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The contingent nature of the new museum ethics

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Introduction

In 2008, Scottish performance artist Anthony Schrag scaled a column of the classical portico fronting the Gallery of Modern Art (GoMA) in Glasgow and, then, partway up, held on to the fluting while extending his legs until his feet reached the adjacent column (Figure 1.1). In this brief but expressive piece, entitled *Push*,[1] Schrag exerts both a physical and metaphorical pressure on the museum. Through bodily means *Push* calls for ethical change in the museum responsive to the needs of contemporary society. Schrag explains:

> It's an instinctual, responsive piece that came from my frustration at a museum's monolithic status within a cultural landscape. It was a symbolic gesture harking back to the myths of Samson, wherein he broke the pillars of the temple that held him. It was finding a way to both critique and belong within those systems, and attempt to add another, tangential pathway through and around the building. My desire is to disrupt expected modes to find new ways of speaking.[2]

In the Hebrew Bible Samson has so much rage towards the Philistines who blinded, seduced and imprisoned him that he draws strength from God to collapse the two temple pillars to which he is chained during a celebration; he thus destroys the temple and the Philistines who were inside it, sacrificing himself in the process.[3] Schrag mimics Samson's act to convey a similar alienation from an oppressive environment. Schrag's action compels the viewer to imagine dynamic and participatory new museum models defined by divergent voices. He asserts, "the impulse for this type of work comes from an interest in theories related to socially engaged practices and inviting a wide spectrum of the public into a shared cultural debate."[4] Schrag's *Push* adroitly encapsulates the thinking of the new museum ethics, an approach that, I shall argue, is a feminist-inspired mode of critical inquiry defined by its contingent nature.
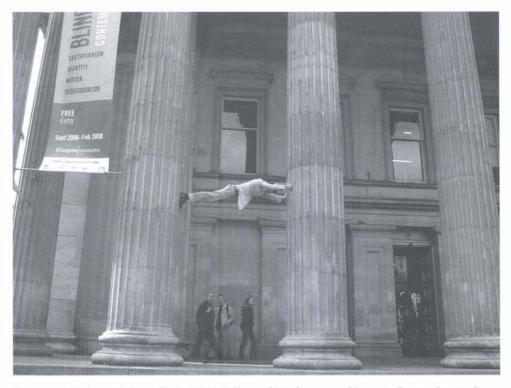
Figure 1.1 Anthony Schrag, *Push*, 2008, Gallery of Modern Art, Glasgow. Copyright, Anthony Schrag.

It is common practice for ethics centers, institutes and think tanks to use symbols of measure, enlightenment and strength to represent the concept of ethics; images of scales, compasses, torches and pillars predominate.[5] But these icons connote moral certainty, a characteristic that does not define twenty-first-century museum ethics. I have found institutional critique—artists' systematic inquiry of the policies, practices and values of museums—a useful touchstone by which to grapple with the multi-faceted and contingent nature of museum ethics today. Schrag's performance functions as such. It refutes the rigidity of museum power with the realities of corporeal presence to model a process that admits complexity, contradiction and flux.[6]

Institutional critique such as Schrag's positions museum ethics as a discourse, a social practice which impacts the construction of knowledge and the way we behave. Foucault has established that discourse can function as a mode of asserting power but it may also serve to subvert social relations.[7] By examining museum ethics as social practice, I will illuminate the dynamics of authorized and alternative ethics discourse and offer a corrective to this under-theorized sphere of inquiry.

The authorized museum ethics discourse has both shaped and been shaped by the prioritization of skill development and standard setting that characterized the museum and museum studies sector for much of the last century. Gary Edson's 1997 seminal volume *Museum Ethics* advanced this notion of professionalization. "Museum ethics is not about the imposition of external values on museums, but

about an understanding of the foundations of museum practices," he declared.[8] Ethics as professionalization has played a significant role in distinguishing public service from personal gain and political interests. But in this century the shifting terrain drives a critique of common practice to implement change that meets the current and future needs of society.

Social and cultural change lead to alternative discourses that undermine authorized discourse. Recent social, economic, political and technological trends have sparked in the museum sector a developing discourse about the moral agency of museums that contests the authorized view of ethics. Richard Sandell has argued persuasively that objectivity is an elusive stance and a default position that imparts value through the invoked authority of the institution. Sandell uses the term "moral activism" to suggest a direction for museums to realize their potential as change agents in promoting social inclusion and human rights both inside and outside the museum.[9] Hilde Hein identifies what she calls an "institutional morality," asserting that, while museums may not have conscience, they do have moral agency.[10] Hein's institutional morality moves beyond personal and professional ethics; it suggests that, while museum staff may come and go, their synergy across time and place, especially as built into the mechanisms of organizational change, creates an institutional ethics, as well as an ethics of the museum sector. In this chapter I will show how the discourse of contemporary museum ethics is founded on the concept that institutions have moral agency. And I will define three major strands of theory and practice through which museums can assert their moral agency: social inclusion, radical transparency and shared guardianship of heritage.

It is well documented that the museum sector has become increasingly more responsive to the shifting needs of society; museums have come to accept and even embrace change as a defining element of policy.[11] Nonetheless, institutional bureaucracies, the demands of funding sources and allegiances to common practice have typically prescribed incremental change in the museum, rather than the kind of holistic rethinking required to instill the values of shared authority and of social understanding among diverse communities.[12] In museums today creativity and risk-taking are often funneled through one-off projects.

In fact, a substantive policy and practice of change depend upon a museum ethics of change. The progressive museum is undergirded and invigorated by deep engagement with the key ethical issues of the day. Museums that are driven by a dynamic ethics discourse have a clear sense of the values that their decision-making conveys and continuously assess and reassess this alignment with the communities they serve. Evidence of this emerges from a range of institutional policy and planning statements, not only ethics codes. One result is that institutions invested in the new museum ethics discourse effectively communicate the public value of museums. The process empowers museums to change because it builds public trust through democracy, transparency and relevance.

In this chapter I posit that the new museum ethics is among the most pivotal concerns of museum professionals in the twenty-first century and central to good leadership. I examine the richness and fluidity of museum ethics today and explore how this shifting terrain can help the museum to acknowledge its moral agency. First, by considering what museum ethics is not, I will unpack the authorized discourse. I will then analyze the developing alternative discourse which I refer to as the

new museum ethics, contemporary museum ethics and twenty-first-century museum ethics. I situate this alternative discourse within feminist theory and within the literature of ethics studies from a broad range of disciplines to advance the concept of the contingent nature of the new museum ethics. And I discuss the three key strands in museum ethics theory and practice today: social responsibility, radical transparency and guardianship of heritage. A central tenet of my argument is that museum ethics is an opportunity for growth, rather than a burden of compliance. I hold that change in the museum is anchored by change in museum ethics discourse.

What Museum Ethics is Not

What is contemporary museum ethics? We might begin by clarifying what it is not.

Museum ethics is not a duty to conceal unethical behavior within one's own institution and/or among a select group of colleagues. This assumption remains quite common, as is indicated by the many requests that I receive from well-intentioned and politically pressed parties to provide confidential advice concerning specific ethical quandaries at particular institutions. Museum ethics of the twenty-first century does offer insight to support museum staff in making appropriate choices that will help their institutions to flourish but it is a discourse that cannot and should not be contained within isolated pockets of the sector. Feminist experience suggests that shielding insiders can inflict significant damage. As Hein declares, "The appeal to privacy as an essential claim to immunity from public intervention can be divisive and dangerous."[13] Singularizing ethics dilemmas overly circumscribes the issues involved. Identifying and evaluating the options that arise from any one ethical dilemma require that those invested engage with the larger body of contemporary ethics debates. Clearly, ethics is not about airing the "dirty laundry" of individuals or institutions; such airings can betray trust and do not advance the discourse. But central to the project of museum ethics is the sharing of ethical challenges and opportunities with diverse stakeholders to understand and address larger patterns of behavior. This sharing is a mark of visionary, proactive and courageous leadership which encourages problem-solving and builds trust.

Museum ethics is not a universal set of values to be applied indiscriminately. In this light, it is important to differentiate between ethical principles—those ideals and values which a society holds dear–and applied ethics—the practice of employing those principles to specific arenas of activity, from medicine to business to museum work.[14] While ethical principles such as individualism have shaped applied ethics in western culture, other operative principles, for example, collectivism, have impacted applied ethics in many other parts of the world. It is critical to acknowledge the pertinence and the problematics of cultural relativism as applied to museum ethics.

Contemporary museum ethics is not a canon of ideas based on consensus. The principal ethical debates of the twenty-first century are marked by strong differences of opinion from diverse contributors, not neatly settled through negotiation, and this is a sign of health. Inspired by Socrates' ideal of examining ethics, through a dialectic process, consensus, as applied to museum ethics, has, until recently, been considered a professional, democratic and fair method of determining practice—relying

on compromise among experts from the field and enforced through appealing to the desire for conformity.[15] I believe that, in a twenty-first-century multicultural context that respects difference, consensus has come to signal an exclusivity and like-mindedness among contributors, as well as fixity of thought. Museums seeking change foster collaborative relationships on equal footing with diverse stakeholders and willingly assume the risks entailed by entertaining novel positions.

Museum ethics is not a system of decrees and prohibitions instituted to control behavior, as does the law, but without the enforcement incentive. The technical, legalistic approach to museum ethics has functioned to oversimplify issues and scope and deaden the vitality of the discourse. This is not to suggest that legal studies itself is static or straightforward or to deny the vast overlap between law and ethics. Indeed, ethics and jurisprudence have had a long and contentious relationship that can be traced back to the writings of Plato.[16] Ethics provides purpose and rationale for law. Ethics also depends on the law to penalize certain behaviors that do harm. Ethics and jurisprudence often conflict. But the most significant difference between law and ethics is that the former is characterized by constraints—what one cannot do—while the latter concerns ever-shifting opportunities—what one can do—for the common good.[17] Understanding this difference is central to realizing the potential of the new museum ethics to effect change.

Museum ethics today is not defined by codes. Since the American Association of Museums (AAM) introduced the first such statement in 1925, ethics codes have been the mainstay of the museum ethics discourse.[18] Ethics codes and guidelines define appropriate behavior, establish responsibilities and offer means for self-assessment. Museum and professional associations, individual museums, non-governmental organizations (NGOs), institutes, congresses and other bodies depend on these instruments to establish professional practice. Ethics codes are not legally binding though they may influence the law. They function through group pressure; museum association censure, loss of accreditation and threats of professional isolation are the typical means of enforcement.[19]

Ethics codes are aimed at professionalizing individual practitioners and are culturally defined, based on western enlightenment ideals of virtue.[20] This focus on the individual practitioner inhibits museums from recognizing their moral agency. Hein asserts, "As institutional mediators, museums are positioned to shape as well as preserve values, but narrowly focused moral codes lack the creative idealism to bring this about."[21] Museum ethics codes are fraught with contradictions indicative of the diversity of voices that impact and are impacted by museums today.[22] These constraints do not suggest that ethics codes are no longer of use but that they need to be invigorated by contemporary ethics discourse so that a process of debate takes priority and the result is self-reflexive, acknowledges the complexities and contradictions of the contemporary museum context and has the ability to change as the needs of society change.

Museum ethics of the twenty-first century does not prioritize the institution's responsibility to objects above all else. Objects are the pretext for the founding of most collections-based institutions and museum rhetoric, grounded in the presumption of authentic experience, commonly attests that objects are what make the museum experience unique. But Hein reaches an alternative conclusion. "The containment of valuable things is not unique to museums, but is common to banks,

private collections, and expensive stores. What distinguishes the museum is its agency, what it does with its resources, and for whom."[23] In my estimate the new museum ethics stresses the agency to do good with museum resources. This is not to say that objects lose out; when museums meet the needs of society, they meet the needs of objects in the process.

The Contingent Nature of the New Museum Ethics: A Feminist Approach

In addressing what museum ethics is not, what I am arguing for is its contingent nature. The term contingent emphasizes the conditional and relational qualities of the discourse. Contingency is commonly defined as a dependence on factors, circumstances and/or events in the future and thus suggests a lack of certainty. The Latin root of the word is *contingere*, to have contact with, from *tangere*, meaning to touch.[24] To reconceptualize museum ethics as a contingent discourse is to emphasize its dependence—the way it touches–upon social, political, technological and economic factors and to acknowledge its changeability. The contingent nature of contemporary museum ethics suggests that it is deeply engaged with the world around it and that it is adaptive and improvisational. Looking at the discourse through the lens of contingency helps us to understand the complexities of the relationship between museums and applied ethics.

Contemporary museum ethics is shaped by—and touches—a broad range of disciplines and methods. For example, philosophy helps us to understand the past and present of diverse theoretical and practical approaches to ethics and its study can help situate museum ethics. Educational psychology can offer insights into what might inspire ethical behavior in the museum context among staff and visitors. Environmental studies provides a model to assess the sustainability of museums. Acknowledging the contingent nature of museum ethics discourse entails rejecting the artificial divide between museum ethics and a broad range of other applied ethics studies, instead building upon issues of mutual concern. For example, how can medical ethics inform museums' treatment of human remains and vice-versa? How might the ethics of journalism converge with museums' perspectives on censorship? What kind of dialogue can be fostered between political ethicists and curators developing exhibitions about war? What values might computer ethics and digital heritage hold in common?

From my perspective gender studies and critical anthropology offer some of the most revolutionary implications for the new museum ethics. This is because methods that have recently emerged from feminism, queer theory and post-colonial theory have problematized the process of "othering" in such profound terms that they lead to the renegotiation of key museum relationships traditionally configured in binary positions. These include the binaries between museum director/curator and support staff; between museum staff and their publics; and between museums and source communities. In so doing, the methods of gender studies and post-colonialism call for a reconsideration of representation itself—the core function of museums.[25]

My focus on contingency in museum ethics is shaped by feminist theory. Hein asserts that theory in of itself is a means towards ethical behavior because it offers an

overarching system by which to engage in self-reflexivity. Hein argues for the adoption of feminist theory to the museum context because of its focus on inclusion and process:

> I propose feminist theory as a point of departure for the reconstruction of museums, in part because of its open-endedness and inherent pluralism. There is no single feminist theory, nor even a projected design for one. There is no canon, although there are some pivotal declarations. Feminism makes no claims to ultimate doctrinal verities. I take this renunciation of universalism and concomitant lack of finality as an asset.[26]

The kind of feminism that Hein advocates for in the museum context is not an essentialized understanding of gender, nor is it an argument for equality. It is more deeply subversive for it challenges the "othering" that underpins museum policy and practice. She states:

> I do not minimize the achievements of gender equity that have been realized in modern society, inclusive of museums, but essentially these amount simply to the extension of rights and privileges traditionally confined to men, without alleviating the disequilibrium that underlies the very possibility of according such rights and privileges to anyone. That disequilibrium stems from a profound climate of ownership and entitlement implicit in the characterization of the human subjects, relative to an object observed, desired, cultivated, possessed, feared, tamed, conquered, or even revered. Feminist theory seeks radical revision of the very notions of subjectivity and otherness.[27]

Hein's feminist theory for museums converges with queer theory and post-colonial theory in its investment not in reversing the subject/object dichotomy but in the liberation from it, along with other patriarchal binary oppositions that impede processes of engagement, mutuality and fluidity.[28] She asserts feminism's potential for a museum ethics of sociality, "Feminist theory holds up an ideal of social life that promotes integrated relations between self and other, self and nature, in an environment that is non-repressive and caring."[29] Hein's feminism elucidates the contingent nature of contemporary museum ethics. She notes, "Feminist theory accommodates impermanence and does not assign priority to changeless immortality. It is responsive to the dynamic world that spawned it, in which alone its perceptions may be validated."[30]

The transformative potential of Hein's feminist perspective makes it a useful construct by which to reconceive museum ethics. Its focus on collaboration and inclusion leads to new understandings of the importance of social responsibility in the museum. Its emphasis on process over product points to the centrality of transparency in museum policy and practice. Its critique of canonicity opens up possibilities of non-hierarchic approaches to staff organization, museum-community engagement and the sharing of heritage. And its stress on care provides productive ways to imagine the "touch" of contingency as a bodily presence. Indeed, feminist theory, as Hein articulates it, is founded on contingencies that set a useful precedent

for the new museum ethics. Hein declares, feminist theory "must be attuned to complexity, criticism, and change, and must admit its fallibility. I suggest that a similar pliability and readiness for redistribution and reintegration should model the use of things in museums and also the museum itself."[31] Contemporary museum ethics adapts the contingent nature of feminist theory to assert dynamism and self-reflexivity.

The contingency of contemporary museum ethics does not imply that the discourse is weak. The sensitivity of the new museum ethics to outside forces opens up possibilities for systemic transformation—towards social responsibility, radical transparency and shared guardianship of heritage. I put forth these aims not as circumscribed or universal principles but, from a feminist viewpoint, as constantly evolving ideals representative of human rights. And as Christina Kreps cautions, while culturally relative approaches are to be championed, respect for human rights is paramount; she declares, "The challenge is to reconcile our respect and need for cultural diversity with the need to acknowledge and respect the principles of human rights and cultural democracy."[32]

Social Responsibility

The feminist notion of contingency as a sense of touch or contact underscores the connectivity of the new museum ethics; museum ethics today is contingent upon the connectivity of museums with their diverse and ever-shifting communities. The relations between museums and communities rest upon the moral agency of the institution—its participation in creating a more just society. As Sandell asserts, the new museum ethics "positions contributions to social well-being, equity and fairness as an integral part of museum work."[33] Democratic pluralism, shared authority and social justice are distinct but convergent areas of policy and practice that together define the socially responsible museum.

Since the late twentieth century the sector and the associations and agencies that support it have been increasingly committed to creating a more socially inclusive museum.[34] But while many institutions have created exhibitions and programs to attract traditionally under-represented groups and have adopted learner-centered approaches to the interpretation of collections, patterns of participation continue to demonstrate inequalities of access. Sandell argues that equity and diversity depend on a revolutionary rethinking of the social responsibility of museums:

> Originally understood by many to be simply a synonym for access or audience development (concepts that most within the sector are at least familiar, if not entirely comfortable, with), there is now growing recognition that the challenges presented by the inclusion agenda are, in fact, much more significant and the implications more fundamental and far-reaching. A growing body of research into the social role and impact of museums suggests that engagement with the concepts of social inclusion and exclusion will require museums—and the profession and sector as a whole—to radically rethink their purposes and goals and to renegotiate their relationship to, and role within, society. In short, if museums are to become effective agents for

social inclusion, a paradigmatic shift in the purpose and role of museums in society, and concomitant changes in working practices, will be required.[35]

The ethical, socially responsible museum of the twenty-first century recognizes identities of its staff and its publics as hybrid and fluid, rather than simply boxes to be ticked. The ethical, socially responsible museum also problematizes concepts of the museum public. Museum professionals' continued reliance on the term "general public" attests to the monolithic status still assigned to visitors and non-visitors. The recent use of the plural "publics" accommodates diverse stakeholders and acknowledges the development of complex social spaces created by the internet. But, as Jennifer Barrett explains, no matter what the choice of term, there is no essentialized audience: "Merely substituting terms such as community, audience, and visitors conceals, but does not escape the central concern, that it is necessary to continually monitor and adapt the idea in response to a changing world."[36] Barrett advocates self-reflexive thinking about the use of the term public as a means to help museums become more socially engaged.

Social inclusivity is also dependent on new modes of democratic participation in the museum. Political philosopher Iris Marion Young described a sweeping kind of participatory process—soliciting, rather than shying away from, divergent or transgressive voices—as democratic pluralism, a socially just corrective to the sometimes exclusive properties of conventional democratic systems in which the majority can silence dissent.[37] In the museum context, this process, which results in civic discourse,[38] is often avoided because it presumes risk, the risk of unpredictability and of potential transformation of institution and self. The new museum ethics is conceived as a means to encourage democratic pluralism in the museum; the ethical museum today consciously chooses to assume risk to foster socially inclusive discourse. A truly engaged museum interaction "restores the intimacy of participation in the world,"[39] as Hein imagines it. Ultimately, democratic pluralism is a way of challenging the binary relationship between self and other which continues to shape museum policy and practice.

The contingent nature of the new museum ethics suggests not only that museums depend upon discursive practices with a diversity of stakeholders, but also upon innovative approaches to this engagement. These approaches encourage shared authority, defined by Robert R. Archibald as "relinquish[ing] traditional authoritarian roles in favor of new responsibilities as both resources and facilitators of dialogue about those things that matter most to people." Archibald asks, "How can we really allow communities to own museums?"[40]

Though not free of ideology,[41] the paradigm of social media has introduced new modes of non-hierarchal engagement to the museum. It has created a novel kind of public sphere—that realm between private and state in which opinion is formed and political action taken—though the ethical issues that emerge are not unfamiliar. Amanda Wong explains in the context of regulating social media at the US Memorial Holocaust Museum:

Discerning ethical behavior in this emerging media landscape means navigating uncertain terrain, experimenting so as to understand its opportunities and limitations, and assessing its value based on its unique

conditions. Although no panacea, social media opens up new ways to be attentive to diverse audiences and draw them into discussion as ethical actors themselves.[42]

While power-sharing can be a difficult and complex process, social technologies provide a productive tool to embed shared authority.

Bernadette Lynch suggests reciprocity as an effective mode to nurture shared authority.[43] According to Lynch, reciprocity requires that each party recognizes, respects and draws from the expertise of the other; museum staff members acknowledge the social capital of collaborators and partners as no less significant than their own. Moreover, encounters expose and deconstruct inherent power relationships so that creative conflict can occur. Lynch argues that creative conflict is more successful in eliciting change than consensus which, she asserts, is ultimately coercive. Reciprocity fosters dialogue in which the values of the "margins"—those not at the centre of institutional power—transform those of the "core," destabilizing these categories in the process.[44] Reciprocity makes the ethics of the core contingent upon the ethics of the margins.

Reciprocity does not mean that staff members give up responsibility for their collections or areas of expertise. But it does mean that museum professionals share these resources and expertise equitably and usefully so that they empower communities to leverage their own experiences and knowledge in co-production. It also means that museum professionals develop a more diverse range of options by which stakeholders can participate and indicate when and how this participation has impacted the institution. And it means that staff show the vulnerability required to consider deliberately enough ideas and opinion from stakeholders so that these ideas and opinions lead to change. As Hein imagines a feminist notion of shared authority:

> The museum initiates, but should not dominate, conversation. It generates vocabulary to perpetuate communication. No single story is preeminent, but together they constitute reality. Museums and the public combine to articulate that reality, and no one is above it.[45]

Shared authority depends on museum staff members functioning as trustees, not in the traditional sense of the word, an institutional board of governors with all of the paternalistic baggage that is attached to that, but as Howard Gardner defines them, "individuals in one's community who are assumed to see the big picture clearly; who are concerned with the long-term welfare of the society; and who, most importantly, are expected to behave in a disinterested way—that is, to recommend and do what is right, rather than what improves their own lot or advances their own interests."[46] Gardner's societal trustee does not assume a position of disinterest to affect objectivity but to renegotiate power relations willingly in order to do what Gardner calls "good work," work that is "socially responsible, ethical and moral."[47] Trusteeship, in Gardner's sense of the word, is an indicator of ethical leadership. Only through this renegotiation of power and control can co-production and shared governance occur. And shared governance is the key to self-representation, a basic human right.

Social responsibility also extends to relationships among museum staff. Reciprocity and trusteeship are vehicles to reconfigure the power hierarchies within the museum as well as without, as, clearly, the institution mirrors the world. The new museum ethics imagines a collaborative organizational structure in which support staff–from preparators to visitor services employees to registrars—are equally respected for their expertise as are curators, educators and museum directors and engage in decision-making processes across the institution.[48]

While social responsibility is founded on new modes of inclusion and engagement, it is equally predicated on forwarding a social justice agenda. Sandell has shown that there is a growing acceptance—and evidence to substantiate the premise— that museums play a unique and significant role in contributing to social justice. Museums have the social agency to combat prejudice and foster social understanding.[49] This is not a new phenomenon. Lois Silverman traces a long history of social service in museums.[50] And as Sandell notes, this social justice agenda is integral to rethinking the terms of social inclusion:

> Museums can contribute towards social inclusion at *individual, community and societal* levels. At an individual or personal level, engagement with museums can deliver positive outcomes such as enhanced self-esteem, confidence and creativity. At a community level, museums can act as a catalyst for social regeneration, empowering communities to increase their self-determination and develop the confidence and skills to take greater control over their lives and the development of the neighbourhoods in which they live. Lastly, museums, through the representation of inclusive communities within collections and displays, have the potential to promote tolerance, inter-community respect and to challenge stereotypes.[51]

In fact, the museum can be an ideal laboratory for promoting social justice and human rights, as Jeanne Nakamura declares, "responsibility for others can be learned through practicing it in a small world designed with that purpose in mind."[52] Feminist theory claims a social justice role for museums; Hein asserts, "Museums could be tantalizing sites of reconciliation where contrast and discord join in a protected environment that cultivates sympathy and reflection."[53]

To be the compassionate and equitable institutions that the new museum ethics imagines, institutions must be willing to accept the responsibility of activism. The museum sector today conveys conflicting messages about this role. Professional codes of conduct typically portray museum work as a set of skills to be practiced in an objective manner and museum associations insist that their campaigns to change funding structures and public perception are advocacy—to support publicly a particular cause–in distinction to activism—to campaign to bring about political or social change. Nonetheless, the scope and ambition of these advocacy efforts convey an underlying recognition of the place and power of activism in museum dynamics.[54] Hein notes that in playing out their roles of instilling citizenship, museums have had an activist agenda since the enlightenment.[55]

Assuming an activist approach does not imply that the resulting interpretation is reductive. Instead, activism opens up debate in the museum around social justice issues, offering opportunities for museum staff and audiences to re-examine their

own and societal assumptions as well as alternative views.[56] Moral activism presumes that such efforts will have an impact outside the museum—they will contribute to a more just society. In acknowledging the contingent relations between the museum and the world, activism also suggests that institutions assume ethical responsibilities outside the museum, some of which might conflict with the immediate interests of the museum. As Peter Welch notes in the context of tangible and intangible heritage:

> Should museums actively stand up for the rights of communities to sustain traditions *in situ* and exert pressure on states or other governmental entities where these rights are in jeopardy? Should museums devote resources to informing local communities of collections already in the institution that might enable them to preserve their heritage? Museums to some extent do all of these things. The extent to which an institution can implement the broadest spectrum of engagements with intangible heritage is, in my view, the most ethical position to take.[57]

For Welch, promoting intangible heritage as intellectual property and a human right is an activist agenda that may outweigh the short-term interests of the museum to collect objects but ultimately strengthens the museum by giving it ethical purpose.

Radical Transparency

Twenty-first-century museum ethics is also built upon a new theory and practice of transparency in museums. Social responsibility will not flourish in museum culture unless participants know the stakes: unless museums disclose what issues they are facing, the "hows" and "whys" of their decision-making processes and the larger impact of these choices. This is not transparency as Foucault critiqued it, the transmission of knowledge to assert or rationalize power.[58] This is neither the transparency of which feminists have been wary, a mode to justify convention and its unequal power relations.[59] Radical transparency is a liberatory antidote to the assumed alignments and readability of knowledge. Radical transparency not only describes but also analyzes behavior and considers its significance. It is a mode of communication that admits accountability—acknowledgement and assumption of responsibility for actions. A transparent wall text might tell us that an artifact is of unknown provenance; a radically transparent wall text would additionally engage the ethical issues of exhibiting works of unknown provenance. Radical transparency is necessary because museums continue to be perceived as a trusted source of knowledge.[60] For our publics radical transparency offers the freedom to make informed choices in order to experience what they wish and to participate as they'd like. For the museum sector it reveals choices and actions that can be assessed and amended. For all stakeholders it provides a means to think critically about museums and to engage in ethics discourse, thus leading to greater self-reflexivity.

As the economic downturn has caused some leaders of culture and industry to engage in questionable ethics practices, transparency has become a buzzword divorced from radical implications. Transparency is typically defined as being "evident" or "open to public scrutiny."[61] Given museums' increasingly diverse publics

and complex responsibilities, contemporary museum ethics calls for a new, more assertive position of radical transparency contingent upon the changing needs of society. Radical transparency is declarative and self-reflexive, as opposed to a patri-archal authoritative voice. A feminist commitment to transparency, as Hein sees it, is a declaration of one's theoretical approach.[62] The Manchester Museum at the University of Manchester, for example, distributes a manifesto that declares its the-oretical approach, informed by post-colonial theory, and that situates both its ethical past and future.[63]

Radical transparency does not require that an institution share all information equally. There will be concerns that remain private, such as some financial informa-tion concerning individual donors. Some issues may be time-sensitive and transpar-ency might occur after a delicate negotiation, rather than during the process. Some indigenous cultures may restrict objects and knowledge because of the spiritual power and/or sacred knowledge associated with them.[64] What defines radical trans-parency is that the institution and its communities together establish clear guidelines for what can and cannot be shared, explain the choices behind these guidelines and review them routinely. The larger culture of openness that radical transparency cre-ates within a museum instills awareness that all activities need to be carried out in such a way that they are consistent with institutional values.

Radical transparency hinges upon an array of broadly accessible communications tools from wall texts to web sites to operate effectively. Radical transparency also is a bridge to communication; it solicits data and commentary in diverse forms and employs these resources as a means to impact future decision-making. Museum blogs and web pages revelatory of the messiness of curatorial decisions;[65] live feeds that demonstrate and discuss conservation measures;[66] home pages that provide financial data, strategic plans, annual reports, collections policies, deacces-sion activity, staff and board directories and organizational charts;[67] wall texts that explain how some visitors might find it unethical to view certain materials on dis-play, for example, human remains, and that provide alternative routes;[68] technolo-gies that facilitate visitor-generated content;[69] exhibitions/artists' projects that critique the museum;[70] open storage and transparent glass-walled offices into which visitors can peer;[71] these are all indicators of museum transparency that offer path-ways for stakeholders to engage in critical conversation. Some such efforts, however, fail to sustain a culture of transparency because they convey a sub-text that justifies behavior rather than analyzing decision-making.[72] For example, museum leaders planning controversial deaccessioning sometimes speak to the press before an impending sale so that they can claim they have been transparent while hoping to control the flow of information. Such efforts at transparency are often unsuccessful because their underlying motivations are externally elicited and reactive, rather than internally generated, analytical and responsive to social needs. Though these ven-tures speak the language of transparency, the institutions that develop them are pressed into action by law, the media, financial concerns or some other outside pressure.

Radical transparency embraces the uncertainties—the contingencies–of museum work and its ethics. The forthright, consultative and often personal voice of radical transparency can help communities to perceive a challenging exhibition, program or direction as difficult but appropriate, rather than merely controversial.[73] As Pete

Brown has demonstrated, unconventional approaches to exhibitions often require greater transparency than does common practice.[74]

Radical transparency is a strategy that can reinvigorate the ethics code. The concept of the "living" or "breathing" ethics code which prioritizes an ongoing and transparent process of debate among diverse stakeholders is developing from the new museum ethics discourse. This shift in emphasis from product to process underscores the contingencies of the ethics discourse today for it does not depend on consensus but instead welcomes conflicting views as a constructive contribution. The transparent, collaborative and self-reflexive characteristics of the "living" ethics code make it a mechanism appropriate to asserting moral agency.

The concept of the living ethics code has begun to take hold, for example at the Curators Committee (CurCom) of the AAM.[75] As John Mayer, a CurCom member who helped spearhead its new Code of Ethics for Curators, explains,[76] the initiative began with a creative process of rewriting, rather than a revising of an earlier document. Transforming static codes into living, breathing guidelines typically demands this kind of active rethinking. From 2006 to 2009, the CurCom Ethics Committee underwent a broadly inclusive and transparent interrogation of the ethics discourse for curators. By working together on a Yahoo group to which anyone could subscribe, the committee made all discussions and review available for comment and participation. The committee also created an electronic archive of the work for future review. It used listservs, mailings and conferences to enlist diverse constituents in dialogue. Nonetheless, it is indicative of the sway that traditional ethics codes have in the sector that, though over 5000 people were contacted for feedback, only 20 responded. The small number of responses reflects a lack of understanding of the transparent and consultative nature of the living ethics code.

Mayer asserts that transparency remains the defining feature of the initiative. The radicality of this transparency is that it is sustained into the future. He states:

> We listened to and considered the comments from all our reviewers, and
> perhaps most importantly, accepted the fact that developing a code of ethics
> is a process. To this end we have advocated for and created a standing
> committee on ethics for CurCom.[77]

But, as is sometimes the case, reality has checked idealism. A slow and politically sensitive approval process of the new CurCom code by the AAM Board of Trustees has hampered efforts for sustained ongoing review by the Standing Ethics Committee.[78]

More important, however, is that the ethics code, even the more contingent living, breathing ethics code, is just one tool in a larger museum ethics discourse informed by radical transparency. Ethics codes do not resolve ethics issues but can promote an ethics of social change when seen as part of a matrix of other mechanisms, from mission statements to vision statements to strategic plans, invested in the moral agency of museums and which are routinely interrogated and re-imagined.

Radical transparency has particular resonance for the current climate in which the museum sector is rapidly expanding in countries where government restricts freedom of speech. Accepting radical transparency as theory and practice sets a model for emerging museum professionals who are negotiating the complex dynamic of intellectual rigor and censorship in these countries.[79]

Radical transparency's most significant impact, however, may be its ability to offer up a process to enable negotiation among competing parties, each with claims to the museum. Meeting the needs of competing parties is one of the most difficult issues that museums of the twenty-first century encounter. Contested ownership of objects, performances and knowledge can become painful because of the intrinsic ties of heritage to concepts of identity, creativity and human rights.[80] Complicating the issue is that museums' various publics continuously reconstitute themselves and everyone, including museum staff, identifies with more than one group. How can museums be fair to all involved? How do they choose whose voices will be heard and unravel the politics of who speaks for whom? As Sheila Watson describes:

> Identity is about difference, and one community's difference will often foreground past or present disputes with others. For many museum workers such complex issues require not only good consultation skills but also, inevitably, some exercise of power over community representation. Such issues require visionary leadership and good management.[81]

Radical transparency is central to visionary leadership and good management. Radical transparency generates accountability in policies, processes and practices that diverse groups can trust and help shape. Though it's not an easy fix, radical transparency helps nurture understanding not only between the museum and communities but among communities themselves.

The Ethics of Guardianship

As it establishes new pathways to accountability, contemporary museum ethics reimagines the responsibilities to collections in the museum. Feminism, post-colonial theory and digital heritage studies have all contributed to the construction of a more fluid and contingent relationship between objects and experiences in the museum; this anticipates a corresponding transition from a stance of possession to one of guardianship. In contemporary museum ethics discourse the concept of guardianship is a means towards respecting the dynamic, experiential and contingent quality of heritage and towards sharing in new ways the rights and responsibilities to this heritage.

Today in the museum sector there is a focus on experience as the link between objects and people. This privileging of experience, the social engagement of objects, does not deny their materiality.[82] It does, however, "demote" the object, in the words of Hein, by problematizing singularity and emphasizing contingency.[83] Post-structuralist theory, as applied to museums, undergirds the emphasis on experience. Reception theory asserts that making meaning from objects is unstable and dependent upon the perspective of those engaging the object.[84] Heritage studies defines material culture as a social process, rather than a body of concrete things.[85] Performance theory holds that museums are a kind of theater in which culture is produced and enacted through institutional processes.[86] And post-colonial theory critiques the western reliance on vision as a definitive way of knowing, introducing

indigenous paradigms for multisensory approaches to exhibitions.[87] In the museum itself the model of science centers and children's museums built on experiences, rather than collections, presents new pathways for learning in collections-based institutions. The paradigm of indigenous museums as cultural centers demonstrates the potential of the experiential to empower communities to thrive.[88] The example of feminist curation as a bodily act underscores the affective possibilities of museums.[89]

Privileging affect offers what Sandra Dudley describes as a subjective experience of objects, "physical, multisensory, aesthetic, emotional, immersive,"[90] and acknowledges the place in museums for intangible heritage. It is equally informed by new thinking in digital heritage, particularly Ross Parry's deconstruction of the binary relationship between virtuality and authenticity;[91] in a post-media world the virtual has authenticity and new understandings of the physical object can be produced through virtual means. As Lev Manovich suggests, user choice and organization of information now overshadow medium.[92] Privileging experience opens up new directions for ethical care and sharing of heritage.

The concept of guardianship effectively encapsulates these new directions. Guardianship is a term that Haidy Geismar has adopted from Maori culture to critique as consumerist the notion of cultural "property" and to promote instead a position of temporal caretaking, in partnership with source communities, which is appropriate to respecting the dynamic or experiential quality of heritage. She explains:

> The concept of guardianship, known in Maori as *kaitiakitanga*, acknowledges both the rights and responsibilities of the museum and other owners in the care of collections. Once it is understood that these are both acknowledged and respected, Maori groups are increasingly supportive of using the museum as a storehouse and exhibitionary context for their community treasures (provided there is an ongoing process of consultation). Rather than a condition of ownership, this notion of guardianship develops relationships of consultation and collaboration. The acknowledgment that property is a relationship rather than an object suggests an alternative view of cultural property, which acknowledges the political and social relations that objects are enmeshed within as vital to their identities.[93]

Sometimes equally referred to as stewardship, this idea of guardianship, as Geismar notes, is relevant not only to indigenous cultural heritage but to all cultural heritage, tangible and intangible.

Geismar's concept of guardianship as a strategy for care of objects makes sense from a feminist as well as post-colonial perspective. Hein declares that feminist theory "advocates diverting the focus on products and their consumption to the depiction of practices and processes that vitalize societies."[94] As a feminist practice guardianship enables collaborative relationships with multiple stakeholders including source communities. It eschews entitlement, instead proposing a model of nurture and sensitivity. And it enhances public engagement by emphasizing the dynamic, experiential quality of culture. As an ethical position, guardianship embraces the contingent nature of heritage.

Guardianship carries significant implications for understanding heritage as something animate, to be respected, and communal, to be shared. In acknowledging that property is a relationship, rather than an object, and thus experiential and contingent, guardianship is socially inclusive. It enables diverse pathways to engagement, encouraging a range of participatory encounters and visitor-centered learning around heritage in the museum, from community curation to performing rituals.

In recognizing the living quality of culture, guardianship leads to new thinking about collections management and access to this knowledge. It admits the fluidity and complexity of identity in the cataloguing of objects, rather than defining collections by the limits of software and taxonomic conventions. And it promotes technology as a means to challenge conventional distinctions between exhibitions and research.[95] Museums invigorated by notions of guardianship may pursue digital tools for visitors to extend their learning beyond what's on display to what Fiona Cameron and Helena Robinson refer to as "polysemic interpretive models," digital databases that invigorate the museum experience through visualization, sound, simulation and other means.[96] Parry predicts that the search process for digital interpretation will become increasingly more personalized with the development of the semantic web, given its sensitivities to context and profiling; he cautions, however, that such personalized research creates a host of new ethical quandaries to be considered.[97]

Guardianship prioritizes repatriation as a human right and emphasizes the strengthening relationships that the return of cultural "property" inspires. Guardianship also implies that repatriation alone is not enough; it suggests, as Nick Stanley argues, "a consideration of wider issues concerning ownership, rights and identity."[98] It involves agreements and partnerships with customary owners, including the owners of intangible heritage. Guardianship also instills dignified treatment of all human remains, regardless of their age; an ancient Egyptian mummy is equally as deserving of respect as are human remains from the Second World War.

Guardianship advances an ethics of sustainability, not accumulation. It encourages deliberate thoughtful acquisitions policies and deaccessioning practices.[99] Guardianship democratizes conservation as it acknowledges the organic, rather than eternal, nature of objects. It indicates the subjective character of conservation decision-making and supports community-based conservation as a participatory process.[100]

The concept of guardianship inspires consortiums, collaboratives, mergers and hubs to pool and distribute resources in ways that promote public access to collections, locally, regionally and globally. This pooling of resources is particularly critical at times of economic instability.[101] This can be painful in that loss of institutional identity may result but careful planning can mitigate the impact; moreover, guardianship as an ethical concept prioritizes shared access over institutional sanctity. Guardianship was the driving force behind the Brooklyn Museum of Art's transfer of its vast and historically significant costume collection to the Metropolitan Museum of Art when the Brooklyn came to terms with the fact that it could no longer adequately care for this material. Through a complex and thoughtful set of arrangements on issues from database cataloguing to future deaccession decisions, the Brooklyn Museum continues to maintain some association with and jurisdiction

of the collection.[102] Nonetheless, it takes courage to make the ethical choice to pursue guardianship over ownership. Kevin Stayton, Chief Curator of the Brooklyn Museum, recounts the decision-making process:

> The mission of the Brooklyn Museum is to create a bridge between our great art collections and the public who ultimately own and use them. This could be accomplished, we imagined, without the literal and traditional ownership by the Brooklyn Museum. It is always difficult for a curator to give up a great collection, and I will not pretend that I don't have an occasional pang of regret that things could not have been different. But in the end I am extremely proud of the decision that was reached by the board and the staff of the Brooklyn Museum. The partnership we established allows Brooklyn to use its great collection, and in fact gives us greater access to it than before, when we did not know it completely and when we could not always afford to conserve it for exhibition. But more importantly, it creates a secure future for these great objects, and it allows them to be preserved and to be interpreted and exhibited to the public—who are, in fact, both the owners and the beneficiaries of the collection.[103]

Such difficult but visionary decisions, informed by the new museum ethics discourse, define good museum leadership of the twenty-first century.[104]

Conclusion: Thoughts on Using the New Museum Ethics

As a discourse, the new museum ethics is not merely an ideal; it is a social practice. Through debate among diverse stakeholders, ethical issues are identified, considered and acted upon. The contingent nature of the new museum ethics—its inherent changeability–suggests that the discourse be integrated across the museum sector and engaged on a consistent basis. Theoretically informed ethics discussions should not be reserved for crisis control or for a once-a-decade revision to ethics codes. Infusing the new museum ethics into the museum studies curriculum, museum professional development programming, museum strategic planning and museum/community collaboration is central to creating a changing and sustainable museum for the twenty-first century.

Some may counter that co-production and transparency confuse audiences, that living, breathing ethics codes are too porous and that guardianship betrays a trust to collections. Ethics is never easy. But policing is not an adequate response to the ethics quandaries of the twenty-first century. Training is. Critical consumption of museum rhetoric is a twenty-first century skill that the ethical museum leader must build among students, professionals and communities. To develop a level of comfort with the contingencies of museum ethics–its uncertainties and dependencies, its capacity to "touch" a range of other social concerns–is to accept the complexity and dynamism of the discourse that both reflects and shapes the real issues that museums encounter.

It is this contingent nature of museum ethics that performance artist Anthony Schrag expresses as his hands and feet "touch," on many levels, the columns of the

Gallery of Modern Art in Glasgow. And through bodily pressure Schrag asserts the moral agency of museums. By forcing us to imagine the consequences of his action—like those of Samson—a temple's ruins, he conveys the urgency for redistribution of power and authority in the museum. The agenda of social responsibility, radical transparency and guardianship towards heritage provides a way forward.

Notes

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3 Judges 16:30.

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23 H. Hein, "Redressing the Museum in Feminist Theory," *Museum Management and Curatorship* 22: 1, 2007 (March), p. 38.

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29 Ibid., p.33.

30 Ibid.

31 Ibid., p. 37.

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33 Sandell, "On Ethics, Activism and Human Rights."

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100 On participatory conservation, see D. Sully, *Decolonizing Conservation: Caring for Maori Meeting Houses Outside New Zealand*, Walnut Creek: Left Coast Press, 2007; G. Wharton, "Dynamics of Participatory Conservation: The Kamehameha I Sculpture Project." *Journal of the American Institute for Conservation* 47: 3, 2008, pp. 159–173.
101 On pooling resources when institutions are no longer viable, see A. Rogers Narzarov, "Ethical Considerations for Museum Closures," *Museum* 88: 4, 2009 (July–August), pp. 38–43.
102 K. Stayton, untitled lecture in the session "Deaccessioning in an Economic Crisis: Ethical Challenges and Solutions," Mid-Atlantic Association of Museums, 19 October 2009, Saratoga Springs, New York.
103 Ibid.
104 This is not to negate the separate ethical issues concerning funding of the Metropolitan Museum of Art's Costume Institute; the Costume Institute relies almost entirely on the fashion industry to support its work and has been criticized for conflict of interest. For such a critique, see A. Wallach, "The Unethical Art Museum," in E. A. King and G. Levin (eds.) *Ethics and the Visual Arts*, New York: Allworth Press, 2006, pp. 23–35.