

Deaccession Wars Rage On For American Museums

04.08.21 | Linda J. Rosenthal, JD



“Deaccessioning” – that is, selling off artwork for any purpose other than to acquire more artwork – is the “cardinal sin” of the museum world.

Before the pandemic, this was official policy of The Association of Art Museum Directors (AAMD), the professional group that “... serves as the industry’s referee and moral watchdog.” For the last decade or so, the AAMD has enforced this proscription from time to time with a heavy hand. It slapped costly monetary sanctions on violators. Member institutions did their part as well; they “shunned” the renegades – for instance – by denying them the usual courtesies of inter-museum artwork loans.

One example a few years ago was a long and ugly deaccession battle that played out in the tranquil foothills of the Massachusetts countryside. Leadership of the Berkshire Museum made a surprise announcement of the proposed sale of some 40 artworks including two key Norman Rockwell paintings. The famed artist, with ties to the town, had – himself – donated these important pieces. Opponents within the institution, in the town, and in the wider art and philanthropy worlds were outraged and sprang into action. We reported on this story as it played out over 18 months. There were “heated court battles, numerous protests, and a vigorous debate” locally and nationally. When the sale eventually took place, netting over \$53 million, the AAMD took the threatened action and imposed significant penalties. See [*The End Of The Berkshire Museum Saga: Everyone Loses*](#) (May 2, 2018). See also [*Association of Art Museum Directors Sanctions Berkshire Museum, La Salle University Art Museum Over Art Sales*](#) (May 25, 2018) Andrew Russeth, *ArtNews*.



Behind this curtain of orthodoxy, though, lay decades of deaccession sales or auctions here and there. When this controversial issue pops up within the art-world cocoon or spills over into media headlines, this open secret is largely ignored or at least minimized in the discussions.

“Deaccessioning is hardly new in the art world, ... and neither are the debates surrounding it.” See *The Most Controversial U.S. Museum Deaccessions: Why do Institutions Sell Art?* (October 26, 2020) Angelica Villa, *ArtNews*.

Pause in Enforcement

When the COVID-19 pandemic first struck our shores, the AAMD wisely announced a two-year moratorium on enforcing its anti-deaccession rules. This professional association had correctly foreseen that American museums would be hard hit by the lock down orders and live-attendance restrictions. See *In Substantial Shift, Museum Industry Group Pushes Directors to Break the Rules to Survive* (April 16, 2020) Andrew Russeth, *ArtNews*.

Until the fall of 2020 there was an uneasy truce. The AAMD reportedly had expected that *only* those museums in the most dire circumstances would take advantage of this temporary leniency. But as the months passed, a much broader swath of institutions began dipping their toes into these waters. We posted a story on that trend, highlighting the smooth and unopposed plan by The Brooklyn Museum to imminently auction twelve of its holdings. “Other American museums,” we noted, were “beginning a similar process of evaluating their collections” for possible sales. See *Museums & Deaccessioning In COVID-19* (October 23, 2020).

But in the brief window between our drafting of that post and its publication on this blog, the ceasefire in the art world crumbled spectacularly. We were obliged, just 24 hours later, to add this update to our October 23rd entry: “Not everyone is on board with these deaccessioning decisions; see *Donors rescind \$50 million in gifts over Baltimore museum’s planned sale of Warhol painting*, (October 24, 2020) Peggy McGlone, *The Washington Post*.”

The rapid-fire events of the next several days are aptly summed up in this headline: *Two Museums Tried to Sell Art. Only One Caught Grief About it*. (October 30, 2020) Hilarie M. Sheets, *The New York Times*.

Brooklyn and Baltimore Museums

Now, several months later, we pick up this reporting again.

The combatants continue to skirmish with no clear resolution in sight. See *As Museums Push to Sell Art, Competing Ideas About Deaccessioning Are Playing Out in Public* (February 8, 2021) Andrew Russeth, *ArtNews*. See also *Selling Art to Pay the Bills Divides the Nation’s Museum Directors* (March 19, 2021), Robin Pogrebin & Zachary Small, *The New York Times* [“Bitter debate has ensued as museum leaders around the country discuss whether to permanently embrace a pandemic-spurred policy that allows the sale of art to cover some operating costs.”]

And many in the art and philanthropy sectors continue to be baffled by the diverging reaction to the October 2020 auctions scheduled by the Brooklyn Museum and the Baltimore Museum of Art.



Why was the Brooklyn Museum permitted to go forward with its scheduled Christie's auction "without incident" and with the apparent blessing of the American Association of Museum Directors? It was a game-changing event for this institution that had faced financial challenges even before the pandemic crisis struck; just a single item in the catalogue fetched tens of millions of dollars.

But in that same tiny window of time, why did the much-better financed Baltimore Museum face such a furious backlash that it abruptly "paused" its scheduled and publicized auction and later abandoned it entirely. See US Association of Art Museum Directors sends a warning note to its members on deaccessioning (October 27, 2020) Nancy Kenney, *the artnewspaper.com*. A perplexing fact here is that many of the opponents (both within and outside the Museum and the Baltimore community) of the planned-but-paused October 2020 auction had watched this same institution deaccession holdings in 2018 and 2019 with barely a peep.

The pre-pandemic disparity in their relative financial strength does not entirely answer how the two events played out so differently. (Eventually, the Baltimore Museum turned to an entirely different financing method; see After Canceling Controversial Deaccessioning, Baltimore Museum Receives Over \$1M for Equity Initiative (February 25, 2021), Valentina Du Liscia, *hyperallergenic.com*.)

On Not Returning to "Normal"

Beyond the specific news value of these and other stories on deaccessioning in the ongoing COVID-19 crisis, there's a broader question that's popped up continually in the last twelve or so traumatic months. That is, should we – (any or all of us) – go back to "normal" when all the restrictions are lifted and the pandemic danger subsides?

First, should the museum world go back to business as usual? In the pre-pandemic "normal" for this sector, the anti-deaccession hardliners have maintained the upper hand although historically arts institutions struggle to stay afloat. Is this a sustainable model? It's no secret that many museums have countless works of art languishing in storerooms because: (1) the donated pieces are not relevant or consistent with their (past or current) visions and missions; and (2) they don't have enough gallery space or the funds to expand.

Second, should the arts community proceed after the crisis with the same old policies and practices for artwork acquisition and retention? There's a growing awareness that, throughout American society, there are entrenched institutional biases against minority viewpoints and achievements. Before COVID-19, the "deaccessioning" debate had already begun to evolve, at least in some quarters. See, for example, In defence of progressive deaccessioning (October 26, 2020) Glenn Adamson, *apollo-magazine.com* [explaining a policy of "selling off high-value art, and putting the realised funds towards works by under-represented artists"].

Then came the 2020 events in the #blacklivesmatter movement, underlining the urgency of confronting inequality. Consider, for example, the push back by Baltimore Museum curators Asma Naeem and Katy Seigel in an *Art News* op ed just ahead of its scheduled-but-scrapped auction: "Museums are not mausoleums or treasure houses, they are living organisms, oriented to the present as well as the past." Baltimore Museum of Art curators respond to deaccessioning criticism



(October 13, 2020) ["Equality and diversity make history fairer, more accurate and more meaningful in the present"].

Conclusion

The debate on the AAMD's (eased) pandemic deaccessioning rules continues; it has "grown heated in recent weeks, pitting museum against museum, and forcing the association ... to postpone talks about extending the change indefinitely."

There has been significant support for continuing the flexibility post-pandemic; see, for example, *To Keep the Industry Alive, the AAMD Should Permanently Give Museums Freer Rein to Sell Work* (April 27, 2020), Donn Zaretsky, Esq., *ArtNews*.

Then, again, Thomas Campbell, former director of the Metropolitan Museum of Art, more recently warns: "Deaccessioning will be like crack cocaine to the addict—a rapid hit, that becomes a dependency."

— *Linda J. Rosenthal, J.D., FPLG Information & Research Director*