

# Architecture and Copyright: Loos, Law, and the Culture of the Copy

Today's architectural model workshops have become alchemical chambers of curiosity, invested in turning information from digital files and various powders, sugars, or liquids into solid three-dimensional objects. Machines such as the latest EOSINT M270 can build in bronze alloy, steel, and cobalt chrome used for "tooling" and "prototyping." Thus, simultaneous and very similar to the development of contemporary

design techniques, the entire process of copying emerges at the intersection of a set of digital media and design technologies. But what makes the copy—and, in particular, the architectural copy—so interesting is that it is a phenomenon of modernity. Just like the print, the photograph, the film, or the digital file, it is both a product of the media and a media form that in every situation and period reflects on the existing means of examination, production, and reproduction.

We tend to think of the problem of mimicry within architecture and media as belonging to photography; sometimes, we discuss the media facades of buildings, but in these cases the agent and agency of mediatization moves through images. As reproduction technologies start shifting into the third dimension, we must relocate the discussion of the copy from the context of the fake and copyright law and place it at the heart of the media field. The copy is a reproduction—a media form in itself—referring both to itself and to its original, a part of an endless series of "aura-less" multiplications.

Today, architectural doppelgangers appear to be produced in a kind of shadow economy without exact records, statistics, a "central" planning agency, archive, or lawyers. Architectural copies can be ignored easily, or dismissed as low art, or appear irrelevant for truly disturbing the nature and esteem of the "original." But, of course, the difference between production, copying, and faking lies in the position the object has in relation to the law—or copyright law, to be more precise.

What I am concerned with here is the mesmerizing logic of architectural doppelgangers, often banalized by vague judgments about globalized architectural "exports" and "imports" or stifled in a debate about the lesser value

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Figure 1: House Josephine Baker, Paris (1928). Architect: Adolf Loos. A reenactment by Ines Weizman and Andreas Thiele for Ordos 100, 2008.

of the copy to the original. Generally, if we want to think of the difference between the copy and the fake, we think of the heir to the crown and the bastard son. The difference between them is understood as one of legitimacy. The fake is imbued with moral and religious undertones, in the same way that the fake gods are the fetish that must be broken by the iconoclast or the manner that in 2012 nearly 100,000 imitations of Louis Vuitton bags, Ralph Lauren shirts, and pirated DVDs that flooded the market in Thailand were destroyed in incinerators. The destruction of the fake promises to assure consumers and merchants of the truth, the respectability of their products, and the righteousness of their dealings. The question of the right, or the law, comes to regulate the threshold between a legitimate influence and (illegitimate) theft.

But if the architectural doppelganger is an illegal media form, or a continuous skirting at the margin of the law, perhaps it could also be a figure of dissent, outside of the establishment, irrational, legally unreliable. Can a simulacrum work as a discord and critique, a unique gesture that is able to address and converse with an object, or a building?

A project for which I became directly involved with the complexity of copying as media began in 2008 with an invitation to participate in the Ordos 100 project in the Gobi Desert in Inner Mongolia, China. The city of Ordos was then prophesized to become a megacity by 2020. Part of a development for a new city district for 200,000 people was reserved for a private initiative to build an exclusive settlement with a museum, a clubhouse, and artist residences, all surrounded by 100 luxury villas. The master plan was developed and curated by Ai Weiwei's FAKE studio in Beijing, which asked Herzog and de Meuron to select 100 architects from around the world to realize the master plan. The commission was to design a villa of 1,000 square meters with a swimming pool and parking facilities for two cars and an opulent room program that in its anonymity (the house would be built without a specific client) rendered questions about the cultural context and purpose generally meaningless.

One of the intentions of my design proposal was to challenge the unspoken limits of this project. Uncertain about whether and how to react to the historical, economic, political, and geopolitical context of this project in China, I decided not to offer new forms but to propose a known building and a known author, reflecting thus on the very condition of reproducibility of contemporary architecture.

### LOOS, LAW, AND THE CULTURE OF THE COPY

In 2008, 75 years after the death of Adolf Loos, copyrights over his work, like any work 75 years after the death of its author, have become public. The same year, I submitted a proposal to the Ordos 100 project that was to celebrate the making public of the copyrights (copyleft) over Loos's oeuvre by building a facsimile of House Baker, the house Loos designed but never built for the legendary singer Josephine Baker in 1928. What is presented in this paper is a detailed analysis of the history of copyright disputes discovered when I, together with architectural historians and copyright lawyers, began

to research the possibilities of realizing a copy of a building that has, in fact, no original.

### **THE HISTORY OF COPYRIGHT DISPUTES OVER THE ADOLF LOOS ESTATES**

In 1922, Adolf Loos wrote a will in which he leaves for his second wife, Elsie Altmann, his entire property. The couple divorces in 1927, but the will remains unchanged. In 1933, after the death of Adolf Loos, Elsie Altmann (so she claimed in a letter to Walter Koschatzky in 1966—but this fact is indeed controversial) accepted the inheritance and commissioned Ludwig Münz, an art historian and friend of Adolf Loos, to systematize the assets of Loos.

In 1933, Elsie Altmann is at the height of her career as Vienna's operetta star. When she takes up a theatre engagement in Buenos Aires, she says, she assumes that she will be away for only two months. So she does not fully complete the paperwork that would confirm her acceptance of the inheritance. The *anschluss* of Austria to Hitler Germany in 1938 makes her return impossible. Also, other Jewish friends and collaborators of Loos such as Ludwig Münz (Britain), Heinrich Kulka (New Zealand), and Kurt Unger (Palestine) are forced to flee Austria.

Ludwig Münz takes the collection, which he already refers to as the "Loos archive," with him to London, where, with the help of RIBA librarian Edward Carter, he finds a safe storage for the documents and portfolios there during the war. In 1946, the RIBA returns the archive to Ludwig Münz. From then on, everybody seems to treat the archive as owned by Ludwig Münz. In 1966, Ludwig Glück, who had edited and published the writings of Adolf Loos, as well as a small monograph on Loos in 1931, informed Walter Koschatzky, director of the Albertina (the largest museum and archive in Vienna), that Elsie Altmann might have ownership claims to the Loos documents. Despite the warning, Walter Koschatzky, with the support of the in-house legal advisors, acquires the "Loos archive" from the heirs of Ludwig Münz's widow, Maria, in 1966.

Since then, the archive is in the possession of the Albertina. As Elsie remains in Argentina, all her legal claims on the work of Adolf Loos have to be made from a distance. In 1966, she reacts in a letter addressed to Walter Koschatzky, stating that the Albertina bought the so-called Loos archive from the family of Ludwig Münz, indeed claiming her rights to the material. In the 1980s, she begins a series of legal disputes with the Albertina. In the last years before her death in 1984, she is supported in her claims by Prof. Adolf Opel, to whom she eventually transfers all her rights over the Adolf Loos assets. In the 1990s, Elsie Altmann's daughter Esther Gonzales-Varona contests the rights of Adolf Opel, but all her claims fail in front of the court in Austria and Adolf Opel begins to collect, edit, and publish the writings of Adolf Loos. He states that all reproductions of works of Adolf Loos need to have his permission.

In 1962, Ludwig Glück published a new addition of writings by Adolf Loos that he had originally edited and published in 1931 with Brenner Verlag Innsbruck. This publication, "Sämtliche Schriften: Band 1" (Herold Verlag), was agreed to by Elsie Altmann, and royalties were shared between Glück



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Figure 2: Model of House Baker,  
Adolf Loos (1928), street view, 2012  
©Armin Linke, 2012.

Figure 3: Model of House Baker,  
Adolf Loos (1928), rear view, 2012  
©Armin Linke, 2012.

and Altmann. We could assume that Adolf Opel continues these agreements after the death of Altmann and Glück.

### LOOS'S ADOPTED SON

In about 1935, the adopted son of Loos (Loos had no biological children), Walter Pirschl-Loos, living in Brno, tries to dispute Loos's will of 1922. Scholars at the Albertina argued that Walter Pirschl and also Elsie Altmann have refrained from their claims when they realized that Loos had left no fortunes behind and that his assets needed to be professionally systematized before they could be published. As far as I could see, there is no evidence of this. But it might be true because after Loos's death, friends and colleagues were collecting money to cover the costs for the hospital and the funeral. In fact, there is no official document that states either that anybody rightfully accepted the inheritance or that it was rejected. After the death of Walter-Pirschl in Innsbruck in 1957, and after the first publications on Adolf Loos appear in the 1960s, the heirs of Walter-Pirschl attempt again to claim ownership rights. Their claims are rejected.

### LOOS'S WISH TO BURN HIS ARCHIVE, 1925

A second claim regarding the ownership originates in Adolf Loos's wish made in 1925 to his collaborator Heinrich Kulka and his friend Grete Hentschel to "burn" his archive in Vienna, because he now planned a new career in Paris. Instead of fulfilling their promise, Kulka and Hentschel kept the documents with the plan to prepare a monograph of Loos's work. The aim was to finish it for Loos's sixtieth birthday in 1930. They commission the photographer Martin Gerlach Jun to photograph all of Loos's work, realized or in model form. Among the photographs taken by Gerlach is also the model for House Josephine Baker. It seems also that Loos commissioned students and collaborators to redraw some plans for the publication.

In 1931, it was probably Loos himself who asked Kurt Unger, a young architect from Pilsen who worked for him at the time, to "redraw" the plans for House Josephine Baker. However, these drawings arrive too late to be included in Heinrich Kulka's first catalogue of works and selected writings by Adolf Loos (Heinrich Kulka, *Adolf Loos: Das Werk des Architekten*, Anton Schroll and Co., Neues Bauen in Der Welt, IV, Vienna, 1931). I found them published for the first time in the small catalogue of an exhibition in the Viennese Gallery Wurthle in 1961.

Between 1925 and 1933, most of Adolf Loos's drawings, documents, models, and portfolios were with Heinrich Kulka, who had prepared the book on Loos. Other documents were in the hands of Ludwig Glück, who had published Loos's writings and was offered manuscripts as a reward for his editing work. Others were in the hands of Ludwig Münz, Grete Hentschel, friends, collaborators, and former clients of Loos.

When Elsie Altmann meets Kulka and Münz in Loos's apartment in Börsendorfer Strasse, besides the interior and furniture designed by Loos, probably only a small amount of personal documents had remained

there after Claire, Loos's last wife, had moved out in 1931. Elsie Altmann always claimed that Münz removed the "archive" from the apartment without her permission. However, at the time of Loos's death, most of the documents were already in those private possessions or collections mentioned above. Also, we know that after 1931 Adolf Loos became too weak to climb the stairs to the fourth floor, so he was forced to rent out his apartment to afford the apartment on the first floor and, later, his stays in hospital until his death. We can assume that the most valuable works and documents had been removed from the flat already before his death. During the war, while Ludwig Münz took the main part of the archive to London, it was Ludwig Glück who continued the collection in Vienna. After the family Münz sold the Loos archive to the Albertina in 1966 and a public institution was found to research the Loos works, Ludwig Glück and other private persons who still owned drawings and documents sold or donated their possession to the Albertina. I assume that there are still documents that are in private hands without having ever been published.

Essentially, this group of friends, students, and collaborators, today represented by the Albertina, argue that they are not dealing with the assets of Adolf Loos and instead emphasize that they have constructed their own collection.

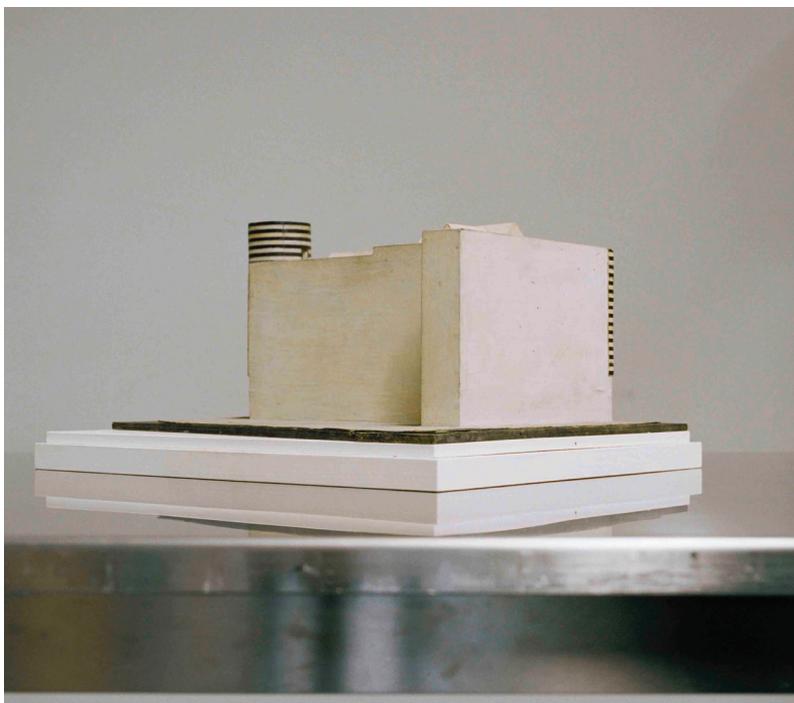
#### **LOOS'S COLLABORATOR IN THE PROJECT FOR HOUSE JOSEPHINE BAKER**

In the interview I conducted with Prof. Adolf Opel in May 2012, I asked about the copyrights for House Baker. Adolf Opel confirmed that the copyright was free 70 years (which seems to be the standard in Austria) after the death of Adolf Loos. However, he mentioned that Ludwig Münz and Gustav Künstler, in their book *Adolf Loos: Pioneer of Modern Architecture* (Anton Schroll and Co., Vienna, 1964), list Yehuda Kurt Unger as the collaborator and hence as a further copyright holder in the project House Baker.

Adolf Opel claimed that Unger also built the model. Unger died in Haifa, Israel, in 1989. Opel claimed that instead of the heirs, he, Adolf Opel, needs to be asked for permission and that I possibly have to pay him a license fee for my project in China. It appears to me unclear why Adolf Opel would have the authority from the heirs of Kurt Unger. In spite of this, I think on the basis of the articles and letters by Unger, one can see that Adolf Loos met Unger for the first time in 1930, while the project and model for House Baker were produced in 1928.

In the article that Yehuda Kurt Unger wrote in 1981 ("Meine Lehre bei Adolf Loos," *Bauwelt*, No. 42, 6 November 1981, 72 Jrg.), he even states that Münz and Künstler wrongly assign him the position of a collaborator. He writes that he was asked to "merely redraw" the existing plans, that is, to prepare accurate but not highly detailed plans for publication. In order to be more accurate, he had to correct a few mistakes such as add missing columns and support for the swimming pool on first floor. One could argue that Yehuda Kurt Unger is hence not the collaborator in the project of House Josephine Baker and, consequently, the copyright is alone with Adolf Loos. The rights can be inherited but only until 75 years after the death of the

Figure 3: Model of House Baker, Adolf Loos (1928), rear view, 2012 ©Armin Linke, 2012.



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author. In the case of Austria, it is 70 years after the death of the author. Hence, what legally matters for the architectural reenactment of House Baker in China is only the death date of Adolf Loos. Seventy-five years after the death of the author, which is in December 2008, the copyright limitation on Adolf Loos's works expired. Since then we are free to use his plans.

#### **ARCHITECTURE IN THE AGE OF COPYRIGHT**

It appears interesting to look at different legal settings and legal battles in which the reproduction of bits of architecture is debated. Such debates often encounter the difficulty of exactly defining creative work and intellectual property in architecture, but, also in a retrospective view, how architecture and its various definitions are being conditioned and reformulated to endure the cross-examinations in front of a court. One could assume that the various methods of interrogation and procedures with which architecture is displayed (i.e., in drawings, models, etc.) and disputed as evidence in a courtroom challenge both the architecture of the room and the trajectory of the disputed architectural object itself.

Unexpectedly, the idea to propose a facsimile of House Baker in Ordos revealed a whole gush of little-known but serious legal disputes around the ownership of Loos's archive and work that was contested by various parties from various countries ranging from Austria, Argentina, and Britain to Czechoslovakia and, potentially, Israel. I have mapped and exhibited these disputes in a recent installation in the Venice Architecture Biennale, titled "Repeat Yourself: Loos, Law, and the Culture of the Copy" (2012). But the proposal to realize the copy of a building that had, in fact, no original also represented a new challenge to architectural design that was now to be

judged and tutored by the opinions of copyright lawyers and architectural historians. The house was designed after a short chat between Loos and the dancer Josephine Baker in Paris, most likely without being commissioned. Essentially built as a stage for a seductive spectacle of viewing a swimming pool like an aquarium and its mirroring effects, one can see the house as an architectural love note.

By strange coincidence, the brief for the villa in Ordos could be accommodated within the framework given by Loos. The archival/architectural actualization or reification of the found original plans necessitated an intense research into the work of Adolf Loos. The practice of redrawing and researching for the historical references—the reenactment of the drawings—became a new love letter of sorts.

In the case of Loos's Josephine Baker House, copyrights were no longer protected in the sense of belonging to Loos, a relative, or a collaborator. But they still belong to the building: they are now the rights of the building itself. These rights are not simply to replicate the building endlessly. They have to be thought about carefully. The interest of the building has to be taken into consideration in a separate way than the interest of Loos or of any of his relatives.

The project aimed to test and challenge the notion of whose rights are copyrights. If copyright is to objects what human rights are to people, then the right of copying/reproduction will have to be rethought. Copyright is nowadays understood as the consequence of determining the identity of a maker of an object, a thing, an idea, a structured assemblage, or a building and, eventually, the privilege of a maker. But what if copyrights are not to be thought of as the rights of designers but as those of the objects/buildings themselves? For this to happen, we need to turn in our minds objects/buildings into something like subjects—the bearers of rights. Architecture's rights must be beyond and regardless of the right, reputation, or financial interests of the architect. Sometimes, architecture will have to be protected from its architect. ♦

