.

At the Canadian Centre for Architecture, the designation of legal and moral rights over architectural artifacts is highly informed by the Center's conceptualization of architectural drawings, models, photographs, and textual material. An institution's capacity to assign a legal status to artifacts is important because it affects the perception of the architectural artifact.

The description of a work with an already established identity (name of an architect, of the edifice depicted) is different from the process which explicitly addresses the problem of authorship. While the processes of authorization can be interpreted as the legal attribution of artifacts at the IFA, they can be interpreted as processes of discovery and modification at the CCA. For the CCA, the question of authorship is intimately linked with the process of description. As stated by Philippe Hamon,

To describe, then, is to describe for; it is a textual praxis, both coded and aimed, opening onto concrete, practical activities (pedagogical, military; drawing up lists, taking inventory of a stock, archives); or else it is working between texts (re-writing, rhetorical models, the description of paintings or figurative works of art) (Hamon, 1981, 1).

The CCA has the capacity to appropriate any recorded information as being architectural regardless of the medium in which it is executed. It can appropriate a letter, a photograph, a map, or a toy as an architectural document. The definition of a letter written for the purpose of communication between two architects, changes when it becomes the property of an institution. This transformation assigns information to different purposes (19). Conceived in those terms, a letter can be a historical document of an event, an analytical tool to understand the interaction between two architects; or it can be detached from its historical and cultural contexts and valued for its aesthetic properties (20). These appropriations of a recorded message to new purposes have the capacity to assign to a letter the meaning of a historical document, a legal report, or an aesthetic object.

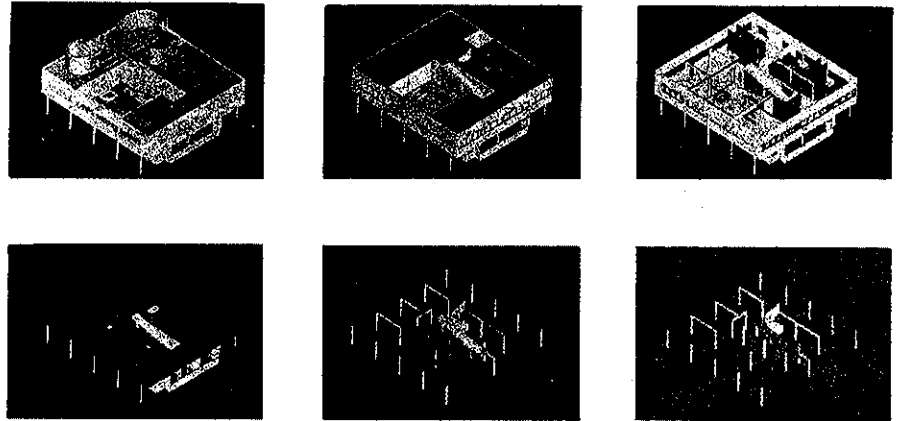
In the Canadian Center for Architecture, designation of authorship is understood as an activity appropriation of artifacts to the recognized principles or accepted standards and rules of the institution. To authorize is to appropriate an artifact, an appropriation which fulfills institutional goals.

When certain types of artifacts do not conform to the standards or principles established by the institution, they can be modified and appropriated by the CCA. According to the perception of the Center, either the intellectual content or the physical qualities of an artifact becomes more important. In legal transactions

19. Read's (1993) reading of the correspondence between a writer, Adrian Stokes, and an art historian, E.H. Gombrich, can be given as a recent example. Read's argument is based on the assumption that to examine these letters is to 'reconstruct' the authors' ideological formations and to investigate their influence upon each other's work. Although he starts with a hesitation described in his words as 'to isolate relations of two key figures risks an oversimplified psychological approach that tends to occlude wider institutional conflicts'.

20. See, for example, Alpers's (1983) discussion of the representation of letters.

Figure 9. Deconstruction of a solid model of Le Corbusier's Villa Savoy (Blau and Kaufmann, 1989, 188).



new categories, such as 'theoretical, fantastic, or visionary' drawings, are introduced. The physical qualities of these artifacts are considered more important than their content. This separation is established by an institutional approach towards architectural artifacts.

While excluding architectural models from its collections, the CCA acquires computer generated images situated between architectural drawings and models. A lack of precedents, as in the case of the authorship of computer drawings, and the international nature of computer network systems require the re-evaluation of the legal ownership, authorship, and copyrights. However, a computer output does not require different applications of legal transactions at the CCA. As a consequence of its own working policies, the Center includes these computer-generated images in its collections. Labeled as 'axonometric model', 'model of section through axonometric', 'computer model', 'wire-frame model', 'plane polygon surface model', 'curved surface model', or 'solid model', these two-dimensional renderings are conceived as examples of a new genre (Figure 9). The attribution of the word model to these renderings grants them a conventional status where they can be defined as architectural artifacts (21). It is the use of this conventional term which facilitates their appropriation at the CCA.

Appropriation at the CCA equally acts upon the designation of 'original' and 'copy'. These notions are directly connected with the problem of authorship. It may seem that the introduction of new terms like, 'hard copy', and 'original software' require the re-evaluation of notions such as original architectural drawing or a copy. When computer generated images are acquired at the CCA, they are described and identified as any other artifact in the collection. This undifferentiated description is the means for their appropriation at the CCA.

This institutional appropriation of artifacts also enables the CCA to assign authorship to anonymous works. In the process of their institutionalization, anonymous photographs, models, drawings, and written sources have to be linked with a place or a time of production. At the CCA, this link recognizes two alternative connections with different places and times. It can either focus on the content of the artifact or on the artifact itself. Finally, the process of appropriation acts upon the designation of authenticity. For example, if the CCA acquires an architectural drawing thinking that it is executed by a particular architect, and later discovers that the drawing is not made by this architect, the artifact can still be authenticated. The CCA can seek the evidence of authenticity either in the subject matter or the production of the artifact itself. At the CCA, authenticity is conceived as a quality which is not inherent in artifacts but construed by the authority of the institution.

21. This attribution also recalls the conventional categorizations of architectural models. See 'Arkitekturmodell', in *Reallexikon zur Deutschen Kunstgeschichte* (1936, 918-939). For example, in the catalogue of Soane's architectural model collection, John Wilton-Ely (1969) classifies these models in two large groups 'general or comprehensive models' and 'those which isolate specific aspects of a complete design'. See also *The Architect's Vision* (1965). Within the short introductory essay these two categories were broken down into more specific titles such as clay, wooden, or plaster models, notional models, ornamental studies, scale models, structural studies, spatial and lighting studies, complex studies, and models relating to historic architecture.

THE POWER OF A SPECIALIZED INSTITUTION

The identification of the producer of a work is not sufficient to determine the legal status of architectural artifacts. Institutionalization of artifacts requires their attribution to a legal authority. The institutionalization process gives the control of the legal authority over artifacts to a specific institution. Since its establishment, the *Centre d'Archives* of the IFA has been defined as a depository for the preservation of artifacts. But perhaps more importantly, with the convention signed in 1986, the founders of the IFA identified this institution as a 'treatment center'. With this tripartite convention, the IFA was defined as an 'intermediary treatment center' between the architects, heirs, and donors of artifacts and the *Archives de France*. Besides regular preservation, the 'treatment' is, in fact, a process of analysis and interpretation. By these means, artifacts are institutionalized to be made accessible to the public.

22. The process *diffusion et mise en valeur* is not unconcerned with the market value of an architectural artifact. For example, recently the heirs of the Jourdain family in France sold Frantz Jourdain's archive to the Getty Foundation in California. But the archive was stopped at the airport by the customs officers. A report was prepared by a group of experts from the *Archives Nationales*. Gill Ragot, the director of the *Centre d'Archives* of IFA claimed 'national patrimony' rights over the material, and the transaction was aborted.

At the IFA, the end product of the treatment process is called *diffusion et mise en valeur*, which can be understood as the diffusion and the promotion of architectural artifacts (22). During the conservation process, physical conditions of architectural artifacts are improved. With the preparation of the inventory and publications, intellectual contents of artifacts are made accessible. Thus the idea of promotion is related to the institutional status of architectural artifacts. With this new status, specialized institutions have the power to frame the artifacts and control their perception. At the IFA, designation of moral and legal rights is understood as a process of shifting the status of artifacts to an institutionalized context.

As an architectural institution, the IFA combines the cultural interests of the *Archives Nationales* with the professional interest of the *Ministere de l'Equipement, de l'Urbanisme et du Logement*. As such, it mediates between a professional and a scholarly institution. Although the IFA was defined as an 'intermediary institution', which implied a temporary authority, it gains a permanent authority from its status both as a professional and an educational institution.

Both the IFA and CCA work to establish rules regarding the ownership and the authorship of architectural artifacts. It is in the application of these rules that lies the power of specialized architectural institutions. Specialized institutions do not only legalize the architectural artifacts, but also manipulate their perception. An institution like the CCA which works with the scholarly knowledge of architectural historians have the authority to direct the researchers to work on already selected and identified material from their collections. With that authority, it has the power to induce new procedures which redefine architectural artifacts. The IFA defines already authorized architectural artifacts in architects' archives, shifting their status to an institutional context. The CCA appropriates the material in its collection and extends the limits of the definition of architectural artifact. As such, both the IFA and the CCA impose an institutional authority over architectural artifacts.

In his book titled *Orientalism*, Said (1978) questions the notion of authority:

There is nothing mysterious or natural about authority. It is formed, irradiated, disseminated; it is instrumental, it is persuasive; it has status, it establishes canons of taste and value, and from traditions, perceptions and judgments it forms, transmits, reproduces. Above all, authority can, indeed must, be analyzed (Said, 1978, 19-20).

23. 'Sources of Knowledge' as it is discussed in Elkana (1974, 54) can be sense-experience, ratiocination, revelation, authority, tradition, analogy, competence, originality, novelty, beauty, and many others'.

In Said's view, institutionalized authority is open to criticism. It establishes 'canons of taste and value'. Even if it is shared by a whole culture or accepted by a single discipline, it cannot operate as the ultimate 'source of knowledge' over a cultural practice or a discipline (23). It can operate as one of many sources of knowledge, like tradition, experience, or intuition. Therefore, architecture as a discipline cannot accept a single institution's competence as its ultimate source of authority. Yet, it must rely on specialized institutions as agencies which develops ideas, traditions, aesthetic concerns, or conventions. These institutions are both the result and the evidence of a continuous thinking process within the discipline.

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MİMARLIK OBJESİNİN KURUMSALLAŞTIRILMASI

ÖZET

Son yıllarda mimarlık çizimleri, maketleri, fotoğrafları ve yazılı belgeler, müzeler, arşivler ve galeriler gibi birçok özelleşmiş mimarlık kurumunda saklanmakta, korunmakta, sergilenmekte ve yayınlanmaktadır. Tüm bu etkinlikler sırasında gündeme gelen telif hakları ile ilgili uyuşmazlıklar, kurumların ait oldukları ülkelerin yasaları ile kısıtlı anlık kararlarla çözümlenmeye çalışılmaktadır. Bu özelleşmiş kurumlardan biri olan Fransa'da, *Institut Français d'Architecture* (IFA)'ya bağlı olarak kurulan mimarlık arşivi, 1979 yılında kabul edilen arşivler yasasına göre yasal statüsünü kazanmıştır. Bu kurumun etkinlikleri aynı zamanda 1901 yılında yürürlüğe giren telif hakları yasası ile kısıtlıdır. Benzeri bir kuruluş olan, Kanada'nın Montreal kentinde yine 1979 yılında kurulan Kanada Mimarlık Merkezi de (CCA) ülkenin farklı yasal kurumları tarafından denetlenmektedir.

Biri devlete ait, diğeri özel sermaye ile kurulmuş bu iki kurum, var oldukları iki ayrı ülkenin yasalarındaki ve iç işleyişlerindeki önemli farklılıklara rağmen, her etkinliklerinde aynı sorunla karşı karşıya gelmektedir. Burada sunulan araştırmada, (işlevsel yapıları iki ayrı ülkenin yasal durumu ile çerçevelenmiş de olsa) bu iki kurumun telif hakları ile ilgili kararlarını yalnızca dıştan gelen yaptırımlarla almadıkları savunulmaktadır. Aksine, mimarlık çizimleri, maketleri ve diğer belgeler üzerindeki mülkiyet, yazarlık ve telif haklarının belirlenmesi, bu kurumların mimarlık objesini nasıl tanımladıklarına bağlıdır. Mimarlık çizimleri gibi 'sanat eseri' ve 'teknik çizim' arasında tanımlanan gösterim biçimlerinin bu ikili nitelikleri, mülkiyet, yazarlık ve telif haklarının belirlenmesini güçleştirmektedir. İki farklı kurumun yasal çerçevesini incelerken amaç, her kurumun iç işleyişine bağlı olarak sürekli yeniden tanımlanan mimarlık objesinin kurumsal statüsünü ortaya koymaktır.

Bir mimarlık çizimini kimin çizdiğini bulmak onun yasal konumunu belirlemeye yeterli değildir. Öte yandan, mimarlık objelerinin kurumsallaştırılması bu ürünler üzerinde yasal otoritenin belirlenmesini gerektirmektedir.

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