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[See table of contents](#)

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Museal governance and cultural law: a status report

Yves Bergeron, Lisa Baillargeon et Pierre Bosset

This thematic issue of *Muséologies* provides an opportunity for a situational analysis of the work done by the team of UQAM’s Chair of strategic research on museal governance and the cultural law. Well ahead of the 2018 announcement of the creation of the Chair, we had engaged in research projects on this theme, which we saw as a fundamental issue in the sustainable and equitable development of museums, but also in Quebec museology as a discipline. As shown by many texts in this issue, research on governance and law in the museal world demonstrated a significant lag behind museology programs in Europe and numerous other countries, such as the United States, which has long offered courses in best management practices and legislative frameworks for museal functioning. We also note that many new research avenues have opened up and are helping us renew our perspective on the museal institution.

60

The museal world in upheaval

After two years marked by the health crisis, it is very clear to us that the common museal culture has been severely tested in recent years. The model of the classic museum centred on its collections is called into question and new types of management structures are emerging on the foundations of the museum’s social role. As a result, it is not surprising that management models are being transformed and are adapting to new mission statements. In this sense, we are entering a period where we will be able to observe a greater diversification in models of museal governance.

The first scientific exchange on this theme took place during the study day “Diriger sans s’excuser—Musées et gouvernance stratégique,” which was held at the Musée

de la civilisation on February 27, 2017. This conference was an occasion to underline the publication of two works about Roland Arpin and his concep of museology and heritage. The first work retraces the genesis of the Musée de la civilisation through Roland Arpin's foundational texts on the concept and museological approach of the Musée,¹ while the second, *Diriger sans s'excuser Patrimoine, musée et gouvernance selon Roland Arpin*, attests to his vision of management² and shows the full importance of management models. This conference prefigured to some extent UQAM's creation of the Research Chair on museal governance and the cultural law in February 2018. The goal of this first day of study was to open up new perspectives and to put in place a research program structured on museal governance at a key moment in their history and development. Certainly, we could not know anticipate the upheaval the museal world would experience in the ensuing months. We will first mention the animated debate on the new definition of a museum,³ which was initiated in 2018 and peaked at ICOM's 25th general conference in Kyoto in September 2019. It is not an overstatement to call it an upheaval, since we must remember that the International Council of Museums came close to implosion because of the polarisation of positions into two opposing camps over the proposed definition of a museum. Some months after seeing the resignations of several members of the board of directors, including Suay Aksoy, president-elect of ICOM, on June 19, 2020, as well as George Abungu,

1 *Un Nouveau Musée pour un Nouveau Monde. Musée et muséologie selon Roland Arpin* (BERGERON Yves, CÔTÉ Julie-Anne eds.), Paris: L'Harmattan, 2016, Preface by Michel CÔTÉ.

2 *Diriger sans s'excuser. Patrimoine, musée et gouvernance selon Roland Arpin*, (BERGERON Yves CÔTÉ Julie-Anne eds.), Paris: L'Harmattan, 2016, Preface by Stéphan LA ROCHE

3 It is important to reread this special edition bringing together different points of view on the issues of the definition: *Museum International—The Museum Definition: the Backbone of Museums*, vol. 71, n° 281-282.

Margaret Anderson, Jette Sandahl and Rick West, an external team undertook a review of ICOM’s governance.⁴ Members of the Chair’s committee participated in the Kyoto meeting, and it became clear that it had been legal arguments that brought Jette Sandahl’s proposed definition into question. In fact, the statement presented legal problems, particularly because of its difficult operational nature. Michèle Rivet, of ICOM Canada and a member of the Chair’s committee, also points out that the “definition of a museum must be at once neutral and forward-looking, descriptive and normative. Easily understood by all, it speaks to the very essence.”⁵ Textual analysis of the 269 definition proposals of Kyoto, by François Mairesse and Olivia Guiragossian, demonstrates the diversity of conceptions of a museum around the world:

“one region of the world appears to be emerging with an original and slightly different vision of a museum: Latin America. There is definitely a common vocabulary in the majority of the definitions, which we find all over the world (somewhat reminiscent of many terms used in the 2007 definition), but a certain vision of the museum, essentially centred on its social dimension, seems to be emerging through the use of certain words.”⁶

4 See: Doyenne Strategy and Luma Consulting, *Conseil international des musées. Examen de la gouvernance externe. Rapport préliminaire*. On line: <https://www.museums.ch/assets/files/dossiers_f/ICOM%20Examen_Gouvernance_Rapport%20Preliminaire.PDF>

5 RIVET Michèle, « La définition de musée, défis et compromis au XXI^e siècle : Que nous en disent les musées eux-mêmes? », *ICOFOM Study Series*, vol. 48, n° 2, 2020, On line: <<http://journals.openedition.org/iss/2765>; DOI: <https://doi.org/10.4000/iss.2765> >

6 MAIRESSE François, Guiragossian Olivia, « Définir le musée à travers le monde », *ICOFOM Study Series*, vol. 48, n° 2, 2020, On line: <<http://journals.openedition.org/iss/2630>; DOI: <https://doi.org/10.4000/iss.2630> >

While we can see different conceptions of the museum in certain parts of the world, ICOFOM's Markus Walz shows clearly that "the definition of a museum is used as a tool to define museal professionals or even to present the meaning they would like it to have."⁷ Furthermore, it is interesting to see the political form the debate took.

A few months later, the COVID-19 pandemic forced museums to close for almost two years in some countries. Many studies were conducted to measure the impacts of this unprecedented crisis,⁸ but for the moment it is difficult to ascertain the middle and long-term effects for the future of museums. In two or three years from now, we will no doubt be able to make a comprehensive assessment of impact in the short and medium term of the health crisis on the management of museums. Original research done in 2020 by a team of HEC museologists and researchers, based on the PESTEL model, observed that it "is becoming evident that Quebec's museal industry is fragmented, diversified, and that the reality of museal institutions is highly heterogeneous."⁹ The analysis shows that museums have become fragile and their revenues have fallen so far that they have found themselves with two choices: increase revenues or decrease expenditures.

63

While it is impossible to establish a direct correlation with the health crisis, several Canadian museums experienced disruptions between March 2020 and March

⁷ WALZ Markus, « It Is, It Was, They Are, We Are: The Museum Definition as a Norm and a Collective Framework », *ICOFOM Study Series*, vol. 48, n° 2, 2020, On line: < <http://journals.openedition.org/iss/2875>; DOI: <https://doi.org/10.4000/iss.2875> >

⁸ See particularly: *Les musées dans le monde face à la pandémie de COVID-19*. UNESCO, May 2020, On line: < https://unesdoc.unesco.org/ark:/48223/pf0000373530_fre >

⁹ ALARIE Vanessa, BÉGIN Démi, (Me) CAYER Emilie L., THIAUX Victorien, « Faire face à l'Après-crise du Coronavirus », *Opportunités et stratégies pour le milieu muséal. Analyse et enjeux*. 2020.

2022. In a study done at HEC Montréal, Vanessa Alarie, Démi Bégin, (Me) Emilie L. Cayer and Victorien Thiaux showed that “the management of human resources remains the greatest challenge since the redefinition of the identity of museums will cause changes in structure, process and skills.”¹⁰ Canadian museums have been particularly affected by internal crises which have led to the departure of several museum directors. We might simply mention the Canadian Museum for Human Rights in Winnipeg, the Montreal Museum of Fine Arts, the Royal British Columbia Museum in Victoria and the Canadian Museum of History.¹¹ Although each case is unique, the common denominator is the difficult relations between management and boards of directors. Also, these widely publicized crises drew the general public’s attention to the vital role museums play in Canadian society.

64

The value of examining museal governance

When the application was filed to create the Chair, one fundamental question continually arose: why the sudden interest in governance and the pragmatic aspects of museal management, implying that there were probably more important issues than governance. Let us recall that museology emerged as a discipline in Quebec in the autumn of 1987 with the creation of UQAM-UdeM’s joint master’s program.¹² This is a watershed moment, since from that time we can see the birth of a new generation of museologists who share common values. The first two decades in particular saw the development of new

¹⁰ *Ibid.*

¹¹ Press reviews of the different cases may be found on the website of the Association des musées canadiens et sur le site de la Société des musées du Québec.

¹² To understand how the creation of the master’s program came about, see: MONTPETIT Raymond, « Raymond Montpetit. Une trajectoire de la philosophie à la muséologie », *Du sens et du plaisir Une muséologie pour les visiteurs Musée et exposition selon Raymond Montpetit*, (Bergeron Yves, Loget Violette, eds). Paris: L’Harmattan, Collection Muséologies, Preface by François Mairesse, 2021, p.

research topics centred on the history of museums and collections,¹³ on exhibitions¹⁴ and on mediation¹⁵ in museums. With the creation of the international doctorate in museology, mediation and heritage in 2005, the promoters of the project, UQAM's Bernard Schiele and Jean Davallon of the Université d'Avignon et des Pays de Vaucluse, chose to consolidate the fundamental research in the sectors that had until then been neglected in undergraduate and postgraduate studies in museology, such as the polysemic notion of heritage, cultural practices, the publics and the museal experience.¹⁶

In light of the transformations that have upended the world of museums, many researchers have focused on the question of cultural, economic, social and technological trends that contribute to transforming the professional practice of museums.¹⁷ Special consideration has been given to the effects of globalization and the growing interest in heritage. Arpin says that the report on heritage, which came out in autumn 2000, led to the creation of programs and university chairs dedicated to cultural heritage.¹⁸ The introduction of intangible cultural heritage into the definition of a museum in 2007 gave expression to this expansion of the idea of a museal object with

13 One can think of the research avenues of Raymond Montpetit, Jean Trudel, Louise Letocha, Hervé Gagnon, Cyril Simard, Philippe Dubé, Yves Bergeron and Claude Armand Piché.

14 See the work of Raymond Montpetit, Bernard Schiele and Philippe Dubé.

15 Noteworthy works on this topic: Michel Allard, Guy Vadeboncoeur, Colette Dufresne-Tassé, Anick Meunier and Sylvie Lacerte.

16 With the creation of the doctorate, Bernard Schiele and Jean Davallon published the proceedings of the inaugural seminar (April 28, 2005) *Doctorat en muséologie, Médiation, patrimoine. Logiques du patrimoine, Logique de la culture, programme international conjoint, Université du Québec à Montréal et Université d'Avignon et des Pays de Vaucluse*, Québec: Éditions MultiMondes, 2005.

17 A first publication appeared in 1992: Michel CÔTÉ (ed.), *Tendances de la muséologie au Québec*, Québec, Musée de la civilisation, Société des musées québécois et Environnement Canada Service des parcs, 1992, 162 p. A second appeared in 2005 at the establishment of the doctorate in museology: Bergeron, Yves (editor), *Musées et muséologie: Nouvelles frontières. Essais sur les tendances*, Québec / Montréal, Musée de la civilisation / Société des musées québécois, 2005, 255 p.

18 ARPIN Roland, *Un présent du passé. Proposition de politique du patrimoine culturel déposé à Agnès Maltais, ministre de la Culture et des Communications du Québec*, Québec: Groupe-conseil sur la politique du patrimoine culturel [Cultural Heritage Policy Advisory Group], 2000.

inevitable repercussions on the concept of collection. We are no doubt seeing a trend that has over the last two decades contributed to the transformation of the very foundations of the museal institution. We are, in fact, witnessing the confrontation between two sets of museal values.¹⁹ The first group upholds traditional museal values centred on the collections and the enhancement of the value of heritage, while the second advocates for centring the museum above all on its role as social actor, leaving heritage in the background.

As for the changes observed within the museal network, we can see that numerous museums hoped to become true forums, in the sense delineated by Duncan Cameron, that is, institutions offering reflection on societal issues. Data from the Observatoire de la culture et des communications du Québec show that when museums align with public concerns²⁰ the number of visits to museums increases.²¹ Consequently, visiting museums is one of the cultural practices that grow constantly, unlike attendance at movies and theatres, which remains generally stable.²² Museums are not just cultural institutions; they have become cultural enterprises fostering international partnerships. Also, museums are seen by governments as playing a leading role in international diplomacy.²³ So we

66

19 BERGERON Yves, «L'invisible objet du Musée. Repenser l'objet immatériel», *Recréer/Scripter. Mémoires et transmissions des œuvres performatives et chorégraphiques contemporaines*, (BÉNICHOU Anne ed.), Montréal: Les presses du réel, 2015, p. 279-396.

20 See the following: ANDERSON Gail, *Reinventing museum*, Rowman: Altamira, 2004; after writing *The Participatory Museum* in 2010, Nina Simon published a work in the same spirit, which in 2016 became a reference: *The art of relevance. Museum 2.0*, 2016.

21 Observatoire de la Culture's survey on the number of museum visits in 2018 and 2019: DANVOYE Marik, «La fréquentation des institutions muséales en 2018 et 2019», *Optique culture*, n° 75, novembre 2020, Institut de la statistique du Québec, Observatoire de la culture et des

communications du Québec, En ligne, < www.stat.gouv.qc.ca/statistiques/culture/bulletins/optique-culture-75.pdf >

22 See the last survey, done in 2014, published in 2016, corrected in 2018: Enquête sur les pratiques culturelles au Québec 2014 – Faits saillants de l'enquête, *Surviv. Bulletin de la recherche et de la statistique*, n° 27, Québec: Ministère de la culture et des communications, 2016. See table showing the evolution of visits to museal institutions from 1979 to 2014, p. 30.

23 See: GUERAICHE William. «Diplomatie culturelle, un exercice rhétorique? L'exemple du Louvre Abu Dhabi, musée universel», *Hermès La Revue*, vol. 81, n° 2, 2018, pp. 183-191.

can understand that they have a significant political function. In addition, in the context of war and terrorism, museums and heritage sites have become key targets. André Gob has identified these issues in a historical perspective in his work, *Des musées au-dessus de tout soupçon*.²⁴ This has not come about by chance, since it has always been the case; hence the adoption in 1954 of the first version of the *Hague convention for the protection of cultural property in the event of armed conflict* and its two protocols. This convention is currently in the news with the war in Ukraine, where historic monuments are threatened.

When we look at museums from an economic point of view, other issues are ubiquitous. Since the financial crisis of 2008, the various levels of government in Canada have encouraged museums to generate independent revenue and search for new, private financial partners. The Observatoire de la Culture du Québec's study on heritage and museal institutions shone a light on the complex financing of museums.²⁵ While patrons were the originators of the network of private museums in Canada as in the United States, their role has increased over the last few years. Still, since the health crisis in 2020, independent revenues at North American museums have literally melted away, so much so that numerous museums are contending with major deficits. Even though patrons donate gifts of artworks and this contribution is still significant, it has no effect on the museum's working budget. Members of private museums' boards of directors have

67

24 GOB André, *Des musées au-dessus de tout soupçon*, Paris : Armand Colin, 2007.

25 THIBAUT Marie-Thérèse, BERGERON Yves, DUMAS Suzanne, *État des lieux du patrimoine des institutions muséales et des archives. Cahier 3. Les institutions muséales du Québec, redécouverte d'une réalité complexe*, Québec : Observatoire de la Culture et des Communications du Québec, 2007, see p. 21 à 29.

been facing considerable challenges since March 2020, the official date of the start of the pandemic. In the crisis that shook the Montreal Museum of Fine Arts, the government of Quebec mandated Daniel Beaupré of UQAM's ESG, who recommended a review of the museum law that dated back to 1972. This mandate was entrusted to Lise Bissonnette and the lawyer Pierre A. Roy, resulting in the 2021 adoption of a new law modifying the composition and functioning of the board of directors on the governance model of national museums.²⁶ We must see that the problem of governance and leadership is highly topical. For the last two years, museums have worked to reinvent themselves and to develop new management and partnership models. This movement is seen in the questioning of the mission of museums. In short, museums are working to adapt to a rapidly changing world.

68

Premises for a study of governance

The fact that the first scientific meeting of the Chair on governance was held at the Musée de la civilisation is significant because this museum was the stage for the major transformations of the museal world at the end of the 1980s. As shown in *Un musée pour un Nouveau Monde*, the Musée was the perfect model of disruption at the turn of the 1990s. Since its opening in 1988, it was clear that there was a before and an after Musée de la civilisation. Although this model was initially contested by those whom Roland Arpin designated as “museo-theologians” defending their orthodox values of classical museology, four years later, in 1992, at the *Un musée pour un Nouveau Monde*,²⁷ the MCQ

26 Act to amend the Montreal Museum of Fine Arts Act, LQ 2021, c 21.

27 To understand the museal context in Quebec, see: BERGERON Yves, RIVARD René, SIMARD Cyril, « Retour sur la 16^e Conférence générale du Conseil international

des musées (ICOM) à Québec: 1992. Année charnière de la muséologie québécoise », *Rabaska, Revue d'ethnologie de l'Amérique française*, volume 11, 2013, p. 7-24. www.erudit.org/revue/rabaska/2013/v11/n/1018513ar.html?vue=resume&mode=restriction

model would become the new norm in the country and would inspire the creation of society museums beyond the borders.²⁸ We mention this historic moment to point out that change can sometimes happen very quickly. This is evident in the debate over the definition of a museum since 2019.

What changes were seen at that time? What captured the imagination of Quebec's museal world in 1988 was that the MCQ was distancing itself from the collections to concentrate on exhibitions built not on objects but on societal issues. The museum was no longer a place of contemplation but a place of reflection. Concerned with visitor frequency and the resulting decline in revenue, the museum henceforth focused on the publics and particularly the experience of the visit. This was not yet a common approach at the national museums. To evaluate the experience of the visit, the museum established departments for evaluation, cultural activities and communications and marketing. It is important to remember that at the time when this new museal model was being invented and defined through reference texts,²⁹ the universities were setting up museal training in Montreal and Quebec City. Museology was demonstrating imagination and innovation. There was a lot of work to be done. New perspectives shone a light on the social and cultural role of museums.

69

However, there was a blind spot, or more precisely a grey area. Although the master's program in museology included a course in museal management, little research

28 Examples: the Musée du quai branly (2006), the Musée des Confluences in Lyon (2014), the MUCEM in Marseille (2013), the Musée de l'histoire européenne in Bruxelles (2017) and the musée national de la civilisation égyptienne inaugurated in 2021.

29 See: ARPIN, Roland, *Le Musée de la civilisation : concept et pratiques*, Québec, MultiMondes, 1992.

had been conducted on the subject. Other than *Musées et Gestion* published in 1991 and edited by Michel Côté,³⁰ then director of outreach and education at the Musée de la civilisation, researchers had neglected to study the impacts of management on museums. Michel Côté drew attention to the performance, the quest for excellence and most of all the mission of museums, which determines governance modes. Clearly, new museology students were not particularly aware of these governance questions, with the result that management had long remained in the shadows. This observation is all the more paradoxical because the major changes brought about by trends in new museology had nonetheless deeply transformed management by introducing new museal governance models. This phenomenon is most clearly seen in the evolution of the status of conservator, which has been largely transformed here as elsewhere in the world between the late XXth century until today.³¹

70

While American universities attach great importance to museal management in training offered in Museum studies, Quebec universities have neglected this element in favour of concentrating on collections, exhibitions and visitors. We must however take a hard look at the reality. Like museums, culture is not separate from reality. Museums are dependent on the economy and on management models. Moreover, the very history of museums is closely linked to the development of capitalism. Museums began to appear in North America at the time of the

30 *Musées et gestion*, Québec, (Côté Michel ed.), Musée de la civilisation and Université Laval, 1991.

31 BERGERON Yves, BAILLARGEON Lisa, « Le statut de conservateur dans les musées nord-américains : perspectives géopolitiques » [Curator status in North American museums: Geopolitical perspectives] *Politique et poétique de la*

muséologie Política y poética de la museología, [The politics and poetics of Museology], ICOFOM Study Series, 46, 2018, p. 43-59. On line: <<https://journals.openedition.org/iss/781>>

Industrial Revolution, which placed a high value on science museums. Let us recall that the first national Canadian museum was conceived in the middle of the XIXth century within the Geological Survey of Canada, whose mandate was to identify natural resources for the country's economic development.³² This fact cannot be ignored.

In a constantly evolving world, we believe that the time has come to reflect seriously on the issues involved in museal governance. Roland Arpin understood clearly that the philosophy of management continues to be crucial for the full development of museums. It is therefore the path that the Chair has chosen to follow and explore.

While management and governance research are still marginalized in museological research, it is still true that more and more of us are leaning into these questions.

71

The first conference at the Musée de la civilisation was followed by a second scientific meeting in Paris in June 2017, with our French partners Jean-Michel Tobelem of the Université Paris 1 Panthéon-Sorbonne, François Mairesse of Paris3 Sorbonne Nouvelle and Jacqueline Eidelman of the École du Louvre.³³ On February 13, 2018, the Centre Dominique Vivant-Denon du Louvre organized a conference on the theme “À travers les mondes de la gouvernance : les missions de service public à l'épreuve du temps” for actors³⁴ who had participated in

32 VODDEN Christy, DYCK Ian, *Un monde en soi. 150 ans d'histoire du Musée canadien des civilisations*, Gatineau, Musée canadien des civilisations, 2006.

33 June 13, 2017, Paris 3 Sorbonne Nouvelle.

34 Gilles Butaud, former assistant general manager at the Musée du Louvre, head of human resources, 1989-1996, and Hervé Barbaret, Secretary General of the ministry of culture, former general manager of the Musée du Louvre, 2009-201.

the reorganization of the Louvre at the beginning of the 1990s. The proceedings³⁵ of this scientific meeting are to be published in spring 2022.

Defining governance

There are many definitions of governance. The Institut sur la gouvernance d'organisations privées et publiques (IGOPP) considers governance from the standpoint of its fiduciary form, whose primary mandate is to put in “place all the means for an organism to realize the goals for which it was created, and in a transparent and efficient fashion, respecting the expectations of its stakeholders.”³⁶ In sum, IGOPP sees governance as consisting of rules of accountability and principles of functioning, for which the board of directors is responsible, since it is the administrators who set the strategic orientations of an organization. It is within this framework that an organization’s managers can develop. Beyond this formal definition, IGOPP upholds the principle of governance that “creates values” that foster *high performance, leading to the creation of sustainable values for the organization*. This approach is based on four principles that must guide the members of a board of directors: (I) legitimacy and credibility; (II) a strategic approach; (III) reporting and performance follow-up; (IV) motivation, recognition and remuneration.

American museums have long been interested in museal management. We can cite George Brown Goode’s publications such as “The Principles of Museum Administration,”³⁷ which was published at the end of the

35 BERGERON Yves, *Les fondements de la gouvernance pour les musées en Amérique du Nord*.

36 <https://igopp.org/ligopp/la-gouvernance/> Accessed March 11, 2022.

37 BROWN Goode G., “The principles of museum administration,” *Report of Proceedings with the papers read at the sixth annual general meeting, held in Newcastle-upon-tyne, July 23rd-26th*, London: Dulau, 1896, p. 69-148.

XIXth century and is the source of ensuing publications. Still today, the American Alliance of Museums believes that governance is at the heart of museal development. Therefore, AAM shares norms of leadership and organizational structures. They discuss in particular ethics codes (soft law), norms and best practices, conflicts of interest, tax matters and whistleblower protection.³⁸ Special attention is given to boards of directors, advisory groups and employee relations. In short, governance is the basis of American museums' culture. Published under the editorship of Gail Dexter Lord and Barry Lord, *The Manual of Museum Management*³⁹ is a must-have reference work. *The International Handbook of Museum Studies*, edited by Conal McCarthy, cites in the introduction of *Museum Practice* this text by Barry Lord, "Governance. Guiding the Museum in Trust."⁴⁰

73

More specifically, the Société des musées du Québec felt the need to define the governance of museal institutions, adopting in 2014 a guide to that governance, outlining what the museal community understands by this concept:

"Governance refers to the set of principles by which the directors may administer an organization and answer ethical questions which invariably pertain to their activities: How can we administer the assets and lead the mission? How should we proceed to reach our goals? What will ensure the long-term legitimacy of the organization?"

38 <https://www.aam-us.org/programs/resource-library/governance-and-support-organizations-resources/> Accessed March 21, 2022.

39 LORD DEXTER Gail Dexter, LORD Barry, *The Manual of Museum Management* (1997), Lanham: AltaMira Press, 2009

40 LORD Barry, "Governance. Guiding the Museum in Trust", *The International Handbook of Museum Studies Museum Practice*, (McCarthy Conal ed.), 2015, Toronto: John Wiley & Sons Ltd, p. 27-42.

Museal governance involves rules and methods of reflection, decision-making and evaluation of the effect of these decisions on the museum. It extends beyond the management dashboard, because it implies the choice of destination and captain, as well as strategic piloting to reach the desired port.”⁴¹

In other words, museal governance should be envisaged in a way to provide a good balance between daily practice and the mission of each museum. In addition, as it is essential to consider the codes of ethics of communities, the study of governance should be viewed through a geopolitical prism in order to reflect the specific museal culture of each community.

The museum’s mission and cultural project

74

All stakeholders in the management of museal institutions agree on the principle that each museum must above all state its mission. In Europe and particularly in France, supervisory bodies require every museum to adopt a “scientific and cultural project” in the form of a central document defining the commitments and strategic orientations consistent with the museum’s identity. This is a fundamental tool of governance that determines the program of scientific and cultural activities that match public policies. This text derives from the history of the institution and its collections and its audience policy, and it determines its research programs, its outreach activities and partnerships. In France, the scientific and cultural project is laid out in Article L. 442-11 of the

41 La gouvernance des institutions muséales: guide à l’usage des directions et des conseils d’administration, Montréal, Société des musées du Québec. <https://www.musees.qc.ca/fr/professionnel/guidesel/gouvernance/> Accessed March 14, 2022.

Heritage Code, a legal and binding document for all museums recognized and supported by the State.⁴²

In Canada and generally throughout North America, museums are simply asked to make a mission statement that corresponds to their commitment to the community and the different levels of government. This theme of mission, values, and vision is also discussed in *The International Handbook of Museum Studies. Museum Practice*.⁴³ In this sense, we can see that Roland Arpin's vision of a museum's mission corresponds perfectly with the North American museal culture. Also, it is vital for Canada to distinguish between state museums whose mission is defined by law and private museums, which operate according to the NPO model and whose mission may periodically be modified according to the economic and social situation and political trends. This is why we believe that governance cannot be separated from legal issues that mark the mission and the achievements of each museal institution.

75

A distinctive research program in museology

In 2018, UQAM supported the creation of a strategic chair whose theme would be museal governance and cultural law. Drawing on the definition of "museum" adopted by the International Council of Museums (ICOM) in 2007, the members of the Chair's team believe that governance is the common thread linking the main functions (conservation, research and mediation) which are the framework

42 Le Projet scientifique et culturel d'un musée de France [The scientific and cultural project of a museum in France] On line: < <https://www.culture.gouv.fr/Thematiques/Musees/Pour-les-professionnels/Construire-un-musee/Creer-un-musee/Le-projet-scientifique-et-culturel-d-un-musee-de-France> >

43 FLEMMING David, "The Essence of the Museum. Mission, Values, Vision," in *The International Handbook of Museum Studies Museum Practice*, (McCarthy Conal ed.), Toronto: John Wiley & Sons, 2015, p. 3-23.

of the museal world. In fact, since 2019, numerous museums have been questioned over problems of governance, beginning with ICOM, where internal conflict, as we have already seen, led to many resignations. We have also documented several cases in Canada, particularly at the National Gallery of Canada, the Montreal Museum of Fine Arts, the Canadian Museum of History, the Canadian Museum of Science and Technology, the McCord-Stewart, the Royal British Columbia Museum and Parks Canada.

The Chair's original team was made up of Yves Bergeron, head of UQAM's department of art history, Lisa Baillargeon of UQAM's school of management studies, Pierre Bosset of UQAM's department of legal sciences, and Camille Labadie as coordinator. The group quickly expanded with the addition of researchers attached to UQAM, including ESG's Nadia Smaali from ESG, and from other universities, including Laurier Turgeon, Habib Saidi and Jean-François Gauvin of CÉLAT at Université Laval, Nada Guzin from the museal programs at the Université du Québec en Outaouais, as well as Aude Porceda and Maryse Paquin from the department of leisure, culture and tourism studies at UQTR.

We formed partnerships with international researchers such as François Mairesse, UNESCO chairholder for the study of museal diversity and development at the Université Paris 3 Sorbonne Nouvelle, Dominique Poulot and Jean-Michel Tobelem of the Université Paris 1 Panthéon Sorbonne de Manuélina Maria Duarte Cândido de l'Université de Liège and Bruno Brulon Soares of Universidade Federal do Estado do Rio de Janeiro. To this team of professor-researchers were added partners working in the professional milieu and young graduate

and post-graduate students conducting research related to governance and cultural law.

Since its inception, the Strategic Chair has been committed to two primary objectives, that is the development of an ecosystem approach to the museal world through the concept of governance based on cooperation among three complementary disciplines: museology, management and law.

The second objective is to situate the Chair in a perspective of fundamental and applied research in order to forge durable ties with the professional world. Of primary importance are case studies to measure their effects on governance and on sustainable cultural development.⁴⁴ We strive to foster collaborative research by developing close ties to the museal world, ICOM, UNESCO, the Canadian Museums Association, the Société des musées du Québec and the *American Alliance of Museums*. These relationships take the form of organizing study days and national and international conferences. We have therefore participated in the publication of a collective work on heritage management and local museums, coordinated by Iñaki Arrieta Urtizberea and Iñaki Díaz Balerdi of the Université du Pays basque/Euskal Herriko Unibertsitatea (UPV/EHU) which is accessible to the

77

44 GALASSINI Anna-Lou., « Sentiment d'injustice sociale dans le milieu muséal. Étude comparative sur le statut du personnel au Québec et en France » [A sense of injustice in the museum environment] *Cahiers de recherche de la Chaire*, n°1, Montréal: Chaire de recherche sur la gouvernance des musées et le droit de la culture, 2019, 59 p. Préface de Stéphane Moulin, UdeM. On line: < <https://chairegovernancemusées.uqam.ca/etude-de-cas/> >. BRUNET Louise, « Droit d'auteur et numérique au sein des musées nationaux québécois. Application des outils juridiques du droit d'auteur : évolution, changement et tendances à l'ère du numérique » [Copyright and digital within Quebec's national museums.

Application of legal instruments of copyright. Evolution, transformation and trends of the digital era] *Cahiers de recherche de la Chaire*, n° 2, Montréal: Chaire de recherche sur la gouvernance des musées et le droit de la culture, 2019, Préface Yves Bergeron, UQAM. <https://chairegovernancemusées.uqam.ca/etude-de-cas/>. LOGET Violette, « Jeunes et philanthropes Cultiver la vocation philanthropique des nouvelles générations dans les musées montréalais », [Young and philanthropists. Cultivating the philanthropic vocation in new generations for Montreal's museums] *Cahiers de recherche de la Chaire*, n° 3, Montréal: Chaire de recherche sur la gouvernance des musées et le droit de la culture, 2020

museal community.⁴⁵ We have also cooperated in the publication of a collective work on museum law in France (2002) which compared the museal cultures of France and North America.⁴⁶ In 2021 we authored a text entitled “La crise met en lumière la culture des musées canadiens”⁴⁷ in the 5th edition of *La Muséologie. Histoire, développements, enjeux actuels* by André Gob and Noémie Drouguet. In addition, we worked on the production of the *Dictionnaire de muséologie*) initiated by François Mairesse of the Université Paris 3 Sorbonne Nouvelle, which is a sequel to the *Dictionnaire encyclopédique de muséologie* published in 2011. The collective work achieved by international researchers, the majority of whom belong to ICOFOM, is scheduled to be published in French by Armand Colin and in English by Routledge at the end of 2022.

78

The Chair also wishes to be a locus for the democratization of critical research on museums. The team addresses sensitive issues (the decolonization of museums and museology, social injustice, working conditions, democratization of the culture, the place of minority and Indigenous voices in museal exhibitions and institutions, copyright, disposal and restitution,⁴⁸ etc.) with an emphasis on participative and collaborative approaches

45 LOGET Violette, BERGERON Yves, « Collection : gérer le patrimoine, une responsabilité fondamentale » [Collection: managing heritage, a fundamental responsibility], *Patrimonio y museos locales: temas clave para su gestión | Patrimoine et musées locaux: clés de gestion* (Urtizberea Iñaki Arrieta, Balerdi Iñaki Díaz eds.), Pasos Edita, 29, 2021, p. 137-157.

46 MONTPETIT Raymond, BERGERON Yves, « Considérations sur le cadre administratif des musées de France vu du monde muséal nord-américain, » dans Marie Cornu, Jérôme Fromageau, Dominique Poulot (editor), with the collaboration of Nicolas Thiébaud. 2002. *Genèse d'une loi sur les musées*. La Documentation française, Travaux et documents n° 45. Comité d'histoire du ministère de la Culture et Institut des sciences sociales du politique, 2022, p. 599-612 (832 p.)

47 MONTPETIT Raymond, BERGERON Yves, « Carte blanche. La crise met en lumière la culture des musées canadiens », [Blank card. The crisis sheds light on Canadian museums *La muséologie. Histoire, développements, enjeux actuels*, (Gob André Drouguet Noémie eds.), Paris: Armand Colin, 5th edition, 2021, p. 64-67.

48 Violette Loget, Laurence Provencher St-Pierre, Louise Brunet and Yves Bergeron participated on « Du mouvement dans les collections » dealing primarily with the disposal of artworks in *Vie des arts*, n° 252, autumn 2018.

with the museums and the communities.⁴⁹ These research subjects are in line with the major social, cultural, economic, environmental and political issues that are changing the museal world.⁵⁰ They are also in tune with the debates that have animated ICOM as part of the in-depth review of its mission at the general conference in Kyoto in 2019, which will continue in Prague in 2022. These changes will have a direct impact on governance modes at museums, which will have to develop collaborative approaches, breaking away from the autocratic model that often holds sway.

In this context of change, the Chair suggests three strategies to structure the emergence of a new museal culture. First of all, the renewal of research in order to update teaching of museology. Second, a commitment to reflect on new management models. The current autocratic model was established during the Industrial Revolution in the middle of the XIXth century.⁵¹ We must now look at new modes of governance in light of the industrial culture of the future, which respond better to the new demands of the reorganization of museal functioning. If the first Industrial Revolution focused on mechanization using coal and petroleum, the fourth Industrial Revolution is all about digitization and the integration of new technologies. Third, taking stock of the legal and ethical issues. Changes under way in museal institutions must go hand

49 See: *Decolonising Museology Décoloniser la Muséologie Descolonizando la Museología 2 The Decolonisation of Museology: Museums, Mixing, and Myths of Origin* / *La Décolonisation de la Muséologie: Musées, Métissages et Mythes d'Origine* / *La Descolonización de la Museología: Museos, Mestizajes y Mitos de Origen*. (Bergeron Yves, Rivest Michèle eds.), Paris: ICOMOM Comité international pour la muséologie, février 2021 [International Committee for Museology]

50 MONTPETIT Raymond, BERGERON Yves, (2021) *Op. cit.* BERGERON Yves, « Le pouvoir de la muséologie sociale » ou le nouveau Décalogue de la muséologie : essai sur la Déclaration de Córdoba », [The power of social museology or the new museology Decalogue: essay on the Córdoba Declaration], *Les Cahiers de muséologie*, n° 1, Université de Liège, 2021, p. 171-174. On line: < <https://popups.uliege.be/2406-7202/index.php?id=554&file=1> >

51 GAGNÉ Gabrielle, *Repenser la gestion et l'organisation des musées québécois*, Master's in museology, 2021, (Lisa Baillargeon dir.), 2021.

in hand with a recognition of legal norms⁵² (laws and international treaties governing museums and heritage) and, increasingly, ethical criteria.⁵³ UQAM's Chair of museology is the only one that integrates the legal and ethical dimensions. As a result, it includes in its considerations the legal dimensions of ownership of cultural property,⁵⁴ and even issues relating to the museum as subject of a basic cultural right of every human being.⁵⁵

The Chair's structuring character

The Chair's scientific and research-action plan aligns with the strategic orientations of UQAM's Faculty of Arts. While the museums aim to conserve public collections and mediate heritage, the Chair wishes to analyze new ways to mediate current artistic practices, paying particular attention to new approaches to showcase and manage artistic heritage. The Chair's goal is creative dissemination of management models for museums and art display spaces. We believe that we must be proactive and exert an influence on museal management models by offering training jointly with the ESG and the department of legal sciences. We are developing innovative methodological approaches for the dissemination of culture, focusing on collaboration between institutions and communities. We have also offered training for

80

52 BOSSET Pierre *and Al.*, « La composition d'un nous » [The composition of 'us'], *Accéder à soi. Accéder à l'autre. La Convention de l'UNESCO de 2005, les politiques culturelles et l'intégration des migrants.*, (Guèvremont V., Giguère H., Otasevic C. dir.), UNESCO Chair on the diversity of expressions, Université Laval, 2021, p. 111-125.

53 BERGERON Yves, « Législation et tradition dans l'application de la Convention pour la sauvegarde du patrimoine culturel immatériel ou « Quand les muséologues font la loi » [Legislation and tradition in the application of the Convention for the protection of immaterial cultural heritage or When museologists rule], *Regards croisés sur la convention pour la sauvegarde du patrimoine culturel immatériel et la convention sur*

la protection et la promotion de la diversité des expressions culturelles, (Guèvremont, Véronique, Delas Olivier eds.), Québec: Presses de l'Université Laval, 2019, Collection Patrimoine en mouvement, p. 147-161.

54 DUHAIME B., LABADIE, C., « Les voyages des manuscrits de la mer Morte : réflexions sur la restitution des biens culturels et le droit international », *Théologiques*, vol. 24, n° 2, 2016, p. 183-218, On line: < <https://doi.org/10.7202/1050507ar> >

55 BOSSET Pierre, « Le droit au musée. Oui, mais quel musée? Un regard juridique, » [Legal rights to museums. Yes, but what museums? A legal view] presentation to the Chair, April 10, 2019.

managers of museums and display spaces for art and culture. The holder of the Chair has forged links with UNESCO Chairs in museology. A network of UNESCO (UNITWIN) Chairs has been created with the support of the International Council of Museums, uniting UQAM, UQO, UQTR, the Université Paris 1 Panthéon Sorbonne, the Université Paris 3 Sorbonne Nouvelle and the Federal University of Rio de Janeiro.

Projects in progress

We are working with François Mairesse on *Mémoires de la muséologie*, conducting interviews with the people who have marked the contemporary history of museums. In 2019 we organized a conference on the topic: *Écrire l'histoire des musées à travers celle de ses acteurs Enjeux et responsabilités de l'histoire biographique*, which highlighted the impact of museologists and managers from Alexandre Lenoir, Georges Henri Rivière, Zbyněk Z. Stránský, Jean Gabus to Jacques Hainard, Alfred H. Barr Jr and Roland Arpin, who influenced the development of museology.⁵⁶ In late 2021, we also published a work on the career of Raymond Montpetit,⁵⁷ to whom we owe the creation of the master's in museology at UQAM. Anne Castelas edited a thematic issue of *Histoire Québec* on *La muséologie: Créer des lieux de rencontre porteurs de sens*.⁵⁸ In 2021, she also published a work about René Rivard,⁵⁹ a leading figure in the new museal movement and cofounder of the

81

56 *Écrire l'histoire des musées à travers celle de ses acteurs. Enjeux et responsabilités de l'histoire biographique*, [Writing the history of museums through the history of its key players. Stakes and responsibilities of the biographic history], (BERGERON Yves, DEBARY Octave, MAIRESSE François eds.), Paris: ICOFOM, 2020, 145 p.

57 *Du sens et du plaisir Une muséologie pour les visiteurs Musée et exposition selon Raymond Montpetit*, [Meaning and pleasure. A museology for visitors. Museum and exhibition according to Raymond Montpetit] (BERGERON Yves, LOGET Violette eds.), Paris: L'Harmattan, Collection Muséologies, 2021.

58 *La muséologie: Créer des lieux de rencontre porteurs de sens* [Museology: Creating gathering places charged with meaning], (CASTELAS Anne ed.), *Histoire Québec*, vol. 25, n° 3, 2019.

59 RIVARD René, CASTELAS Anne, *Un homme, une vision, des musées. René Rivard et la nouvelle muséologie*, [A man, a vision and museums. René Rivard and the New Museology], René Rivard FAMC, 2021.

Mouvement international pour la nouvelle muséologie (MINOM). We will soon publish a work on Cyril Simard, originator of economuseology, whose unique management model has been exported to Northern Europe. Another work, dedicated to Pierre Mayrand, will explain more fully the influence of this museology on the new museology movement and on the creation of MINOM.

In cooperation with the UQAM Chair, with our colleagues at the CÉLAT at the Université Laval (Laurier Turgeon, Habib Saidi and Jean-François Gauvin), we obtained a grant from the CRSH to undertake studies on museal governance cases in Canada and Europe; this will be the subject of a 2023 conference and a publication. These case studies focus in particular on an approach to the museal world seen as an ecosystem, so that we can grasp the values, strategic alliances and interdependencies among the various actors who influence museal governance.

82

“The museum is not an island,” or the ecosystem of museums

In order to clearly identify museal governance mechanisms, we tried to define the ecosystem of the museal world, by first determining which principal actors influence the functioning and development of museums. The diagram we suggest was formulated from a quote of Roland Arpin, who regularly stated in his lectures that the “museum is not an island,” as a reminder that the Musée de la civilisation like any other museum exists in an environment where it is necessary to deal with partners as well as different levels of government, and that it is constantly adapting and changing.

We have placed the model museum at the centre of the diagram. Around the museum, we have identified six principal actors who have a direct influence on the museum: the members of the board of directors; the -collectors, patrons and donors; the volunteers, friends and partners; the representatives of the economic and tourism world; the community and its groups of citizens. These different actors are, one might say, divided into two sets that interact in a complementary manner and form two distinct triads. The first triad has a direct influence within the museum. These are the collectors, patrons and donors, the members of the board of directors, friends and volunteers who, each in their own way, influence the development of the collections as well as the programming of exhibitions and cultural activities. The second triad includes actors who are farther from the museum, but as partners exert no less influence on the museum. They are actors from the cultural world, the economic milieu and the world of cultural tourism, as well as the community setting, represented by diverse groups of citizens according to their shared issues (environment, social justice, freedom of expression, etc.). The influence of these diverse representatives draws the museum into the spheres of culture, the economy, tourism, and social action. In the background of the diagram we find the influence of the political world, whose scope relates to different levels: regional, national, and international.

The placement of these diverse actors provides a way to measure accurately the relative influence they exercise over the museal project. In some cases, these actors may be partners or competitors. They contribute significantly to defining the culture of each museum, which is evidenced in common values shared by the museum's team.

We must not forget that relations between the museum and these diverse partners are regulated by instruments that serve as a frame of reference. These are first of all the mission of the museum or of its scientific and cultural plan, the museum’s various policies (for development and management of the collections; for dissemination; for partnership; regarding the publics), the International Council of Museums’ code of ethics, legislation governing the responsibilities of museums (Cultural Property Export and Import Act, legislation governing museums, heritage, copyright law, image rights) as well as UNESCO’s international conventions regarding management of heritage (World Heritage Convention, Convention for the Safeguarding of the Intangible Cultural Heritage, Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict).

84

Two other networks directly affect museal ecosystems. One is the museal network within which we can see a sharing of common values that take shape in the codes of ethics. The Société des musées du Québec defines the code of ethics as a common point of reference: “The purpose of this code is to establish the foundations of museum ethics adapted to the Quebec context and to position them as ways to support excellence and promote best practices.”⁶⁰ Each museum belongs to a national and regional network in Quebec within the Canadian Museums Association (CAM), the Société des musées du Québec, and regional groups.

⁶⁰ *Code de déontologie muséale*, Société des musées du Québec, 2014, p. 4.

All of these actors that we have identified participate in the trends that contribute to the transformation of museums over the course of time. Therefore we cannot be satisfied just to take stock of the management structure of a museum, we must also be aware of the frame of reference that influences the governance of each museum. In other words, if we wish to understand the changes taking place in the world of museums, we must consider this ecosystem which is an expression of the complex mechanism underlying museal development. Through this multiplicity of factors the culture of each museum is defined according to its mission and the varied interrelations with each actor.

ECOSYSTEM: MUSEUM AND GOVERNANCE

