

*Why The American Association of Museums Should  
Look to the  
Revised Disposal Policy for The Museums Association of  
Great Britain for Guidance*

Helen Wirka  
Writing Requirement  
Professor Martha Morris-Shannon  
April 1, 2010

The Museums Association of Great Britain (MA) revised their Code of Ethics (COE) regarding the practice of disposal in 2007. This organization, the British equivalent of the American Association of Museums (AAM), consists of 5,000 individual members, 600 institutional members, and 250 corporate members.<sup>1</sup> When voting took place on October 22<sup>nd</sup>, 2007 at the Annual General Meeting (AGM), the proposed changes were passed with only three votes not approving and four abstentions.<sup>2</sup> Initially, when the topic arose concerning the changes to the MA's COE, my goal had been to examine how the MA had looked at the AAM's policy for guidance. However, I learned that the MA conducted its own research to discover what the public they served felt about disposal and what issues had surfaced since they had published their previous COE. It now seems that the AAM's policy is on a level below the MA's newly approved policy. The AAM is less detailed and is now a few years behind the MA and should follow a similar plan for revising its procedure for disposal. The research that has been done by the MA and integrated into their new COE provides better guidelines and a healthier policy which will greatly benefit the public of Great Britain by encouraging disposal.

The MA's former COE (approved in 2001 and published in 2002)<sup>3</sup> took a hard line approach to disposal, as does the American Association of Museums' (AAM) Code of Ethics (most recently revised in 2000).<sup>4</sup> The AAM code is much less defined than that of the MA, in terms of disposal, but like the MA it consulted the International Council of Museums' (ICOM) Code of Ethics when drawing up its own version for museums in the United States. The AAM created their COE with the understanding that individual institutions would develop their own code of ethics, and that they would provide assistance as needed to guide these museums toward

---

<sup>1</sup> The Museums Association, "History," <http://www.museumsassociation.org/ma/9783> , Accessed Thursday, November 29, 2007.

<sup>2</sup> The Museums Association, "Members vote in favour of rewording of code of ethics," Oct. 29, 2007, <http://www.museumsassociation.org/14971>.

<sup>3</sup> The Museums Association, "Code of Ethics for Museums", Page 3, [http://www.museumsassociation.org/asset\\_arena/text/cs/code\\_of\\_ethics.pdf](http://www.museumsassociation.org/asset_arena/text/cs/code_of_ethics.pdf) , Accessed Thursday, November 29, 2007 .

<sup>4</sup> The MA's 2007 COE, *Disposal Digest*, *Disposal Toolkit* and AAM COE can be found in the appendix the AAM COE also appears in the appendix.

proper policies which ensured the best care for collections.<sup>5</sup> However it did not provide a supplemental document for institutions contemplating disposal. In its 2002 policy, the MA also provided training to those who wished to pursue it<sup>6</sup> and provided a document entitled "Ethical Guidelines on Disposal", which provided further guidance regarding the circumstances under which an institution can dispose of an item, as well as how to do so.<sup>7</sup> The new MA COE is accompanied by a "Disposal Toolkit" which was published in February 2008 to replace the former "Ethical Guidelines on Disposal".<sup>8</sup>

The Museum Association of Great Britain spent a year conducting research into their ethical policy on disposal. They hired the research firm "FreshMinds" to conduct *A Public Consultation on Museum Disposal*, "in order to identify how museums can communicate collection management and disposal with the public."<sup>9</sup> This consisted of a workshop with participants from: the MA; the Museums, Libraries and Archives Council (MLA); the Department for Culture, Media and Sport; and the National Museum Directors' Conference. The workshop revolved around a discussion on "the problems of communicating disposal with the public" as well as three focus groups to "measure public awareness about museum collections and disposal."<sup>10</sup>

In an article appearing on the MA's website on January 31, 2007 the MA reported "A key finding of the research was that: 'All communication should be open and transparent. Members of the public understand the challenges facing museums, and are unlikely to react negatively

---

<sup>5</sup> "Formal adoption of an institutional code promotes higher and more consistent ethical standards. To this end, the Committee on Ethics will develop workshops, model codes, and publications. These and other forms of technical assistance will stimulate a dialogue about ethics throughout the museum community and provide guidance to museums in developing their institutional codes." <http://www.aam-us.org/museumresources/ethics/coe.cfm> .

<sup>6</sup> Museums Association, "Ethical Guidelines 2," Page 6, [http://www.museumsassociation.org/asset\\_arena/text/al/ethics\\_disposal.pdf](http://www.museumsassociation.org/asset_arena/text/al/ethics_disposal.pdf) , Accessed Thursday, November 29, 2007.

<sup>7</sup> Ibid.

<sup>8</sup> The Museums Association, "Code of Ethics: Safeguard the Long-term public interest in the collections," <http://www.museumsassociation.org/ma/10960>, Accessed Thursday, November 29, 2007.

<sup>9</sup> The Museums Association, "A public consultation on museum disposal," Page 3, [http://www.museumsassociation.org/asset\\_arena/text/rt/disposalreport.doc](http://www.museumsassociation.org/asset_arena/text/rt/disposalreport.doc), Accessed Saturday, December 1, 2007.

<sup>10</sup> Ibid.

when provided with a context and rationale for disposal."<sup>11</sup> The MA looked favorably upon these results, with the collections coordinator for the MA stating that "disposal is accepted as a necessary part of collections management, but this report shows that members of the public, with clear and thoughtful communication are able to appreciate that as well."<sup>12</sup>

The next step for the MA was to conduct research into how "to make better use of stored collections through long loans and disposal."<sup>13</sup> The MA has created a program called "The Effective Collections Programme." It was created with the goal of either assisting museums in exhibiting their collections better or with sharing the collections with others so that they are made available to the public in the best possible manner.<sup>14</sup>

In May and June of 2007, the MA solicited research from Robert Taylor and Elaine Sansom (Museums and Heritage Consultants) to assist the Effective Collections Programme. The findings were published in July in the report: *Benchmark Study of UK Museum Long Loan and Disposal Activity*. "The aim of the project was to identify levels of long loan and disposal activity in 100 museums across the UK to establish a benchmark against which the impact of the Museums Association Effective Collections project can be tested in future." The result was that they received 113 responses from museums across the UK sector.<sup>15</sup>

Findings concerning the area of disposal suggested that it was advisable to revise the MA's Code of Ethics. The results from the research were as follows:

1. The vast majority of museums, 96%, have a collection management policy that includes disposal. However, only 62% have ever disposed of items from their collections (Section 4.1).
2. Over the last 3 years, many museums have not made any disposals (Section 4.2).
3. The main reason cited by museums for disposing of items from the collection is lack of relevance to collecting policy (Section 4.3).

---

<sup>11</sup> The Museums Association, "Negative public attitude to disposal can change," Jan. 31, 2007, <http://www.museumsassociation.org/disposalresearch&search=4.3>.

<sup>12</sup> Ibid.

<sup>13</sup> The Museums Association, "Benchmark Study of UK Museum Long Loan and Disposal Activity, July 2007," Page 2, [http://www.museumsassociation.org/asset\\_arena/text/rk/loansanddisposals\\_benchmark.pdf](http://www.museumsassociation.org/asset_arena/text/rk/loansanddisposals_benchmark.pdf)

<sup>14</sup> The Museums Association, "Effective Collections," <http://www.museumsassociation.org/13039>, Accessed Saturday, December 1, 2007.

<sup>15</sup> The Museums Association, "Benchmark Study of UK Museum Long Loan and Disposal Activity, July 2007", Page 4.

4. About 46% of museums that have disposed of items always have external consultation or peer review prior to disposals (Section 4.4).
5. The complexity and time required to undertake the disposal process was often cited as a reason for the low numbers of items actually removed from collections (Section 4.5).
6. Three quarters of museums wanted to dispose of more items from their collections, and all the national museums surveyed indicated that they wanted to do this (Section 4.5).
7. Museums are willing to dispose of items if that would improve access to them. However, there are concerns about transferring items to private ownership before the profession and public have had time to consider the long-term implications of this type of disposal (Section 4.5).<sup>16</sup>

The fact that 75% of the museums expressed a desire to dispose of items yet only 62% are doing so, (findings above) shows that there was a need for a change in policy. Though it is only a sampling of the entire museum sector, these figures are indicative of the actions of museums throughout the sector. The number of museums who are actually disposing of items in their collection, 62%, should be higher since three-quarters of those museums participating in the benchmark study and "all the national museums surveyed indicated that they wanted to [dispose of more items in their collection]". Also, the number of museums receiving outside consultation prior to disposing of material is at approximately 46% and it ought to be at 100%.

Once committed to disposing of items from the collection, it is key to have peers review the proposal before a final decision is made. The 2002 COE for the MA did not clearly state the need for "transparency" and "openness" as the new policy does. Nor did it contain wording such as the AAM COE contains. The AAM COE for Collections states that museums need to "[ensure] that: acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials".<sup>17</sup> The guidelines for deaccessioning objects in *A Legal Primer on Managing Museum Collections* also states that "Any system for deaccessioning, ...should have effective controls for monitoring adherence to museum policy and should require the maintenance of

---

<sup>16</sup> Ibid, Page 3.

<sup>17</sup> The American Association of Museums, "Code of Ethics for Museums," 2000, <http://www.aam-us.org/aboutaam/coe.cfm> , Accessed Thursday, November 29, 2007.

complete records. The museum goal is twofold: to have prudent deaccessioning procedures and to have the ability to demonstrate that, in fact, the procedures are followed."<sup>18</sup>

It is not sufficient to have a museum merely "document all disposals and the basis on which decisions to dispose were made".<sup>19</sup> Documents will show what was done, but they do not allow stakeholders to play a role in the decision-making process nor will documentation prevent the sale of an item in which stakeholders "have a vested interest". Furthermore, concerns of the responding museums such as "the complexity and time required to undertake the disposal process" could be remedied by some clearer outlines for procedure in the COE. The same rings true for "concerns about transferring items to private ownership before the profession and public have had time to consider the long-term implications of this type of disposal". Ensuring that there is consultation within the sector and with peers outside the museum can alleviate that burden for museums when they want to dispose of items. This procedure also falls within the legal duties of those who govern/manage museums. Museums must avoid the appearance of impropriety, and the governing board members, directors, and collections managers have a duty of loyalty to the public to ensure that everything is transparent and all information is available for review.<sup>20</sup>

The MA had additional reasons for proposing changes to the COE along with the research findings from FreshMinds and the Museums and Heritage Consultants. In an extract from a *Notice of Museums Association AGM (Annual General Meeting)* it was stated that the MA Ethics Committee had recently been presented with cases where financially motivated disposal might be allowed. These were "very exceptional cases in which the public interest may be best served by limited financially motivated disposal (sale) of a very small number of high-

---

<sup>18</sup> Marie C. Malaro, *A Legal Primer on Managing Museum Collections*, 2<sup>nd</sup> ed., (Washington, DC: Smithsonian Books, 1998), 224.

<sup>19</sup> The Museums Association, "Code of Ethics for Museums," 2002, Page 16, [http://www.museumsassociation.org/asset\\_arena/text/cs/code\\_of\\_ethics.pdf](http://www.museumsassociation.org/asset_arena/text/cs/code_of_ethics.pdf).

<sup>20</sup> Malaro, 20.

value items."<sup>21</sup> The MA felt that with the other revisions to the COE it would now be easier to keep track of financially motivated disposal and they could allow for these special cases. They also acknowledged that "museums do in fact regularly dispose of low value items with the aim of reducing the costs of storage as part of a balanced collections management policy and so there is a need to reflect current practice and remove the existing requirement that museums must not undertake financially motivated disposal in order to reduce expenditure."<sup>22</sup>

Tristram Besterman, who had sat on the MA Ethics Committee when the 2002 COE was being approved, expressed concern over the "very exceptional case" reasoning behind proposed changes for financially motivated disposal. "When are cases not exceptional?" He said.

'Everybody will claim exceptional circumstances....The MA will rue the day it redrafted this part of the code.'<sup>23</sup> MA's deputy director, Maurice Davies, disagreed stating that exceptions were expected to be on a much smaller scale. "We envisage financially motivated disposal as being a very rare event, where there might be a handful of cases each year in very carefully considered conditions."<sup>24</sup> If everyone follows the new guidelines laid out by the MA, then things will be on track for improving the quality of collections, and the experience which the public has when they visit the museums. If money is needed for renovations to preserve and protect the collections, and a museum is able to obtain it and make those changes, they will be able to better serve the public.

One particular example of a museum and the surrounding community benefiting from the new COE was the Watts Gallery in Compton, Surrey. The Watts Gallery was very likely one of the cases (not mentioned by name) discussed in the *Extract from Notice of Museums Association*

---

<sup>21</sup>The Museums Association, "Extract from a Notice of The Museums Association AGM," Page 2, [http://www.museumsassociation.org/asset\\_arena/text/gm/extractfromnoticeofmaagm.pdf](http://www.museumsassociation.org/asset_arena/text/gm/extractfromnoticeofmaagm.pdf), Accessed Thursday, November 29, 2007.

<sup>22</sup> Ibid.

<sup>23</sup> The Museums Association, "Debate begins over code of ethics proposals," May 5, 2007, <http://www.museumsassociation.org/13824&search=1.1>.

<sup>24</sup> Ibid.

AGM . In March of 2006, the Watts Gallery announced that they intended to sell *Jasmine* by Albert Moore and *The Triumph of Love* by Edward Coley Burne-Jones for approximately £1million. The gallery's building was in need of water-proofing and wind-proofing, along with other plans for "redevelopment".<sup>25</sup> The gallery director, Perdita Hunt, justified the selection of the two paintings for sale as they were not a part of the Watts collection, which is the focus of the museum. It was the intention of the museum that the money from the sale would go towards the core collection.<sup>26</sup> However, the previous COE was definitive in its statement that disposal was not to be undertaken "principally for financial reasons", although any money made from disposal would be used immediately for the "benefit of the museum's collection".<sup>27</sup>

Statements made by Mark Taylor, the director of MA, regarding the Watts case, in February of 2006 pre-date the changes recently approved by the MA and are almost completely opposite to the MA's newly revised COE. Taylor's concern for Watts at the time was regarding the "adverse publicity" that they would have to deal with and the fact that "the MA is concerned at how this might reflect on other museums."<sup>28</sup> Thanks to the consultations done with FreshMinds over the past year, the MA's fears were put to rest concerning public anxiety, as long as the public is made aware of what is happening. In fact, on the Watts Gallery website they posted information regarding the prospective sale and the newly revised ethical code on their "Latest News" page.<sup>29</sup> As long as they continue to post information regarding the status of the paintings for sale, and publicize it throughout the community, they are following the guidelines of the MA. Also, the Watts Gallery has met with representatives from the MA and the MLA since February of 2006, as well as other specialists in 19<sup>th</sup> century art.<sup>30</sup> These actions follow the

---

<sup>25</sup> The Museums Association, "MA concerned by museums' plans to sell art works," February 29, 2006, <http://www.museumsassociation.org/12164>

<sup>26</sup> Ibid.

<sup>27</sup> The Museums Association, "Code of Ethics for Museums," 2002, Page 16.

<sup>28</sup> "MA concerned by museums' plans to sell art works," February 29, 2006.

<sup>29</sup> Watts Gallery, "Latest News", <http://www.wattsgallery.org.uk/>, Accessed Dec. 1, 2007.

<sup>30</sup> "MA concerned by museums' plans to sell art works," February 29, 2006.



guidelines set forth by the new COE, and the fact that they were even doing so prior to the passage of the new code shows that care is being taken to comply with the standards for accreditation.

Also on their website, the Watts Gallery stated that they would spend the next month or so offering the two paintings to public collections, however, "failing an appropriate sale, [the Watts Gallery] will take them to auction."<sup>31</sup> When reading this, one feels the need to question what is "an appropriate sale"? The MA's new COE states that in order "To maintain public confidence in museums wherever possible do not transfer items out of the public domain."(6.11) Also, museums are to "Manage the process with care and sensitivity to public perceptions."(6.12) It is expected that when disposing of an item a fair price should be met, however it sounds somewhat foreboding that the paintings may be sent to auction and that there is a better chance of them leaving the public sector. This would contradict paragraph 6.12 in regards to the Watts Gallery being sensitive to the public, who would want the collection to stay available through another public collection. The MA may want to consider adding in additional provisions to their COE, such as percentages of value that should be duly considered prior to moving items to the auction house.

How do the 2002 and 2007 versions of the Code of Ethics compare? The changes were made to paragraphs 6.0; 6.8-6.18.<sup>32</sup> The new version removes two sentences from paragraph 6.0 where it formerly discussed "a strong presumption against disposal out of the public domain" and the very exclusive circumstances under which disposal should take place. The new paragraph 6.0 sounds encouraging about maintaining collections when it states that "There is a strong presumption in favour of the retention of items in the public domain", and that "Sometimes transfer within the public domain, or another form of disposal, can improve access to, or the use,

---

<sup>31</sup> Watts Gallery, "Latest News", <http://www.wattsgallery.org.uk/>, Accessed Dec. 1, 2007.

<sup>32</sup> "Extract from a Notice of The Museums Association AGM," Page 2.

care or context of, items or collections space. Responsible, curatorially motivated disposal takes place as part of a museum's long-term collections policy, in order to increase public benefit derived from museum collections.<sup>33</sup> Phrasing the introductory paragraph in such a manner for the section on "Safeguard[ing] the long-term public interest in the collections" is the same as telling museums that they should be disposing of items from their collection. Many of the survey participants from the Effective Collections Programme who would like to dispose of items from their collection, but felt that the process was too complicated are probably breathing a bit easier when seeing this revised wording.

Paragraph 6.8 appears in the 2002 version of the COE but it was re-numbered as paragraph 6.9 in the 2007 COE.

Paragraph 6.9 in the 2002 version of the COE, stated that collections should remain within the public domain as much as possible, and that museums were to "Maintain public confidence in museums by not selling items from a permanent collection, nor otherwise transferring them, out of the public domain."<sup>34</sup> Once again, this was very finite language. It provided very little recourse for museums who were unable to dispose of items in the public domain. It makes sense that museums have not been attempting to dispose of items from their collections with such a rule in place because if they did so, then their accreditation would be at risk. One of the reasons cited by museums for having not disposed of items when answering questions for the Effective Collections Programme benchmark study was "concerns about transferring items to private ownership before the profession and public have had time to consider the long-term implications of this type of disposal (Section 4.5)."<sup>35</sup> Previously, museums were not given enough flexibility when it came to disposal. They had to receive further guidance and permission frequently under the restraints of the 2002 COE.

---

<sup>33</sup> The Museums Association, "Code of Ethics: Safeguard the Long-term public interest in the collections," Par. 6.0.

<sup>34</sup> The Museums Association, "Code of Ethics for Museums," 2002, Page 16.

<sup>35</sup> The Museums Association, "Benchmark Study of UK Museum Long Loan and Disposal Activity, July 2007," Page 3

Paragraph 6.10 was retained from the 2002 COE, but it became paragraph 6.8 in the new version of the COE.

Paragraph 6.11 contains a few very important changes. It now reads that criteria are to be based upon the "long-term collections policy" (the word "management" was removed) and that actions leading up to and including disposal are done "openly" and with "transparency". It also states that museums are to "Manage the process with care and sensitivity to public perceptions."<sup>36</sup> This is a direct result of what the MA learned in their consultations: as long as the public is informed, they are open to disposals taking place. Otherwise, when left in the dark, or not appraised of a situation, it does not make sense and they will question what the museum is trying to do.

Paragraph 6.12 was moved to section 6.10. Priority is now to be given, not only to registered museums, but also to accredited museums when gifts are being transferred. The MA also maintains that it is preferable not to transfer items out of the public domain. Although there is more leniency with the new COE, the MA will maintain its position that items are first and foremost to remain in the public domain before being offered to the private sector.

The meaning of paragraph 6.13 was completely changed when the phrase "except in exceptional circumstances" was added to it. Although the MA states that "Financially motivated disposal risks damaging public confidence in museums and the principle that collections should not normally be regarded as financially negotiable assets",<sup>37</sup> it is acknowledging that there are special cases where some museums have no other recourse. The MA adds that the new paragraph, 6.14, had further guidelines for the "exceptional circumstances."

The new paragraph 6.14 clearly states five circumstances under which financially motivated disposal may be an option: "It will significantly improve the long-term public benefit

---

<sup>36</sup> The Museums Association, "Code of Ethics: Safeguard the Long-term public interest in the collections," Par. 6.11.

<sup>37</sup> Ibid, Par. 6.13.

derived from the remaining collection"; "It is not to generate short-term revenue (for example to meet a budget deficit)"; "It is as a last resort after other sources of funding have been thoroughly explored"; "Extensive prior consultation with sector bodies has been undertaken"; "The item under consideration lies outside the museum's established core collection as defined in the collections policy."<sup>38</sup> These exceptions which allow museums to pursue financially motivated disposal will provide relief for smaller institutions which have had no other recourse aside from closing their doors, or perhaps even losing their accreditation. As was mentioned earlier, the MA expects only a few cases per year where these exceptions will apply, and is open to considering the cases where circumstances make it necessary.

Another new paragraph linked to the section on financially motivated disposals is paragraph 6.15. Museums are to "Ring-fence any money raised as a result of disposal through sale, if this exceptional circumstance arises, solely and directly for the benefit of the museum's collection." The money is to go to "long-term sustainability, use and development of the collection."<sup>39</sup> According to Caitlin Griffiths (the MA's adviser on professional issues) this change was added to the final version in August, in order to provide "enough safeguards to ensure only responsible disposal takes place."<sup>40</sup> With this statement, the COE has two places where it guarantees that funds which are earned through financial disposal go back into the collection.

Paragraph 6.14 in the 2002 COE was re-numbered as paragraph 6.17 in the new COE, and the wording remained the same.

Paragraph 6.15 in the former COE became paragraph 6.16 and added in the phrase "Openly communicate." To say "Openly communicate and document all disposals and the basis

---

<sup>38</sup> Ibid, Par. 6.14.

<sup>39</sup> Ibid, Par. 6.15.

<sup>40</sup> The Museums Association, "MA publishes final version of proposed new code," Aug. 8, 2007, <http://www.museumassociation.org/14301>.

on which decisions to dispose were made"<sup>41</sup> is a more pro-active statement. It ensures that the museums are not just keeping things in their own files, but they are informing the public of what is taking place.

The wording in paragraph 6.16 in the old COE was pro-active as well, but in a less sensitive manner, in spite of using the phrase "with sensitivity". The former statement reads: "Dispose of human remains with sensitivity and respect for the beliefs of communities of origin."<sup>42</sup> When compared to the new wording, this former language is a bit harsh, as though the human remains are being pushed out the door. But when disposing of human remains, museums must then be sensitive and respectful of the living relatives/community that they belong to in the present. The new phrase states that museums are to "Respond to requests for return of human remains, and other culturally sensitive material with understanding and respect for communities of origin."<sup>43</sup> Articulating the subject of returning the human remains in this manner almost sounds friendlier and that the remains have a home until someone comes to claim them. However the new paragraph 6.17 does not reference further documents for more specific guidelines like the former paragraph had done. This guidance can be found in the MA's Disposal Toolkit which was published a few months later in February, 2008.

One additional paragraph that did not appear in the 2002 COE, is the new paragraph 6.12. Paragraph 6.12 requires both consultation within the sector with peers ("where appropriate")<sup>44</sup>, and that outside consultation takes place with stakeholders who have a vested interest in the collection. This makes provision that items will not be improperly disposed of and that the public is kept informed of decisions being made which will affect them. It's a key "checks and

---

<sup>41</sup> Ibid.

<sup>42</sup> The Museums Association, "Code of Ethics for Museums," 2002, Page 16.

<sup>43</sup> The Museums Association, "Code of Ethics: Safeguard the Long-term public interest in the collections," Par. 6.17.

<sup>44</sup> Ibid, Par. 6.12.

balances" concept that will protect the public interest and ensure that the museum is making the right choice in terms of who it is catering to.

The AAM's COE shares many of the same principles as the MA. In general, the COE states that "Museums in the United States are grounded in the tradition of public service.... Museums and those responsible for them must do more than avoid legal liability, they must take affirmative steps to maintain their integrity so as to warrant public confidence."<sup>45</sup> The AAM highlights the importance of a legal and beneficial relationship between those who are in charge of museums and the public that benefits from them throughout the COE.

On the contrary, the wording in the AAM's COE is not nearly as specific as the MA's COE. Under the collections section the AAM's COE discusses documentation and access but not openness and transparency: "collections in its custody are accounted for and documented; access to the collections and related information is permitted and regulated; acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials".<sup>46</sup> This is the same as the former MA COE which discussed documenting disposals and having the materials on hand, but if people do not know that the disposal is taking place, how will they know that these documents exist and that they have access to the collections? They wouldn't. The AAM needs to include more detailed guidelines in its COE in order to guarantee that the procedures of individual museums truly uphold their mission of collecting items to benefit the public. The AAM should use the MA's COE as a guide at least in terms of direction and for providing detail when it updates its own COE in the future.

The AAM's COE glosses over financially motivated disposal. It states that museums must ensure that "acquisition, disposal, and loan activities conform to its mission and public trust

---

<sup>45</sup> The American Association of Museums, "Code of Ethics for Museums," 2000.

<sup>46</sup> Ibid.

responsibilities" and that the "proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections."<sup>47</sup> Here the COE is lacking in detail. It should lay out what the responsibilities are that museums owe to the public.

Although they leave individual museums to create more detailed COEs and offer training, individual museums are looking for guidance from the AAM. If the AAM followed the MA's lead and spelled things out more clearly for individual museums in their Code of Ethics, with definitive guidelines in either direction (financially motivated disposal is either not okay or yes it is okay under exceptional circumstances), more museums would have a chance to address the issue as has happened in Great Britain.

Also, when discussing how the proceeds from the sale of a nonliving collection are to be used and it refers to new acquisitions and the direct care of collections, the AAM is referring to the aftermath of a sale. The legal primer holds the opinion that "Just how 'direct care [in the AAM's COE]; is interpreted remains to be seen."<sup>48</sup> More detail and guidance are necessary from the AAM. Perhaps the issue of the definition of "direct care" would assist some museums further in that it might create more flexibility when making decisions rather than having exceptions like the MA has put in place. But, it's better to have questions answered by guidelines than to create situations where time and resources are tied up and nothing is accomplished. Then the public is not receiving the greatest benefit from the museums which exist to enrich their lives. The MA has created a niche in museum policy to pay better attention to the issue of financially motivated disposal, and the AAM may want to follow suit and create a similar policy. AAM's first step would be to conduct research studies similar to what the MA did to see if what worked in Britain would work in America as well.

---

<sup>47</sup> Ibid.

<sup>48</sup> Malaro, 232.

What has AAM's response been to this major change in policy in the UK? Nothing official has appeared on the web, in *Aviso* or *Museum News*. I contacted the ICOM-US office both in writing and via telephone, and the AAM Ethics Working Group's response to MA's revised disposal policy and COE is: "AAM's position on deaccessioning and the use of funds has not changed. It is not under any discussion to be revised or reconsidered to include exceptional circumstances such as those discussed in the MA Code section 6.14 [financially motivated disposal]."<sup>49</sup> It is unknown what impact the MA's COE will have on future changes to the AAM's COE, however it would be beneficial to museums in America if AAM followed the UK's lead.

Since initially researching and writing this paper in December 2007, the MA has moved forward with distributing the new COE at large, along with the Disposal Toolkit mentioned earlier. The Disposal Toolkit was released on February 25, 2008 and was accompanied by the Disposal Digest, a "four page advocacy document, which...set[s] out the guiding principles, advice on when disposal is an appropriate option to consider, a checklist of steps that museums should follow, and a list of frequently asked questions."<sup>50</sup> The Disposal Digest is an introduction to the Disposal Toolkit and provides an overview of the entire process.

The goals of the Disposal Toolkit are to make the disposal process more accessible to various types of institutions and to create open lines of communication and learning. This is clear throughout the document beginning on page 4. This is the first full page of text after the table of contents and provides a flowchart to direct museum staff as they explore whether or not disposal is right for objects in their collection and how to proceed. Another example where the MA is trying to make disposal more accessible is by creating a venue for transparency. Page 14 has a sidebar which publicizes a "noticeboard" which can assist with creating transparency:

---

<sup>49</sup> Julie Hart, e-mail message to author, April 1, 2010.

<sup>50</sup> The Museums Association, "Disposal toolkit to help museums manage collections," Jan. 30, 2008, <http://museumsassociation.org/15716&search=1.1>.



### **Informing the museum sector and relevant organisations:**

Unless an item goes directly to another accredited museum, or is being returned or repatriated, the museum sector and other relevant organisations should be informed and offered the item. To inform the sector a notice can be placed on the disposal noticeboard on the MA website: [www.museumsassociation.org/collections](http://www.museumsassociation.org/collections). This facility allows museums to provide comprehensive information about items of which they wish to dispose. Allow at least two months for other museums to express an interest. Notices can also be placed in appropriate specialist press.<sup>51</sup>

Creating resources like the noticeboard mentioned above, shows that the MA is doing everything in its power to ensure that disposal is performed in a way in which peer institutions are notified and decisions are transparent.

The Professional Development and Ethics Department set up half day workshops to train museum staff on the new disposal guidelines using the disposal toolkit, across Great Britain, including Northern Ireland and Scotland. However, not everyone found the new COE to be as easy to adjust to as was thought might happen at first. At the first disposal workshop that was facilitated by the MA, and happened to take place in Scotland, Elaine Edwards, the curator of the Museum of Rural Life in Kintochside, said that "In our group there was everyone from a volunteer to a senior manager, all gradings if you like, and it was taxing all of us because these are not easy issues. The disposal toolkit is a great resource and I will definitely be using it myself if I find myself in a situation that requires it."<sup>52</sup>

As of June 2008, the MA Collections Staff was just underway with facilitating 18 workshops to 300-plus people. According to Sally Cross, Collections Coordinator for the MA: "[The first workshop held in Scotland] was a little different to the majority in that the audience was much larger - around 60 rather than the usual 20 or so."<sup>53</sup> Ms. Cross went on to describe how in each workshop, attendees have found themselves faced with the same difficult questions:

---

<sup>51</sup> The Museums Association, *Disposal Toolkit*, February 2008, page 14.

<sup>52</sup> The Museums Association, "MA launches disposal toolkit in Scotland," May 14, 2008, <http://museumsassociation.org/16370&search=2.1>.

<sup>53</sup> Sally Cross, Collections Coordinator, The Museums Association, e-mail message to author, June 17, 2008.

"for example questioning proof of ownership, ensuring that stakeholders support the decision, and working out how to communicate decisions." The workshops are formatted so that "delegates trace a real life case study through the stages of the flowchart in the disposal toolkit - at each stage considering what the difficulties are and the decisions they would make."<sup>54</sup>

The MA continues to schedule workshops throughout Great Britain, two years after the first series of disposal workshops were held. The next disposal workshop will be held in the MA's offices in London in June 2010.<sup>55</sup> The Yorkshire and Humberside Federation of Museums and Galleries also recently posted a workshop for Monday, March 22<sup>nd</sup>, 2010 on their online events calendar. This workshop was for "undertaking collections reviews" which is a broader topic than the ones focused on disposal practices in 2008:

Following on from [sic] the Disposal Toolkit Training and Sustainability Workshops held in 2008, the Museums Association is running a series of training events across the regions and nations of the UK. Between November 2009 and March 2010 we are offering free training sessions in undertaking collections reviews, as part of the Effective Collections programme and in partnership with UCL.

There are many reasons why a museum may wish to review a collection – for example to understand it better; to prioritise objects for display, loan and disposal; or to tackle collections care requirements. Using case studies and methodologies from UCL, Renaissance North West and other museums, this training looks at how to construct a review and to maximise its benefits.

The half-day training session will help you plan a collections review at your museum, considering the time, expertise and resources that will be needed. It will also help you to design an assessment framework for understanding and prioritising items in the collection.<sup>56</sup>

The best part about this workshop is that it was offered for free. The smaller museums would have a more difficult time signing up their staff for workshops such as this if there was a fee.

For example, the June 2010 workshop in London at the MA's offices will charge MA members

---

<sup>54</sup> Ibid.

<sup>55</sup> The Museums Association, Online Events Calendar, Accessed Wednesday, March 31, 2010, <http://www.museumsassociation.org/events/find-an-event>.

<sup>56</sup> The Yorkshire and Humberside Federation of Museums and Galleries, Accessed Wednesday, March 31, 2010, Events Calendar: <http://www.yhfed.org.uk/index.php>.

£95 and non-members £155.<sup>57</sup> It is important that cost not prohibit individuals from attending these sessions. Therefore, the March workshop was ideal for attracting a larger audience which would result in benefiting more institutions and collections.

It is vital that everyone from the volunteers to the senior managers understand what is happening in their museum and learn how best to run things to benefit the public. Communication is what will make things work, and providing detailed guidance is also essential. The museums said that they did not dispose of items because the procedures were too complicated. Hopefully curators and staff, such as those who were in Elaine Edwards' group, will move forward with the MA's disposal techniques and find that once they are trained in what to do, it will be less "taxing." Sally Cross concluded her email with the following: "As Elaine said, they're not easy issues, but by using real case studies we aim to demonstrate what's involved in thinking decisions through thoroughly to ensure that disposal is responsible, and also to help people who are considering a programme of disposals to plan the process successfully."<sup>58</sup>

Also in 2008, the "Renaissance Programme"<sup>59</sup> issued a collections review document with the intent that the real life case studies would assist museums who were either unsure of how to start reviewing their collections and therefore disposing of items or who were initially reluctant to do so. Sally Cross, the MA's Collections Coordinator, wrote the foreword, stating the importance of not just letting a collection lie in situ, but wrote that "reviewing collections is vital for any museum considering the long term development of its collection. Putting the resources and ideas we've all been working on into practice is the start of a significant culture change in museums."<sup>60</sup> The *What's In Store?* document does a solid job of providing background on the

---

<sup>57</sup> The Museums Association, Online Events Calendar, Accessed Wednesday, March 31, 2010, <http://www.museumsassociation.org/events/find-an-event>.

<sup>58</sup> Ibid.

<sup>59</sup> "Renaissance is the Museums, Libraries and Archives (MLA) Council's £150 million programme to transform England's regional museums...[by raising] their standards and deliver[ing] real results in support of education, learning, community development and economic regeneration."

<sup>60</sup> Renaissance North West, *What's In Store? Collections Review in the North West*, 2008, Foreword.

Collections Review Project, giving descriptions, case studies and actions/outcomes of the project. Although it was a regional project, it would be useful to more institutions if published more broadly or if other regions took up the idea and did the same for themselves. It reinforces the idea of keeping the public informed, utilizing outside resources to ensure the most careful steps are taken and the collections benefit rather than suffer as a result of these reviews.

After a recent extensive online search for "Opinion MA Disposal", only one negative opinion appeared which revealed that not everyone has been happy with the Museums Association as a result of the new attitude from the MA on disposals. One blogger wrote a scathing piece on the website "Spiked" about how museums exist to protect objects for future generations and that whether or not the objects are being used by an institution at present should not matter: the museum must always retain all objects in case someone wants to research it or exhibit it fifty years from now. The blogger, Tiffany Jenkins, was "researching the crisis of cultural authority in museum institutions, at the University of Kent at Canterbury" and in a previous article "saw the decision to return an obelisk from Italy to Ethiopia as motivated by narrow cultural determinism."<sup>61</sup> Although "officially" writing from an academic background, Jenkins' evaluation of disposal in museum collections was uninformed, uneducated and ultimately, a rant against museums. In spite of the fact that her direct quotes from the MA's press release were correct, she took the situation out of context by claiming that "Museum directors and curators seem so uncertain about their own role that they don't know what to do with the items they're supposed to take care of."<sup>62</sup> She ultimately felt that items in a museum's collection would be "safest" if museum professionals "[kept] away from the objects and artefacts [sic] that they were charged to care for on behalf of past, present and future generations."<sup>63</sup> What she did not understand is that it would be better for the objects and artifacts if they were

---

<sup>61</sup> Tiffany Jenkins, *Why museums should dump the 'Disposal Toolkit'*, <http://www.spiked-online.com/index.php?site/article/4638/>, Accessed Tuesday, March 30, 2010.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

disposed of by a museum which could no longer care for them or show them in their best light. At that point, the objects would then hopefully (and logically) be transferred to a museum whose mission it is to focus on that type of object. In truth, disposal will preserve the objects and allow for more attention and resources to be devoted to the museum's actual mission.

One glaring point which was absent from Jenkins' article, was a discussion of resources and money. Ultimately she ignored the fact that not being able to afford the resources to keep a large collection on hand, or taking up room in a facility that must be paid for, takes resources and funding away from other key objects in a collection. Jenkins ought to have read Sandy Nairne's piece which was published in *The Guardian* two days before her opinion appeared on the web. Nairne is the director of the UK's National Portrait Gallery and a vice-president of the Museums Association. In an article called "Best in show", Nairne directly comments on the fact that museums are traditionally thought of as preserving objects in a collection from "theft or loss: ensuring that they would survive for future generations....But now [a museum's priorities] should be seen in a wider framework, testing whether a museum is putting its collection to best use. The collection is a means to an end -- learning, exploration, enjoyment, research, among them -- rather than an end in itself."<sup>64</sup> Nairne goes on to discuss financial concerns and how museums must consider sustainability, not just environmental concerns but in terms of economy as well. Although written by one of the MA's administrators, the piece is well-rounded and acknowledges that in the end, change performed through disposal can be healthy and reap more benefits rather than being detrimental to a collection and/or a museum.

As it says in *A Legal Primer on Managing Museum Collections*: "Museums contemplating deaccession should keep one thought in the forefront: A museum exists to serve its public, and to be truly effective, it must maintain the confidence of these beneficiaries."<sup>65</sup>

---

<sup>64</sup> Sandy Nairne, "Best in show", *The Guardian*, <http://www.guardian.co.uk/commentisfree/2008/feb/25/museums>, February 25, 2008, Accessed Wednesday, March 31, 2010.

<sup>65</sup> Malero, 220.

This was the major goal of the MA throughout the revision process for their COE. In all of the consultations and research, the MA carefully took into account how the public felt about disposal. They also paid special attention to the issues that were important to their own museums by performing the survey of museums in the Effective Collections Programme. It is now time for the AAM to re-evaluate its own policies in a similar manner, so that the public in the United States can receive the greater benefit through better guidelines for museum policies.

## **Bibliography**

The American Association of Museums, "Code of Ethics for Museums," 2000, <http://www.aamus.org/aboutaam/coe.cfm> , Accessed Thursday, November 29, 2007.

Sally Cross, Collections Coordinator, The Museums Association, e-mail message to author, June 17, 2008.

Julie Hart, Sr. Director, Museum Standards & Excellence, The American Association of Museums, e-mail message to author, April 1, 2010.

Tiffany Jenkins, *Why museums should dump the 'Disposal Toolkit'*, <http://www.spiked-online.com/index.php?/site/article/4638/>, accessed Tuesday, March 30, 2010.

Marie C. Malaro, *A Legal Primer on Managing Museum Collections*, 2<sup>nd</sup> ed., (Washington, DC: Smithsonian Books, 1998), 224.

Renaissance North West, *What's In Store? Collections Review in the North West*, 2008, [http://i.dmtrk.com/CmpDoc/2008/479/270\\_collections-review-in-the-north-west.pdf](http://i.dmtrk.com/CmpDoc/2008/479/270_collections-review-in-the-north-west.pdf), Accessed Wednesday, March 31, 2010.

Sandy Nairne, "Best in show", *The Guardian*, <http://www.guardian.co.uk/commentisfree/2008/feb/25/museums>, February 25, 2008, Accessed Wednesday, March 31, 2010.

The Museums Association, "MA concerned by museums' plans to sell art works," February 29, 2006, <http://www.museumsassociation.org/12164>

The Museums Association, "A public consultation on museum disposal," [http://www.museumsassociation.org/asset\\_arena/text/rt/disposalreport.doc](http://www.museumsassociation.org/asset_arena/text/rt/disposalreport.doc), Accessed Saturday, December 1, 2007.

The Museums Association, "Benchmark Study of UK Museum Long Loan and Disposal Activity, July 2007," [http://www.museumsassociation.org/asset\\_arena/text/rk/loansanddisposals\\_benchmark.pdf](http://www.museumsassociation.org/asset_arena/text/rk/loansanddisposals_benchmark.pdf), Accessed Saturday, December 1, 2007.

The Museums Association, "Code of Ethics for Museums", [http://www.museumsassociation.org/asset\\_arena/text/cs/code\\_of\\_ethics.pdf](http://www.museumsassociation.org/asset_arena/text/cs/code_of_ethics.pdf) , Accessed Thursday, November 29, 2007.

The Museums Association, "Code of Ethics: Safeguard the Long-term public interest in the collections," <http://www.museumsassociation.org/ma/10960>, Accessed Thursday, November 29, 2007.

The Museums Association, "Debate begins over code of ethics proposals," May 5, 2007, <http://www.museumsassociation.org/13824&search=1.1>

The Museums Association, *Disposal Toolkit*, February 2008.

The Museums Association, "Disposal toolkit to help museums manage collections," Jan. 30, 2008, <http://museumsassociation.org/15716&search=1.1>, Accessed May 23, 2008.

The Museums Association, "Effective Collections," <http://www.museumsassociation.org/13039>, Accessed Saturday, December 1, 2007.

Museums Association, "Ethical Guidelines 2," [http://www.museumsassociation.org/asset\\_arena/text/al/ethics\\_disposal.pdf](http://www.museumsassociation.org/asset_arena/text/al/ethics_disposal.pdf), Accessed Thursday, November 29, 2007.

The Museums Association, "Extract from a Notice of The Museums Association AGM," [http://www.museumsassociation.org/asset\\_arena/text/gm/extractfromnoticeofmaagm.pdf](http://www.museumsassociation.org/asset_arena/text/gm/extractfromnoticeofmaagm.pdf), Accessed Thursday, November 29, 2007.

The Museums Association, "History," <http://www.museumsassociation.org/ma/9783>, Accessed Thursday, November 29, 2007.

The Museums Association, "MA launches disposal toolkit in Scotland," May 14, 2008, <http://museumsassociation.org/16370&search=2.1>, Accessed May 23, 2008.

The Museums Association, "MA publishes final version of proposed new code," Aug. 8, 2007, <http://www.museumassociation.org/14301>.

The Museums Association, "Members vote in favour of rewording of code of ethics," Oct. 29, 2007, <http://www.museumsassociation.org/14971>.

The Museums Association, "Negative public attitude to disposal can change," Jan. 31, 2007, <http://www.museumsassociation.org/disposalresearch&search=4.3>.

The Museums Association, Online Events Calendar, Accessed Wednesday, March 31, 2010, <http://www.museumsassociation.org/events/find-an-event>.

Watts Gallery, "Latest News", <http://www.wattsgallery.org.uk/>, Accessed Dec. 1, 2007.

The Yorkshire and Humberside Federation of Museums and Galleries, <http://www.yhfed.org.uk/index.php>, Accessed Wednesday, March 31, 2010, Events Calendar.