Museum Ethics in the 21st Century: Museum Ethics Transforming into Another Dimension

L'éthique du musée au XXI^e siècle : Lorsque l'éthique prend une autre dimension

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Museum Ethics in the 21st Century: Museum Ethics Transforming into Another Dimension⁵⁹

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Narratives

In the last days of January 2014, the Press reported that the directors of two well-known American museums, the Seattle Art Museum and the Denver Art Museum, had made a wager on the outcome of the U.S. National Football League's annual Super Bowl game that pitted the Seattle Seahawks against the Denver Broncos. The wager was a three-month loan of an object from the museum's collection of the losing team to the museum of the winning team. Sounds all right so far? No problem here – just a “lighthearted cultural exchange between museums” (Drews, 2014, p. A2)! The Denver Art Museum put up an iconographic sculpture known as *The Bronco Buster*, created by Frederic Remington and dating from 1895. On its part, the Seattle Art Museum selected a circa 1880s Nuxalk First Nations ceremonial raven forehead mask. The peoples of the Nuxalk First Nation are located on the central west coast of Canada in and around Bella Coola, British Columbia. The Press also reported that this wager was the idea of the Seattle Art Museum's director and CEO, and that, evidently, wagers of this kind between art museums have been made on the outcome of previous Super Bowl games (Griffen, 2014, p. A4).

It should be of no surprise that the Nuxalk First Nations community leaders, who heard of the wager through social media and news outlets, took justifiable umbrage at this action and voiced their strong disapproval. The Seattle Art Museum has acknowledged its mistake, apologized, and offered to travel to Bella Coola with the mask to deliver its regrets in person (Drews, 2014, p. A2). While the action taken by two museums in respect of any wager on the outcome of an American football game (or any other sporting competition, for that matter) might seem to be of questionable distinction, the choice of the object to be wagered by the Seattle Art Museum was not only extremely thoughtless and in very bad taste, but also highly disrespectful to Aboriginal peoples, whether Canadian First Nations or U.S. Native Americans, with whom museums, especially those holding materials originating from these communities, are attempting to connect in a responsibly societal manner. To make matters even worse, the choice of Raven over Hawk to represent the Seattle team would only serve to add further insult to the injury already perpetrated. In the aftermath of its initial ill-conceived enthusiasm, the Seattle Art Museum opted to wager *Sound of Waves*, a six-panelled screen created in 1901 by Japanese artist Tsuji Kako, featuring a “Seahawk-like raptorial bird” (Hopper, 2014), also described as “depicting a powerful eagle with outstretched wings” (Drews, 2014, p. A2). It is not known how Japanese Americans felt about this.

In a similar vein, in February 2014, the Winnipeg Art Gallery decided to host its annual Art and Soul fundraiser under a “Big in Japan”

⁵⁹ Much of the information contained in this paper is from the author's personal first-hand knowledge and communications garnered over 44 years as a museum professional (anthropology curator).

theme banner. This theme has been described as “particularly hurtful”, as it invites “Orientalism, fetishization and stereotyping in the name of charity” (Wills, 2014), and serves to endorse the spread of “yellowface” activities. Dr. Wills, an English professor at the University of Winnipeg, further stated that Asian cultures “continue to be an endless resource for cultural appropriation” with old and new traditions being “reduced, consumed and exoticized out of context”, with the images that appeared on the Gallery’s fundraising invitation ignoring “the struggles of Asian-Canadian and Asian-American activists who have worked for decades to resist this kind of cultural tourism”, especially since such “decontextualized images also perpetuate dangerous stereotypes” (Wills, 2014). Acting in response to a backlash from the community, the Winnipeg Art Gallery scrapped its “Big in Japan” fundraiser theme, opting to go with one entitled “Hot and Cold”. The Gallery’s director and CEO has apologized for “any offence that was caused” and stated that “the WAG would never want to reduce any culture to stereotypes” (Rollason, 2014).

Unfortunately, lessons from past cases, where poor judgement prevailed, still have not resonated into the present. Two prominent Canadian examples immediately come to mind.

In 1988, an exhibition entitled *The Spirit Sings: Artistic Traditions of Canada’s First Peoples*, staged by the Glenbow Museum (Calgary, Alberta) “as the centrepiece of the Calgary Winter Olympics” (Phillips, 2011, p. 48), was caught in the middle of the politics surrounding the land claim initiated by the Lubicon Lake Cree in northern Alberta. In April 1986, the Glenbow received a sizeable grant from Shell Oil Canada Limited for the exhibition, following which the Lubicon “announced a boycott of the 1988 Winter Olympics to draw attention to their unresolved land claim” (Harrison, 1988, p. 6). While the Lubicon took advantage of the Olympic stage to voice their decades-old dispute with the federal government, their attention ultimately turned to *The Spirit Sings*, which they claimed the Glenbow had mounted “over the objections of a Native group not represented in the exhibition” (Ames, 1992, p. 161). It was the inclusion of Shell Oil, also a target in the Lubicon’s land claim, as the exhibition’s major corporate sponsor that was the direct cause of the boycott of *The Spirit Sings* (Phillips, 2011, p. 49), with Shell Oil being seen as “responsible for the destruction of their [the Lubicon First Nations] lifestyle” (Dibbelt, 1988). The announcement of Shell Oil’s sponsorship of the exhibition was followed by a massive letter writing campaign, and the boycott garnered support from such prominent organizations as the European Parliament and the World Council of Churches, along with national and regional native political bodies and members of the academic community (Harrison, 1988, p. 6). In the end, twelve of the 110 institutions world-wide originally contacted by the Glenbow supported the Lubicon’s boycott by not lending their artifacts to the exhibition (Harrison, 1988, p. 6; Steward, 2008; Maranda, in press)

The following year, in November 1989, the Royal Ontario Museum opened its exhibition entitled *Into the Heart of Africa*. With its contextualization focusing on the subject of white Canadian imperialist history, it nevertheless bore the full brunt of displeasure from Toronto’s Afro-Canadian community. Particularly offensive were some not-so-subtle, large photographic images depicting the subservience of the African peoples to the imperiousness of the foreigners. The most controversial of these was an image entitled “Lord Beresford’s Encounter with a Zulu”, taken from the front cover

of the London Illustrated News, Saturday, September 6, 1879, showing Lord Beresford on horseback killing a Zulu warrior with his sword. The exhibition did not directly address this image of European conquest, nor “was the propagandistic aspect of the engraving made explicit, a problem when we consider that typically the public views newspapers as sources of “objective facts” (Butler, 2011, p. 30). By March 1990, the museum was being picketed by the Coalition for the Truth about Africa, and protesters demanded that images and exhibition texts be changed. The fact that the Royal Ontario Museum steadfastly stood by their intellectual prerogative and did neither fueled an already volatile situation, while prompting the question: “how offensive [is it] permissible to be in the exercise of free speech and scholarly interest?” (Ames, 1992, p. 157) There were violent confrontations with the police as the protests escalated, and eventually “the demonstrators had only one non-negotiable demand, the closure of the exhibition” (Cannizzo, 1990, p. 122). In the end, all four institutions (two Canadian and two American) scheduled to receive the exhibition when it closed in Toronto, quickly cancelled their bookings, and the exhibition’s guest curator, who taught at the University of Toronto, was forced to resign from her professorial position as a result of threatening invectives she received from her students. Seen as racist, this exhibition ultimately produced what has been described as “the worst scandal in the history of Canadian museums” (Fulford, 2007) (Maranda, in press).

Issues

The primary issues that I believe will dog museums in the 21st century in respect of an ethical stance will relate to: (a) the relationship museums will have with aboriginal and other minority populations; and, (b) the museum’s place in and interaction with the marketplace. How the museum ethos chooses to perform in these two broad categories will define the development, or lack thereof, of the ethical principles that will govern behaviour by museum governance structures and personnel in years to come.

Museums and Aboriginal peoples (and other minority populations)

The four examples described above illustrate ill-thought-out actions, and each, in its own way, resulted in creating offence to aboriginal peoples or minority populations. The selection of a First Nations mask for a football wager, a “yellowface” Japan theme-based fundraiser, the acceptance of a sizeable grant from a corporation with which a First Nations group was locked in a loss of lifeways and land claim dispute, and the refusal to remove insulting materials from an exhibition all created situations that have served to paint museums in a poor light, especially since all these circumstances were entirely avoidable. The actions taken by the Seattle Art Museum, the Winnipeg Art Gallery, and the Glenbow Museum are errors in judgement that could have been prevented. While *Into the Heart of Africa* was intended to be provocative, “the organizers obviously thought that [it] would be seen as a critical portrait of colonial collecting and museum ethics”, but rather it was perceived “by many people as a glorification of colonialism” (Schildkrout, 1991, p. 16). Thus, as a consequence, “the subtlety of the message and the absence of a clear coalition with Africans in Toronto” (Cruikshank, 1992, p. 6) is precisely what lay at the root whereby the exhibition was labeled as being racist. In this case, the Royal Ontario Museum also refused to relinquish its intellectual prerogative and authoritative

voice in favour of “the other”. In fact, all of these incidents were preventable by simply involving or partnering with, from the very first stage of idea initiation, those communities offended by the subsequent actions taken.

Each of these incidents represents the all too often fragile nature of the relationship between museums (including art galleries) and the publics they serve and begs the question: Where are the ethical precepts that might address such action and perhaps, allowing a pause for reasoned reflection, prevent matters from going awry? Regrettably, there exist many such examples of blatant indiscretions and questionable actions. Reports of such transgressions spread readily throughout the profession and are often restricted to private and furtive exchanges between colleagues. It is when these disputes reach the public that museums become the focus of that criticism which develops distrust in the community.

Although the four narratives involve questionable behaviour by the relative institutions, they also typify an ethos that is still inherent in museums in respect of an ingrained self-superiority and a marked predisposition towards an intellectual prerogative and authoritative voice, all to the exclusion of “the other”. There are multiple voices out there knocking at the museum door, demanding and waiting to be heard. The loudest of these are from aboriginal and other minority peoples targeting those museums holding materials from their various cultures, materials that most museums still view as their own property rather than acknowledging their role as stewards of a heritage that does not belong to them. Museums have become over-dependant on other peoples’ materials, and this form of cultural appropriation (including matters of copyright) has become more and more unwelcome. It is this interface between museums and minority populations that I believe may very well steer much of the ethical and moral precepts in the forthcoming decades. This may, in fact, become the most important issue for those museums holding materials from these peoples, along with the particularly thorny but related question of the increasing requests for the repatriation of cultural property. Involved in this will be not only the voice of “the other” in relation to museum holdings, but also an entire gamut of associated activities, including acquisition of collections, their care, their documentation, their interpretation, and their disposition. This will eat at the very heart of the museum, but it is also a growing sore that needs addressing.

In Canada, motivated by the Lubicon Lake First Nation’s boycott of *The Spirit Sings* exhibition, the Assembly of First Nations and the Canadian Museums Association brought “Aboriginal peoples and museums together in a series of national discussions” (Assembly of First Nations..., 1992, p. 1), which produced a Task Force Report on Museums and First Peoples entitled *Turning the Page: Forging New Partnerships Between Museums and First Peoples*. The Report lists principles and makes specific recommendations for the establishment of partnerships between museums and Aboriginal peoples in Canada. These recommendations were specific in areas of interpretation, access, repatriation (including such options as restitution or reversion, transfer of title, loans, replication, shared authority to manage cultural property), and training (Task Force on Museums and First Peoples, 1992, pp. 7-10). It is expected that the establishment of such a partnership, through the implementation of the recommendations, would give full and equal voice to Aboriginal peoples. Unfortunately, the proposals have no legal status and are not binding. The Report also recognizes that significant funding, human resources and time

would be required to implement changes. Since too little of the requisite funding has been forthcoming, the Report remains virtually a shelved document, which museums, if they are so inclined, can adopt either “in spirit” or so far as their resources and intermittent government-funded project grants allow. Meanwhile, the full and equal partnership intent of the Report remains both elusive and distant (Maranda, in press).

Two years earlier, in 1990, the United States enacted a federal law known as the Native American Graves Protection and Repatriation Act (NAGPRA). As its primary purpose, this Act requires institutions that house collections originating from Native American and Native Hawaiian peoples and that receive federal funding, to inventory their holdings of human remains, funerary and sacred objects, and objects of cultural patrimony, to provide summaries of other material culture holdings, and to consult with the relevant Aboriginal groups and organizations, all aimed at reaching agreements on the repatriation or alternative disposition of these materials. A secondary major reason for this Act is to provide greater protection for Aboriginal burial sites and more careful control over the removal of materials from federal and tribal lands. This Act of U.S. Congress is binding, has legal status, and the authority to prosecute offenders by exacting both fines and imprisonment.

While NAGPRA squarely addresses the problematic issue of human (ancestor) remains and associated and other cultural materials and their disposition, the Task Force Report recommends ongoing partnership agreements between museums and Aboriginal peoples in a number of key areas. Regardless of the fact that the Task Force Report has no legal status and is not binding, the recommendations contained therein will weigh heavily on Canadian museums holding such materials, to the extent that they will eventually be obliged to incorporate many, if not all, of those recommendations into their institutional policies and codes of conduct.

A museum position in which it simply responds to requests for repatriation of, in particular, human osteological and other sensitive materials, is slowly having to become one where the museum is proactive in this endeavour. Museums are also receiving, from Aboriginal peoples, requests for the repatriation of materials (other than those in the categories already mentioned) originating from their communities. To the Aboriginal peoples, it matters not that these materials have been acquired by museums through field expeditions or from “legitimate” sources, the pressure is now on to give serious heed to such requests. This is especially acute where museums are located either on or near former or current traditional Aboriginal lands, as is the case in Canada. It should also be noted that repatriation requests are not limited to the museum’s immediate sphere of influence, but can and have come from Aboriginal peoples living elsewhere in the world. While it is uncertain to what extent repatriations will eventually go and how far the Aboriginal voice will be heeded, it is certain that this will be an important factor in the museum landscape for a long time, whether it entails the return of single items at a time or vast swaths of materials such as those with which the Royal British Columbia Museum has been involved during the course of Treaty negotiation settlements with First Nations in British Columbia. It should be noted that not all Aboriginal peoples want their objects returned, with some having moved on beyond this point (Thomas, 1990, in respect of the Pere village on the island of Manus, Admiralty Islands, Melanesia), or others not knowing the appropriate

ceremonies for the receipt of objects from their ancestors' past. On the other hand, the "either show it or send it back" cry has been around for many decades, being one to which museums have not responded. Perhaps an argument could be made that it would be more appropriate that "the private life of other cultures" in museum storerooms be returned "to the lands in which it was made and where it has great meaning. Why should the [museum] ethnographers be allowed to steal all these lives?" (Pye, 1987, p. 79). Nevertheless, it is certain that the repatriation process will eat up valued museum assets in both staff time and financial resources.

A positive and productive interface with Aboriginal peoples will require a reworking of the museum ethos and an acceptance of new partners, especially where collections and their interpretation are concerned. It is important, for example, to realize that there are methods of presenting histories that are non-linear and cultural lifeways that diverge markedly from the current standard. These may challenge the scientific premises on which museum interpretative methods are based. This may even result in two parallel interpretations being presented, one based in science and one from the cultural perspectives of the Aboriginal peoples themselves. While collections still remain an important part of the museum's core, the entire spectrum relating to the museum's work involving Aboriginal holdings is undergoing a scrutiny over which the museum has little control. This may eventually extend far into the administrative, scientific, and didactic mechanisms of the museum, and there are currently no ethical precepts to chart such a transition. Interestingly, there are inherent contradictions here. Museums acquire and maintain collections, which they hold in trust for present and future generations, that is "for the benefit of society and its development" (ICOM Clause 2). They also hold "primary evidence for establishing and furthering knowledge" (ICOM Clause 3) and are thus places of scientific research and for the dissemination of scientific knowledge. In light of the repatriation movement, however, the standard precepts in extant codes of ethics as applied to Aboriginal collections are no longer tenable.

Museum and marketplace

Whether the museum is or is not viewed as a player in the marketplace, it has a high stakes position if for no other reason than that it holds "authentic" objects of considerable value. In fact, "collections have value as commodities" and the "fetishization of objects makes viewers aware that museum collections are valuable" (Marstine, 2005, p. 11). There is a widespread belief that because something is in a museum collection, and thereby has cachet as a "museum piece", it is worth collecting and owning. Museum collections set high standards for value and collectability and, consequently, collectors worldwide follow suit. This is something over which the museum has absolutely no control especially since museums particularly like to showcase their finest holdings. Valuable objects circulate widely throughout the marketplace with the museum being only one competitor. Normally, museums do not have the funds required for the purchase of pricey pieces and often have to rely on external funding sources. This may include finding an individual or consortium of buyers to purchase and donate (as a purely tax-driven gesture) to a public, not-for-profit institution, such as a museum that has a registered charitable or equivalent status enabling it to issue tax receipts. This mode of operation has already become widespread and is often the only action available to acquire important collections pieces.

In Canada, for example, individuals can donate to designated museums or art galleries in exchange for tax receipts. Fair market value appraisals are made by outside experts, and the issuance of tax receipts by museums to donors is a normative museum activity, even though the tax claim the donor is allowed is considerably less than 100%. A full-value, 100% tax advantage is accorded to those gifts which are Certified Cultural Property through the Canadian Cultural Property Export and Import Act. While the Act is designed to protect the national heritage and to inhibit the illicit, international traffic in cultural property, it also serves as an incentive for the donation of valued objects to selected institutions and public authorities. Certification is achieved only through an application process after the gift is perfected. Application is made by the receiving institution and adjudicated by the Canadian Cultural Property Export Review Board, which will rule on the significance of the object – its close ties with Canadian history or national life, aesthetic qualities, value in research, or degree of national importance – which, in fact, does not need be of Canadian origin.

Arm-length appraisals are needed for any action for which there is tax consideration or where such is required for any reason. Finding the “right” appraiser, one who is qualified and diligent, who operates at arm’s-length from both the donor and the donee and, where possible, one who is a member of an accredited appraisal association can be a difficult process. Without this, however, the process can be open to abuse and possible prosecution of one or both parties through the revenue agency. Conflicts of interest and tempting opportunities can easily creep into this area of museum endeavour. Many appraisers are, in fact, dealers and have that knowledge acquired through their profession, which could interfere with the museum’s intent, thus placing them in a competitive or adversarial role with the institution for whom they have been retained to provide service. This is another issue that museums have had to address for years, but as values for specific areas of cultural property continue to increase at an almost alarming rate, museums will need to exercise more vigilance in this regard and develop ethical routes that will carry them well on into the future.

Many years ago, the Canadian Archaeological Association resolved not to place any monetary values on objects of Canadian archaeological origin. This was needed to prohibit the buying and selling of Canadian archaeological objects, to protect archaeological sites and to reduce the incidents of “pot-hunting”. This also means that individuals wanting to donate objects they have dug up in their backyards or inherited would not receive a tax receipt for same, as no values would be ascribed to the items in question. With no value attributed to archaeological objects, the incentive to buy, sell or profit from these objects evaporates.

Although illegal trafficking in and the exportation of cultural property has been an ongoing issue for a long time, the continuing rise in value of much of the material involved will only serve to accentuate the problem. The Canadian Cultural Property Export and Import Act includes provisions to help protect Canadian heritage from exportation through a Control List of objects that are not less than 50 years old and those made by a person who is no longer living, thus defining in detail the cultural property for which export permits are required. Applications for an export permit are reviewed by a Permit Officer and, if the cultural property appears in the Control List, the

application is then forwarded to an Expert Examiner which may be an institution or an individual. If the Expert Examiner determines that the cultural property is important enough that the export permit should be refused, then there is a delay period of up to six months, during which time an institution or public authority in Canada is afforded an opportunity to purchase the material in question. If no purchaser from within Canada is forthcoming, an export permit is granted. This legislation, however, does not stop objects from leaving the country and material is still often removed illegally without the requisite export permit.

While Codes of Ethics tend to be firm in respect of museum actions in light of the acquisition of objects originally obtained under questionable circumstances and/or either illegally removed or suspected to be illegally removed from their countries of origin, there are situations where second thought should be given to these stipulations. There are, on occasion, objects that may have been obtained under dubious conditions or have been removed from or in a country illegally, which should be received by a museum. By way of example, if the person offering such objects has in mind to dispose of same by sale, should the museum not accept the donation? If the museum, adhering to the stated ethical standards in the matter, refuses to accept the objects and, thus, knowingly allows them to be put up for sale on the open market, is it not being compliant or even complicit in that action? In such a circumstance, a case can be made for the museum to receive the material and hold it until such time that it could be further investigated and possibly returned to its country of origin. It is realized that the museum would serve as a clearing house in such cases, but there is also the argument for the museum as societal advocate, not only in its immediate sphere of influence but also on the wider world stage, even if the objects in question are not from "the territory over which [the museum] has lawful responsibility" (ICOM, 2006, Clause 2:11). This is a case where actions contradict and override stated ethical principles and where the resolution is in the realm of conscience.

It should be mentioned that most small- and medium-sized museums cannot afford to build their collections in the field and rely almost solely on public donations. Far too many of these gifts come with little or no reliable provenance except what the sources know from and within their mainly familial circle. Nevertheless, such objects form a basis for research, can add knowledge through a comparative approach with known collections, and can enrich exhibitions through contextualization. Acquisition of such material is important for these museums, which would otherwise stagnate in the absence of such activity. Again, such action overrides stated ethical precepts and, since there are few alternatives at hand, would seem to defy appropriate museum behaviour even though the practice is widespread.

Most museums are notoriously poorly funded and, while they may be able to secure grants or sponsorships for shorter term activities such as temporary exhibitions, educational programmes, and special projects, and public or corporate funding for capital undertakings (and occasionally for the purchase of new collections), it is almost impossible to fund operations through such initiatives. Operating funds are normally generated internally or through regularly available sources on an annual basis. Museums are now hiring their own fundraisers in an attempt to bring in more financial resources, not only for operations but also for projects. This can become a tricky business

because the *quid pro quo* factors are unknown at the onset (except where tax receipts for such gifts can be issued) and can strain ethical precepts under which museums operate. Also to be considered in this mix is the activity in which museums all too often engage, whereby they undertake, for whatever reason, to cull objects from their collections, offering them for sale on the open market. Money in exchange for selected museum holdings is all too tempting and many museums have been severely criticized for proceeding along this path. One such example is a fairly recent incident involving the Croydon Museum (Steel, 2013). The Arts Council England and the Museums Association warned the Croydon that it could lose its Accredited Museum status (on which it relies to secure loans) if it proceeded to sell 24 pieces from its antique Chinese ceramics collection. The chance of securing good monies by whatever means to fund important projects may, in the end, override the necessary caution required, and those responsible for museum governance need to exercise prudence in how far they are prepared to go in such an endeavour.

Corporate funding may eventually be the way to go for many museums, and this may pose significant problems. As reported in the Vancouver Sun newspaper on 11 March 2014 (Sherlock, 2014, p. A1 and A7), a debate has arisen amongst the various Vancouver (Canada) area school boards, all of which have seen governmental funding for education decline drastically in past years. The Chevron Canada oil corporation has initiated a Fuel Your School programme, which provides \$1.00 for every person who buys 30 litres or more of gas in the participating school district, run at arm's-length through a registered Canadian charity named *MyClassNeeds* to cover costs for everything from playground equipment to computers to breakfast programmes. Such a gas-for-education relationship, especially when sustainability and students walking or biking to school is encouraged, is causing ethical challenges for the school districts. There is here, however, a cautionary tale for the museum, as there is a very fine line between needing the resources to succeed in its endeavours and the tempting availability of corporate funding to assist in this happening. Another easy step would be that museums become part of a money-making enterprise, thus shedding their not-for-profit status to sustain their programmes. Such a jump to corporate player would mark the end of museums as we know them today. Interestingly, the corporate ethos has already infiltrated many museums, with Directors now being known as CEOs (Chief Executive Officers) and the "rebranding" of the museum's image becoming all too commonplace.

Another concern museums have that impacts their role in the marketplace involves private collections. While there has been, in the past, a tacit understanding that a museum ought not to exhibit private collections, such borrowing still occurs regularly. There is no doubt that the public exhibition of privately-owned materials enhances both their monetary value and pedigree, and a quick glance through any Sotheby's or Christie's auction catalogue confirms this fact. Exhibition in a primary cultural institution such as a museum garners prestige and consequently greatly increases both the collectible value and monetary worth of these items. Consequently, the "display in museum = increased value" pattern has become a given, and museums have become firmly entrenched in fostering the wealth of private holdings. A recent example of this activity occurred throughout 2013 when the Canadian Museum of Civilization held a special exhibition entitled *Vodou*, which was comprised almost entirely of materials from the collection of Marianne Lehmann, a Haitian citizen of Swiss origin. The

materials, now comprising some 2,000 objects related to Haitian Vodou, were assembled beginning in 1986 and now form one of the most important collections of its kind worldwide. While it is managed by a Haitian foundation, it still is privately owned. In the search for new ideas for exhibitions, which often lead to the display of private collections, museum staff will continue to engage in this practice; perhaps there need to be ethical guidelines to define the operational boundaries of such activities.

The concept of the “patron of the arts”, in whatever form, is a tricky matter that museums have been courting since their inception. As funding diminishes, the need for private support increases, and there are many corporate enterprises willing to jump onboard and show their support for culture and the arts in exchange for whatever benefit they can accrue. Museum governance needs to take a hard look at this phenomenon and decide to what extent they are prepared to go in compromising an ethical stance while pursuing economic imperatives in their quest for “survival”. Sadly, it is the case that there are museums that seem not to care about ethical precepts and only endorse them whenever it is convenient to do so. To make financial ends meet, corporate support is courted, collection pieces are sold, entrance fees are raised, expertise is farmed out for a price, science is compromised for a more popular mediocrity, *quid pro quo* deals are arranged, rules are bent. Even the extant codes of ethics are too loose and allow too much room for institutional interpretation.

Ethics and transformation

While much has been written on the issue of ethics, and ethical codes abound at levels ranging from the largest of museum organizations (such as the International Council of Museums (ICOM)) to the smallest of museums, the purpose of this paper is to examine where ethics go from here and why recent incidents such as those mentioned in the narratives above still perpetuate.

Ethical codes “define appropriate behaviour, establish responsibilities and other means for self-assessment”, and while they “are not legally binding ... they may influence the law. They function through group pressure [with] museum association censure, loss of accreditation, and threats of professional isolation [being] the typical means of enforcement” (Marstine, 2011, p.7). Each and every code is tailored to the dynamic of the initiating body or organization and, even so, is “fraught with contradictions indicative of the diversity of voices that impact and are impacted by museums today” (Marstine, 2011, p.7). Codes of ethics, however, cannot and do not prevent unethical behaviour.

All too often, ethics and morals/morality are used interchangeably and are considered as parallel concepts when they are, in fact, quite different and should be used to identify two separate, albeit overlapping, dimensions. Ethics, as a set of behavioural principles, have parameters that are firmly prescribed, normally in written codes which contain broad sweeping statements to which a defined group adheres and the acknowledgement of which is widespread. Ethics are prescribed behaviour. On the other hand, morality is variable and subject to change and is based on cultural mores and generally-held societal values of right and wrong. As individual principles, they are seldom written down and are loosely acknowledged by the “like-minded”. Adherence is individual and personal and can be based

solely on conscience. Morality is, for want of a better descriptor, “freelance” behaviour. As such, morality reaches outside and beyond ethical precepts.

Edson (1997) states that, while morals “relate more to custom and actual practice while ethics refers more to the examination of those practices”, morals “is a broader term that includes any form of voluntary human activity where judgement is involved” (p. 25). Robert Sullivan (1994) has described museums as being “ritual places in which societies make visible what they value” (p. 257) and, as such, through practice and behaviour serve as “moralizing institutions, reflecting as well as shaping their communities’ moral ecology” (p. 258). Since museums are staffed by individuals, each with his or her own set of values, the choices made within these institutions are heavily value-laden. Even so, and because the community maintains an overall respect for what the museum represents, the question to be addressed is “not *should* museums be moral educators but *how* museums should be involved in moral education” (Sullivan, 1994, p. 258).

For Tristram Besterman (2011), museum ethics “seeks to provide a purposeful, philosophical framework for all that the museum does”, and it is “an expression of the continuing debate about the responsibilities that museums owe to society” (p. 431). Further, it reflects “social context and articulates a contract of trust between the public museum and society” and is useful because it charts “a principled pathway to help museums to navigate through contested moral territory” (p. 431). Since ethics is ultimately “concerned with human behaviour, its application starts and ends with the individual” (p. 438). He concludes:

The center of gravity is shifting in the ethical paradigm of the Western museum. A tradition that originated in the universalism of the European Enlightenment increasingly challenges the restrictive boundaries of that cultural inheritance. The possession, presentation, and interpretation of material culture raise highly sensitive issues of “representation” and “ownership” in which cultural values beyond the material come into play and demand attention. In this evolving ethical framework, museums have an opportunity to reflect, respect, and nourish the human spirit as well as intellect, and to celebrate different ways of seeing, studying, and comprehending the world (Besterman, 2011, p. 440).

On first glance, an ethical approach to the first issue raised (Museum and Aboriginal Peoples) appears elusive, mainly due to the number of related variables associated with inherent museum behaviour. If ethical codes are “developed within, encapsulate and reflect the particular social and cultural milieus of their creators” (Pickering, 2011, p. 257), then any relevance to this issue is questionable. There are two players in this equation – the museum and the Aboriginal (or other minority) population. Since the currently prescribed parameters are formulated by only one side without input from the other, it is difficult to see how each side can fulfill the requisite adherence to any ethical statements governing their respective behaviour. True, codes of ethics apply to museums and not to any other jurisdiction, but if there is to be a linkage between museum and Aboriginal peoples, then such codes need to reflect this new arrangement. Failing the establishment of ethical precepts to deal with this type of binary circumstance, the principles of interaction will automatically defer to

moral behaviour, which at the individual level will eventually transform into an issue of conscience.

It is presumed that ethical behaviour subscribes to stated institutional or disciplinary ethical precepts and that morality is aligned to societal concepts of right and wrong. It would be exceedingly difficult to bundle morality into ethical codes that serve a broad constituency. Yet a number of the critical issues confronting museums (as advanced above) are outside the realm of prescribed ethical precepts, for the very reason that they are open to individual interpretation and thus to circumstances that result in questionable behaviour. Might this then require ethical codes supporting endless addenda to cover perceived circumstances? How could codes deal with the multitude of variables? It is certain that this is neither feasible nor desirable, thus leaving the door open to individual assessment and action without the assistance of behavioural guidelines.

The ICOM Code of Ethics for Museums, for example, utilizes the word “should” throughout. “Should” is a long way from “must”, with the former incorporating too many variables and the latter, along with “will” or “will not”, being perceived as dictum. “Should” means “does not have to”. “Should” is too vague to be binding. Does this mean that adherence to such a code of ethics has become an issue of “take it or leave it”, of personal preference, or even of conscience? It is understood, of course, that this particular Code of Ethics, which reaches around the globe, needs to be as widely encompassing as possible. From this, more “regional” museum codes spring and even further removed are those codes pertinent to various disciplinary organizations or associations. Nevertheless, it is true that ethical codes for museums are also supported by additional documents (conventions, bilateral agreements, etc.) that not only originate from inside disciplinary or scientific professions, but also are germane to museum work and circumstance (for example: UNESCO’s 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects; and the United Nations’ 2007 Declaration on the Rights of Indigenous Peoples). While not every nation has ratified such relevant conventions, it could be argued that their primary effect is moral rather than material (Brodie, 2005, p. 135). Any initiative that will give pause for thought prior to action needs to be part of the equation in matters of institutional deportment.

Where do ethics, as codes of conduct, go from here? It is certain that ethical statements need to be tightened to render the guidelines more stringent, less open to interpretation, and more of a deterrent to individual choice or avoidance options. While “ethics statements are not always precise” and “what is ethical is often in the eye of the beholder”, ethics still involve putting the community the museum serves ahead of both the institution and the profession (Boyd, 1991, p. 359). Marstine (2011) goes further: “As a discourse, the new museum ethics is not merely an ideal; it is a social practice” (p. 20). It is also “a way of thinking – a state of mind” (Sola, 1997, p. 170). Museums are in a trust relationship with the public and are accountable to this constituency for their continued existence. When this trust is damaged through poor behaviour, the museum’s ethics are questioned.

Dealing with issues such as those raised above is not going to be easy, and there may not be adequate or even relevant ethical precepts to guide the museum through troubled times. The voice of “the other” will challenge the role of the museum as scientific

interpreter, as steward for society as a whole, and as societal advocate balancing information for all. Conflicts among these various roles will arise that may seem to be encouraging anti-science and anti-museum in support of new partnerships, through the appropriation of an advocacy favouring one social jurisdiction over another.

It is also certain that, while ethical context is continually changing and evolving, not every circumstance can be covered by ethical codes and is thus left to fall into the grey areas of morality and the individualisation of response. The sheer plethora of situations and individual responses to same verify that this is the case. Given the two most recent narratives presented at the start of this paper, incidents such as these cannot effectively be couched in ethical terms and will continue to plague museums for the simple reason that there cannot be an ethical precept to cover every circumstance. These events were perpetrated by individuals representing well-known institutions who were not cognizant of the consequences of their actions. These are issues which devolve to tenets of moral behaviour. But how can moral behavior be standardized when it is produced by individuals, each with their own perception of right and wrong? Perhaps what is required here are not behavioural principles, but rules of "personal" conduct to which are attached consequences for transgressions, consequences other than social censorship through the media. The problem here will be the vetting of what is perceived to represent bad taste and poor behaviour. Who sets the standards? Who adjudicates? Many universities and professional organizations have ethics committees that scrutinize research and other projects prior to initiation. Should museums consider the same for forays into uncharted or problematic territory? Whatever route museums take, those circumstances that are not covered by the firmly-prescribed parameters of ethical codes will seek resolution in another dimension, being one where behaviour is variable and subject to change. The search for guidance in the established ethical precepts is leaning increasingly toward a solution in the realm of morality. As a result, museum ethics will progressively move toward transforming into another dimension, an unstructured, unregulated, freewheeling dimension of conscience.

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Abstract

This paper examines, on the one hand, museum ethics as a set of behavioural principles, and on the other, morals as individual values of right and wrong. It suggests a juxtaposition of the two concepts (ethics and morality) and looks at the conflicts that are increasingly being set up between the two when ethical precepts border on moral deeds and transform into issues of conscience. In other words, it treats ethics and morals as two different dimensions whereby ethics are seen to have parameters that are firmly prescribed and those of moral behaviour being variable and subject to change, thus reaching outside and beyond ethical precepts. To underscore this position, several narratives illustrating some of the problems facing museums today are presented, and primary issues that currently and that will continue to afflict museums in respect of ethics are discussed. Museums as science, as steward, and as societal advocate and the conflicts between these various roles are advanced with a view to laying the groundwork for new trends in the development of museum ethics in the 21st century.

Key words: museum ethics, morality, conscience, minorities, marketplace, transformation

Résumé

L'éthique du musée au XXI^{ème} siècle : Lorsque l'éthique prend une autre dimension

Cette intervention examine, d'une part, l'éthique du musée en tant qu'ensemble de principes du comportement et, de l'autre, la moralité en tant que valeurs individuelles qui définissent le bien et le mal. Elle propose une juxtaposition des deux concepts (éthique et moralité) et se penche sur les conflits qui se dressent entre les deux quand les principes de l'éthique chevauchent les actes moraux et deviennent des enjeux de la conscience. En d'autres mots, cet essai traite de l'éthique et de la moralité comme deux dimensions selon lesquelles l'éthique semble avoir des paramètres fermement proscrits et des paramètres du comportement moral variables et sujets aux changements, se trouvant ainsi au-delà des préceptes éthiques. Afin de souligner cette approche, cette intervention présente plusieurs récits qui illustrent les problèmes auxquels les musées font face, et examine les enjeux primaires en ce qui concerne l'éthique, enjeux qui affligent les musées actuellement et vont les affliger également à l'avenir. Le musée en tant que science, en tant que gérant et en tant que partisan de la société, ainsi que les conflits entre ces rôles divers sont présentés dans le but de jeter les bases des nouvelles tendances dans le développement de l'éthique des musées au XXI^{ème} siècle.

Mots clé : éthique au musée, morale, conscience, minorités, marché, transformation