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Abstract of a dissertation:

HISTORICAL EVOLUTION OF THE LEGAL TERMS FOR MONUMENT
PRESERVATION FOLLOWING THE EXAMPLE OF THE CZECH REPUBLIC

The subject of the dissertation is an evolution of the legal terms for monuments protection, explained through their progression on the territory of the Czech Republic. It takes into consideration various political systems from the history of this country.

The primary objective of this proposal is to present the monument within the legal framework and its implication on distinguishing different forms of its protection. It also provides the analysis of evolution of the specific legal terms, which have contributed to the emergence of these forms and presents the potential for further development. The secondary objective is a legal analysis of aforementioned forms. Taking into considering the wide spectrum of the provided analysis from the point of view of both a lawyer and a historian, this thesis has a multidisciplinary approach. As a consequence the legal interpretation is enhanced by the cause of the emergence of legal terms within the context of two scholar disciplines. The research material used for the purpose of this work can be classified in one of three main groups. The first consists of philosophical treatises (with aesthetic and cultural background), legal theories, and mixed discourses focusing on understanding the monument as a social, cultural and legal subject. Another significant group is a range of various legal articles together with authors' comments. For the purpose of presenting this analysis in a more complex theoretical approach, this thesis is not limited only to legal terms that came into force. There is also a vast research included on rejected terms to complement the understanding of evolution of the protective mechanisms.

This study has a chronological structure, formed by six chapters where each consecutive idea of the evolution of protective mechanisms is linked to the relevant research material. This approach gives a more specified distinction of various phases of this process. The first chapter is a general overview of different stages of the evolution of the protection mechanisms within the Czech Republic. The second chapter focuses on the sources of the development of legal classification of the monument. It analyses its social and cultural role, as well as the methods of creating the initial legal definitions. Various concepts of

functioning and classification of the monument presented in this paper, were proposed by specialists from both theoretical and applied disciplines of the legal monument expertise, which emerged at the turn of XIX and XX century. Jointly they reflect the obstacles encountered in creating a normative protection system and define its subject.

The third chapter examines difficulties in applying the definition of a monument to a legal framework and the importance of keeping a public registry of monuments for the evolution of the protective mechanisms. It has been illustrated by a significant doctrinal conflict that emerged during the attempt to implement the first legal act in the Republic of Czechoslovakia in 1934. This conflict, involving various groups of local theorists and politicians who preferred foreign German ideas, presents a steady growth of the significance of a monument as a foundation of evolution of protective mechanisms.

The fourth chapter focuses on the processes of shaping legal and non-legal classification and categories of a monument that led to implementation of fully developed forms of legitimate preservation. This problem has been presented with a view on classifying monuments, based on their perceived value in the post-war Czechoslovakia between 1945 and 1958. Consequently it resulted with the absence of a homogenous system for monument preservation and lack of politically independent organs. Due to various legal regulations, different types of monument, such as residential, urban, and sacral, received a special legal position, thus creating a model of typological classification of monuments. They were categorised by value and functionality within the totalitarian nation. Certain urban monuments, considered to be significantly valuable, proved to pose some unique features, which necessitated in implementation of specific legal terms for their maintenance. Understanding these distinctive elements allowed separating those monuments from the generic definition and implementing their exclusivity in the next stage the legal evolution.

The fifth chapter presents a complete system of protective mechanisms, shaped and developed over two legislations – the act of cultural monuments 1958; and national safeguarding of monuments 1987. It evaluates specification and the level of advancement of the relevant legal terms: monument registry; classification of national monument; and aerial subjects: national reserves, protected territories and historically significant grounds.

The last chapter analyses changes within the legal framework caused by the transformation of political structures over time. This process forced some reorganisation of monument protection policies to separate it from the political influence. This chapter presents a change in a perception of a monument within liberal-democratic society, together with questioning of political agenda for monument protection. It describes the next step in a

theoretical discussion regarding the future of the safeguarding policies being linked with the evolution of the international legislation for cultural heritage. It also shows modern concepts of regulating monument as a wide array of cultural elements (heritage fund), aimed at understanding a traditional definition of monument as a unique element of cultural preservation.

Presented expansion of monument perception within established legal structures allowed the evolution and implementation of direct, specific forms of protection representing both the historical objects and territories, but also general tendencies. It stretches from the point where monuments were not legally regulated to the time when they became one of the key elements of modern legislation. The natural consequence of this change is the implementation of legal categories and distinction of specific forms of preservation. The simultaneous coexistence of two processes: the expansion of a monument's definition (monument – cultural good – cultural heritage), and dynamic growth of safeguarding mechanisms, led to the next stage in the overall perception of a monument. Traditional understanding of these objects is replaced by culturally significant heritage and as an implication of the evolution of protective mechanisms, it becomes such mechanism itself.

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