



# ACT OF EMBODIMENT

**LISA ADELMANN**

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VOLUPTAS Chair Charbonnet / Heiz ETHZ  
Chair for the Theory of Architecture Prof. Laurent Stalder ETHZ



**#1**

«The canton of Valais is considered the prototype of Swiss spatial planning sins: The main valley in particular is disfigured by industry and scattered settlements.»

– SWISSINFO.CH, BADEN AND VALAIS: CHAMPIONS AND SINNERS OF SPATIAL PLANNING (17.08.2020)

With advancing urbanization, landscapes are becoming increasingly limited – be they purely natural or man-made. The Alpine valleys in particular are not spared from urban sprawl. According to [swissinfo.ch](http://swissinfo.ch), the canton of Valais is considered the quintessential Swiss spatial planning sin, where the main valley has been disfigured by industry and scattered settlements. The landscape has been stripped, excavated and built upon with frightening rapidity and totality; energy management and hydraulic engineering are only part of the story. The sluggishness of man and the diversity of interests within society characterize the history of environmental policy in Switzerland and carried its consequences with it in dealing with the landscape.<sup>1</sup>



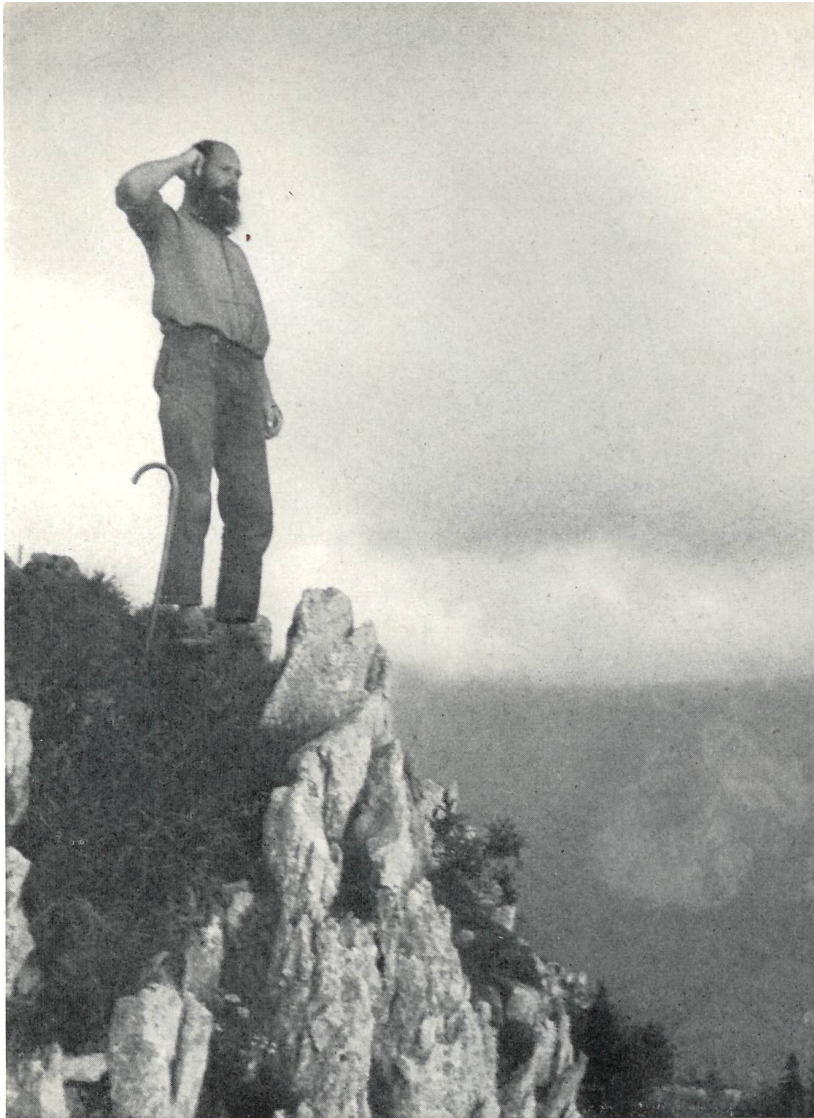
THURRE PASCALE, VALAIS: LA PLAINE, COLLECTION PASSÉ ET PRÉSENT, 1985

There are reasons why landscape planning has been ignored for so long. The main problem is that, unlike all other planning, it does not pursue direct economic goals. "The longing for beautiful landscapes in the classical sense is nevertheless unbroken," as Hans Weiss writes in his book *achtung : landschaft schweiz*.

For most people, valleys and mountains, sinks and hills are static structures. Only sudden natural disasters indicate that these earth surfaces are more dynamic than assumed. In Switzerland, national landscape protection policy has been driven forward in particular by non-governmental organizations and dates back to the 19th century.



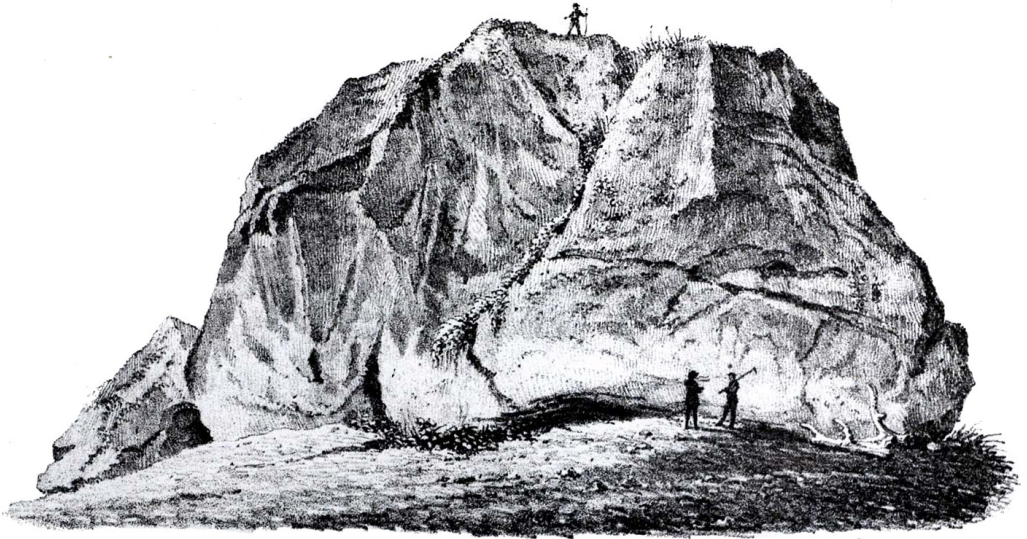
**#2**



L. VON MATT, ÄLPLER YODELS DOWN INTO THE VALLEY, BUOCHS (UNKNOWN)

At the same time as the sense of almightiness of technology and progress increased, so did the attachment to traditional values such as the landscape and the fatherland. Along with the tradition of destroying nature, efforts to preserve it also became apparent. The Swiss Natural Research Society (SNS), founded in 1815, pursued the "promotion of knowledge of nature in general and the patriotic in particular"<sup>2</sup> and acted as a central hub for well-founded professional cooperation among researchers and the formation of expert knowledge for the benefit of the Swiss Confederation. A large part of the work was carried out in special commissions and took over state tasks, which were completely taken over by the state as for example, the production of the first topographic maps of Switzerland.



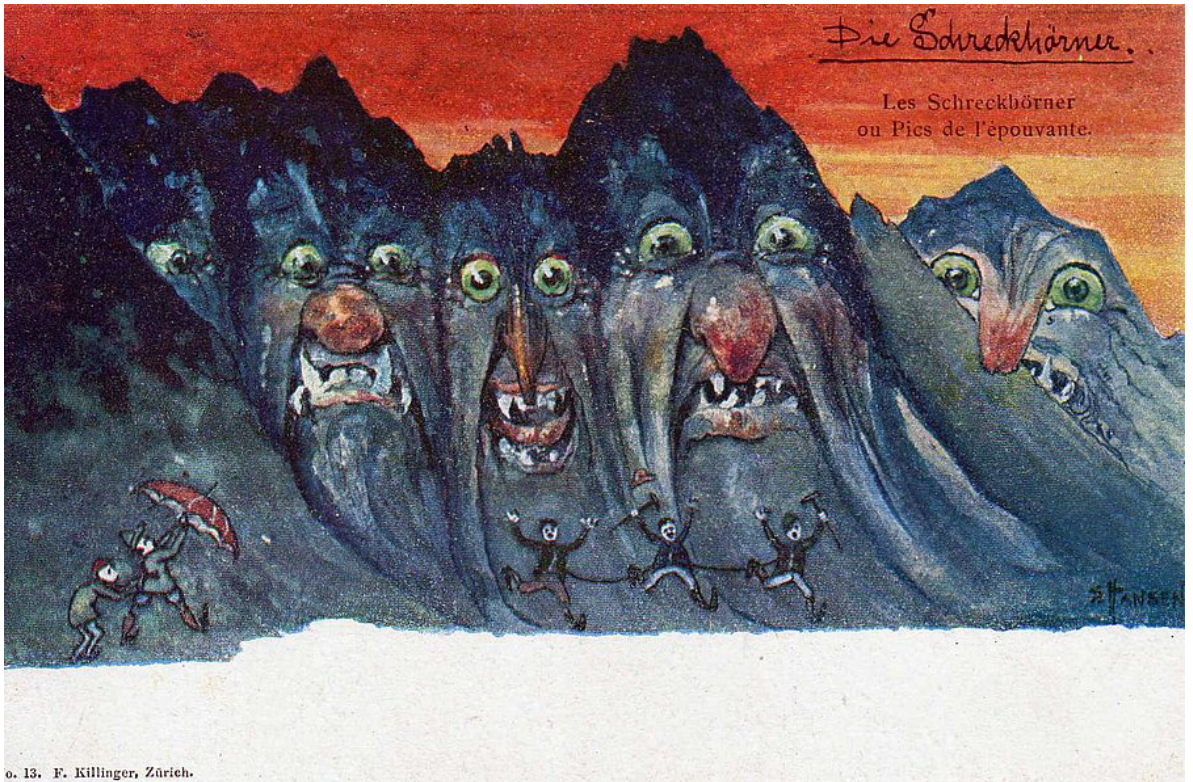


CHARPIENTER WEISSER, PIERRE DES MARMETTES (UNKNOWN)



COCKBURN JAMES, LE VALAIS (1820)

The roots of nature conservation can also be found in this series of committees with special tasks. Concern about the future of an erratic boulder, the “Bloc des Marmettes” near Monthey, led to the founding of the Swiss Commission for Nature Conservation (SNK) in 1906. The construction industry’s grab for the witness the once immense ice masses of the Alps, which had reached into the present day, was the straw that broke the camel’s back. The Commission’s contribution to the preservation of this landmark from the prehistory of the Valais, based on patriotic duties to the homeland, was expropriated. The main activity was preventive protection measures: “Prepare before it’s too late.”



o. 13. F. Killinger, Zürich.

EMIL NOLDE, DIE SCHRECKHÖRNER (1892)

The way we deal with the landscape is shaped by the perception of nature as an inexhaustible resource. It has been formed by a overlay of imprints that human societies have left in the soil. In a sense, the landscape forms the memory of the terrain.<sup>3</sup> The natural environment becomes conscious to humans when normality is intersected. Natural disasters break through social routines, create an extraordinary pressure to act and demand a pattern of explanation.<sup>4</sup> The binary view of nature is shown by the understanding that it can be exploited endlessly, regenerates itself and is perceived as a danger, which is why it has to be tamed and controlled.<sup>5</sup>



WILLY ZELLER, SWISS MOUNTAINHELP (UNKNOWN)

The wave of flood disasters in the Valais at the beginning of the 19th century occurred at the same time as the peak of population growth in the mountain regions and an associated overexploitation of the local forests. The seemingly causal correlation between flooding and deforestation was put on the political agenda by the Forestry Association and led to the *Forestry Police Act* of 1876, which prohibited forest clearing. These first institutionally measurable conservation efforts embodied the shift in perception from hostile wilderness to worthy of protection.<sup>6</sup>

The law is of fateful significance in terms of landscape planning; the very strict protection of the forest to this day has prevented speculation with forest land where there was a demand for construction.<sup>7</sup>



AERIAL IMAGE SWISSTOPO, CHALAIS (1999)

The federal law placed the mountain forests under the overall police supervision of the federal government and in 1902 was extended to the entire forest territory of Switzerland. Due to the strict ban on logging, the forest was respected as a non-building zone even before urban planning was incorporated into Swiss laws at the end of the 20th century. With the idea of sustainability, that once built-up ground remains practically built-up forever, the inestimable value of the forest could be maintained. Although some municipalities have cut down the trees despite conservation efforts, the forest area has been preserved and even increased, so that today one third of the Swiss territory is covered by forest.



← 3 Alp

← 2

← 2 Maiensässe

← 1 Valley settlement

**PERROCHET, THE TYPICAL THREE-TIERED NATURE OF THE ALPINE SETTLEMENT,**  
**LANNAZ NEAR EVOLENA (UNKNOWN)**

Another strategy besides conservation was the establishment of reserves. This was based on the preservation of the total natural system, or rather the exclusion of it from the living and production space of humans. The most visible result of the Nature Commission today was the designation of protected areas. They founded the Swiss National Park and, to finance it, the Swiss Federation for Nature Conservation (today pro natura) in 1909.<sup>8</sup> The selective conservation efforts led to the preservation of individual natural phenomena, often in pristine condition, but no overall protection of the landscape. With the absence of legal foundations that would have made an objection possible, construction continued according to the assumption "where there is no lawyer, there is no judge".



**#3**



DUNKI LOUIS, A NATIONAL COUNCIL SESSION (1899)

The first comprehensive protection provision was enacted in 1907: The Civil Code Article 702 states that the cantons and the municipality have the right to impose restrictions on land ownership for the general good. Explicit mention was made of forestry, the preservation of antiquities and natural monuments, the protection of landscapes and view points from disfigurement, and the protection of springs. State intervention in private property due to claims for protection resulted in compensation payments that overstretched the cantonal budget.<sup>9</sup> The cantons secured the right to protect nature and natural monuments, but did not commit themselves to do so. The article confirmed competences that the cantonal state authorities had already possessed anyway.<sup>10</sup>



## Nationalrat.

Wintersession 1924.

### 104. (1926) - Motion Gelpke, vom 10. Dezember 1924.

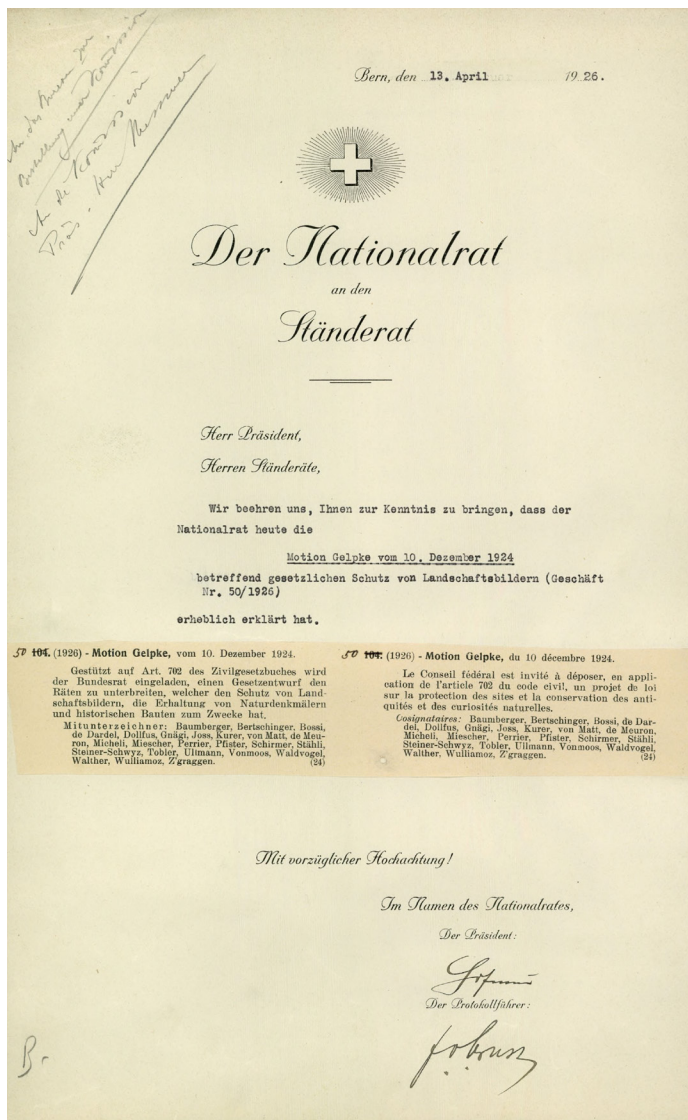
Gestützt auf Art. 702 des Zivilgesetzbuches wird der Bundesrat eingeladen, einen Gesetzentwurf den Räten zu unterbreiten, welcher den Schutz von Landschaftsbildern, die Erhaltung von Naturdenkmälern und historischen Bauten zum Zwecke hat.

Mitunterzeichner: Baumberger, Bertschinger, Bossi, de Dardel, Dollfus, Gnägi, Joss, Kurer, von Matt, de Meuron, Micheli, Miescher, Perrier, Pfister, Schirmer, Stähli, Steiner-Schwyz, Tobler, Ullmann, Vonmoos, Waldvogel, Walther, Wulliamoz, Z'graggen. (24)

#### **MOTION GELPKE, OF 10 DEC 1924**

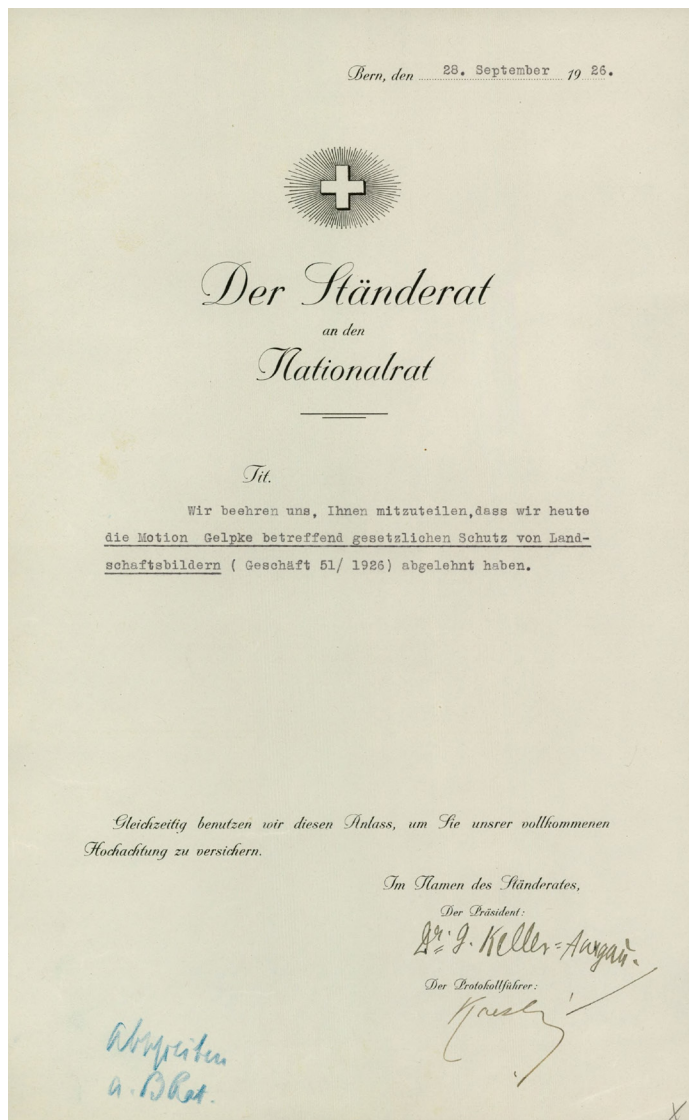
Based on Art. 702 of the Civil Code, the Federal Council is invited to submit a bill to the Councils for the protection of landscapes, the preservation of natural monuments and historic buildings.

Due to the rapid development, the need for an ideological supporting spirit was expressed as the private organizations could not keep up with the nature protection as needed. In December 1924, National Councillor Rudolf Gelpke submitted a motion to standardize nature conservation in Switzerland based on the 1907 article of the Swiss Civil Code. It aimed to achieve a law with the purpose of protecting landscapes, preserving natural monuments and historic buildings at the federal level. He argued that all individual nature conservation actions would fail to achieve the desired effect if the Confederation was not granted legal powers to protect the homeland. This was followed by a vote in the Federal Assembly, on the Federal Council's draft legislation.



**DECISION OF THE NATIONAL COUNCIL, APPROVAL OF THE MOTION**

In the results of the voting, the National Council approved the motion, where as the Council of States did not. The follow up explanations of the decisions showed that the national government still saw nature destruction primarily as a consequence of individual misconduct and a lack of human maturity.<sup>11</sup> This meant that an opportunity for an all-federal regulation of the nature conservation issue was lost. The political pressure from private organizations however did not fade during the next decades as a matter of "spiritual national defense". It was not until 1962 that the Federal Council recognized the misery of its actions; neither federal or cantonal decrees nor the efforts of the private organizations were able to prevent the severe encroachment on beautiful and popular landscapes.<sup>12</sup>



**DECISION OF THE COUNCIL OF STATES, REJECTION OF THE MOTION**

Since the end of the war, a considerable number of valuable landscapes and sites as well as natural beauty spots have been impaired, defaced or even destroyed in an irreparable way. In 1967, the article on the protection of nature and cultural heritage came into force.

What if the motion for a federal law on the protection of landscapes, the preservation of natural monuments and historic buildings had already been adopted in 1924?

What if the landscape seen as worthy of protection could have opposed the building activity with its embodiment in the law?



PHOTO ARCHIVE SWISS LANDSCAPE CONSERVATION FOUNDATION (UNKNOWN)

The Forest Police Act demonstrated that a federal law could ensure the preservation and protection of the forest and that there was an awareness of the environment among the population at that time. The selective protection process however only safeguarded individual parts of the landscape or conserved them as a whole system like in the case of the national park.

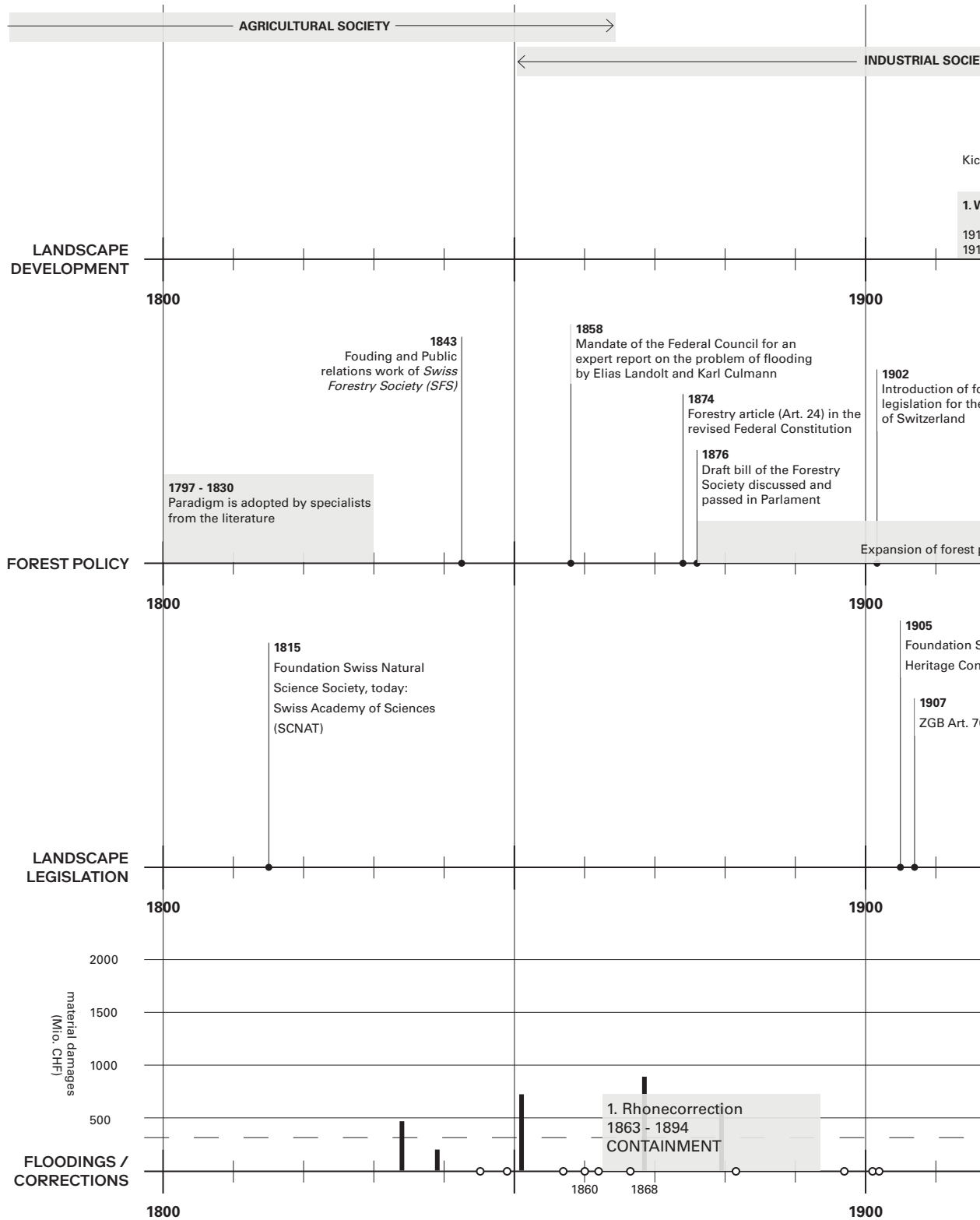
The changes brought about by the building boom were taken into account too late and led to a fragmentation of the landscape; the rest is now preserved as best as possible or hopes for a rebirth through renaturation projects.

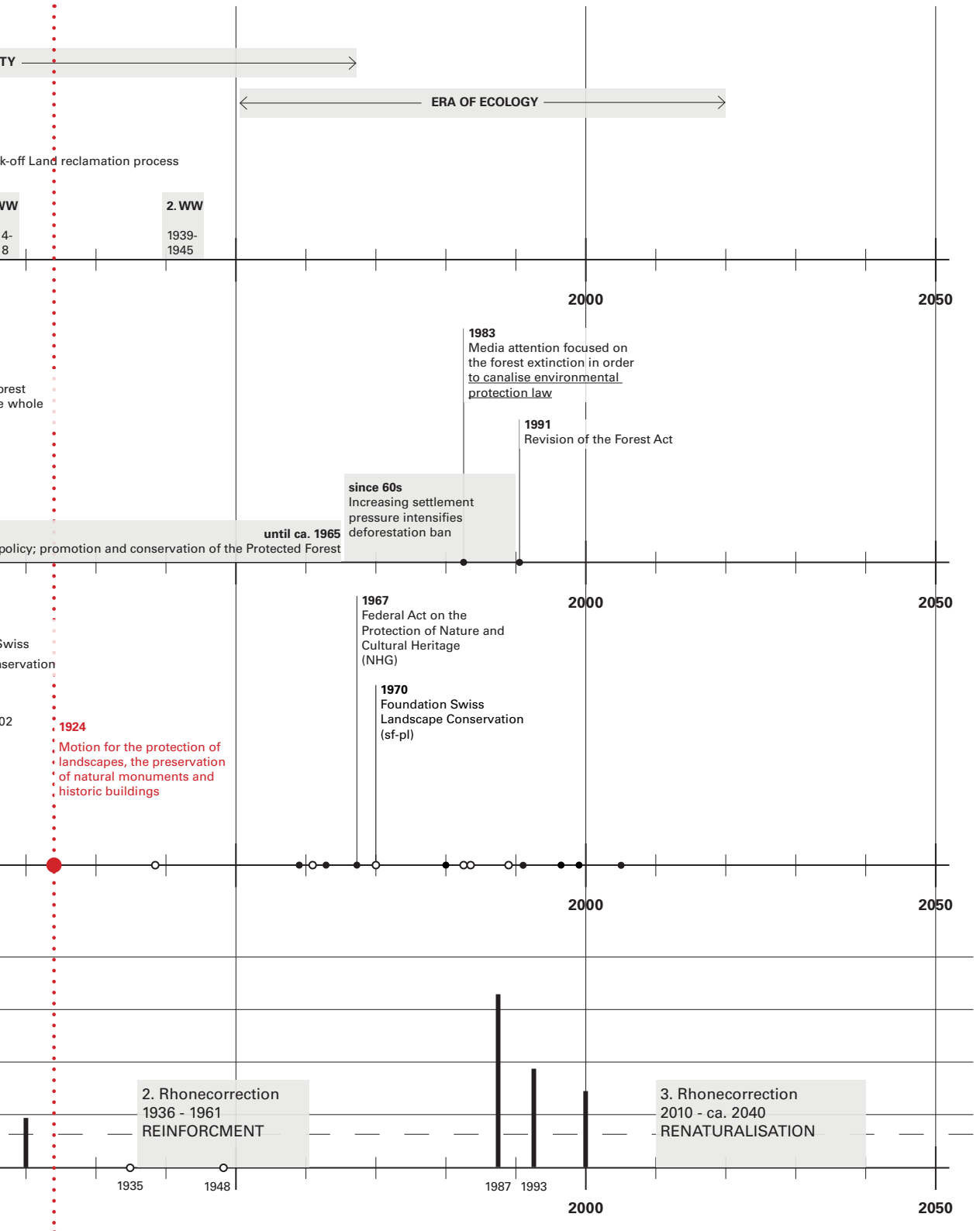


PHOTO ARCHIVE SWISS LANDSCAPE CONSERVATION FOUNDATION (UNKNOWN)

The introduction of a nature and heritage protection law would have led to an early examination of the land and its uses and consequently to a different spatial structure than we have today.

In the Rhone Valley, the establishment of a law would have had an influence on the second Rhone correction, the transport axes, the distribution of agricultural land and settlement zones, and would have led to a more enduring approach to the landscape of the plain.









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IMAGE: HEINIGER ERNST, «MOUNTAIN LANDSCAPE NAXOS» (1941)