

# Research, Definitions, Evaluation and Reality, or Why the Leading Masterpieces of Modernism Were Lost in Poland

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Protection of modernist architecture has been the subject of more and more frequent discussions and considerations. Its methods and range have been analysed. Protection of modernist monuments has also been taken into account in the government State Programme for Monument Protection which is to serve as a basis for ventures planned in this area. To be able to realise the planned undertakings, one should not only thoroughly present the experience gained in protecting buildings from the 20th century so far, and point out the successes and failures. It is also necessary to identify the still unresolved problems.

## Problems with protecting modernist monuments

Initially, the most important problems associated with the protection of modernist buildings in Poland ought to be identified:

### 1. Continuous increase of the historic substance.

It is a fundamental problem associated with modern monument protection in Poland. Currently in our country there are over 66,000 immovable objects entered into the heritage register, and almost 135,000 architecture and building objects have been listed in the monument register<sup>1</sup>. There are 6,249 immovable monuments entered into the heritage register only in the Mazowieckie Voivodeship, while there are 7,974 in the Lower Silesia Voivodeship, and 6,854 registered monuments in Greater Poland, which are the two voivodeships abounding in historic sites. The number of historic buildings listed in the monument register is almost twice as many.<sup>2</sup> In the face of a rapidly growing number of legally protected objects, their preservation has become not merely ineffective, but virtually impossible. Another negative phenomenon is entering not only numerous monuments, but their whole complexes into the register - in the form of entries of whole towns or urban or architectonic complexes. Only in the Mazowieckie Voivodeship there are 121 large-scale spatial layouts, with 137 in Greater Poland and 134 in Lower Silesia. In this way, all objects located within a given area are under protection there, which frequently means hundreds of sites, and in extreme cases a few thousand. That also makes effective protection of objects located within a given area practically impossible. Each large-space layout consists of at least a few dozen of monuments, reaching several hundred in extreme cases. The 20th century buildings can constitute a major part of such a group. Examples of such complexes are modernist districts

in large cities e.g. Saska Kępa, Mokotów or Żoliborz in Warsaw, where one entry encompasses a few hundred of modernist buildings many of which do not have a defined protection range, nor do they fall under any separate form of legal protection, which makes taking any protection measures even more difficult.

### 2. Changing the protection range.

The range of protection is also continuously broadened, since the chronological dividing line for objects which ought to be preserved is also shifting. After World War II, only buildings erected before 1850 were unquestionably protected. During the 1970s, the dividing line was shifted till 1914, which was the consequence of pioneer work by Prof. Andrzej Olszewski, and slightly later towards the end of the 1970s and at the beginning of the 1980s, the division line was moved still further thus protecting the objects erected before 1939, which raises no more doubts nowadays. As a result, the first valuable building complexes from the early modernist period in Warsaw, Kraków, Łódź and Poznań were entered into the heritage register already in the 1970s. Currently, not only objects from the social realism period, but also those built until the 1960s are under protection. The process clearly indicates that still new groups of monuments are added on account of the time of their erection. It is to be expected that soon buildings erected during the 1970s, or even until the end of the Polish People's Republic will also be protected. Despite varied forms of legal protection (buildings entered into the heritage register, monument register, located within conservation protection zones or protected by regulations in local spatial development plans)<sup>3</sup>, the number of legally protected objects is still growing, which poses a serious problem. The less restrictive form of protection, the more objects fall under it, which results in low effectiveness of protecting individual monuments and inability to manage such an enormous historic set. Another element is the change and broadening the criteria for recognizing an object as a historic monument. Currently, under protection are buildings representing the values determined in the Monument Protection Act from 23 July 2003 (Journal of Law from 17 September 2003, No. 162, item 1568, art. 3, §. 1), namely the historic value understood as the authenticity of substance, form and function, the artistic value which consists of spatial and aesthetic values, and the scientific value as represented by a historic document and witness to history.<sup>4</sup> Nowadays not only a new "non-material" value has appeared,<sup>5</sup> but also preparations are being made to change the existing Monument Protection Act and to differently

1. The state of heritage and monument register for 31 December 2012, National Heritage Board on the website: [http://www.nid.pl/pl/Informacje\\_ogolne/Zabytki\\_w\\_Polsce/rejestr-zabytkow/zestawienia-zabytkow-nieruchomych/](http://www.nid.pl/pl/Informacje_ogolne/Zabytki_w_Polsce/rejestr-zabytkow/zestawienia-zabytkow-nieruchomych/); entry date: 19-08-2013.

2. Quantitative data for voivodeships on the basis of: Revision of the *Report on the system of cultural heritage protection in Poland after 1989*, ed. Jacek Purchla, Warsaw 2010.

3. *Monument Protection Act* from 23 July 2003, (Journal of Law from 17 September 2003, No. 162, item 1568).

4. M. Witwicki, *Criteria for assessing...*, pp. 82-86.

5. UNESCO Convention concerning protection of non-material cultural heritage from 2003 accepted by the General Conference in Paris on 17 October 2003; came into effect on 20 April 2006.



1. Warsaw, pavilion "Emilia", designed by Marian Kuźniar, Czesław Wagner, 1967-69, which was not put on the List of Contemporary Culture Heritage but was entered with procedural errors into the monument register from which it was subsequently removed. Subject of broad discussion concerning the purpose of protecting a modernist building, caused by previous lack of recognition of its value. Photo by J. Lewicki, 2013

define historic values. Such alterations contribute to constant growth of the historic substance collection, which significantly affects the issue of protecting the 20th century monuments. Both the building, functional layout, interior decoration and even the solution of the surroundings are to be preserved. However, because of legal and technological obstacles, as well as high cost of renovation, effective preservation and conservation of numerous modernist buildings have become very hard, or practically impossible. Large complexes of housing architecture from the 1920s and 1930s, including the so-called social and working-class districts protected only for a few years, can serve as examples. Broadening individual entries to include those huge building complexes (e.g. in Gdańsk or in Wrocław), makes their effective protection either difficult or impossible.

3. Significant loss of value in historic modernist buildings.

It is a consequence of a large number of monuments and inability to effectively supervise their transformations. Building technologies have radically and irreversibly changed, as a result of which even small-scale renovation can lead to considerable transformation and alteration of historic substance. It concerns not only the building substance, but the building details as well as they are replaced with new ones made from different materials. This process is irreversible and inevitable, which cannot be denied. The majority of legally protected buildings have not merely been considerably transformed, but have frequently lost a significant part of their authentic substance and decor. Therefore, nowadays it is difficult to decide what else can be protected in them, or what their real historic value is. It particularly refers to modernist buildings - both those from the 20-year interwar period, and from the post-war period. The simplest repair work - such as laying new terrazzo flooring or traditional multi-layer plaster - have become very problematic and expensive, which makes both their conservation and effective protection very difficult. Analogical situation concerns numerous residential buildings and villas located in cities and outside. Frequently converted and adapted to current needs of their inhabitants they have largely lost their historic values.

4. Imprecise definitions in the monument protection law and other acts.

The basic problem of modernist buildings protection is the imprecise definition of the relations between a "monument" (also "urban" and "building complex") and "contemporary culture heritage", which translates into ineffective protection of cultural heritage described in the Act.<sup>6</sup> The term "monument"

defined in the art. 3, §. 1 Monument Protection Act involves protecting buildings which bear evidence of a past epoch or an event, and rules out protecting buildings erected recently which already possess some historic, artistic or scientific value. Also the notion of "historic urban or rural layout" (art. 3, §. 12) involves merely spatial layouts with their building development and planning, and rules out protection of décor of the buildings with later valuable accumulations. Similarly, the notion of a "historic building complex" (art. 3, §. 13) includes only a spatially connected complex of buildings, and rules out protecting later valuable accumulations. That excludes protection of modernist monuments if they have not been entered as a group, or it has not been clearly stated in the wording of the entry. This is frequently the content of the sentence justification in appeal proceedings, or the ruling of the legal department at the MCNH. Nonetheless, the crucial issue is defining the contemporary culture heritage, whose imprecise wording and legal errors make effective protection of modernist buildings impossible.

The term of contemporary culture heritage was introduced by the Spatial Planning and Development Act from 27 March 2003<sup>7</sup>, which defined it as: "cultural heritage which do not involve monuments, such as statues, commemorative sites, buildings, their interiors and details, building complexes, urban and landscape layouts, which are recognised achievements of contemporary generations if characterised by high artistic or historic value" (art. 2, §. 10). The Act states moreover that the prepared study of conditions and directions of spatial development in an administrative district takes into account conditions resulting "particularly from the state of cultural and monument heritage, and from contemporary culture heritage" (art. 10, §. 1.4), and that the above mentioned study defines "areas and principles of protecting cultural, monument heritage and contemporary culture heritage" (art. 10, §. 2.4), and in the local plan "principles of protecting cultural, monument heritage and contemporary culture heritage" have obligatorily to be defined (art. 15, §. 2.4; see also art. 39, §. 3.2 and art. 54, §. 2 b).

Besides defining the term of contemporary culture heritage in the Spatial Planning and Development Act, no other definitions or references were introduced into other legal acts including the later passed Monument Protection Act. No other legal act contains regulations concerning methods of selecting and assessing objects recognised as contemporary culture heritage either in its articles, or in executive provisions.

### History of activities for modernist monuments protection

The first attempt to break up with the dividing line for protection of monuments created until 1850, which was introduced in Poland after 1945, involved establishing criteria for protecting the most recent architecture by Zdzisław Bieniecki. He initiated those activities, and presented demands and criteria for protection of architecture from that period in an article published in a quarterly *Ochrona Zabytków*.<sup>8</sup> The demands were repeated in Poznań in 1970 during a session entitled *Issues of protecting most recent architecture (1850-1939)*. The consequence of the published article and undertaken activities was gradual increase of protection range so as to include monuments from the 19th and 20th century (until 1939). Those were the first attempts at including monuments with relatively late date of creation into legal protection. Z. Bieniecki introduced the basic criteria - objective, and the auxiliary ones - subjective. The former were divided into theoretical criteria characterised by scientific value, which consisted of the object's age, its uniqueness or rarity of occurrence, typicality of solution, degree of progressiveness (in the scale of the country and the world), degree to which it showed local specificity (in the scale of the region and country), properties of location, relation to complex, design by eminent artists and historic

6. Jakub Lewicki, *Monument - a historic urban and building complex - contemporary culture heritage* [in:] *10 years of the Monument Protection Act. Considerations de lege lata and de lege ferenda*, Materials from national conference in Gdańsk-Gdynia, ed. Bogusław Szmygin, Gdańsk 2013.

7. Journal of Laws 2003, No. 80, pos. 717.

8. Z. Bieniecki, *The need and ways of protecting modern architecture objects*, "Ochrona Zabytków", R. XXII, 1969 No. 2 (85), pp. 83-116.



2. Poznań, department store, designed by Marek Leykam and team, 1948-1954. Building of recognised architectonic and aesthetic value, the basis of whose protection was an entry at the heritage register obtained after years-long administrative procedure caused by the owner's opposition. Photo by J. Lewicki, 2009

value. Practical criteria which included were also significant for Z. Bieniecki.<sup>9</sup> Auxiliary criteria consisted of artistic value (aesthetic) and the representative nature of the object (for the time of its creation, stylistic trend, influence of artistic trends). Z. Bieniecki emphasised that while selecting objects, after a thorough analysis of all sources, all criteria should be treated as equally important and versatility should decide. As a result of Z. Bieniecki's activity, at the end of the 1960s and the beginning of the 1970s the first valuable building complexes from the historicism period in Łódź, Warsaw, Poznań and Kraków were entered in the heritage register.

All later activities were adjustments to the binding state of law, including adjustments to the values listed in the Monument Protection Act (art. 3, §. 1) passed in 2003. An attempt at codification of those values was undertaken by Michał Witwicki,<sup>10</sup> an architect with many years of experience and a thorough humanistic education. He described the historic value, mentioned in the Act, as authenticity of substance, form and function; the artistic value as consisting of spatial and aesthetic values; and the scientific value as value of a document of and witness to history.<sup>11</sup> Those considerations, published in the *Ochrona Zabytków* quarterly, were the broadest elaboration of the values listed in the Act from 2003. They did not refer merely to modernist buildings, but all monuments.

However, the approved codification did not address the basic problem that appeared in the Polish law: an imprecise definition of the relation between a monument, and contemporary culture heritage, which resulted not only in ineffective protection of cultural heritage described in the Act, but also in destruction of many modernist buildings. The topic requires a more detailed description and arouses most controversy, since objects of such type not entered into the monument or heritage register tend to be radically

transformed, and their conservation protection is generally ineffective since it is said that the very notion of contemporary culture *heritage* makes protection of objects belonging to this category either difficult or even impossible.<sup>12</sup> Only from the time perspective and on numerous examples can it be noticed that ineffective protection of modernist buildings as contemporary culture heritage served as an excellent pretext for demolishing them and replacing with new investments.

Spatial Planning and Development Act from 27 March 2003, not only did not define the principles for selecting and evaluating objects regarded as contemporary culture heritage, but it did not even determine the principles for protecting that heritage. It refers particularly to the study of conditions and tendencies in spatial planning of an administrative district, and the local plan of spatial development (LPSD) which are vital legal instruments in spatial planning. Without passing those, there can be no protection of buildings defined as contemporary culture heritage.

The basic element for protecting the contemporary culture heritage, in the light of the passed Spatial Planning and Development Act, are the regulations in the LPSD.<sup>13</sup> It means that authors of the LPSD are responsible for selecting

12. Selected works: Krzysztof Pawłowski, *From a district register to the World Heritage List*, "Wiadomości Konserwatorskie", No. 19, 2006 pp. 90-93; Andrzej Kadłuczka, *Protection of the most recent historic architecture*, "Wiadomości Konserwatorskie", No. 19, 2006 pp. 19-23; Architektura Murator, No. 7 (178), July 2009; Jakub Lewicki, *Issues of adapting modernist architecture for contemporary needs [in:] Adapting historic objects for modern utility functions*, ed. Bogusław Szymgin, Warszawa-Lublin 2009, pp. 69-81; Andrzej Siwek, *Between a monument and contemporary culture heritage*, "Kurier Konserwatorski", 2011, No. 10, pp. 5-11; Joanna Piotrowska, *PDT "Dukat" complex – modernism in Olsztyn*, "Kurier Konserwatorski", 2011, No. 10, pp. 12-20; See: *Atlas of contemporary culture heritage in Lesser Poland Voivodeship*, "Małopolskie Studia Regionalne", Kraków 2009; and P. Jasica, *Atlas of heritage for demolition*, "Architektura-Murator", 2010, No. 4 (187), pp. 22-23.

13. Grzegorz Buczek, *Contemporary culture heritage and its protection in local spatial policy and law*. Part 1. *Definition and criteria of identification*, "Urbanista", 2005, No. 11, pp. 25-28; Part 2. *Regulations in the study of the district CTSD*, "Urbanista", 2005, No. 12, pp. 25-28; Part 3 *Regulations concerning protection of contemporary culture heritage in the local plan of spatial development*, "Urbanista", 2006, No. 1, pp. 29-33.

9. Cited after: Z. Bieniecki, *op. cit.*, pp. 91-95.

10. M. T. Witwicki, *Criteria for assessing the historic value of architecture objects as a basis for entry in the heritage register*, "Ochrona Zabytków", R. LX, 2007, No. 1, pp. 77-98.

11. M. Witwicki, *Criteria for assessing...*, pp. 82-86.



3. Warsaw, 2 Puławska St., shopping centre "Supersam", designed by Ewa and Maciej Krasińscy, Jerzy Hryniewiecki, Maciej Gintowt, Waclaw Zalewski, Andrzej Żórawski, Stanisław Kuś, 1959-62, interior, state in April 2006, no longer exists. Mazowieckie Voivodeship Monument Conservator refused to put it under legal protection as not suitable to be entered into the heritage register. It allowed for this most precious building from the second half of the 20th century to be demolished and replaced with a new investment. Photo by J. Lewicki, 2006

monuments in each district, and it refers both to new plans and the revised ones. The basic problem for protecting contemporary culture heritage is the lack of approved LPSD. That situation undermines the sense of protecting contemporary culture heritage included in the Spatial Planning and Development Act. The greater part of the territory of our country does not have approved LPSDs. Particularly dangerous is the fact that in bigger cities the area included in approved LPSDs frequently does not exceed several percent, or even 3-5 % of the city area. As a result, spatial planning is quite ineffective, and there is complete latitude in activities referring to objects regarded as contemporary culture heritage. That situation is totally out of control of the legal standards' initiators, but primarily of conservators trying to preserve selected buildings regarded as contemporary culture heritage. Nevertheless, it has been attempted to indicate all the possibilities resulting from the Spatial Planning and Development Act, and to specify the procedure of recording the protection of contemporary culture heritage in studies and LPSDs.<sup>14</sup> Even those meticulous analyses and considerations prepared by experienced planners pointed out several legal shortcomings and difficulties in executing this form of protection. It was emphasized that without approving spatial development plans there can be no protection of contemporary culture heritage mentioned in those documents.

In order to complete the regulations determining methods of selecting and evaluating buildings regarded as contemporary culture heritage, various architectonic environments took individual initiatives aimed at creating

appropriate definitions and procedures. Firstly, clear criteria distinguishing contemporary culture heritage, which would be translated into the legal jargon, were to be defined. Next, objects meeting those criteria were selected. Establishing the principles for the passive and active protection of those objects was to be the final stage. Usually, however, the protection principles were either never established or never implemented.

In the years 2000-2003, on the initiative of the members of the Warsaw Branch of SARP, criteria that would help to select contemporary culture heritage were prepared.<sup>15</sup> They were meant to carry out selection and evaluation of architecture created within the second half of the 20th century, initially determined as the years 1945-60. The criteria included 8 points as follows:

1. Criterion of innovation both in the context of architectonic, spatial and technical solutions;
2. Criterion of context, coexistence at the stage of creation, and later spatial development of the location site;
3. Criterion of local tradition, including contradiction as an attempt to create new values or creative accumulation of generations' heritage;
4. General criterion of a symbol, e.g. for visitors (job migrations and tourism);
5. Criterion of contemporary recognition - awards, distinctions, opinion polls;
6. Test of time criterion, preservation of spatial and aesthetic values despite degradation resulting from technical wear and tear or/and manager's negligence, or spontaneous building development of adjoining terrain;
7. Artistic criterion;
8. Criterion of uniqueness, e.g. the only such object preserved in an unaltered form.

On that basis the Contemporary Culture Heritage List was prepared in Warsaw. Analogical criteria were later prepared by other Branches of SARP. The selection principles

15. See: Jakub Lewicki, *Protection of modernist architecture. Polish practice in recent years* [in:] *Prolegomena to protection of architectonic objects and urban complexes of the 20th century Poznań*, ed. Hanna Grzeszczuk-Brendel, Gabriela Klause, Grażyna Kodym-Kozaczko, Piotr Marciniak, Publisher: Poznań University of Technology, Poznań 2009, pp. 79-86; Idem, *Conservation of modernist architecture in Poland. Practice in recent years*. [in:] *Architecture of the 1st half of the 20th century and its protection in Gdynia and Europe. Modernism in Europe. Modernism in Gdynia*, Gdynia 2011, pp. 227-236.; Idem, *Ochrona zabytków architektury najnowszej - polska teoria i praktyka konserwatorska* [in:] *Legal protection of monuments*, ed. Teresa Gardocka and Jacek Sobczak, Wydział Prawa SWPS, Toruń 2010, pp. 193-207; Idem, *Protection of architecture from the second half of the 20th c. in Poland. Conservation theory and practice* [in:] *Zabytki drugiej połowy XX wieku - waloryzacja, ochrona, konserwacja. Das Erbe der Nachkriegszeit erhalten und erneuern - Denkmale der moderne und gegenmoderne. Architecture of the second half of the 20th century - studies and protection*, ed. Bogusław Szmygin, Jörg Haspel, ICOMOS Polska, ICOMOS Deutschland, Warszawa-Berlin 2010, pp. 149-159.

4. Warsaw, 9 Bracka St., pavilion "Chemia", designed by Jan Bogusławski, Bohdan Gniewiewski, 1960-61, overall view, state in 2008, no longer exists. Building erected in the second half of the 20th century, of recognised architectonic value, experimental construction, and a characteristic aesthetic form, not legally protected and demolished despite being put on the List of Contemporary Culture Heritage, Warsaw Branch SARP. Photo by J. Lewicki, 2008



14. Ibidem.



5. Warsaw, *Wiech's passage*, designed by Zbigniew Karpiński, Jan Klewin, 1960-69. Another example of a building of recognised architectonic and aesthetic values not legally protected and demolished, despite being entered into the List of Contemporary Culture Heritage, Warsaw Branch SARP, in order to be replaced with a new architectonic composition. Photo by J. Lewicki 2005

were most thoroughly discussed and prepared in Poznań (2007-2008),<sup>16</sup> and then in Wrocław. By now similar criteria, which usually are a revised and updated version of the Warsaw ones, have been prepared in almost all voivodeships. However, preparing the selection criteria did not prevent later transformations or demolitions of many modernist buildings recognised as contemporary culture heritage, since their ineffective protection was an excellent pretext for converting or replacing them.

Protection and status of contemporary culture *heritage* was also a subject of numerous sessions and meetings. Pioneering role was played by the session *The heritage register or the contemporary culture heritage list* organized in 2006.<sup>17</sup> Although more than 20 papers were presented and post-conference materials were published, the problem has neither been defined nor resolved, so far. It turned out clearly that the issue requires methodical work. Therefore, in 2007 a special group of experts was appointed within the National Centre for Research and Documentation,<sup>18</sup> whose aim is to work out the criteria for protecting the 20th century architecture and compiling an all-Poland list of most valuable objects which ought to be preserved. Because of the number of issues, the commission first took on buildings from the first half of the 20th century. The effect of the experts' work was preparing new criteria for evaluating the masterpieces of modern architecture and commencing the assessment of architecture from the interwar period. The new criteria were based on the binding Monument Protection Act and added to the current legal system in Poland. After carrying out the evaluation of monuments in particular voivodeships, the criteria were to be gradually implemented.

The above described problems are closely connected with the Monument Protection Act. Buildings which could not be preserved as contemporary culture heritage and included in appropriate regulations of LPSDs, began to be entered into the heritage register, or monument register because, from the perspective of a few years, it turned out to be the most effective form of protection. Thus the endangered 20th century buildings were put under legal protection. The example of unregistered and legally unprotected "Supersam" shopping centre in Warsaw (2 Puławska St. designed by Ewa and Maciej Krasińscy, Jerzy Hryniewiecki, Maciej Gintowt, Waław Zalewski, Andrzej Żórawski, Stanisław Kuś, 1959-62) which

was demolished, showed that legal protection is the only way to preserve a building. Demolition of that valuable building saved another one from the second half of the 20th century, namely the Palace of Culture and Science (designed by Lew Rudniew and team, 1952-55) which was entered into the heritage register. It is the best known example of establishing legal protection for a 20th century architecture object, which was accompanied by a massive press campaign. The issue quickly acquired a political dimension, and preventing the palace from being recognised as a monument became a matter of honour for the right-wing representatives. Also in this case, entry in the heritage register saved the buildings threatened by radical transformation.

The most famous case associated with legal protection of a 20th century edifice referred to pavilion "Emilia" in Warsaw (designed by Marian Kuźniar, Czesław Wagner, 1967-69) which was not entered into the Contemporary Culture Heritage List, and its architectonic values had not been mentioned in any previous studies. The procedure of entering the building into the district monument register became the subject interpreted by the General Monument Conservator, Piotr Żuchowski, from 18 December 2012. The

6. Katowice, railway station, designed by Waław Kłyszewski, Jerzy Mokrzyński and Eugeniusz Wierzbicki, 1966-1972. Example of a building of recognised architectonic and aesthetic value, generally regarded as the most precious Polish example of brutalism, which the Silesian Monument Conservator, refused to enter into the heritage register, as a result of which the building was demolished and replaced with a new one. Photo by J. Lewicki, 2007



16. *Prolegomena to protection of architectonic objects...*, ed. 1 Poznań 2008; ed. 2 Poznań 2009.

17. "The heritage register or the contemporary culture heritage list". Post-conference materials published with the cooperation of the Capital Monument Conservator in Warsaw.

18. Jakub Lewicki, *Appointing an advisory body for protecting modernist architecture monuments in Poland*, "Ochrona zabytków", 2007, No. 1, pp. 21-22.



7. Warsaw, Central Department Store, 15/19 Bracka St., designed by Zbigniew Ihnatowicz and team, 1948, the most valuable Polish building from the 1940s. Example of an erroneous entry into the register - a building whose part is under legal protection, while the rest of the complex is to be legally demolished and replaced with a new investment. Photo by J. Lewicki, 2011

issued document contained comments concerning procedures in an analogical situation to be applied to all such objects, and was sent to all conservation offices in Poland. The document describes in detail the procedure of entering an object in the monument register and its subsequent stages, including the duty of the voyt, mayor or town president to issue a decision about listing the building address in the district monument register, as well as the need to "informing the public in a way accepted in a given district". It was clearly written, that "if the above mentioned are not observed, the Minister of Culture and National Heritage in administrative proceedings will not acknowledge those sites and objects as recorded in the district monument register". The consequence of the aforementioned letter was the Regulation No. 3726/2013 issued by the President of the Capital City of Warsaw on 3 January 2013, concerning changes in the monument register of the Capital City of Warsaw involving e.g. entering the pavilion "Emilia" in the district register,<sup>19</sup> and simultaneously allowing for a broader interpretation of analogical situations all over Poland. As a result of that interpretation, buildings previously recognized as contemporary culture heritage, were removed from monument registers in various areas. For instance, on 3 January 2013 Mazowieckie Voivodeship Monument Conservator, Rafał Nadolny, in the letter No. WD.5133.1.1.2013 stated that it was indispensable to verify previous registers in order to exclude modern objects among contemporary culture heritage. The letter resulted in removing such objects from the register in the Mazowieckie Voivodeship, including the mentioned pavilion "Emilia" in Warsaw. However, in various voivodeships there are still various practices in the field, and many 20th century buildings are preserved by an entry to the heritage or monument register since numerous officials are aware that ineffective protection of modernist buildings as contemporary culture heritage is an excellent pretext for their demolition and replacement with new investments.

The procedure of entering an object into the district monument register was the subject of the Ombudsman's address to the Ministry of Culture and National Heritage on 14 November 2012. The Ombudsman pointed out that a citizen had to have a possibility of actively participating in the proceedings which ought to be conducted in accordance with the principles of the Code of Administrative Proceedings. The Minister for Culture and National Heritage on 22 February 2013 decided that the district monument register was a temporary solution whose range would be limited and including a monument in the district monument register did not establish a new legal situation from the owner's viewpoint, but only issued decisions concerning building conditions, building permits and agreements concerning the above

mentioned decision created a new legal situation. The Minister thus explained doubts connected with protection of modernist buildings recognised as contemporary culture heritage and then entered into monument register.

Such is the current outcome of legal proceedings aimed at protecting the 20th century objects. The majority of them are either protected by the Monument Protection Act, or as contemporary culture heritage they are in danger, since with no LSDP their protection has no legal basis.

#### **Factors influencing ineffective conservation protection of modernist architecture**

Among disadvantageous situations making protection of modernist buildings impossible, the following can be distinguished:

- ineffective protection of contemporary culture heritage;

That activity refers to situations described above and is independent of conservation services. Ineffective protection results from the current legal state – including the buildings into contemporary culture heritage and lack of spatial planning documents (LPSD) allowing for such protection. Many Polish modernist buildings were destroyed because of being regarded as contemporary culture heritage. The best known example was the earliest prepared Warsaw List of contemporary culture heritage,<sup>20</sup> most of which was either destroyed or converted. The List was to commence activity in this field and a model enterprise of its type, but de facto became a list of transformed and demolished buildings. Analogical situation concerned the "Dukat" department store in Olsztyn (Jerzy Sołtan and Zbigniew Ihnatowicz, designed in 1959-62, completed in 1965) transformed as contemporary culture heritage, which was not prevented by the proceedings concerning an entry into the heritage register discontinued by a higher authority.

- buildings not protected by law – only press or professional environment discussion, no administrative procedure in the conservation office;

One can frequently encounter appeals to preserve concrete modernist buildings. But they are merely so called press or environmental facts – lack of legal protection of those buildings makes any intervention of conservation services impossible. An example of an unprotected building was the "Chemia" pavilion in Warsaw (9 Bracka St., designed by Jan Bogusławski, Bohdan Gniewiewski, 1960-61) in the case of which, despite formal application and professional appeals, the administrative procedure of entering it into the heritage register was not undertaken. At the beginning of the 1990s, an analogical situation took place in the case of the so called Wiech's passage (designed by Zbigniew Karpiński,

19. Pos. 9 in annexe A to Regulation No. 3726/2013 issued by President of the Capital City of Warsaw from 3 January 2013, concerning alterations in the monument register for the Capital City of Warsaw.

20. Warsaw List of Contemporary Culture Heritage was first published on the site of the Warsaw Branch of SARP.



**8. Żelazowa Wola, garden around the manor commemorating the birthplace of Fryderyk Chopin, designed by Franciszek Krzywda Polkowski, second half of the 1930s, the most valuable Polish modernist garden composition. a. Project; b. Current state - present-day garden composition which replaced the originally planned greenery. Photo by J. Lewicki, 2012**

Jan Klewin, 1960-69) which was a part of the East Wall composition in Warsaw, or the interiors of the *Dom Chłopa* in Warsaw (designed by Bohdan Pniewski, Maria Handzalewicz Waclawek, 1958-61).

- proceedings for legal protection were not initiated or legal protection was refused;

Protection of modernist buildings is impossible because of no legal protection – not only were the relevant proceedings not initiated, but also frequently an appropriate conservation office discontinued the proceedings for the entry into heritage register thus stating that a given building was not a monument and did not deserve to be preserved. In such a case, despite press or professional appeals, no official actions geared towards protecting a modernist building can be undertaken. The best-known buildings dismantled as a result of refusal to enter them in the heritage register were: the Railway Station in Katowice (Wacław Kłyszewski, Jerzy Mokrzyński and Eugeniusz Wierzbicki, 1966-1972) and the shopping centre "Supersam" in Warszawa (designed by Maciej Krasiński, Jerzy Hryniewiecki, construction: Wacław Zalewski, 1960-1962). They were among the most valuable buildings erected during the Polish People's Republic period, and at the same time the greatest losses among modernist edifices demolished after 1989. Buildings which are still not legally protected despite their generally recognised historic, artistic and scientific value can frequently be encountered. An example is the "Patria" sanatorium in Krynica, designed by Bohdan Pniewski (1933), which once belonged to the opera singer Jan Kiepura.

- proceedings were carried out but with glaring procedural errors – imprecise entry or refusal of legal protection;

Protection of modernist buildings is made impossible by an imprecise entry in the heritage register involving an erroneous definition of the range of protection or the protected area. An analogical situation can also refer to the form of legal protection which rules out protection of interior décor of a modernist building. Poor quality of the entry in

the heritage register can also be as obstacle; then the range of protection or the protected area has not been precisely defined. In such cases the course of the administrative procedure connected with legal protection is of the utmost importance for the preservation and conservation of the modernist building and decides about its range. An example of a decision with erroneous range of protection was the Central Department Store in Warsaw (15/19 Bracka St., designed by Zbigniew Ihnatowicz and team, 1948) when, as a result of an administrative procedure conducted on the basis of unverified evidence, only one part of the complex was taken under protection. Currently, the other (lower) part of the complex will be legally demolished because of renovation, adaptation and extension of the building.

- opinions of the incumbent conservator and the object owner.

The greatest problem is unwillingness, on the part of officials and owners, to preserve modernist architecture resulting from lack of specialist knowledge and aversion to such buildings. It can refer both to the incumbent conservator and the object owner. The reason for such an attitude is frequently lack of understanding or of social and conservator's acceptance of modernist buildings. An example of such an approach were the actions taken in relation to the "Chemia" pavilion in Warsaw when, although an application had been put forward, the Warsaw Conservation Office did not initiate proceedings for the case. Another example of destroying a valuable modernist monument was the "conservation" of a modernist garden in the grounds of the manor-monument commemorating the birthplace of Fryderyk Chopin in Żelazowa Wola (designed by Franciszek Krzywda-Polkowski, second half of the 1830s), as a result of which a present-day garden composition was created.<sup>21</sup>

### Summary

Having discussed the problems associated with protection of modernist architecture in Poland, one can determine the rules that should govern the future activity in this field, namely:

1. The basis of future activity ought to be the binding law and the Monument Protection Act from 23 July 2003. The most effective form of protection is an entry in the heritage or monument register based on the criteria included in the Act (artistic, scientific and historic value - art. 3, §. 1). It should be stressed that ineffective protection of modernist buildings

21. Negative opinions and remarks concerning the conservation project of the garden in Żelazowa Wola in the Archive of the Mazowieckie Voivodeship Monument Conservator in Warsaw and the collection at the Archive of the National Heritage Institute in Warsaw.

as contemporary culture heritage served as a pretext for demolishing them and replacing with new investments.

2. For efficient protection of modernist monuments it is necessary to verify buildings from that period. The essential distinguishing criterion ought to be the importance of the building defined as European, above-regional or local rank. The verification process should be carried out jointly by various milieus and their representatives, and the resulting study should be verified several times.

3. The principles for verifying the significance of modernist buildings, which will subsequently be protected, ought to be clear so that particular groups of monuments can easily be classified. Verification ought to use the smallest possible number of criteria, which would facilitate the actual selection. Only in this way can we avoid adding new groups of monuments or values difficult to define. Selected criteria cannot fit everything since if you protect everything, you protect nothing. It particularly applies to numerous modernist buildings the majority of which create the urban architectonic landscape.

4. It is also indispensable to evaluate individual monuments from the modernist period. It should be based on a unified scale of values. Its basis ought to be determining absolutely protected values, those possible to transform, and the lost ones that are necessary to recreating/reconstructing each building. Those criteria should refer to the whole building and its particular parts.

It should be emphasised that only fulfilling those conditions will make the protection and conservation of modernist buildings in keeping with the current state of knowledge and binding law. It will radically limit demolishing objects regarded as precious and worthy of preservation and previous experience will allow for effective protection in the future.