

**SOCIAL PRESSURES ON ART MUSEUMS: AN OVERVIEW OF ISSUES**

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**ART AT THE SMITHSONIAN: THE MUSEUM IN THE 21<sup>ST</sup> CENTURY**

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## SOCIAL PRESSURES ON ART MUSEUMS: AN OVERVIEW OF ISSUES

*We go to museums to remind ourselves who we are.*

(Kimmelman, *New York Times*, 2001)

### Introduction

Recently, the contents of collections and exhibitions have become problematic for some museums. With a focus on art museums, this paper is a brief overview of key issues and a summary of current practices. A brief summary of the status of each issue at the Smithsonian Institution is also included. What museums acquire and sell is the topic of the first section. Exhibition topics and interpretations are in the second section of the paper. The final section deals with financial support.

### I. COLLECTIONS

Museums now face new responsibilities in determining rightful ownership and are, consequently, undertaking extensive provenance research. This discussion is limited to art objects that were looted, cultural materials that were obtained under different sets of rules of ownership, and the theft of cultural property.

#### **Cultural Property and the Nazi-Era**

##### Background

More than half a century after the end of World War II, the restitution of ‘displaced’ cultural property is a focus of major international activity. Paintings, sculpture, rare books and manuscripts, decorative art, musical instruments and scores, religious objects, and memorabilia were objects of the Nazis’ systematic ‘collection.’

Victors appropriating artistic and cultural property is part of the history of war. However, several aspects of the Nazi pillage and plunder of art are unique:

*Firstly, never in the history of war have cultural, artistic, and religious objects been moved on such a scale. Secondly, the Nazis went to unprecedented ideological, legal, and political lengths to justify the removal of these objects. Finally, it’s worth noting that World War II was the first war in which belligerent armies had within their ranks trained squads of art specialists.*

(Latham, 1998)

Hitler had hoped to be an artist and regarded the German cultural legacy, barring its few Jewish intruders, as second to none. The climax of his victories was to be the construction of the world's finest museum in his hometown, Linz, Austria. After the war, there were immediate efforts to return looted objects and to compensate families that had lost works of art that could not be located. The restitution process was in full swing in the late 1940s, and through the 1950s, but died down in the 1960s.

Two books turned the spotlight on museums and re-ignited the issues. The first was Nicholas' *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich the Second World War* in 1994. Then, in 1995 Feliciano's *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works* was published in France.

Before 1990, many museum staff, especially in the United States, were not aware of the enormous number of unresolved claims from the Nazi era. This issue was rarely discussed and as a consequence, museums and private collectors generally did not demand full provenance records from trusted art dealers and sellers.

#### United States and Museum Community Response

In January 1999, the Association of Art Museum Directors (AAMD), representing over 150 American art museums, voted to affirm the guidelines for dealing with Holocaust-era art that had been adopted by AAMD the previous summer. The guidelines contained eleven Holocaust-art principles that were subsequently adopted by the international Washington Conference on Holocaust-Era Assets in 1998.

At about the same time, The Presidential Advisory Commission on Holocaust Assets in the United States was established to investigate the fate of Holocaust victims' assets that had come into the U.S. government's possession. The Commission was asked to conduct original research, review the research of others, and advise the President on policies "to make restitution to the rightful owners of stolen property or their heirs."

The final report, Plunder and Restitution: Findings and Recommendations of the Presidential Advisory Commission on Holocaust, was issued in December 2000. In the past few months, AAMD and the American Association of Museums (AAM) have reviewed and revised their guidelines for provenance research and disclosure of holdings of Holocaust-era cultural property to be consistent with the report.

The basic responsibility of museums, under all the guidelines, is to review the ownership history of all objects in their collections that could have been in Europe between 1932-1946 and had been transferred.

### Status: General

In February 2000, Lyndel King, Director of Weisman Art Museum in Minneapolis, testified before the House Committee on Banking and Financial Services on behalf of AAMD's members. She stated that the majority of American art museums were reviewing their collections and making their records available to researchers.<sup>1</sup>

Currently, on the Internet, a number of museums list works in their collections that have provenance gaps for the years 1932-1946. The Art Institute of Chicago, Cleveland Museum of Art, Harvard University Art Museums, J. Paul Getty Museum, Los Angeles County Museum of Art, Metropolitan Museum of Art, Museum of Modern Art, Museum of Fine Arts, Boston, National Gallery of Art, and Seattle Art Museum have lists on their websites.

When questionable works are identified under the AAM/AAMD guidelines for Nazi-era provenance research, they are not necessarily looted or stolen. Gaps in provenance can occur because museums have not had the resources or time to conduct extensive provenance research on all of their collection, or simply because the records no longer exist. Valid reasons for gaps in provenance include lost records and demand for anonymity by consignors of works to auction houses and dealers.

In the United States, stories of appropriated art continue to make headlines. For example, we read about the Seattle Art Museum and Matisse's *Odalisque*, the Museum of Fine Arts, Boston, and Corrado Giaquinto's *Adoration of the Magi*, the lawsuit filed in Los Angeles for the recovery of six paintings by Gustav Klimt now in a Viennese museum, and the return of *Madonna and Child in a Landscape* by Lucas Cranach the Elder, to the North Carolina Museum of Art.

### Status: Smithsonian

Despite the limitations of resources and the incomplete automation of collection records, the Smithsonian is adhering to guidelines regarding Nazi-era provenance research and disclosure. In mid-August, the Smithsonian issued its annual status report on Nazi-era provenance research (Doyle, 2001).

The Smithsonian has completed a preliminary count of objects that came into museum collections after 1932 and that were or could have been in continental Europe between 1932 and 1946. Each of the museums has a schedule to identify the objects that require further provenance research. At the moment, none of the museums are aware of specific provenance problems that fall under the current guidelines.

## Strategies for Dealing with Nazi-Era Cultural Property

The issue of Nazi-era cultural property continues to be debated. With increased research and scholarship, unforeseen issues arise. For example, many Holocaust survivors die without heirs. Who owns the cultural objects they created or those that were stolen from them? Can 'stolen' or 'looted' or 'sold' be defined so as to avoid error or misunderstanding?

Further, legislation has been proposed to limit the length of time that victims can reclaim their stolen objects. Should there be such limitations? What are the ramifications of a judge's decision to allow Austria to be sued in the United States in a war-loot case? What is the responsibility of countries in monitoring each other's art-related activities? "The German government and the Bavarian State quietly auctioned artworks acquired by Hitler, Goering, and other Nazi leaders without revealing their history. ... The last auction was in May 1999" (Petropoulos, 2001). How were these sold without public knowledge?

Museums are seeking strategies that go beyond compliance with the guidelines for research and disclosure. A successful model that applies in all cases has not emerged, but some elements are clear. Everyone consulted in the preparation of this paper stressed these elements.

- Provenance research is costly, time consuming, and involves scarce professional resources.
- Few people are trained to conduct this research.
- Resolution of claims without resorting to the courts, through existing administrative agencies, is preferred.
- Every effort should be made to minimize media involvement until an agreement is reached.
- Solutions that keep the works in public view, while acknowledging their Nazi-era past, are preferred.

The story of Cranach's *Madonna and Child* and the North Carolina Museum of Art, in the Addendum to this section, includes many of these components.

A chief curator at a well-known East Coast art museum said that, while considerable activity is clearly going on,

*... nobody really talks about this openly, there is a great deal of discomfort and apprehension within the field -- frankly next to sex, Nazi is the hottest button you can push. 'Sex' and 'Nazi' are the two words that no museum director, board chair, or curator wants to hear. The amount of emotional freight that surrounds the Nazi-era makes it difficult for nonprofit institutions to deal with it rationally.*

## Addendum: A Case Study<sup>2</sup>

In March 1999, the World Jewish Congress notified the North Carolina Museum of Art that a painting in its collection was identified as stolen by the Nazis in 1940 from a wealthy Jewish collector in Vienna, industrialist Philipp von Gomperz. Apparently, after the Anschluss, (March 12, 1938 when Hitler occupied Austria), Gomperz had already moved to Czechoslovakia; but in 1939, the Germans detained him.

In exchange for passage to Switzerland, he “sold” all of his property, including Cranach’s *Madonna and Child*. Among the documents that have survived are a 1940 order authorizing the Gestapo to seize the Gomperz property for the Reich and an inventory that includes a listing for a *Madonna mit Kind in Landschaft* by Cranach.

The Nazis coveted paintings by the German Old Masters, especially Lucas Cranach. Cranach’s *Madonna and Child* was reportedly offered to Hitler, but he turned it down possibly because of its religious subject. It was then “sold” to the leader of the Hitler Youth, Baldur von Schirach, and the painting reportedly hung in his official residence. After the war, Schirach insisted that *his* Cranach was not the Gomperz painting. The evidence contradicts him.

When the Red Army threatened Vienna, Schirach gave the *Madonna and Child* to a family friend. After the war, it was sold through a Munich art dealer to dealers in New York. George Khuner, a Vienna-born business executive living in California, bought it in the early 1950s. Khuner, himself a refugee from the Nazis, was unaware of the painting’s history. His widow, a friend of the first director of the North Carolina Museum of Art, willed the painting to the Museum.

In early 2000, the museum decided to return the Cranach to Dr. Gomperz’s heirs, but subsequently negotiated a way for it to stay in the collection. The family sold the painting to the museum at a price well below its estimated market value. Part of the agreement includes telling the story. Part of the label reads:

*... As soon as the facts of this story were confirmed in early 2000, the Museum made the decision to return Cranach’s Madonna and Child to the heirs of Dr. Gomperz. In gratitude, the family offered the painting to the Museum as a partial gift “because the public should know that the heirs of Philipp Gomperz appreciate the sense of justice shown by the [Museum’s] decision to restitute the painting.”*

Partial wall text for Lucas Cranach the Elder  
*Madonna and Child in a Landscape*,  
North Carolina Museum of Art

## Ethnographic Collections

*Repatriation may best be understood within the broader historical context of global decolonization. It parallels and is on a continuum with other indigenous movements around the world in which Native rights are being asserted. Among the issues being pressed are the right of control over one's own cultural heritage and the right to the sanctity of the grave.*

(Bray, 1995)

The passage of the Native American Grave Protection and Repatriation Act (NAGPRA) in 1990 marked a critical juncture in the relationship between museums and Native people. It also marks the intersection of two independent, yet interrelated social forces. Beginning in the late 1970's, museums began to take an active role "in promoting the development of living indigenous cultures and heritage, and in promoting a richer understanding of indigenous cultures by giving indigenous people a voice in managing and interpreting their heritage" (Sullivan, et al., 2000). NAGPRA was also a response to the political activism of Native Americans, seeking redress for some of the historic wrongs touching on their cultural identity. Here, the background to the legislation, as well as the response to it after a decade, are discussed.

### Background

In most, if not all cultures in the world, there are ceremonial rituals and traditions that are performed when a member dies. Specific items are often included for burial along with the human remains. Once used, the items and/or the land involved are considered sacred. Unless done under dire circumstances, any disruption of these areas is considered disrespectful or sacrilege. This respect for the deceased is a value that crosses cultural boundaries. Unfortunately, "American social policy has historically treated Indian dead differently than the dead of other races" (Trope and Echo-Hawk, 2000). Their sacred graves and funerary areas were seen as archaeological finds, specimens and remnants of a culture past to be claimed by scientists, museums, and other collectors.

The legal system even supported and encouraged the removal of Indian cultural property for personal collections or scientific study, often with the sanction of

*... laws, policies and practices [which] authorized and resulted in deaths and physical and spiritual damage of unimaginable, incalculable, inhuman proportions, and in the demise of many of the traditional religions and ceremonies of Native Peoples. These policies permitted and encouraged the theft of human remains, funerary items, sacred objects and cultural property, which ended up in private collections globally and in America's museums, places of*

*learning, historical societies, research and scientific institutions, amusement and entertainment centres and agencies of governments of all stripes.*

(Shown Harjo, 1995)

The National Museum of the American Indian (NMAI) Act and the Native American Grave Protection and Repatriation Act.

A major change occurred with the passage of the NMAI Act in 1989. This act created the National Museum of the American Indian under the umbrella of the Smithsonian Institution. The Act also addressed human remains and funerary objects in the possession of the Smithsonian. The law required the Smithsonian to inventory the collections in its possession and control. The appropriate lineal descendant or tribe has to be notified promptly when the provenance of the human remains and objects are determined. If the notified tribe/individual requests the return of the items then the Smithsonian is obligated to return the objects swiftly.

NAGPRA, since its inception in 1990, has caused museums across the country to reevaluate the question of the ownership of cultural property. As legislated, by November 1995, almost all museums had turned in summaries and detailed inventories of their collections and made them available to Native American tribes. In 1996, the NMAI Act was amended to parallel NAGPRA. Now, it also requires that written summaries of human remains, funerary objects, and all ethnographic objects in the possession of the Smithsonian museums be sent to federally recognized Native American tribes and organizations.

In a 1997 interim rule, sanctions for non-compliance were legalized. The Federal government can assess a base fine of .25% of an institution's budget for failure to comply with NAGPRA (Eaken, 1999). By May 2001, summaries had been received from 1,058 institutions.<sup>3</sup>

Issues Surrounding Repatriation.

NAGPRA and other repatriation legislation raise questions about the ownership of cultural objects. Do they belong to the culture and the descendants of the people who created them or do they belong to the institutions that have housed them for years? Or is the ownership a shared authority? The question of who owns the human remains of the Native people is being re-crafted not only legislatively but also in the mind of society. The recognition of the Native American rights to proper and continual burial is helping Native Americans to assert that they are a culture that is alive and flourishing (Bray, 1995).

The professional resistance to NAGPRA has been viewed as essentially an ethical one (Goldstein and Kintigh, 1990). On the one hand, Native Americans advocate reburial out of respect for the humanity of the remains. On the other, archaeologists are concerned with the integrity of the material evidence that yields information about the physical heritage of being human. Initially, museum professionals were concerned that the returned objects would be

reburied and not available for study, would not be properly preserved, and that their scholarly work would be curtailed.

The processes in NAGPRA guide a museum's decisions whether to approve or not approve items claimed for repatriation. However, the history of objects in collections is not necessarily that clear. Ambiguities abound. According to several scholars, these ambiguities can provide the greatest opportunity for museums to make a contribution in relationships with Native communities.

Status: General

*When objects become artefacts or art, and thus suitable to be placed in a museum, does this mean that a nation is in the process of losing its culture? Or... that a nation has recognized its past and is educating its citizens about it?*

(Kaepler in Griffin, 1996)

Has NAGPRA served the Native American community and museums as originally intended? By February 1998, the remains of 9,700 individuals and 297,000 cultural items had been determined eligible for return under NAGPRA. As of September 2001, the numbers had risen substantially (24,040 human remains and 841,000 cultural items).<sup>4</sup> Compared to the Congressional Budget Office's estimate of ten to fifteen million cultural objects and 100,000-200,000 human remains in federal possession, NAGPRA is still just at the tip of the iceberg.

NAGPRA has been more pervasive and far-reaching than originally anticipated. It has affected the business of auction houses, dealers, corporations, private collectors and non-federally funded institutions by "creating uncertainty in the market," pushing the prices for Indian artifacts up higher, and causing reputable auction houses to ensure that they are in line with NAGPRA (Protzman, 1998).

Museums are engaging in dialogue with tribes about cultural objects; both those to be returned and those that will remain in the museum. Museums are not only bringing in Native Americans to serve as advisors on exhibits/collections, but they are hiring them in more permanent positions. As summarized by Bray (1995):

*NAGPRA has been characterized as an important piece of human rights legislation for Native Americans. It also represents landmark legislation for museums in that it recognizes that scientific rights do not automatically take precedence over religious and cultural beliefs in the United States. NAGPRA has served to establish a new ethical outlook for museums in their relationships with Native peoples and other minority groups.*

For example, several new models for the care of objects of cultural significance are evolving. One model is shared ownership between museums and Native people. Another evolving model, is called "traditional care." In this relationship, museums partner with tribes and blend Native prescribed care of objects with museum conservation. The Smithsonian's National Museum of the American Indian (NMAI) defines "traditional care" as its interpretation of a body of knowledge "that resides in a community pertaining to the proper care and treatment of that particular community's material objects." (NMAI, 2000). The American Association of State and Local History Museums has recently become particularly active in this area.

The available evidence suggests that Native Americans and Hawaiians are feeling more at ease with museums and how they are represented as a culture. Native Americans are able to have a voice in how they are portrayed in museums and other public places. Native Americans are also creating new rituals to deal with reburial, and they are rediscovering traditions and customs.

Quite recently, a survey of institutions was conducted to find evidence of museum practices that are indicative of attitude change as a result of NAGPRA. As Sullivan, Abraham, and Griffin (2001) summarize

*Our research shows that museums are engaging in consultation with indigenous people in the management of collections of indigenous cultural heritage, and that this engagement is influencing conservation strategies.*

*Museums espouse goals that promote external consultation, the involvement of indigenous people in their activities, respect for the cultural goals of indigenous people and a commitment to increasing public awareness of indigenous cultural heritage and social issues.*

*However, our research shows that museums are internally focused in their repatriation programs, only committing resources to those activities where the museum can maintain effective control and extract direct and tangible benefit.*

*Only in the areas where NAGPRA has mandated it should happen—collections of human remains and secret/sacred material—is there evidence of communication and consultation, commitment of resources and sharing of authority with indigenous people consistent with the outcomes intended under NAGPRA.*

## Status: Smithsonian

As previously mentioned, the Smithsonian has been subject to the NMAI Act since 1989 and legislation in 1996 brought it in closer alignment with NAGPRA.

National Museum of the American Indian (NMAI). NMAI's collections are larger than those of any other institution in the country. It is estimated that over 833,000 cultural objects, art, photographs, and documents from hundreds of cultures, spanning thousands of years, comprise the collection. The museum sees itself as the steward of the collection, with a responsibility both as a museum and as a cultural institution for collaboration with Native peoples and communities. NMAI recognizes that "... museums often have not treated Native American collections with the proper respect and level of responsibilities. We are all here to have a role in correcting these past practices." (NMAI, 2000).

Over the past decade, NMAI has been working with Native communities and practitioners to understand and implement many forms of special handling of potentially sensitive objects. Pragmatically, guidelines have been developed to facilitate the task of moving the collection from its Bronx location to the Cultural Resources Center in Suitland, MD (NMAI, 2000). Philosophically,

*In all of its activities, the museum [NMAI] acknowledges the diversity of cultures and the continuity of cultural knowledge among indigenous peoples of the Western Hemisphere and Hawai'i, incorporating Native methodologies for the handling, documentation, and care of collections. The CRC is designed to house the museum's collections in a manner that is sensitive to both tribal and museum requirements for access and preservation.<sup>5</sup>*

NMAI reports on its cultural activities, including repatriation to its Board of Trustees three times a year. There are six repatriation unit staff members, as well as several contractors working with NMAI and Indigenous groups. Staff members specifically working on repatriation and related issues are systematically going through the collection, encouraging visits by Native tribes, and trying to reach solutions for ownership and care which are mutually beneficial. Returning objects is a minor part of the museum's effort; the more complex tasks are the review of materials, empowering Native people to tell the museum how to care for their materials, and to negotiate appropriate agreements. A conservative estimate is that NMAI has been in contact with over five hundred US and Canadian tribes and First Nations, as well as countless other groups and individuals. Over 2,500 objects have been returned to Native People by NMAI.

Some cultural artifacts are restricted from exhibition to the public because of their sacred or ceremonial nature. At the Cultural Resources Center, NMAI provides place for Native people to have certain privileges with the objects. Objects are also loaned out for use in ceremonies and other religious services.

According to Bruce Bernstein, Assistant Director for Cultural Resources, the challenge for NMAI in the next decade is to

*... continue to build partnerships with communities to return those objects which need to be returned. However, this is less than 1/10 of one percent of the entire 800,000 pieces in the collection. Of equal, if not more significance is the continued building of partnerships to provide day to day care for the collection. This is critical in addressing Native peoples' concerns as well as helping NMAI fulfill its mission of collaborative work whether it is collections management or exhibitions.*

National Museum of Natural History (NMNH). NMNH established a Repatriation Office in 1991; presently it has a staff of eleven working on claims. The office responds to requests for information, accompanies tribal representatives to the collections to examine objects and remains, evaluates and prepares repatriation claim reports, and coordinates repatriations with tribal representatives.

Repatriation at NMNH is an active and ongoing process that begins with consultation with tribes. Initially, listings of human remains and objects were sent to all federally recognized tribes and organizations. These listings are used by tribes as a basis for the initial determination of what might be claimed for repatriation. Funding is provided to bring tribal representatives to Washington, D.C. for both consultation and repatriation visits. After a repatriation claim has been received, the staff prepares a report that evaluates the claim, and which makes repatriation recommendations to the museum.

Part of the consultation process includes soliciting input from tribal visitors regarding the traditional care of Native American objects in the NMNH collections. Traditional care solutions have ranged from orienting Navajo baskets so that the break in each pattern faces east, to storing Kachinas in upright positions, in accordance with tribal wishes and beliefs. An example of innovative ongoing care of objects is an agreement entered into with the Cheyenne. The Cheyenne tribe has opted to leave funerary objects and a sacred object in the museum's care, with restriction on access to the objects. A co-curation agreement was worked out that accommodates the wishes of the tribe for the treatment and display of the objects (Protzman, 1998).

The NMNH has returned more objects and human remains to more tribes than any other museum. To date, there have been 52 repatriations to 50 tribes. The remains of approximately 3,300 individuals and 88,000 objects have been repatriated. Several repatriations have received national attention, including the repatriation of human remains to the Cheyenne and Pawnee. The return of the remains of Ishi to the Redding Rancheria and Pit River tribes in September 2000 was one of the most high-profile repatriations to date.

By the end of 2001 the museum will have offered for repatriation approximately 2,000 additional remains and about 15,000 additional objects. The Repatriation Office maintains

an extensive web site, where complete documentation of its past and current activities is posted (NMNH, 2001).

An anthropologist from the NMNH, Thomas Killion summarized "Repatriation is an evolving process for everyone involved. What we're all trying to do is make informed, refined decisions about some very complex issues" (Protzman, 1998).

### **Cultural Property: Returns and Illicit Looting**

Contested cultural items are often found in the ethnographic, archaeological, antiquities or art collections of museums. Many artifacts originate from areas that were former colonies and excavations in ancient civilizations (Simpson, 1996). "Popular attitudes towards non-European and 'tribal' societies have undergone a revolution, with a long-overdue re-evaluation and appreciation of their achievements" (Jones, 1996). This recent appreciation of non-European cultures has, in turn, evoked ethnic pride among various groups. These groups are now asking that their cultural items be returned to them so that they may take their appropriate places in the culture. The current debate over cultural property may well be the direct result of community politics.

The fears museum staff had regarding NAGPRA are echoed in negative reactions to possible policy on repatriation of items that originated from other countries or ethnic groups, i.e., the mass return of collections. To date, this has not happened. Many museums are examining their collections and returning items on a voluntary and ethical basis. When a museum is faced with the possibility of returning an item, Simpson (1996) suggests the following questions for framing the discussion:

- Ownership: how was the artifact acquired? What was the power relationship between the two parties? Was the artifact communally owned?
- Preservation: if the artifact was repatriated, would its safekeeping be assured?
- Function: what function would the artifact serve if it were returned? Is it required for the continuation of religious practices? What function does it serve in the museum collection?
- Education: is the object better displayed where it is? Is it displayed at all? Would it be more appropriately displayed in its original cultural context? And would the item have a more important educational role in its culture of origin?

Currently, there are frequent stories about illegal looting and requests for the return of cultural objects. Below are examples of contested ownership of cultural property:

- The British Museum in London is now in possession of some 2,300 year-old Greek marble statues (the Elgin marbles, now called the Parthenon marbles) and carved panels removed from the Acropolis in 1799 by a British aristocrat. The British Museum may return the Elgin Marbles permanently but there is also the possibility that the marbles will go to Athens only temporarily for the 2004 Olympics. The Greek government has even been willing to stretch its strict antiquities laws in order to trade newly discovered artifacts to the British Museum for the Parthenon Marbles (Hastings & Bamber, 2001).
- The J. Paul Getty Museum has a 6th Century BC sarcophagus that may have been obtained at an illegal dig in the 1970's. The museum is conducting research on the provenance of the piece to determine their next action (Kaylan, 2001).
- As of August 26th of 2001, at least 40 British institutions were believed to be preparing to give back all or part of their collections. Most of the artifacts that would be returned would go to Australian Aborigines and Native Americans. One official in a large museum stated, "My fear is that things are returned, not to be reburied or returned to individuals but simply to be placed in other museums which probably have far fewer visitors and research resources than we have here" (Hastings & Milner, 2001).
- In 1999, the scheduled major fall exhibition at the Walters Art Museum (Baltimore, MD) on ancient and medieval art from the Republic of Georgia was cancelled. Political opponents of Georgia's president felt that the items in the show were cultural patrimony and should not leave their country. Other opponents argued that the items were church property of religious importance, and the church did not give permission to lend the objects. The church took the stance that the objects would lose their sacredness if taken outside of Georgia (Cash, 1999).
- The J. Paul Getty Museum, in 1999, returned three illegally excavated objects to Italy. "The Getty has prided itself on the pursuance of this policy of collaboration with source countries because it sees that ultimately, it is in no one's ... interest to handle objects with dubious provenance" (Lee, 1999).
- In 1998, the Museum of Fine Art, Boston, found itself embroiled in a dispute over stolen antiquities. Concurrent with the opening of their new galleries for pre-Columbian, African and Oceanic art, the museum was asked to return a number of works on display. Guatemalan and Malian government officials sought the return of the works citing that the objects were illegally smuggled out of the countries (Ebony, 1998; Shulman, 1998).

## Theft of Cultural Property

*In the United States today the trade in illegal art and antiques is exceeded only by that of guns and drugs. A report issued last week by the International Council of Museums (ICOM) stated that more than 100,000 objects with a combined worth of hundreds of millions of dollars were stolen from churches and museums around the world since the 1980s.*

(Kaylen, 2001)

The restitution of cultural property ‘misappropriated’ during World War II and the disputed ownership of cultural property are two issues of museum collections. A third, of equal magnitude, is the theft of cultural property. In the case of theft, ownership is not disputed but the works are stolen generally for monetary gain.

According to Anna J. Kisluk, Director of the Art Loss Register, Inc., the extent of the problem is all but impossible to quantify (1998). Estimates vary from \$2 - \$6 billion annually. As noted above, this past June ICOM tried to estimate the magnitude. Often, when thieves attempt to sell stolen art they are caught. At the Art Loss Register, for example, screening of auction catalogues accounts for half of the items that are identified and recovered.

From the perspective of art museums, there is increasing pressure not only to protect works in their possession but also to guard against acquiring works that have been stolen. The steps a purchaser takes to determine the status of an acquisition are critical when or if questions arise related to legal ownership. This “due diligence” has been aided with the availability of increasingly sophisticated information management technology. Some databases, e.g. those maintained by the Federal Bureau of Investigation or Interpol have been in use for decades, while others are more recent. For example, the publicly accessible Art Loss Register noted above has existed since 1991. Most recently, the U. S. Customs Service has created an agency geared to thwarting art theft (Gronlund, 2001).

An additional aid towards locating stolen objects is the increasing adoption of Object ID, an international standard for describing art, antiques, and antiquities (Wechsler, 1997). It has been developed through the collaboration of museums, cultural heritage organizations, policy and customs agencies, the art and antiques trade, appraisers, and the insurance industry.

### Status: Smithsonian

According to the director, no thefts from public spaces or collections storage areas have been reported to the Office of Protection Services in the past five years.

## II. Exhibitions: Museums as Contested Sites

*Museums and their exhibitions have become controversial sites in a number of respects over the past few years. They no longer merely provide pleasant refuge from ordinary life, nor are they simply repositories of received wisdom. Museums have moved to the forefront in struggles over representation and over the chronicling, revising, and displaying of the past. Museums today differ greatly from their predecessors.*

(Dubin, 1999)

*We have to listen to as many voices as we can hear. But we have to select those voices that are going to be heard in our galleries, and that's the challenge. So you have to try to be as inclusive as you can in listening. But you have to have the intellectual courage to select what goes up on your walls. Then you have the responsibility to stand by it.*

(Macdonald in Dubin, 1999)

### Introduction

For almost six months beginning in late September 1999, the Brooklyn Museum of Art dominated the cultural news. The exhibition *Sensation: Young British Artists from the Saatchi Collection* was in the headlines. The scenario had disturbingly familiar components: threats to withhold funding, concerns about freedom of speech, seeming affronts to the sensibilities of religious conservatives, and cultural funding issues. It also had the two elements that are critical components of controversies that explode: first, there was a belief on the part of many that values had been threatened or mocked; second, there was a mobilization of power to try to do something about it.

Two years later, all of the components can be easily identified in difficulties surrounding current exhibitions. Sometimes, as in the case of the Alma Lopez's *Our Lady*, the photo-collage in *Cyber-Arte: Where Tradition Meets Technology* at the Museum of International Folk Art (MOIFA), the story reaches national and international audiences.<sup>6</sup> In other cases for example, the use of two live chickens in an installation, *An Acre of Art*, at the Minneapolis Institute of Art, the press is more muted.<sup>7</sup> Is controversy an unavoidable aspect of 21<sup>st</sup> century exhibit making? If so, what are the strategies that can be used, and have been used, to minimize the 'downside' of controversy?<sup>8</sup> Is controversy to be avoided or is it viewed as a necessary risk of doing business? What can be learned from these controversies about how we do business?

From the public's perspective, especially at art museums, institutional character has been linked with special exhibitions. Unless they are packaged as a special exhibition,

installations of permanent collections are noted only in professional publications or when linked to a new facility. What museums display and how they interpret their collections has changed over time. Most importantly, “The extent of interpretation in American museums is rapidly expanding as museums see their mission as changing from offering a passive venue for the already educated to being an active center of learning for a public of diverse educational and cultural backgrounds” (Boyd, 1999).

Historically, society has defined itself and showed its best face to the public in museums. But over time, museums have also had to make a place for divergent views, unflattering images, and embarrassing juxtapositions. At best, such exhibitions are viewed with discomfort – at times, with extreme hostility. Perhaps the most ‘controversial’ exhibition of modern times remains *Harlem on My Mind: The Culture Capital of Black America, 1900-1968* at the Metropolitan Museum of Art in early 1969. African Americans, Latinos, Jews, Irish, artists and art critics all found the catalogue or exhibition insulting or enraging. The John Birch Society, the Jewish Defense League and the Black Emergency Cultural Coalition, organizations normally at odds, united against the ‘enemy’ and picketed the museum. In retrospect, *Harlem on My Mind* moved art exhibitions into the mainstream of debate and may have helped define the blockbuster exhibition (Dubin, 1999).

An analysis of either *Sensation* or *Harlem on My Mind* involves content, interpretation, freedom of expression, the public’s role in exhibition making, and funding and sponsorship. Several of these are discussed in the remainder of this paper. Freedom of expression, or ‘First Amendment issues’ are discussed only indirectly.

### **The Subject Matter of Exhibitions**

The subject matter of exhibitions is the result of both planning by the museum and happenstance. Recent conversations with museums around the country suggest that most try to have exhibition agendas that reflect their missions and objectives. However, the personal preferences of directors, curatorial research, marketing analyses, and the pressure to increase audiences are the pragmatic drivers of subject matter choice.

At the height of the debate over the Smithsonian’s *Enola Gay* exhibition, Lonnie Bunch, then assistant director for curatorial affairs at the National Museum of American History urged museums to “fight the good fight.” Among other exhortations, he asked that museum professionals be more open about what museums do, what they collect and how they arrive at decisions. “While museums cannot expect to change their audience into experts on, or patrons of, science, art, or history, by being more forthcoming, museums can teach visitors more about points of view, the scholarly underpinnings of museum work, and the inherent fluidity of museum interpretations. As the clothing store advertizing extols, “An educated consumer is our best customer” (Bunch, 1995).

As long as the subject matter of an exhibition does not challenge social norms or majority perspectives, or does not question the *status quo*, museums are on relatively 'safe ground.' It is when museums move beyond being celebratory and decorative that their responsibility to explain should be clear. Bunch (1995) believes that museums would be better served if "... they explained to the public why history museums explore social history that includes difficult questions of race, class, and gender, or why it is important for art museums to examine artists whose work challenges community norms and expectations."

At the same time, it is worth considering that publicly, most people expect museums to uphold standards somewhat at variance with their own practices, always in the conservative direction. This is certainly true when one compares television programming with museum exhibitions. Ironically, an exit survey of visitors to *Sensation* indicates that those who visited, perhaps to show solidarity with the museum, did not find the works "offensive" (Halle, Tiso and Yi, 2001). Do most people want museums to hark back to a nostalgic past, in the face of changing mores and institutions?

Certainly, a review of the historic record suggests that hostile reactions to 'contemporary art' are not new. Michaelangelo, Caravaggio, the Impressionists were all reviled in their day. For example, *Olympia*, Manet's reclining nude, scandalized the public when first shown at the 1865 Paris Salon. In 1913, imitations of works by Henri Matisse in the Armory Show were burned on the front steps of the Art Institute of Chicago.

### **Interpretation and Issues of Representation**

As a result of the movements of the 1960's, civil rights activities, and changing demographics of the nation, museums decided to expand their audiences, involve their communities, and to 'connect' with contemporary issues. This has made interpretation and display increasingly complex and subject to criticism.

Many of the issues that framed two conferences at the Smithsonian Institution in 1988, the Poetics and Politics of Representation (Karp & Lavine, 1990) and Museums and Communities (Karp, Kreamer & Lavine, 1991) are still debated vigorously today. Whose voice? Whose story? How is the 'other' represented? The tendency is to think of the 'other' as different. Several papers at the conference considered the implications of exhibition strategies that emphasize difference, as opposed to those that assert that people of other cultures are 'like us.'

Almost a decade later, a group of Smithsonian staff tackled some of these issues in a totally Smithsonian context. Taking as a starting point the museum as forum, they addressed myriad exhibition related questions. "Who has the authority to interpret history to the public – indeed, who "owns" history? ... How does an exhibit best present an interpretation that reevaluates the sacred narrative of a culture in which the public feels a wide ownership?"

Perhaps even more basically, what are the implications of the public's willing partnership in the museum metamorphosis from more removed and isolated existence to a very public and commercial one?" (Henderson & Kaeppler, 1997).

Inevitably, in all discussions, the precise role of the public in shaping both content and interpretation is raised. History museums, science museums and science centers have made extensive use of members of community groups and organizations as well as unaffiliated individuals, in helping shape exhibition strategy. At the Smithsonian Institution, for example, the Museum of Natural History involved dozens of organizations in the development of the *African Voices* hall. Most of the Smithsonian museums work with community groups in planning public programs. Sometimes, products of these activities end up on museum walls. For example, a team of Chinese-American teenagers who are enrolled in the weekend Chinese Experimental School in Reston, Virginia, and the Gaithersburg Chinese School were involved in activities which led to panels in the *Worshipping the Ancestors: Chinese Commemorative Portraits* exhibition at the Sackler Gallery of Art. The goal of the activity was to show the continuity of tradition in Chinese and Chinese-American communities.

Does public involvement necessarily imply that friction can be avoided? As will be discussed later, the record is mixed.

### **Strategies for Handling Controversial Exhibitions: Successes and Disappointments**

In a journal issue devoted to museums and controversy, Cooks (1998) describes a set of guidelines that helped in developing and travelling *What about AIDS?* - a potentially controversial exhibition developed by the Franklin Institute Science Museum and members of the National Health Exhibit Consortium.<sup>9</sup> The guidelines follow:

- Believe in what you're doing
- Prepare your museum
- Reach out to your community
- Host a preview and invite your potential enemies
- Learn from the stories of the people who have already hosted the exhibit

The article illustrates how the guidelines played out in *What about AIDS?* At the time the article was written, the exhibition had been to about 40 museums, and the general consensus was that while it was a lot of work, it was a worthwhile experience.

In the same vein, the former director of the Museum of the City of New York felt that the formula they used to avoid controversy was “to define the objectives, content, and implementation of the exhibition long before the selection of the objects and planning for the installation began” (Noble, 1995). During his tenure, *Drug Scene*, *Alcoholism*, *Venereal Disease* and *The Big Apple* (about race relations) were presented with relatively minor problems.

While designed for exhibitions quite different from contemporary art, how do these guidelines fare when applied to recent exhibitions?

### The New York Historical Society

The story of *Without Sanctuary: Lynching Photography in America*, published this spring in *Museum News*, implies that similar guidelines were used. In this case, the director of the New York Historical Society, Betsy Gotbaum clearly believed in the importance of presenting the exhibition in New York City at that moment. She and her staff, assisted by outside experts, spent considerable time in making everyone in the museum – from trustees to maintenance staff – understand the rationale for the exhibition. This was not to enforce a single, uniform perspective “But we did want [everyone] on the same page. We wanted everyone to feel that they knew why the institution was installing the exhibition” (Desmond, 2001). The Society asked the Community Service Society of New York, an organization that supports the rights of minorities and the poor, to co-sponsor the exhibition. This, as well as involving African-American leaders and ministers in the project, helped ensure outreach to the African-American community. [Prior to its New York Historical Society venue, a smaller exhibition was shown in a private New York City art gallery and drew considerable crowds. The fact that there was no outcry in a private gallery did not ensure a controversy-free public venue.]

In this case, the strategy also dealt with the post-exhibition experience. Planners recognized that visitors would go from the highly arched space of the Society and walk into Central Park. They asked, “would it all evaporate when you see the park? Does it all fly away? Can you go to the park and have a picnic? What happens when you see a tree? If the exhibition worked, would the tree look ugly? To whom?”: One solution, successful for some visitors, was to provide for conversations among visitors as they exited.<sup>10</sup> On the way to the exit, visitors passed by several comfortably furnished rooms with facilitators to engage them in conversations.

### The Jewish Museum

The Jewish Museum in New York City has developed at least two exhibitions on sensitive topics which have led to controversies (*Bridges and Boundaries: African Americans and American Jews* (1992) and *Too Jewish?* (1999)). In both cases, every effort was made to explain the rationale for the exhibitions to potentially affronted publics.

Currently, the museum is working on *Mirroring Evil: Nazi Imagery in Contemporary Art*. One of the museum’s curators found a prevalence of this kind of material around the world, in museums and in art fairs. “Here were young artists, in their 30’s, who were dealing with the perpetrator in the art. ... He proposed a show of this and we considered it seriously and after many years it is almost there .... The vetting is not just about the topic, it’s about how it will be developed, how it will be shown and what visitor experience will be.”<sup>11</sup>

Knowing that *Mirroring Evil* is going to be controversial, the director first wanted the trustees to buy in and not feel betrayed. The museum created an advisory group outside the museum, showed images and discussed the exhibition with Holocaust survivors. They also talked to leaders from the community and conducted focus groups, including some with the Jewish community. Over time, according to staff members, the exhibition has shifted from being ‘art on the wall’ to a project that involves collaboration with different organizations, has developed a lot of public programming, and has opened up new questions.

The museum is reluctant to share its plan to deal with the anticipated controversy, except to say that the interpretive context of the show is the largest part of the plan. The ways in which the exhibition asks for reflection and engagement will be the key. Visitors will also have opportunity to engage in a variety of supplementary programming.

#### Museum of New Mexico, Museum of International Folk Art

A comparison of the *Museum News* story about *Without Sanctuary* with that of *Cyber-Arte: Where Tradition Meets Technology* is instructive. In the *Cyber-Arte* case, it was one work, a photo-collage of the Virgin of Guadalupe shown as a contemporary Hispanic woman “with attitude” that led to the eruption of anti-museum sentiment. *Cyber Arte* focuses on computer-inspired art by Hispana, Latina and Chicana artists who combine “folk” elements with state-of-the-art technology. Yet, unlike the situation in New York, there is no evidence that the museum had any plans and mechanisms for involving the local Hispanic community.

### **Controversy in Perspective**

When the director of the Museum of New Mexico conferred with other museum professionals, he discovered that “the difficulty of anticipating when and where community protest might occur is a common theme.” Similar sentiments were expressed by every museum director or professional interviewed as part of this project. They raised two additional points. Every year thousands of exhibitions do not challenge values, deconstruct history, or offend sensibilities. A small group of exhibitions create a temporary stir at the local level, but never gains the political momentum or support necessary to become confrontational. It is the rare exhibition, in this post-*Enola Gay* environment that attracts the kind of attention accorded *Sensation* or even *Cyber Arte*.

Several directors also commented that among the daily pressures of their lives, controversial exhibitions in someone else’s backyard are only of passing interest. Pressures surrounding personnel problems, infrastructure concerns, trustee relations, fund raising, exhibition openings, and audience draw loom larger.

Can provocative and possibly controversial exhibitions be avoided in the future? Should they be? The real danger is that museums will engage in self-censorship, thus inhibiting or muting the ideas they should promote and the role they should play in their communities.

There is also a general admission that while minute in number, the impact of recent controversies has been disproportionate. In an environment of decreasing cultural resources, pressure for audiences and a concern for insuring their future, museums are being considerably more cautious in making exhibition decisions.

### Status: Smithsonian

Following the *Enola Gay* controversy the Smithsonian issued a set of exhibition guidelines. The objectives of Directive SD 603, issued in August 1995 are to

- reinvigorate thinking about the processes of creating exhibitions at the Smithsonian
- establish a system for regularly reviewing exhibition planning guidelines
- identify accountability at all levels of the institution

The guidelines place the authority and responsibility for the selection and approval of exhibitions with the unit (museum) director. The guidelines enumerate the components that should be in the individual unit guidelines. “In general, museums are accountable for presenting information that is grounded in scholarship, but which also respects the diverse perspectives of groups and individuals.” However, the Secretary has the authority to approve or disapprove any Smithsonian exhibition at his discretion.

Sensitive issues, i.e., those where public groups may disagree or where curators and other scholars have differing perspectives, are specifically addressed. Here, the Directive asks for planning teams to study the experiences and expectations of visitors, assess responses to the completed exhibitions, and carefully plan for handling a “range of public responses.”

In the post-*Enola Gay* era, Smithsonian museums have exercised considerable care in the selection of topics, interpretive strategies, methods of display, and planned for potential controversy. In the intervening years, no Smithsonian exhibition reached a flash point.

One strategy, used by the Hirshhorn Museum and Sculpture Garden, has been to place signs alerting visitors to potentially disturbing materials. In the past seven years, the museum has used this approach for three exhibitions, sometimes in combination with thoughtful placement of potentially offending objects to minimize accidental viewing. In consultation with the museum's public affairs office, the staff has prepared itself to respond to difficult questions about the choice of topics and objects in those cases where controversy is anticipated.

This is not to say that the HMSG has totally avoided minor episodes. For example, *Directions Rudolf Schwarzkogler*, an exhibition of body photographs from the 1960s by an Austrian, met with requests from the *Washington Times* and a Congressman to explain the

decision to host the exhibition. The Hirshhorn's relatively infrequent showings of photography may partially account for the minimal level of public objections to its works. In contemporary art, a senior staff member suggests, photography is often a hot point for controversy because it recreates an illusion of reality and, in the mind of some visitors, it becomes confused with reality. The museum does get occasional letters protesting the perceived content of art; one example is a cogently satirical anti-war sculpture by Robert Arneson, *General Nuke*.

One *Between a Rock and a Hard Place: The History of American Sweatshops, 1820-present*, at the National Museum of American History (April -December 1998) came close. "We'll turn this into another Enola Gay," vowed Ilse Metchek, executive director of the California Fashion Association. In planning this exhibition, however, the curators consulted industry representatives to assure that the exhibition would not present the mainstream clothing industry in a 'bad light.' In the exhibition, special care was taken to ensure that a multitude of voices came through the exhibition and, in direct opposition to the *Enola Gay*, external consultation did not include sharing the script. According to one of the curators:

*In this climate, we were just afraid. And in some ways it's a shame, because many times when we were developing the script we would wonder how a group would perceive something. They could be the best ones to find mistakes in your work. But people working in public history feel under attack, and therefore we can't share the material because this could jeopardize the project as a whole.*

(Rubenstein in Dubin, 1999)

In spite of the approach and closely held script, problems did arise. The problem was the section on the infamous sweatshop in El Monte, California, uncovered in 1995, where 72 Thai immigrant workers were virtually enslaved in a compound surrounded with a high fence. By including the El Monte sweatshop, the past and the present were connected, and the issue of sweatshops was identified as a contemporary concern. This focus on El Monte displeased many apparel manufacturers who felt that the exhibit was emphasizing the very worst case and, thereby, suggesting that it was representative of the contemporary garment industry.

In the case of *Sweatshops*, political support rallied behind the exhibition, and included a petition by 45 members of Congress and support from the Board of Regents. Thus, it lacked the two components that are prerequisites for a controversy to explode. First, although the industry claimed that it was unfairly represented, its image tarnished and its values threatened, this position did not gain significant support. Second, the mobilization of power was on the side of the exhibition, rather than with its opponents.

### III. Supporting the Museum: Who Pays

*...I keep thinking, what price success? Museums are drawing huge audiences, but to what? To dazzling new buildings or renovated ones, very often, or to ballyhooed exhibitions of overexposed art (even things with a dubious place in art museums like motorcycles and guitars). In settings like that, looking at works of art is becoming a point-and-click sort of thing. There's a crowd flowing around you, noise . . . glance, move on. I want museums that help people slow down, clear their minds, concentrate their attention, stretch themselves, feel changed by the experience. You need contemplative spaces for that.*

John Walsh, former Director, Getty Museum  
*LA Times*, 24 December 2000

*Success in America is measured by growth – the bigger the better. In the case of museums this means bigger exhibitions, bigger audiences and bigger buildings.*

Smithsonian art curator, 2001

*Art museums these days are pandering to the lowest common denominator, confusing popular junk with high art, and failing their mission to set standards and educate the public. Or they're throwing over outdated and elitist concepts about art, making it fun, bringing more people into museums, and teaching them to see beauty in everyday objects. Either the barbarians are at the gate, or they're already in, and, hey, they're not barbarians.*

*USA Today*, January 5, 2001

#### Introduction

Approximately three years ago, backed by a photograph of exploding fireworks, the cover of *Museum News* proclaimed “More Museums, More Visitors ... The Boom – And What To Do About It.” The article marshaled an array of statistics, displayed models of museum buildings in progress, quoted from the *New York Times* and the *Washington Post*, and tried to show that museum attendance had reached extraordinary heights (Lusaka & Strand, 1998). Other writers and data also point to a general increase in visitation, but less dramatic. For example, between calendar years 1989 and 1999, the combined visitation of 25 American art museums with high attendance (400,000+) shows a percentage increase of 6% (AAMD, 1990 and 2000). At present, certainly, there is no simple way of determining whether the increase is due to attendance by more individuals, or if a relatively stable number of individuals are making more visits to more museums. The healthy economy, growth in personal income, and a payoff of community outreach efforts are among the reasons cited for the growth in attendance.

At the same time, there is now considerable pressure on museums to further increase their overall audiences. This is unlike the late 1980's, when the pressure was more on composition than on size. The question is, if museums are so successful, then why should they increase their audience? Audience size is used as a proxy for "success" in reaching and serving the public and proving that museums are a public good. Thus, continued success is equated with ever increasing numbers. Changes in audience composition, especially increased attendance on the part of members of racial/ethnic minority groups, are seen as evidence of museums becoming more democratic and more reflective of the cultural mosaic of the United States.

Although higher visitation leads to increased costs for museums, it also generates more revenue. While some increases in revenue come from admission fees, memberships, restaurants and shops, the major dollars come from individual donors, corporations, and foundations. In all cases, increasing visitation at the museums as well as optimistic projections are used to rationalize funding requests and proposals.

The costs of building audiences and increasing visitation, employment of larger and more technically trained staffs, escalating operating expenses, concurrent with decreasing governmental support has led to financial pressures. In the new fiscal reality, donors, private and corporate sponsors, and foundation grants have become increasingly crucial to the survival of cultural institutions.

### **Exhibition Sponsorship**

When museums have the opportunity to develop or present an exhibition that has the potential of bringing in more people, funding pressures surface. It is now quite common for marketing and development staff to be part of the exhibition decision-making.

In many instances, museums are balancing exhibitions they view as 'popular' with those they feel will be more challenging and difficult for viewers. The expectation is that popular exhibitions will help support those with a narrower appeal. Increasingly, museums have sought exhibition sponsorship for their exhibition programs.

Several types of sponsorships are frequently discussed. Marketing sponsorships are quite distinct from philanthropy. Philanthropy is support of a cause without any direct commercial incentive. Marketing sponsorship are undertaken for the purpose of achieving direct commercial objectives. At a recent conference on nonprofit sponsorship, the following definition was provided "Sponsorship: a cash and/or in-kind fee paid to a property (typically in sports, arts, entertainment or causes) in return for access to the exploitable commercial potential associated with that property."<sup>12</sup> From the perspective of the sponsor, this strategy of improving the fortunes of a company or brand by building a link in the visitors' minds between the sponsor and a highly valued organization can be used as a tool to win consumers

and/or key accounts.” In corporations, the source of support has shifted from corporate contributions departments, who deal with philanthropy, to marketing departments, who negotiate corporate sponsorships or, euphemistically, “strategic philanthropy.” According to one interviewee, “all actions that a corporation undertakes are commercial in nature,” even in the case of philanthropy they are clearly trying to project an image of “corporate good citizenship.”

Corporate sponsorship was cited by all of the museum professionals, especially directors, as the single most serious pressure on their museums. They all felt that the lack of funds for exhibitions could lead to sponsorship relationships that gave erroneous impressions about the museum’s professional integrity. As the pressure to increase audience size and a public profile builds; it becomes more likely that a museum will succumb. This may have happened at the Brooklyn Museum of Art, when the museum simultaneously entered into a pecuniary arrangement with a collector whose work was shown, an auction house, and several other parties with commercial interests.

In the case of art museums, for example, the Harvard Art Museums, it is not uncommon for a museum to display private collections and have collectors, art dealers, and auction houses underwrite the exhibitions. Obviously, the extent to which such relationships tarnish a museum’s public image depends on the arrangements between the various parties (Cuno, 2001). The current funding realities suggest that the relationships between museums, collectors, dealers and auction houses will increase, especially as museums become more involved in commercial activities. What remains to be clarified, not only to concerned museum staff and trustees but also to the public, are the rules for these interactions.

#### Status: General

Below are several current examples in which the appropriateness of the sponsorships was questioned:

- A survey of conceptual art, *1965-1975: Reconstructing the Object of Art*, at the Museum of Contemporary Art in Los Angeles, was acclaimed by critics. However, many of the artists represented belatedly protested Philip Morris’ sponsorship. One artist asked to replace her work with photographs of her parents, who had died from smoking-related diseases. The museum removed her work, but declined the substitutes (*ArtNews*, 1996).
- The Metropolitan Museum’s Costume Institute presented exhibitions of Christian Dior, Gianni Versace and Yves Saint Laurent partly underwritten by contributions from the fashion houses. Last summer, it cancelled a major Coco Chanel exhibition that was scheduled to open in December. The Met’s curatorial staff was becoming increasingly uncomfortable with the influence of Chanel’s main designer, Karl Lagerfeld, during the planning process. (Cash, 2000)

- Shiseido, the cosmetic firm, was the subject of an exhibition at New York University's Grey Art Gallery: *Face to Face: Shiseido and the Manufacture of Beauty, 1900-2000*. The company made a substantial gift - \$500,000 – to endow the gallery's "cultural and artistic activities." At face value, viewers would raise eyebrows. However, the donor is a Japanese company and, in Japan, the demarcation between art and commercial concerns is not as sharply drawn as it is in the United States. Shiseido opened a free public art gallery in 1919, and it maintains a sizable collection from which the exhibition was drawn. (Koplos, 2001)

To address sponsorship issues, in November 2000, the American Association of Museums (AAM) formed a task force to study the issue of business support for museums. The *Guidelines for Museums about Developing and Managing Business Support*, are now being vetted with the museum community. The guidelines encourage museums to develop their own policies within a set of guiding principles.

The principles affirm that in any museum-business relationship, the museum should comply with the law, be consistent with and loyal to its missions, maintain content control and integrity, avoid conflict of interest, and make its actions transparent and understandable to the public.

#### Status: Smithsonian<sup>13</sup>

The Smithsonian discussions of corporate support have differentiated between philanthropic and marketing sponsorships. The former are gifts, for which donors expect recognition, generally in the form of naming. The latter are business deals in which the Smithsonian also licenses its name for the sponsor's use.

Philanthropic sponsorship goes back to quite early in the Smithsonian's history. Recent, and well publicized, philanthropic sponsorships have included one from Polo Ralph Lauren for the *Star-Spangled Banner* exhibition at the National Museum of American History, the Boeing Corporation and the Airbus Industries of North America, Inc. for the National Air and Space Museum Dulles Center, and the Donald W. Reynolds Foundation for the Landsdowne portrait of George Washington. These sponsorships have met with little criticism in the media.

Marketing sponsorships have a much shorter history. Their first public mention was in the installation address of I. Michael Heyman as the Smithsonian's 10<sup>th</sup> Secretary on September 19, 1994. He acknowledged staff resistance to identification of the Smithsonian with corporate sponsor, but emphasized that "we are working very hard to interest corporate sponsors in joining our 150<sup>th</sup>-year anniversary."

Corporate sponsors did support *America's Smithsonian* and one of them, Discover, went on to sponsor a National Portrait Gallery-National Museum of American History exhibition,

*Red, Hot and Blue* (October 1996 – July 1997). Corporate sponsorship brought two decorative art exhibitions to the Smithsonian, *The Jewels of Lalique* (1997-1998) and *Buccellati* (Oct 2000 – February 2001). The largest naming/marketing sponsorship to date is from *Fujifilm* toward the Pandas at the National Zoological Park. Also supporting the Pandas is a media marketing sponsorship by Animal Planet.

Several new arrangements include, as yet unsigned, a sponsorship from General Motors Corporation for the forthcoming *America on the Move* exhibit. A recently signed agreement is for an individual's support of an exhibition honoring accomplished Americans. These exhibitions will be at the National Museum of American History. Both arrangements have drawn considerable criticism and the charge that the Smithsonian was "selling its name."

In April 2001, Secretary Small approved the Corporate Sponsorship Policy; "to add consistency to the manner in which the Institution works with the corporate community..." The document clearly defines the different arrangements with corporations and the benefits they receive under each arrangement.

On September 24, 2001 the Board of Regents adopted the Regents' Statement of Principles on Philanthropy and Corporate Support. The principles are similar to those issued by the AAM, and "look above all to protecting the Institution's reputation, integrity, curatorial and scientific excellence, and its commitment to the American people ... "

### **Funding the Arts**

In several recent controversies surrounding contemporary art, opponents made the argument that the 'public's interest as a funder' was inadequately represented. The perception was that a disconnect existed between the citizens who were paying taxes and those who were deciding how to spend them.

In writing about the funding issues related to *Sensation*, an arts policy analyst suggests that the first question, the theoretical 'who should pay,' should be translated into two pragmatic questions: how may we find more money, and how can we find more appropriate money? (Schuster, 2001).

Schuster goes on to discuss trends in revenue raising for the arts, and provides examples of 'public' funding that are quite different from the current practice of tax revenues. One option is dedicated revenues from government-run or government-licensed lotteries (e.g., the United Kingdom). Another is dedicated tax (hotel/motel, admissions and entertainment taxes). The most widely known American example is Denver, where a one-tenth of one-percent increment in the local area general sales tax is dedicated to arts and science facilities.

Governmental action can be taken to increase private funding for the arts. Spain, for example, requires banks to reinvest a portion of their profits in community arts projects. Tax-based incentives are another option. Matching grants, in which institutions have to raise

private funds to match specific government awards, are well known in this country. Schuster also describes a different approach, reverse-matching grants, as an option. Here, cultural institutions are encouraged to raise private funding and this automatically qualifies them for a government match.

Mechanisms for the distribution of these resources, especially in the case of public funds that have a private component are outside of this discussion. At present, professional staff and experts are typical in countries with ministries of cultures. In the United States, peer-panel reviews is characteristic of most arts-funding.

The critical issue of the funding discussion is not what mechanism or allocation model will predominate, or what types of initiatives will be supported. It is not “about the future of public funding more generally, rather it is about how the public interest is to be taken into account in arts funding.” (Schuster, 2001). This still leaves open the more fundamental issues of how many public segments should be served, who articulate their interest in art museums, and who decides the value of art museums for any segment.

## References

[A complete Bibliography is available from C. Kaufmann, Office of Policy and Analysis, 202-786-2289 or [kaufmannc@si.edu](mailto:kaufmannc@si.edu).]

(1996, February). Artists protest sponsorship. *Art News*, v 95, no 2, 53.

American Association of Art Museum Directors (AAMD). (1998 amended 2001). *Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)*. New York: AAMD. [Retrieved from AAMD Web site: <http://www.aamd.org/guideln.shtml> ]

American Association of Museums (AAM). (1999 amended 2001). *Guidelines Concerning the Unlawful Appropriation of Objects during the Nazi era*. Washington, DC: AAM.

Adams, R. (ed.). (2001). *Implementing the Native American Graves Protection and Repatriation Act*. Washington DC: American Association of Museums.

Boyd, W. L. (1999). Museums as centers of controversy. *Daedalus*, v 128, no 3, 185-229.

Bray, T. L. (1995). Repatriation – A clash of world views. *AnthroNotes: National Museum of Natural History Bulletin for Teachers*, v 17, no 2, 3. [Retrieved from <http://www.mnh.si.edu/arctic/html/repattb.html>, September 20, 2001].

Bunch, L. (1995, March/April). Fighting the good fight: museums in an age of uncertainty. *Museum News*, v 74, no 2, 32-35.

Cash, S. (2000, July) Chanel show nixed by the Met. *Art in America*, v 88, no 7, 25.

\_\_\_\_ (2000, October). Museum group spells out ethics. *Art in America*, v 88, no 10, 51.

\_\_\_\_ (1999, October). Political protests halt Georgian show. *Art in America*, v 87, no 10, 51.

- Cooks, R. (1998). Is there a way to make controversial exhibitions that work? *Journal of Museum Education*, v 23, no 3, 18-21.
- Cuno, J. (2001). 'Sensation' and the ethics of funding exhibitions. In Rothfield, L. (ed.) *Unsettling Sensation Arts-Policy Lessons from the Brooklyn Museum of Art Controversy* (pp. 162-70). New Brunswick, NJ: Rutgers University Press
- Desmond, S. (2001 March/April). Risk & reward: the story of "Without Sanctuary". *Museum News*, v 80, no 3, 42-47.
- Doyle, M. (2001, 14 August). Annual status report on Nazi-era provenance research at the Smithsonian. (Unpublished memorandum to Larry Small, Secretary through Thomas Lentz, Director, International Art Museums Division, Smithsonian Institution.)
- Dubin, S. (1999). *Displays of Power: controversy in the American Museum from the Enola Gay to Sensation*. New York: New York University Press.
- Eakin, H. (1999). Reviewing repatriation. *Art News*, v 98, no 7, 58.
- Ebony, D. (1998, February). Artifacts disputed at Boston MFA. *Art in America*, v 86, no 2, 27-29.
- Feliciano, H. (1997). *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art*. New York: Basic Books.
- \_\_\_\_\_. (1995). *Le musée disparu : enquête sur le pillage des oeuvres d'art en France par les nazis*. Paris: Austral.
- Goldstein, L. and Kintigh, K. (1990). Ethics and the reburial controversy. *American Antiquity*, v 55, no 3, 585-591.
- Griffin, D. J. G. (1996, March). Previous possessions, new obligations: a commitment by Australian museums. *Curator*, v 39, no 1, 45-62.
- Gronlund, M. (2001, February). Taking a bite out of art crime. *Art News*, v 100, no 2, 64.
- Halle, D. Tiso, E. & Yi, G. (2001). The attitude of the audience for 'Sensation' and of the general public toward controversial works of art. In Rothfield, L. (ed.) *Unsettling Sensation Arts-Policy Lessons from the Brooklyn Museum of Art Controversy* (pp. 134-52). New Brunswick, NJ: Rutgers University Press.
- Harris, N. (1995 September/October). Exhibiting controversy. Overview of controversy museum exhibitions. *Museum News*, v 74, no 5, 36-39.
- Hastings, C. & Bamber, D. (2001, August 19). Greeks offer treasures to have Elgin marbles back by 2004 Games. [Retrieved from [http://news.telegraph.co.uk/news/main.jhtml;?sessionid\\$YB4YI3QAAATAPOFIOMFSFFWAVCBO0IV0?xml=/news/2001/08/19/nelg19.xml](http://news.telegraph.co.uk/news/main.jhtml;?sessionid$YB4YI3QAAATAPOFIOMFSFFWAVCBO0IV0?xml=/news/2001/08/19/nelg19.xml) September 5, 2001].
- Hastings, C. & Milner, C. (2001, August 26) British museums to return 'long lost' Aboriginal art. *News.telegraph.co.uk* [Retrieved from <http://news.telegraph.co.uk/news/main.jhtml?xml=/news/2001/08/26/nart26.xml> September 5, 2001]

- Henderson, A. & Kaeppler, A. L. (Eds.) (1997). *Exhibiting Dilemmas: Issues of Representation at the Smithsonian*. Washington, DC: Smithsonian Institution Press
- Jones, D. (1996, January). Home truths. *Museums Journal*, v 96, no 1, 20-21.
- Karp, I. & Lavine, S. D. (Eds.). (1990). *Exhibiting cultures: The poetics and politics of museum display*. Washington, DC: Smithsonian Institution Press
- Karp, I., Kreamer, C. M. & Lavine, S. D. (Eds.).(1991).*Museums and communities The politics of public culture*. Washington, DC: Smithsonian Institution Press
- Kaylan, M. (2001, July 18). Disputed art at the Getty. *Forbes.com*. [Retrieved from <http://www.forbes.com/2001/07/18/0718hot.html>, July 20, 2001.]
- Kimmelman, M. (2001, August 26). Museums in a Quandary: Where Are the Ideals? *New York Times*, p. B1.
- Keller, C. (2001, May/June). Faith and the first amendment. *Museum News*, v 80, no 4, 30-35.
- Kisluk, A. (1998). Stolen art and "due diligence". *Curator*, v 41, no 3, 161-166.
- Koplos, J. (2001, February). From geisha to grunge. *Art in America*, v 89, no 2, 65-67.
- Latham, E. (1998) Conducting research at the National Archives into art looting, recovery, and restitution (Paper presented at the Holocaust-Era Assets Symposium, National Archives and Records Administration, College Park, Maryland, December 4, 1998).
- Lee, D. (1999). Getty returns three stolen works. *The Art Newspaper*, v 10, no 90, 1-3.
- Lusaka, J. & Strand, J. (1998, November/December). The Boom – and what to do about it. *Museum News*, v 77, no 6, 54-62.
- Macdonald, R. (1996). Museums and Controversy: what can we handle? *Curator*, v 39, 167-169.
- McKeown, C. T. (1997 Summer/Fall). The meaning of consultation. The principles of consultation. Good Faith. *Common Ground*, v 2, no 2/3, 16-46.
- National Museum of Natural History, Department of Anthropology, Repatriation Office (2001). [Retrieved from <http://www.nmnh.si.edu/departments/anthro.html/repatriation/>, September 20, 2001.]
- National Museum of the American Indian (NMAI) (2000). *Interim policy for "Traditional" care of NMAI Collections*. (Unpublished document.) Washington, DC: NMAI.
- Nicholas, L. H. (1994). *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*. New York: Knopf.
- Noble, J. V. (1995). Controversial exhibitions and censorship. *Curator*, v 38, no 2, 75-77.
- Palmer, N., (Ed.). (1998). *The Recovery of Stolen Art: A Collection of Essays*. Boston: Kluwer Law International.
- Petropoulos, J. (2001, June). For Sale: a troubled legacy. *Art News*, v 100, no 6, 114-120.
- Presidential Advisory Commission on Holocaust Assets in the United States (2000). *Plunder and Restitution:*

*The United States and Holocaust Victims' Assets, Findings and Recommendations and Staff Report.*

Pristin, T. (2001, July 11). Suit seeks fee in looted art's recovery. *New York Times*, p. B3.

Protzman, F. (1998, November). Justice delayed? *Art News*, v 97, no 11, 134-138.

Schuster, J.M. (2001). Who should pay (for the arts and culture)? Who should decide? And what difference should it make? In Rothfield, L. (ed.) *Unsettling "Sensation" – Arts-Policy Lessons from the Brooklyn Museum of Art Controversy* (pp. 72-89). New Brunswick: Rutgers University Press.

Shown Harjo, S. (1995). Introduction. In B. Meister, (Ed.), *Mending the Circle: A Native American Repatriation Guide* (pp. 3-7). New York: American Indian Ritual Object Repatriation Foundation.

Shulman, K. (1998, March). Protectors or predators?. *Art News*, v 97, no 3, 64.

Simpson, M. (1996, January). Taxing returns. *Museums Journal*, v 96, no 1, 19.

Sullivan, T. J., Abraham, M., & Griffin, D. J. G. (2001). NAGPRA: effective repatriation programs and cultural change in museums. *Curator*, v 43, no. 3 (forthcoming).

Trope, J. (1996). The Native American Graves Protection Act. In B. Meister, (Ed.), *Mending the Circle: A Native American Repatriation Guide* (pp 9-19), New York: American Indian Ritual Object Repatriation Foundation.

Trope, J & Echo-Hawk, W. , (2000). NAGPRA: Background and Legislative History. In Mihesuah, D. A. (Ed.), *Repatriation Reader: Who Owns American Indian Remains?* (pp. 123-168). Lincoln: University of Nebraska Press.

Wechsler, H. (1997, September/October). Object ID ready for use. *Museum News*, v 76, no 5, 26-28.

## Endnotes

<sup>1</sup> House Committee on Banking and Financial Services. Full Committee Hearing on Restitution of Holocaust Assets, February 10, 2000.

<sup>2</sup> The Addendum is based materials received from the North Carolina Museum of Art.

<sup>3</sup> A. Warren, National Park Service, personal communication to Z. D. Doering, September 12, 2001.

<sup>4</sup> T. McKeown, National Park Service, personal communication to Z. D. Doering, September 18, 2001.

<sup>5</sup> See the Cultural Resources Center web site, <http://www.nmai.si.edu/crc/>

<sup>6</sup> This is one of four museums operated by the Museum of New Mexico. The controversy was described in *Museum News* (Keller, 2001), reported in *Art in America*, and mentioned in dozens of other publications.

<sup>7</sup> E. Maurer, Director, Minneapolis Institute of Art (MIA), personal communication to Z. D. Doering, August 15, 2001. Press clippings provided by MIA are from publications restricted to the Minneapolis area and appeared over a short period of time.

<sup>8</sup> P. Nelson, Director, New York Regional Office, Facing History and Ourselves commented that if we believe in museums as forums they should be places that allow some controversy. (Personal communication to Z. D. Doering August 28, 2001).

<sup>9</sup> Volume 23, issue 3 of the *Journal of Museum Education* (1998).

<sup>10</sup> P. Nelson, Director, New York Regional Office, Facing History and Ourselves, personal communication to Z. D. Doering, August 28, 2001.

<sup>11</sup> J. Rosenbaum, Director, The Jewish Museum, personal communication to Z. D. Doering, August 16, 2001.

<sup>12</sup> IEG Sponsorship Conference, March 9-12, 2001.

<sup>13</sup> Subsection based on materials provided by the Smithsonian Office of Development, the Office of General Counsel and the Office of Public Affairs to Z. D. Doering, September 2001.