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Deaccessioning: A Policy Perspective

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The concept of removing artwork from a museum's collection (deaccessioning) has been the topic of much discussion and debate over the last several years. However, the conversation has mostly focused on the ethics of deaccessioning. Notably, the primary professional associations governing museums position their policies on deaccessioning within their ethical standards. Yet little has been studied on the history and motivation of the development of such policy. Through the tracing of deaccessioning history and public debates, this research examines the practice of deaccessioning from a policy perspective. Through the examination of the actions at national, state, local, and institutional levels, this study considers the history and future of deaccessioning policy.

KEYWORDS collection policy, deaccessioning, museums, professional associations, regulatory policy

When it comes to the Brodsky Bill to regulate museum deaccessions in New York State, it appears, alas, that the museum lobby has gotten its way (Rosenbaum 2010).

—Lee Rosenbaum, Arts Journalist and Author

The removal of artwork from a museum's collection by sale, exchange, or transfer is known as deaccessioning. While the actual practice of removing works from a museum's collection has largely become an accepted practice, this has not always been the case. How and why a museum disposes of objects, as well as what happens

with the proceeds, has been the subject of four decades of debate. While some argue that museum deaccessioning should be strictly controlled by governmental policy, others believe self-regulation serves best. In fact, present policy on deaccessioning is largely regulated without governmental interference by the field's professional associations. Current policy standards dictate that funds obtained from a museum's sale of artwork must be utilized to further its collections (as opposed to using the proceeds for operating costs, capital expenditures, or to eliminate organizational debts), and they also provide frameworks for selection criteria and disposal procedures. Since these policies are not enforced by governmental actors, they are considered ethical standards for the field that have been designed primarily by museum professional associations and individual institutions.

Certainly, U.S. museums have sold artwork for a variety of reasons for decades. However, it was not until a public dispute in the 1970s that deaccessioning policy was formally developed by the organizations overseeing museum activities—museum professional associations. Since 2005, the concept of deaccessioning has been the topic of much discussion and debate in the media, but the conversation has focused almost entirely on the ethics of deaccessioning rather than policy development and how actors have engaged in the debate. However, it is not the purpose of this article to focus on the ethical debate that has surrounded this issue, but rather on the policy framework in order to gain insights into the development of a recognizable subsystem. The passion and polarization with which deaccessioning is infused is a significant backdrop to the overall policy process and has affected the creation of policy alternatives, the shape of the debate itself, and the behavior of the actors taking part.

By examining policy formation and development, policy actors, and the functional dynamics between policy communities, this research examines how policies have affected deaccessioning practices. Multiple policy frameworks are useful in this analysis, but the primary emphasis will be on the intricacies of the subsystem structure and decision making as well as on the creation of a policy monopoly. The public policy theory utilized allows for the examination of an emerging subsystem and accompanying issue network overlay from birth to maturity.

THE 1970s: THE DEVELOPMENT OF FORMAL DEACCESSIONING POLICY

Deaccessioning as a standard museum practice saw its first public debate early in 1972. A commentary by art critic John Canaday published in the *New York Times* asserted that the Metropolitan Museum of Art in New York City was considering the sale of several prominent works from their collection. Canaday contended that this sale, like other museum sales, was being done quietly in hopes of not drawing public attention to raise “hard to find” cash. Canaday questioned the ethics of

museum officials who sell artwork from their collections. He argued that museums should never sell artwork, stating, “art museums are neither merchandise marts nor esthetic stock exchanges. They are repositories of precious records. Nothing worth buying or accepting as a gift in the first place ever becomes less than part of the record of a phase of our culture, even if it also represents a curatorial idiocy” (Canaday 1972).

Canaday’s article elicited a defensive response from the Metropolitan Museum of Art’s director, Thomas Hoving. Hoving called into question the accuracy of Canaday’s statements regarding the sale and described the institutional policy on deaccessioning that was practiced by the Metropolitan. He stated that the proceeds from the sale of art were only utilized for the acquisition of new work. Whereas Canaday argued that museums should be repositories of artwork, Hoving contended, “The Metropolitan is not a Library of Congress of works of art, not an archive similar to an etymological collection of a natural history museum” (Hoving 1972). In effect, the conversation is one in which the very nature of museum identity, purpose, and societal role is open to subjective interpretation. This is the origin of the public debate that would carry on throughout the years and the genesis of the deaccessioning policy that would take hold throughout the decade and become largely institutionalized by the 1980s.

As the deaccessioning debate regarding the Met unfolded, outside constituency groups began to develop. An op-ed piece from the Chief Curator of Painting and Sculpture at the Museum of Modern Art (MoMA), William Rubin, walked the line between the two schools of thought on deaccessioning. Rubin stated that while he agreed with Canaday that the practice of deaccessioning could be “hazardous,” the MoMA took precautions to eliminate any perils related to the practice (Rubin 1972). Art historian, John Rewald, from the University of Chicago condemned deaccessioning entirely in his article, “Should Hoving Be De-Accessioned?” stating, “. . . what is happening at the Metropolitan appears *equivocal, clandestine and possibly unethical*” (Rewald 1997, 37).

The media coverage over the dispute drew the attention of New York State Attorney General, Louis Lefkowitz, who was considering whether or not formal governmental policy should be developed in order to regulate museum disposal practices. In October 1973, Lefkowitz called a public hearing on museum disposal practices (Garfield 1997, 17). At the opening of the meeting he asserted that he hoped that cooperation and self-regulation could restore confidence in the museum’s handling of art rather than through legislation. The purpose, he stated, was not to establish legislative intervention, but to rather foster self-regulation within the museum community.

At the meeting, primarily attended by museum professionals, Lefkowitz put forth several questions, including, “To what extent should the disposition procedures agreed to by the Metropolitan Museum of Art be adopted by other museums?” (Garfield 1997, 17). The question garnered numerous responses from

museum directors, largely in support of self-regulation. Institutional leaders argued that the state should not intervene in the policy decision-making process as the characteristics of the individual museums needed to be considered when formalizing policy, especially that which is broad-based and would likely result in unintended consequences hindering the ability of some museums to operate in an effective manner.

The following month, the College Art Association (CAA) adopted a new policy specifically in response to the “recent developments in the movement of works from public to private collections” (College Art Association Board of Directors 2010). The CAA guidelines outlined several criteria for the deaccessioning of artwork, which included requiring museums to create clear deaccessioning policies that were publicly available (College Art Association Board of Directors 2010). Again, the focus is on self-regulation by the museums under the guidance of professional associations.

Ultimately, the Metropolitan Museum deaccessioning incident of the early 1970s became the impetus for the development of formal policy structures as the decade moved forward. Through the actions of policy actors—museum directors, professional associations, government officials—policy communities began to align and establish clear ideologies. In effect, a policy subsystem had been born which, even at its outset, embodied the characteristics of a policy monopoly in which the primacy of a relatively small set of actors effectively guided deaccessioning policymaking for the decades to follow.

POLICY PERSPECTIVE AND CONTEXT

As evidenced through the above historical narrative, there were multiple policy theories and approaches already in play by the 1970s as the formative elements of this debate took shape. The regulatory nature of the policy is significant, as identifying this typology can further the understanding of the debate as well as the subsequent development of an organized nested policy subsystem and policy monopoly. Regulatory policy generally has a degree of conflict because winners and losers are readily identifiable. Yet, regulation is not limited to governmental actors. Subsystem actors are often active in the decision-making process, sometimes taking a leading role.

In the emerging deaccessioning debate, two significant factors were taking place simultaneously—the creation of an identifiable policy subsystem, and the groundwork for a policy monopoly was laid. As the dialogue related to deaccessioning began to gather steam, a clear iron triangle normally associated with distributive policy decision making seemingly emerged. The three points of the triangle became readily identifiable and are reflective of the beneficial nature of the relationships between the actors populating the nascent subsystem—professional

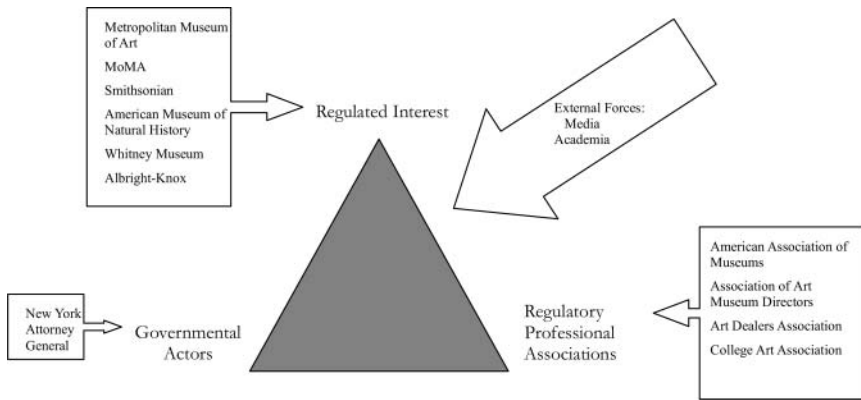


FIGURE 1 Emerging deaccessioning subsystem – 1970s.

associations began to assert regulatory powers, affected museums were influential in establishing policy alternatives and regulations, and governmental actors were taking a policy interest (Figure 1).

However, the triangle is not as “ironclad” as it might appear. The professional associations had no binding regulatory power, the regulated interest was fragmented as some called for self-regulation while others preferred to establish clear policies applicable across the field, and governmental actors were largely on a state level and unsure of what role they should play. These issues have not been fully settled and are part of the continuing debate. Additionally, definitive iron triangles imply closed formalized power structures with strong mutual interests, characteristics not completely fulfilled within this policy subsystem. Nevertheless, the triangle construct is helpful in understanding the debate as it allows insight into the actors involved as well as the multiple motivations in play. The application of the framework provides the opportunity to examine the evolution of a policy subsystem while also focusing on a subsystem that is nested within another—deaccessioning as a subset of a museum regulatory policy.¹

While the sheer number of actors involved at the various points of the triangle indicate that the triangle mechanism provides a logical organizational tool for analytical purposes, it is clear that rather than a fully operational policy subgovernment, there is instead a complex issue network taking shape with multiple actors jockeying for influence within this narrow policy realm, particularly among the regulated and the regulators. As the subsystem developed over the next three decades, this issue network continued to drive the debate, though the regulatory nature of the policy development allowed for a great deal of influence to firmly settle within the professional associations. Ultimately, the policy framework is one marked by definitive subsystem development overlaid by an identifiable and

relatively consistent issue network in an environment marked by associational and self-regulation, with minimal influence from governmental actors.

An additional critical aspect of the deaccessioning issue is the formation of an identifiable policy monopoly, which has remained largely stable over the last four decades. The policy monopoly construct is evocative of the iron triangle, but is less restrictive in terms of defining characteristics and framework applicability. Policy monopolies, put very simply, are groups that maintain “a monopoly on political understandings concerning the policy of interest, and an institutional arrangement that reinforces that understanding” (Baumgartner and Jones 1993, 6). They have two defining characteristics: (1) an institutional structure responsible for policy-making that limits access to the policy process (e.g., a subsystem); and (2) an idea expressive of core beliefs associated with the institution communicated directly through positive image development and rhetoric. A monopoly will remain unchallenged where there is little pushback on the part of those excluded from the process. However, if this indifference gives way—whether caused by external stimuli such as media attention or an internal event like a triggering device such as the recent New York Regents’ decision (discussed below)—then pressure for change mounts, issues are potentially redefined, and new dimensions added. Insiders are no longer able to control access, and new actors are introduced who seek influence and authority in this restructuring. In effect, the status quo is disrupted, and a policy punctuation takes place in which a new equilibrium is established.

Media attention within the deaccessioning policy debate has been a significant factor in capturing public attention as well as in manipulating image perception since original subsystem formation. Yet has this attention forced the introduction of new policy actors into the subsystem, therefore weakening or dismantling the monopoly? Or have those within the monopoly subsumed some of the new actors, particularly within the regulatory professional associations category, while reinforcing the overall barriers to entry and maintaining control over policy alternatives? Through the debates that continued, it is clear that the issue is multifaceted, but the subsystem issue network and the accompanying monopoly has largely remained intact. Specific cases come and go, but the basic nature of the policies formed in the 1970s, as well as the actors who led to their creation, particularly on an organizational level, are primarily unchanged.

THE 1980s: INSTITUTIONALIZATION AND ENFORCEMENT

The 1980s saw the ramifications of the New York City policy debates spread to museums nationwide. Regulatory policies put in place primarily by the professional associations began to be implemented across organizations throughout the United States, thus institutionalizing the voluntary policies. Failure to abide by the new guidelines drew the threat of significant repercussions. In a sense, it is

regulatory policy without the true ability to regulate beyond discipline-specific sanctions imposed by nongovernmental organizations such as the Association of Art Museum Directors (AAMD). At this point, the governmental actors are still largely on the sidelines but are very much aware of the playing field. Because legal oversight of nonprofits is found on a state level within attorney general offices, there is a significant role that might be played by the government, particularly in high profile cases, if they choose to act. However, self-regulation led by the associations was taking firm shape, and state actors were not inclined to join the fray unless provoked.

With the regulatory associations becoming more focused on deaccessioning practices, museums nationwide began adopting formal institution policies on artwork disposal. In the early 1980s, the Smithsonian required that its museums have written collections management policies (Weil 1997, 4). The Hirshhorn Museum in Washington, D.C. adopted the policy that works from living artists would not be sold without the approval of the artist. The Museum of Modern Art adopted the same policy for American living artists (Weil 1997, 4). By 1984, written policies on disposal practices were mandated by the American Association of Museums (AAM) for museum accreditation (Weil 1997, 4). At this point, it is clear that two primary events are underway: (1) the institutionalization of regulatory policy as determined by professional associations takes place across the United States when deaccessioning guidelines are implemented as binding policy, and (2) some organizations are moving even a step or two further in an attempt to not only incorporate the guidelines imposed by the associations, but to establish a formal sense of self-regulation.

The MoMA and Hirshhorn policies detailed above are particularly striking examples of organizations working within a regulatory framework while also moving beyond that structure to reaffirm a sense of organizational control and autonomy. Moreover, it is a glimpse into the somewhat fractured nature of the “regulated interest” (the museums) in which there was not a consensus regarding deaccessioning policy. This fragmentation, common within issue networks, will continue to resurface in various ways through the present, but interestingly, will not serve to break or significantly weaken the policy monopoly in place since the early stages of the deaccessioning debate.

The relationship between the professional associations and the museums is also relevant to understanding the development of deaccessioning policies. The primary professional associations involved in the setting of such policy, the AAMD and the AAM, are governed by representatives from the museums that are regulated. Thus, an issue of conflicting responsibility arises as the members of professional associations juggle their regulatory function in the professional association and their fiduciary responsibility to their individual institutions.

Also of interest, the formalization of deaccessioning policy resulted in an increase in artwork sales from museums at auction. During the 1984–85 season,

Christie's sold \$3 million from museum collections. However, by the end of the decade during the 1989–90 season, museum sales had increased tenfold and accounted for \$30 million. In fact, Christie's went from working with twenty-eight museums to eighty-eight museums by 1989. Similarly, Sotheby's sold \$39 million worth of museum works from six museums between 1985–89 (Rosenbaum 1990, 192). While the professional association guidelines were intended to limit the manner and use of deaccessioning, the formalization of the practice through policy creation actually resulted in increased deaccessioning activities.

THE 1990s: CONDITIONS AND CLARIFICATIONS

The 1990s brought about a solidification of deaccessioning policy among professional associations. For instance, like-minded organizations such as the Association of Academic Museums and Galleries,² the American Association for State and Local History, and the International Council on Museums all found a place at the deaccessioning policy table, which was not true of all individual nonprofit visual arts organizations, some of which preferred self-regulation or disagreed with the guidelines handed down by the professional associations. A number of organizations believed individual organizational autonomy was steadily eroding as national regulatory policies were created not by governmental actors (who were still largely on the sidelines), but by professional associations that seemed to take precedence over organizational practices and needs. However, these voices were unable to gain traction. Rather, the narrative largely remained the same, and the 1990s are marked by the completion of the implementation and institutionalization process begun in the 1980s. Emphasis could now be placed firmly on enforcement. The subsystem and issue network, as well as the policy monopoly contained therein, have matured within the policy arena by this point and were now entrenched as much as possible.

In 1991, the AAMD revised its Professional Practices in Art Museums document. The updated version included lengthy regulations outlining deaccessioning practices, which included guidelines for the purpose of deaccessioning and disposal, criteria for deaccessioning and disposal, authority and process guidelines, methods of disposal, and a policy on protecting the interests of donors and living artists. Notably, the policy still included language that restricted the use of funds: "the moneys (principal and interest) received from the sale of any accessioned work of art must be used only to acquire other works of art" (Association of Art Museum Directors 1997, 155). Whether an asset itself (the art) was an unrestricted or restricted asset seems to be largely inconsequential, though the argument might be made that regulatory policy is not an easy fit when applied to unrestricted assets and can create uncertainty on an organizational level. If the asset is unrestricted, then the organization typically retains the choice of how it should be best used.

However, if the unrestricted asset is an artwork, professional association guidelines supersede organizational choice, thus placing restrictions where none legally exist. Nevertheless, the consolidation of the subsystem moved steadily forward on a policy level as most organizations and associations expanded and abided by deaccessioning guidelines.

The AAM also updated its Code of Ethics for Museums in 1994. The collections policy included guidelines for deaccessioning: “. . . disposal of collections through sale, trade, or research activities is solely for the advancement of the museum’s mission. 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” (American Association of Museums 1997, 152).

Outside the United States, the International Council of Museums (ICOM) also released deaccessioning policies and procedures within its Code of Professional Ethics from 1996, including the stipulation that “material from the collections should only be taken after due consideration, and such material should be offered first, by exchange, gift or private treaty sale, to other museums before sale by public auction or other means is considered” (International Council of Museums 1997, 164).

In addition to the solidification of clear policy by professional associations, the decade also saw the New York State Attorney General’s office intervene in deaccessioning practices at auction. While some professional associations did encourage the deaccessioning of objects from one public institution to another, for the most part the issue remained unresolved, a policy ambiguity that continued into the next decade.

In this case, following a financial crisis at the New York Historical Society, the organization was preparing to sell approximately 800 objects at auction in January 1995. The attorney general, however, wanted to keep works within public institutions and devised a system in which New York-based institutions would be allowed to observe the auction and then at the conclusion preempt any sales. This involvement resulted in forty-three objects remaining in public institutions; however, it did so at the detriment of the New York Historical Society. By allowing the public institutions to observe rather than participate at auction, the prices remained artificially low for the most sought after pieces. In this instance, a governmental actor has directly moved from the sidelines to an active role in the process in response to specific institutional actions deemed inconsistent with the purposes of a nonprofit, at least as determined by the attorney general. The outcome of this case is less important perhaps than the involvement itself. State attorney generals have legal authority over nonprofits, and it is part of their responsibility to engage in the policy debates and issues affecting the nonprofit community. The New York Attorney General’s office was part of the deaccessioning policy subsystem and monopoly from the beginning, but participated very little. By jumping into the

Historical Society case, the attorney general's office was reasserting its place at the table and within the deaccessioning debates that would follow.

By the end of the 1990s, a firmly entrenched policy monopoly and subsystem was in place, led by the regulatory professional associations. The fragmented museums often jostled for position but were frequently in disagreement as to which policy alternative to pursue, a trait common to issue networks, while the governmental actors were generally satisfied with passive participation. It is important to remember though that each of these groups represented a point on the triangle and thus an important part of the issue network overlaying the subsystem. Each was a member of what was now a well-established policy monopoly and thus poised to raise their level of involvement at any point. The largely quiet acquiescence of the previous three decades was about to change—political actors took on an active role, nonprofit organizations would challenge the status quo (a development increasingly covered by the media), and the policies of the professional associations would be tested as never before. These are typically preconditions for the fall of a policy monopoly and the emergence of a new equilibrium with newly dominant actors. Would that be the case for the deaccessioning policy subsystem?

THE 2000s: CONTEMPORARY DEVELOPMENTS

The recession of the mid-2000s brought about numerous deaccession controversies that led to a further push for regulation by governmental actors. There were several high-profile cases involving universities selling or attempting to sell museum collections to pay for the operating costs of the school. Notably, Fisk University in Nashville has been embroiled in a legal battle since 2005 in an attempt to sell two paintings that were donated by Georgia O'Keefe and her husband Alfred Stieglitz for an estimated \$30 million.

In December 2008, the National Academy located in Manhattan came under criticism for selling two Hudson River School paintings with the intent of using the resulting funds (nearly \$15 million) towards its \$4 million operating expenses. The Academy, which had been running a deficit for five years, was facing a \$1 million shortage in 2008 (New York Times 2010). The AAMD was stern with its condemnation of the Academy's actions: "The National Academy is now breaching one of the most basic and important principles of the museum world by treating its collection as a financial asset, rather than the cornerstone of research, exhibition and public programming, a record of human creativity held in trust for people now and in the future" (Kennedy 2010). The AAMD also asked its membership to stop collaborating with the Academy on exhibitions or lending any artworks to the museum. In response, the National Academy withdrew its membership from the AAMD. Nearly two years later, the AAMD lifted the

sanctions against the National Academy in recognition of the financial planning and management that had occurred since the deaccessioning. As confirmed by the Academy's director, Carmine Branagan, the sanctions were effective in convincing the Academy to comply with the AAMD regulations: "Sanctions really hurt. You're completely incapable of designing exhibition programming going forward because you can't loan and you can't get loans, and sanctions also affect funding. Sanctions were very, very painful" (Pogrebin October 18, 2010).

The following month in January 2009, Massachusetts' Brandeis University made a startling announcement that it would close its Rose Art Museum and deaccession the entire 6,000-piece collection. The sale, which was unanimously approved by the University's Board of Trustees but without notification to the Museum's board or executive director, was proposed in order to offset Brandeis' \$10 million deficit and 25 percent endowment decline (Smith 2009). The announcement set off a firestorm of media attention as well as condemnation by professional associations and museum professionals. In essence, the equilibrium was certainly in fluctuation, and the image control enjoyed by the policy monopoly, a significant barrier to external actor entry, was in danger of further erosion. However, Brandeis was on shaky ground from the outset as there was little consideration given to restrictions placed on donated pieces in the collection, which in some cases did not allow for such wholesale liquidation. Nevertheless, the announcement itself served to significantly increase the public's awareness of the issue while also providing incentives for political actors heretofore largely excluded from the subsystem decision making to take a closer look into the policy arena.

The National Academy deaccession combined with the Brandeis announcement prompted New York Assemblyman Richard Brodsky, in collaboration with the New York State Board of Regents and the Museum Association of New York, to introduce a bill that would among other things prohibit museums from selling artworks in order to cover operating costs (Pogrebin March 17, 2009). According to the bill, a museum would only be allowed to deaccession an object from its collection if specific criteria were met, including an item not being consistent with the mission of the museum or if its preservation needs were beyond the capacity of the museum (NY State Assembly A06959A [2009]). The bill also authorized the State Board of Regents to adopt rules and regulations necessary to implement and enforce the provisions of the bill. The proposed legislation came on the heels of a Board of Regents emergency injunction in December 2009, which forbade New York institutions from selling artworks to pay for operating expenses (Pogrebin September 14, 2010). The New York State Board of Regents is responsible for all educational activities in the state and as such charters nearly all museums statewide. The Board is comprised of seventeen members who are elected by the State Legislature. As the legal overseers of education in the state, the Board of

Regents may also work with the Attorney General's office in order to enforce regulations.

By fall of 2010, the Brodsky bill and the New York State Board of Regents injunction had died. When it became clear that the Brodsky bill would not be voted on in the state legislature, it was widely presumed that the Board of Regents would make permanent the emergency injunction banning the sale of objects for operating expenses. However, in a surprising decision, the Board voted to lift the injunction. Education Commissioner David Steiner issued a statement that said, "While the emergency regulations were in place, the Board of Regents sought input from the museum community statewide and found there was no consensus on the efficacy of those emergency regulations. Consequently, those regulations will be allowed to expire, allowing the prior regulations regarding museum collections to once again take effect (Orden 2010).³

Arts journalist and author Lee Rosenbaum questioned the rationale of Steiner in the decision: "Since when do the regulators take action based on the consensus of the parties to be regulated. . . . The appropriate question is NOT whether the targets of regulation agree that new rules are a good idea. It's whether there is an important public purpose to be served by new rules (Rosenbaum 2010).

The president of the American Association of Museums, Ford Bell, also issued a strong criticism of the Board's resolution:

AAM finds the decision of the NY State Board of Regents to permit museums to sell objects in their collections to cover operating costs disturbing, holding possibly severe ramifications for the museum field. . . . Giving museums an "out clause" of the generally accepted ethics and standards of the museum field in times of financial exigency is a bad precedent and sends the wrong message to the public about the role and values of museums. The idea of "just this one time" is the beginning of a slippery slope (Bell 2010).

Again, there exists the struggle between the professional associations and the membership of the professional associations—the individual museums. The professional association began advocating for governmental intervention and policy setting (based on the regulations they had developed and implemented over the previous three decades), while the individual institutions opposed the governmental formalization of such policy. The volatile nature of issue networks is clear as each side seeks to establish policy primacy within the debate, thus shaping the future of the subsystem itself.

It is clear that the policy monopoly has cracked to some degree, but has it broken down completely? Is there a new equilibrium? There are certainly new actors involved in the policy debate—university presidents and boards enter the environment with significant impact. These actors had been operating largely outside of the policy subsystem and thus had little understanding of the regulatory policies

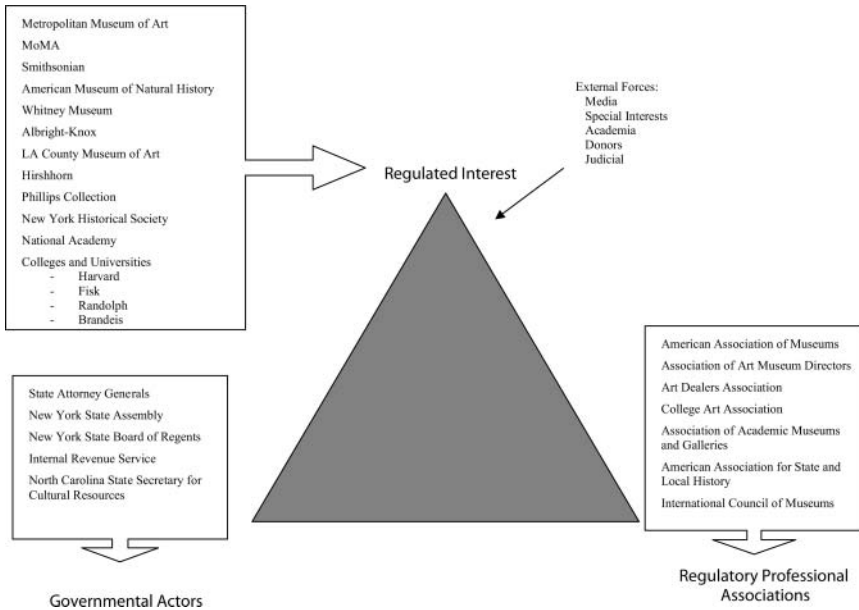


FIGURE 2 Mature deaccessioning subsystem — 2000s.

that had become the norm throughout the previous decades, or were perhaps less concerned with noncompliance in a self-regulated system. This is an important point to consider. The subsystem had developed into a mature policy monopoly by this point, and the actions of those outside of the subsystem threatened the established equilibrium. As a result, there was considerable attention by the media and increased political pressure—two aspects that threaten the very existence of a policy monopoly. However, despite these conditions, the subsystem retained its resilience, and the authority of primary actors within the issue network remained largely unchanged throughout the multiple challenges to subsystem decision making (Figure 2).

But why was this the case? In short, since the dawn of the nascent deaccessioning subsystem, the focus had been on self-regulation with little governmental actor influence. As a result, single interests dominated the subsystem, which was largely issue-specific to begin with, and a policy monopoly was born in which the regulatory professional associations established guidelines to which the majority of institutions agreed to follow. Governmental actors, who were largely satisfied with this course, resisted the temptation to implement true regulatory policy in which noncompliance would be met with far more than institutional sanctions and ostracization, though as seen with the Board of Regents action in 2009, this

restraint is not without its limits and might be a significant indicator of future governmental actor intervention in this arena. Essentially, it was the subsystem issue network in action as seen through the iron triangle analytical construct, though from a pseudoregulatory policy perspective. The question becomes—can this last?

CONCLUSION

The impetus for formal deaccessioning policy began in the 1970s due to a reaction to institutional practices. Provocation from the media ultimately led to the first state governmental involvement but merely as a mediator for policy discussion with institutional leaders. However, it was this operational debate that prompted intervention from professional associations by the 1980s. As regulatory policy developed in the professional associations, individual institutions reacted with either deference or disagreement. Regardless of the institutional stance there were few consequences from the professional associations during the nascent development of deaccessioning policy. However, by the 1990s, professional associations intensified regulations and consequences. Nonetheless, few institutions disputed either the professional associations' regulatory role or the specific policies. The 2000s brought about a much different policy environment, however. As institutions struggled with financial stability, individual museums were willing to disregard policy in order to meet fiduciary responsibilities. Similar to the 1970s, these institutions caused a firestorm of media attention, which once again brought the governmental actors into the regulatory picture.

This time, government actors attempted to intervene with full regulatory policy. As a result, policy alternatives that were conceived largely outside of the monopoly were introduced by the New York legislature, and the monopoly was in danger of losing control. A punctuation seemed inevitable. Although governmental actors were unsuccessful in policy implementation, the result was a reexamination of deaccessioning policy itself. The policy monopoly looks to be fragmented, a scenario that is predictable based on the increased media scrutiny and, thus, broader level of actor involvement and engagement. However, even with the strong negative reaction from the AAM to the defeat in New York and the subsequent rejection by the Board of Regents, the policy subsystem has retained its collaborative decision making in general, successfully fought off the attack on the entrenched policy monopoly, and further resisted governmental regulatory policy. But fractured does not mean broken. There has been no policy punctuation, and the equilibrium has been maintained. The actors will remain primarily the same, but the decision making will be handled not by fiat or rushed legislation, at least at this point, but rather through the engagement of the subsystem in all its simple complexity and nuance. Further, the implications of the decision will resonate across the cultural

landscape just as it has since the establishment of formal deaccessioning policy in the United States.

Notes

1. See Sabatier and Jenkins Smith (1999) for a full discussion of mature policy subsystem characteristics
2. Formerly the Association of College and University Museums and Galleries, Renamed in 2010.
3. In May 2011, the NY Board of Regents reversed its decision again and made permanent the emergency restrictions which prohibited state museums from selling artwork to cover operating costs.

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