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Assessment of the monument protection system: The need for research in the constructivist-interpretative paradigm

1. Introduction

Current scientific research favours interdisciplinarity – “extended interdisciplinarity is particularly desirable in the study of phenomena in which both aspects – material and cultural – are significant and strongly intertwined with each other”.¹ The researcher can and even should often conduct research, select and combine paradigms in an unrestricted manner, because in social sciences the state of coexistence of different paradigms is a normal state.²

Multidisciplinarity should prevent the phenomenon of fragmentation of knowledge. As Harold Lasswell observes, the progressive specialisation of sciences may lead to narrowing of their epistemological and methodological perspectives, which may result in a reduction in their understanding and explanation potential.³

Feature testing the effectiveness of the protection of monuments should be an interdisciplinary approach to the subject, due to the complexity of the phenomenon which is to protect and care for the monument. In addition to the analysis of legal acts, spatial analysis, and analysis of individual cases, research should be included in the constructivist-interpretative paradigm. Research conducted in this trend focuses on finding answers to the questions “Why?” and “How?”. Qualitative research is characteristic of this trend, including popular methods: individual depth interview or focus group.

¹ P. Pawliszak, “Czystość czy zmaza? Czy jest sens łączyć rozumienie z wyjaśnianiem w antropologii i interpretatywnej socjologii?”, *Przegląd Socjologii Jakościowej* 2016, vol. 12, no. 4, p. 8.

² I. Lakatos, *Pisma z filozofii nauk empirycznych*, Warszawa 1995.

³ H.D. Lasswell, “The policy orientation” [in:] *The Policy Sciences: Recent Developments in Scope and Method*, eds. D. Lerner, H.D. Lasswell, Stanford 1951.

As noted by Andrzej Zybertowicz, “a project rooted in the current standards is more understandable for other researchers, it is also simpler and more transparent internally, one can use the same techniques of collecting and processing data considered as sophisticated”.⁴ The use of qualitative research in the case of the assessment of the monument protection system may seem controversial and raise many reservations, such as basing sociological research on incomplete induction (logically unreliable inference), generalisation or simplification of results. However, despite the reservations, these studies show perfectly how the studied phenomenon or issue is located in the consciousness of individuals and the various social groups they create.

The study of the monument protection system in the constructivist and interpretative trend is to show, on the one hand, the knowledge of the law of monument protection by the society, on the other hand – to clarify the problems that arise from the interpretation of the law of monument protection, and above all, to provide an opportunity to comment on the current system of protection and care of monuments.

2. Monument protection system

The monument protection system is organised on the basis of the law in force in a given country. In Poland, the basic operation of the monument protection system is the Act of 23 July 2003 on the protection and preservation of monuments (consolidated text: *Journal of Laws* of 2020, item 282, as amended). It is the footnotes that are included in it that are the basis for undertaking activities in the field of monument protection. Article 1 of this Act defines the subject matter, scope and forms of protection and care of monuments, financing of works on monuments, as well as the organisation of monument protection authorities. Kamil Zeidler describes this act as the “constitution for the protection of cultural heritage”, which defines powers and duties of conservators and regulates the procedures for dealing with historic buildings.

However, the monument protection system is not only about the law. Kamil Zeidler points to the pillars of the system, apart from law, financing and educating social awareness.⁵ Only through research you can acquire quality data consisting of just the above-mentioned third pillar of the monuments protection system. Żaneta Gwardzińska also points to, apart from the law that affects the protection of heritage, politics, history and the contemporary understanding of patriotism.⁶

⁴ A. Zybertowicz, “Konstruktywizm jako orientacja metodologiczna w badaniach społecznych”, *Kultura i Historia* 2001, no. 1, p. 123.

⁵ K. Zeidler, *Prawo ochrony dziedzictwa kultury*, Warszawa 2007, pp. 273–290.

⁶ Ż. Gwardzińska, *Egzekucja nadzoru konserwatorskiego*, Gdańsk 2019, p. 43.

More specifically, the monument protection system also includes the conservation theory, which is important in the process of applying the law, because it is the basis for the discretionary power of conservators. For the application of the law, the ideal situation would be to have one generally held theory of conservation which is the basis for issuing decisions. However, in practice, it is difficult to talk about a single conservation theory. It is tempting to say that there are not enough conservators for each theory and possibly every “conservator admits several theories depending on the time, place and nature of the object”.⁷ Basic theory of conservation is contained in scholarly analysis on international instruments, but there is no possibility of formal enforcement rules contained in them – which gives the possibility for states not to comply with them. In practice, this means that when implementing any action, or can refer to any document that one chooses, or one can ignore any of them without consequences.⁸ Of course, international agreements such as the Hague Convention, Convention Concerning the Protection of the World Cultural and Natural Heritage and others must also be taken into account. It is in these documents that one can search for normative grounds for issuing decisions. However, many of these documents use indefinite terms which leave some room for discretion to conservators. Important elements of the monument protection system are interactions that occur within it. They have a significant impact on the preservation of cultural heritage. Interactions in the monument protection system do not stop at the owner–representative of monument protection authorities (see: Figure 1). An important element is the people who mediate between these two groups. The group of intermediaries includes restorers, architects, supervision inspectors and renovation technicians. It is a group of people that are often overlooked when attention is being focused only on the owners and the monument protection office; in fact, they are indispensable in the context of the monument protection and care system due to their influence on the preservation of monuments.

The monument protection system consists of many levels, hence examining it or making an evaluation attempt is a complicated process. The basis is the analysis of the law – acts, regulations, which should be treated as the foundation of the monument protection system. The way of interpreting law on the protection of monuments can be found in the jurisprudence, which is considered to be the source of legal interpretation. It should be borne in mind that the effects of the existing regulations and the

⁷ K. Zeidler, “O znaczeniu i roli teorii konserwatorskiej w procesie stosowania prawa” [in:] *Współczesne problemy teorii konserwatorskiej w Polsce*, ed. B. Szymigin, Warszawa – Lublin 2008, p. 177.

⁸ B. Szymigin, “Teksty doktrynalne w ochronie dziedzictwa – analiza formalna, zasady tworzenia, dalsze działania” [in:] *Vademecum konserwatora zabytków*, ed. I. Stachyra, Warszawa 2015, pp. 11–12.

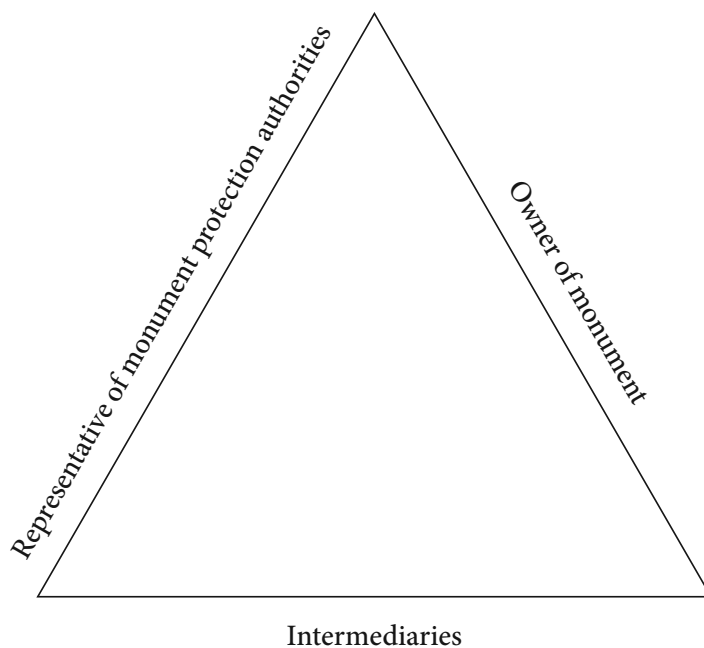


Figure 1. Interactions in the monument protection system

Source: Own elaboration.

conservation theory are visible in space. Therefore, to check whether the system is beneficial for monuments, a careful spatial analysis should be made. Conducting research in the constructivist-interpretative paradigm is complemented by the research on the evaluation of the monument protection system, comprehensively illustrating not only how the public understands the applicable regulations, but also how they are applied by the authorities.

3. Research in the constructivist-interpretative paradigm

Constructivism is not a uniform position, but rather a set of positions in the field of social sciences, as well as natural and mathematical sciences.⁹ As noted by Michael Wendland, one can distinguish within the overall constructivist perspective three subtypes: social constructivism, cognitive constructivism and epistemological constructivism

⁹ More on this topic see i.a.: P. Berger, T. Luckmann, *The Social Construction of Reality. A Treatise in the Sociology of Knowledge*, London 1991; D. Bloor, *Knowledge and Social Imagery*, Chicago – London 1991; K. Kaźmierska, F. Schütze, “Wykorzystanie autobiograficznego wywiadu narracyjnego w badaniach nad konstruowaniem obrazu przeszłości w biografii. Na przykładzie socjologicznego porównania narracji na temat życia w PRL-u i NRD”, *Przegląd Socjologii Jakościowej* 2013, vol. 9, no. 4, pp. 122–139.

(methodological).¹⁰ They all however have one thing in common – they assume that knowledge of the world is constructed in the processes of social interactions. “Constructivism in the area of social research is sometimes understood as a theory or conception of science, knowledge and reality in general; as theoretical orientation; methodology, methodological orientation or the trend of empirical research – in the latter case, the following terms appear in the Anglo-Saxon literature: Social Studies of Science, Social Studies of Knowledge, Studies of Scientific Knowledge, Science and Technology Studies”.¹¹ Constructivism from a sociological perspective refers to the way of creating reality. It is based on the assumption that people construct the reality/world in which they function. Constructivist research focuses on the descriptive analysis of reality. The researcher tries to find out how the participants of the studied world construct reality and how they understand it. As far as possible, “enters” in the studied phenomenon, gathering views about it.¹² It is recognised that the rise and development of constructivism changed the cognitive perspective not only over social sciences, but also over science in general.

In 1979, Gibson Burrell and Gareth Morgan identified four main paradigms in the social sciences: functionalist paradigm, interpretive paradigm, radical humanist paradigm and radical structural paradigm.

The research orientation of interpretativism arose in opposition to functionalism. The need to penetrate into social reality in order to understand the rules of a given society is its basic assumption. Interpretativism “focuses on understanding the fundamental nature of the social world as it is at the level of subjective experience. He is concerned with issues related to the nature of the *status quo*, social order, consensus, social integration and cohesion, solidarity and topicality. This approach is nominalist and anti-positivist, voluntaristic and idiographic”.¹³

The basic assumption of the interpretative method is an attempt to show and explain the observed experiences and practices from the point of view of their participants. Therefore, the preferred methods of data collection are interview, observation and text analysis. The purpose of their application is to show the actions taken by the individuals, as well as the way in which they interpret these actions and the context of their occurrence. “In constructivist epistemology, man is the creator of the world. Through the

¹⁰ M. Wendland, “Perspektywa konstruktywistyczna jako filozoficzna podstawa rozważań nad komunikacją”, *Kultura i Edukacja* 2011, no. 4(83), p. 31.

¹¹ A. Zybertowicz, “Konstruktywizm jako orientacja...”, p. 14.

¹² K. Charmaz, *Constructing Grounded Theory. A Practical Guide Through Qualitative Analysis*, London 2006, p. 240.

¹³ B. Bombała, “Kwestia paradygmatu w naukach o zarządzaniu a Kenetha D. Stranga model badania organizacji”, *Zagadnienia Naukoznawstwa* 2018, no. 1–4(215–218), pp. 8–9.

process of interpretation, he gives meaning to his environment and structures them into knowable and formable beings. The interpretative approach emphasises the connection between the discovery and creation of the world by man in the process of cognition”.¹⁴

3.1. Qualitative research in the protection of monuments

Research implemented in the constructivist paradigm focuses on answering questions such as “Why?” and “How?” This trend is characterised by qualitative research that reaches individual experiences, allows reaching opinions and the way of interpreting certain facts by the participants or “creators” of the research field. In qualitative research, the so-called “immersion” is important in order to get to know and understand the studied reality better than its participants.¹⁵

The collected qualitative data is a source of descriptions, opinions and explanations of the processes taking place in specific local contexts. This means that the researcher learns and interprets things in their natural environment. “Qualitative research is not limited to the production of knowledge or interpretation for purely scientific purposes. Often, the intention of researchers is to transform the studied area or to create knowledge useful in practice, allowing the formulation or support of specific solutions for specific practical problems”.¹⁶ The use of qualitative research methodology in the field of legal sciences is not a common practice. In 2015, as part of the project by Alicja Jagielska-Burduk entitled “Legal mechanisms of cultural heritage management”, group interviews were conducted with the participation of three varieties: collectors, representatives of monument protection authorities and cultural institutions. The research technique used was a qualitative research tool – focus group interview (FGI). This technique consists in a joint discussion of the interview participants with a moderator on a predetermined topic or group of topics. As Steinar Kvale notes, the aim of the focus group is not to reach consensus about, or solutions to, the issues discussed, but to bring forth different viewpoints on an issue.¹⁷ He conducted research that showed a number of postulates raised by the participants taking part in the research. These were primarily the expectations of a wider involvement of entities such as the owners of monuments, collectors, museologists in issuing opinions on legal acts at the stage of the legislative

¹⁴ Ł. Sułkowski, *Recepcja nurtu interpretatywnego w naukach o zarządzaniu*, p. 24, https://ruj.uj.edu.pl/xmlui/bitstream/handle/item/85295/sulkowski_recepcja_nurtu_interpretatywne-go_2007.pdf?sequence=1&isAllowed=y (accessed: 25.11.2020).

¹⁵ C. Geertz, *Interpretacja kultur. Wybrane eseje*, Kraków 2005, pp. 35–36.

¹⁶ D. Dejna, *Metoda. Dociekanie prawdy o amizach*, p. 4, http://www.accept.umk.pl/publications/PDF_DD/2012_DD_1.pdf (accessed: 20.11.2020).

¹⁷ S. Kvale, *Doing Interviews*, London 2008, p. 106.

process, the postulate of building mutual trust of the state towards citizens. The research also revealed the doubts of the respondents regarding the application of the law in practice due to the excessive enactment of various regulations. As noted in the concluding remarks, “focus groups allow obtaining information from specialists, and the reports that are the final results of these studies are an attractive and often more accessible form for people outside the professional circle, allowing for perceiving practical problems of the functioning of heritage protection”.¹⁸

One of the elements of my doctoral dissertation¹⁹ was a chapter devoted to research on the law of protection of cultural heritage in the constructivist-interpretative paradigm. As part of it, I conducted 32 interviews with three groups of respondents – owners of immovable monuments, people working in the monument protection office and with intermediaries between the two groups. The aim of the research was to answer the question: is the current legal system beneficial for monuments and does it take into account the needs and interests of monument owners? The result of the research was the distinction of four types of changes that should be introduced – top-down changes (changes in legal regulations), changes in the conservation doctrine, changes in the work system of entities responsible for monuments and changes aimed at increasing public awareness of the care of monuments.

These interviews, on the one hand, show the knowledge of the monument protection law by the above-mentioned groups, on the other hand – the problems arising from the interpretation of the monument protection law. Above all, they gave the mentioned groups the opportunity to comment on the current system of monument protection and care.

3.2. Interview as a research method for the protection system of monuments

Among the methods used in the mainstream constructivist-interpretative particularly popular is individual semi-structured depth interview, it means based on a scheme developed earlier scenario. On the one hand, according to Barbara Kopczyńska-Jaworska, the script is a tool for controlling the observer himself, as it does not allow him to digress from the subject. On the other hand, as Maciej Piotrowski notices, it is better to use a more or less strict list of dispositions than a questionnaire, i.e. a set of identical and

¹⁸ *Zogniskowany wywiad grupowy jako metoda badania prawa ochrony zabytków*, eds. A. Jagielska-Burduk, W. Szafranski, P. Lasik, Bydgoszcz 2016, p. 149.

¹⁹ K. Schatt-Babińska, *Zabytki nieruchome w rękach prywatnych – historia, zagadnienia ochrony i konserwacji na przykładach obiektów wpisanych do rejestru zabytków w Łodzi*, unpublished doctoral dissertation under the supervision of Professor Krzysztof Stefański, doctoral defense: 16 January 2020, University of Łódź, Faculty of Philosophy and History.

ordered questions in a specific order. A depth interview is semi-structured, including issues and topics that should be raised during the interview, allows for the appropriate shaping of the atmosphere of the conversation, which is not possible in the case of a survey using a questionnaire or a structured interview.

In the case study evaluation of the system of protection of monuments should be used purposive sampling. The so-called “common experience” is crucial in selecting respondents. It allows you to comment on the subject of the study. It should be resorted to selection described by Kaja Kaźmierska, which benefited from Fritz Schütze’s concepts and on this basis to choose a “well-informed citizen” – using the knowledge and experience of experts working in the test field. Due to the research issues, the criteria for the selection of respondents are belonging to a one of three group, which function in the monument protection system: monument owners, representatives of monument protection authorities and the so-called intermediary between the two groups.

Interviews can be individual or group. The choice of one of them depends on a researcher and what he would like to get. If essential for the researcher is to analyse the individual case, for example, the case concerning a particular object then appears to be more helpful to use the techniques of individual depth interview (IDI).

The course of the in-depth interview is an individual relationship, the respondent may feel more at ease and the researcher may obtain more information on the subject. According to the assumptions, IDI is supposed to be an interaction with a specific goal: to gain in-depth information and knowledge. The question asked is not standardised and is open-ended. During the IDI, the respondent has the opportunity to express his/her beliefs and motives. Without the presence of other respondents, as in the case of group interview is more inclined to express honest, even controversial or contrary to the views of other opinions.

Focus group interview (FGI) allows, firstly, to test more people in a shorter time, and secondly, to obtain reliable data, because the respondents can correct and complete each other statements. During the group interview, the respondents can interact with each other. FGI is a useful technique when respondents are expected to be creative.

In the case of an interview, it is important to properly arrange the questions or issues to be discussed during the interview: “exploratory questions seek to understand how and why things work as they do confirmatory questions seek to test hypotheses based on new or existing theory. These different types of questions imply different types of methods along a parallel continuum of relatively unstructured to structured methods of data collection and analysis”²⁰

²⁰ C. Gravlee, “Research Design and Methods in Medicine Anthropology” [in:] *A Companion to Medical Anthropology*, eds. M. Singer, P.I. Erickson, Chichester, West Sussex 2011, p. 70.

The use of the interview technique in research of the monument protection system allows the respondents to show the knowledge of the law on the protection of monuments, to identify problems arising from its interpretation, and gives the opportunity to comment on the current system of monument protection and care. The presented proposed changes may be analysed in terms of the possibility of their introduction and the effects they may cause. The interviews provide answers to the question about the impact of legal norms on the functioning of the community – they show how the law works and how a given group reacts to it, and how the society is shaped under its influence. The statements of the respondents are also a source of information about the legal culture.

Contextual knowledge is needed to conduct credible research – interviews. Henryk Domański points out that “research hypotheses are based on a specific vision of reality. It is about checking if my vision ‘matches’ the data”.²¹

In the case of this type of research, generalisations are not applied to the entire population – both due to the low level of standardisation and the selection of the sample. The laws of statistics cannot be applied here – interlocutors are not selected randomly, but by stratified sampling – on the basis of representing characteristics important from the perspective of the research area. Social science is not necessarily based on generalisation.²² It is known that research in the constructive-interpretative trend related to a specific area. When conducting interviews in a city or province, the results cannot be generalised to the population of the entire country. In this type of research, cultural data is important, not social characteristics or trait.

3.3. Inference

Depending on the adopted paradigm and perspectives in social research, both inductive and deductive inference can be used. In the case of research on the assessment of monument protection law, deduction seems to be crucial. But social research is an illustration, a search for exemplification, for new dimensions of already distinguished issues. If a researcher knows what he wants to research, i.e. if he has theoretical concepts at his disposal and looks for their empirical dimensions – experience, opinions and interpretations of experts – then his research should be grounded in the theory of deduction. According to this theory, the role of research is to “test predictions and determine if what makes sense (logic) actually appears in practice (observation).”²³ On the other hand, the induction theory assumes that the observations are made first and an attempt

²¹ H. Domański, *Socjologia empiryczna a determinizm*, typescript, quoted after: A. Zybortowicz, “Konstruktywizm jako orientacja...”.

²² J. Rex, *Key Problems of Sociological Theory*, London 1998, p. 115.

²³ E. Babbie, *The Practice of Social Research*, Boston 2012, p. 78.

to discover patterns – afterwards. Hypotheses are developed on the basis of the analysis of data from the conducted research. In the case of induction, theoretical propositions are not created using a logical deductive method based on previously adopted axioms or assumptions;²⁴ the induction methodology is based on creating a theory based on systematically collected empirical data.²⁵ “Deductive reasoning begins with theory and works toward specifying expectations, or hypotheses (...) these modes of reasoning are inextricably linked in the logic of social research, which seeks to generate (inductive) and verify (deductive) theory about how the world works. Regardless of their epistemological perspective, most researchers engage in both types of reasoning at one point or another. Decisions about which methods to use at any point in time should be informed by consideration of where researchers are in the research cycle.”²⁶

4. Conclusions

Qualitative sociology, in the constructivist-interpretative trend, assumes that the investigation of social phenomena requires the study of how they function in social awareness. Qualitative research focuses on deepening information about a given phenomenon or behaviour of individuals. The research interview seeks qualitative knowledge conveyed in everyday language and does not pursue quantification. By using words, not numbers, it allows for obtaining various descriptions of many aspects of the life world of the respondents.

Qualitative research can be a useful method in studying the monument protection system. Therefore, in addition to the analysis of legal acts, documents or cultural products, it is worth examining opinions and evaluations using social research methods in the constructivist-interpretative trend, because it is then possible to gain insight into the “humanistic coefficient”, i.e. reaching (at least only declared) motivations, justifications social activities. In this way, the researcher is able to judge whether what he identifies as a problem is recognised as such and how it is interpreted.

The results of the IDI and/or FGI complement the research on monument protection law, comprehensively illustrating not only how the public understands the applicable regulations, but also how they are applied by the conservation office. The statements

²⁴ K. Konecki, *Studia z metodologii badań jakościowych*, Warszawa 2000.

²⁵ See: B.G. Glaser, A.L. Strauss, *The discovery of grounded theory: strategies for qualitative research*, Chicago 1967; B. Glaser, *Theoretical Sensitivity: Advances in the Methodology of Grounded Theory*, California 1978.

²⁶ C. Gravlee, “Research Design...”, p. 73.

of the respondents are also a source of information about the legal culture of the owners of monuments.

Constructivist research completes the cognitive and methodological analysis of applicable legal acts. Qualitative research can be a helpful research tool and bring the desired effects precisely in the area of legal heritage protection. These studies support the legislative process at the stage of formulating initial proposals for changes, but can also be used to evaluate the applicable regulations.

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Sources of law

Act of 23 July 2003 on the protection and preservation of monuments (consolidated text: *Journal of Laws* of 2020, item 282, as amended).

Summary

Assessment of the monument protection system:

The need for research in the constructivist-interpretative paradigm

Research implemented in the constructivist paradigm focuses on answering questions such as: “Why?” and “How?” This trend is characterised by qualitative research that reaches individual experience, allows reaching opinions and way of interpreting certain facts by the participants or “creators” of the research field. Among those used in this trend methods, the individual interview is particularly popular.

In order to test the effectiveness of the law on monument protection, interviews should be conducted with three groups: employees of the monument protection office, owners, intermediaries between these two groups – architects, conservators, supervision inspectors, etc. The interviews provide answers to the questions about the impact of legal norms on the functioning of the studied community groups – they show how the law functions and how a given group reacts to it, and how the society is shaped under its influence. They comprehensively illustrate not only public understanding of the applicable regulations, but also how they are applied by the conservation office.

Thanks to the use of social research methods in the constructivist trend, we gain insights into the “humanistic coefficient” – we reach motivations (even if only declared) and justifications for social activities. This way, it is possible to determine whether what we identify as a problem is considered a problem and how it is interpreted.

Keywords: monument protection system, qualitative research, the constructivist paradigm, the interpretative paradigm

Streszczenie**Ocena systemu prawa ochrony zabytków: o potrzebie badań w paradygmacie konstruktywistyczno-interpretatywnym**

Badania realizowane w paradygmacie konstruktywistyczno-interpretatywnym skupiają się na odpowiedzi na pytania typu: dlaczego?, w jaki sposób? Charakterystyczne dla tego nurtu są badania jakościowe, które pozwalają dotrzeć do opinii i sposobu interpretowania pewnych faktów społecznych przez uczestników – tzw. twórców badanego pola. Wśród stosowanych w tym nurcie metod szczególnie popularny jest indywidualny wywiad pogłębiony.

W celu zbadania skuteczności obowiązującego prawa ochrony zabytków należy przeprowadzić wywiady z respondentami, którzy przynależą do jednej z trzech grup – pracownicy urzędu ochrony zabytków, właściciele zabytków oraz osoby pośredniczące pomiędzy tymi dwiema grupami. Wywiady te mogą przynieść odpowiedzi na pytanie dotyczące wpływu norm prawnych na funkcjonowanie badanej grupy. Wynikiem wywiadów jest ukazanie, w jaki sposób funkcjonuje prawo, jak dana grupa na nie reaguje oraz jak kształtuje się społeczeństwo pod jego wpływem.

Wykorzystanie metod badań społecznych w nurcie konstruktywistyczno-interpretatywnym umożliwia uzyskanie wglądu we „współczynnik humanistyczny” – dotarcie do (choćby tylko deklarowanych) motywacji, które leżą u podstaw pewnych działań społecznych. W ten sposób można ocenić, czy to, co identyfikujemy jako problem, jest uznawane za problem i w jaki sposób jest interpretowane.

Słowa kluczowe: system ochrony zabytków, badania jakościowe, paradygmat konstruktywistyczny, paradygmat interpretatywny