Public Duty and Private Pursuits: Reconciling 21st Century Relationships Between Collectors and Art Museums

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PUBLIC DUTY AND PRIVATE PURSUITS:
RECONCILING 21st CENTURY RELATIONSHIPS BETWEEN
ART MUSEUMS AND COLLECTORS
by
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A thesis submitted to the
Faculty of the Graduate School of the
University of Colorado in partial fulfillment
of the requirement for the degree of
Master of Art
Department of Art & Art History
2011
This thesis entitled:
Public Duty and Private Pursuits:
Reconciling 21st Century Relationships Between Collectors and Art Museums
written by Ariel D. Hagan
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The final copy of this thesis has been examined by the signatories, and we Find that both the content and the form meet acceptable presentation standards Of scholarly work in the above mentioned discipline.
In this thesis, I examine 21st century relationships between collectors and public art museums, when private museums funded by collectors are multiplying. As a result, museums and collectors are forming new kinds of partnerships. Fears of uneven power relations, and limitations of curatorial agency have clouded critics’ opinions of these alliances. My contention is that American museums have always been a fusion of public and private efforts throughout history. I scrutinize three models collector-museum relations: gift of artwork from a collector, long-term loan from a collector, and collectors who open private museums. Each relationship has its own implications and benefits for the museum, the collectors, and the public. I argue that curatorial authority is an asset of public museums, but that privately funded museums are an appropriate alternative if collectors wish to have control over the presentation of artwork. I arrive at proposing ethical points for guiding potential collector-museum partnerships.
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INTRODUCTION

BLURRING BOUNDARIES BETWEEN PUBLIC AND PRIVATE

“The vast majority of both collectors and curators don’t want to cross ethical lines. Their intentions are...to bring interesting art to the public. In that sense, there should be a common purpose.”
Inge Reist, Director, Center for the History of Collecting in America, 2010

In March 2011, the New York Times reported that single-collector exhibitions at public museums were increasing at a concerning rate, claiming, “It looks as if the museum is selling out to vanity shows or renting its galleries.” This begs the question, what is the appropriate relationship between an art collector and a museum today? Although this issue has been debated since the founding of the first American museums, controversy surrounding it has escalated in the new millennium.

Museums are forced to make compromises and agreements with collectors, who are often on the museum’s board of trustees. Collectors can become impatient with museums as they seek to curry favor and power in order to achieve their personal ambitions for their private collections. The press, observing potential conflicts of interest and uneven power relationships, is questioning these arrangements. Museum directors are defending what they call “partnerships,” arguing that they are adapting as necessary to the current climate in order for their institutions to succeed.

In a dispute involving ethics, it is easy to become distracted by the politics of each situation, but our ultimate consideration should be the result of these partnerships. The most

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1 Inge Reist, interview by author, New York City, June 3, 2010.  
important outcome is that art is presented to the public in new ways that promote appreciation for the arts and critical thinking about the role of art within our culture. The goal of a successful, healthy partnership should be exactly this. It should combine the best of the private and public art resources and unite them toward a positive outcome, which benefits the public. Within my thesis, I analyze three main mechanisms for exhibiting art: public museums, museums privately funded by a single collector, and partnerships that merge public and private. Yet, sometimes the conditions of partnerships in public museums limit the heart of the museum’s mission at the expense of the public.

What constitutes a partnership between a museum and a collector? Each partnership is necessarily unique, depending on the collector’s wishes, the dynamic between the relevant stakeholders, and what the museum seeks to gain from the relationship. Examples include museums exhibiting work from a single collector without the promise of a donation, collectors loaning their art to museums for an extended period of time, and collectors giving a sizeable amount of money or art in exchange for more control over an existing institution. Some of these collectors have founded and privately financed their own museums instead of donating their artwork to a public museum. Nevertheless, many collectors still choose to give their artwork to an existing museum without any stipulations, which is the more traditional relationship.

Within the art world, critics fear that private interests are increasingly dominating public institutions in unethical ways. Erik Ledbetter, Director of Ethics at the American Association of Museums, outlines some basic ethical principles: “Make sure that there is no perceived conflict of interest through the relationship with the lender — for example, the lender being on the museum's board. Do not take any money from sale of the object after the show. And, finally, curatorial
control — make sure the museum keeps authority over the content of the exhibition." Abiding by these guidelines can be difficult, and many museums today are reconsidering the industry’s unwritten code of ethics.

This controversy gained further prominence in 2009 when the New Museum of Contemporary Art in New York City announced an upcoming series of exhibitions in each of which the art would be loaned from a single private collector. The first installment, “Skin Fruit: Selections from the Collection of Dakis Joannou,” comprised of artwork from a trustee’s collection and was curated by an artist in this collection, opened in spring 2010. The museum also hosted a symposium called “Art Museums, Private Collectors, and the Public” to facilitate discussion about the topic. Some members of the press expressed outrage about exhibitions like “Skin Fruit.” Christopher Knight argued, “We rely on art museums for free and thorough scholarship, which follows wherever the curatorial nose leads. But single-collector shows privatize that public museum role — publicly funding it to boot.”

The idea that a museum, which receives some of its funding from public sources such as individual membership, ticket sales, charitable and government grants, and an endowment to which many people contributed, would finance an exhibition from the collection of one individual strikes Knight as corrupt. This is especially the case when the individual is on the governing board.

New Museum Director Lisa Phillips has been outspoken about these issues. She outlines a new trend: “A growing number of collectors have created their own foundation museums for their extensive collections, where they can keep the work together, see it continually on view, and

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engage in an ongoing curatorial dialogue with it.” Collectors are starting their own privately funded museums and exhibition spaces, which are open to the public. In these museums, collectors avoid their concerns about public museums, such as the possibility that the work will sit in storage or be deaccessioned.

Phillips explains that the mushrooming of private museums is unsettling to existing institutions because now more than ever due to the high prices of contemporary art, museums need the support of collectors for donations. In response to the increase in private museums, Phillips advocates for creating new “models, alliances, and partnerships.” These partnerships, she suggests, suit both the collector and the museum, and provide a solution to the changing world of philanthropy, allowing the public access to previously unseen artwork from private collections. Without working with a collector to bring this work to their viewers, much interesting and significant art would be unavailable. According to Phillips, the New Museum’s mission is to “support new art and new ideas not yet familiar to mainstream audiences.”

6 Deaccessioning is controversial in museums. Some see it as a healthy way to “prune” the collection and improve the overall quality. Others see it as irresponsible because the objects may be important years in the future. The ethical guidelines for deaccessioning (not controlled by law) say that a museum can deaccession to add funds to its acquisition fund, but that it may not use the money for operating costs. Art by living artists is usually not deaccessioned, though museums sometimes trade one artwork for another by the same artist. For further reading, see “The Permanent Collection may not be so Permanent,” in the New York Times (http://www.nytimes.com/2011/01/27/arts/design/27sell.html) and the American Association of Museums Deaccession Policy. The Rose Art Museum at Brandeis University has jeopardized potential relationships with future donors by attempting to sell a hefty amount of the collection, including important artworks simply based on the high value that they could achieve at auction, in order to help the University stay afloat.
7 The 1980s marked a new age of art collecting. The contemporary art market began to soar and new superstar artists’ work was selling for very high prices, partially due to the number of corporate collectors. This was a significant shift away from the old master collecting of previous decades. Works by artists such as Julian Schnabel sold quickly broke records for the highest prices paid for works by living artists. In some cases, work by contemporary artists became trophies for collectors, showcasing their ability to pay high prices.
9 Ibid, 7.
complex situation in which the museum says it is executing its mission, while opponents remain unconvinced that the public’s interest is its prime concern.\textsuperscript{10}

\textit{New Alliances for the 21st Century}

The press has exacerbated the controversy surrounding public/private partnerships in the art world, but because the topic is so new, most academics have yet to render an opinion. My sources within this thesis include editorials and articles by curators, collectors, and directors, interviews, and books about the history of museums and art patronage. My goal is to assemble the pieces of this puzzle and to deliver a scholarly position about the debate, consolidating and organizing information beyond a single case study or viewpoint. What new models for partnerships are emerging? How are these new partnerships contradicting our established views of the autonomy of museums? How are the involved parties—the museum, the collector, and the public—benefitted or disserved? Again, the final outcome should be that the public is exposed to art and a variety of ways to interpret it. I do not assume that a public museum is by default the best venue to achieve this outcome, but remain open to exploring the effectiveness of privately founded museums. While maintaining a contemporary perspective, I aim to place current partnerships within historical context.

In Chapter 1, I will demonstrate that museums in America, ever since their birth, have depended on the artwork and resources of private collectors. Here, I define the public museum as “publicly accessible” and governed by a board of trustees, as opposed to a privately founded

\textsuperscript{10} The original mission of the New Museum, written by founder Marcia Tucker, states, “We intend to show works of art which have not gained public visibility or acceptance and to present them within a critical and scholarly context. The New Museum’s first priority is to focus on living artists and the work they make.” (Marcia Tucker, \textit{New Work/New York}, 1977, digital document on New Museum website, accessed April 1, 2011, http://archive.newmuseum.org/index.php/Detail/Object/Show/object_id/6413).
museum funded by a single person. Most museums in the United States derive a substantial portion of their funding and collection from private donors, trustees, and collectors. In fact, the founding members of many of these museums were businessmen with an interest in arts and culture. Compromises museums make in favor of collectors are not new to the 21st century; such compromises were frequent in the 20th century. However, as the museum industry has grown, the standard of ethics and belief in curatorial autonomy have been cemented. Now, when collectors seek ever increasing control over museums it is alarming to the public interest.

In Chapter 2, I argue that even collectors such as Vicki and Kent Logan, who are giving their artwork to museums without strings attached, are frustrated with museums, partly for their unwillingness to exhibit the permanent collection. This type of disappointment is often a reason why collectors found their own museums as an alternative to working with an extant public institution. They represent a new generation of powerful philanthropists who strive to actively serve as a catalyst for fostering the growth of an existing institution where their art will be exhibited and valued.

The model presented in Chapter 3 centers around the Rubell Family Collection, which signifies the type of privately founded museum that critics argue is harming public museums. While the Rubells maintain their own independent institution in Miami, they loan work in their collection to other museums, and also partner with existing institutions, sending them pre-packaged exhibitions formulated by the Rubells’ curator. This is the type of partnership Lisa Phillips describes as “a collector with his or her own foundation museum lending work to a public museum so that privately owned work can be seen by the public.”

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control leads to accusations that the museum is simply endorsing the private taste of an individual, and for primarily financial reasons.

Chapter 4 dissects a complex partnership between the San Francisco Museum of Modern Art and the Fisher family. Over a thousand artworks owned by the Fishers will be on loan for 100 years, and the family foundation has endowed an addition to SFMOMA to house the work. However, the Fishers have placed restrictions on what can be done with the new space, and they have no plans for the work to become a permanent part of the museum’s collection. Although the Fisher agreement has not yet generated much negative press, it limits the flexibility in decision-making of the curator and museum administrators.

In the conclusion, I contend that the expectation that museums should not exhibit artwork from private collections is unrealistic, and without access to art in private collections, the public would miss the opportunity to see many important pieces of art. The public should have access to relevant art, no matter who owns it. If the curator chooses it to be worth exhibiting, then we should trust in this judgment, but I also caution that an individual philanthropist should not conquer an institution that our society classifies as public based upon the size of a financial donation or any other factor. For example, collector Eli Broad who attempted to alter the Los Angeles County Museum of Art to such an extent that it seemed to be transforming into a privately funded museum. In contrast, private museums like the Rubell Family Collection, which some believe are a threat to general museums, are wise for not interfering with activities of public institutions.

This discussion reminds us that our notion of a “public” museum is a complicated amalgam of public and private interests. While we should not deny that private interests are at play in a public arena, they should be kept transparent to avoid alienating stakeholders.
Ultimately, the museum’s mission should guide whether a partnership with a collector is worth considering, with the foresight of how the agreement could affect the institution in the long term.

There are other types of relationships between collectors and museums beyond the cases mentioned in this thesis. I chose these three models because they are representative of the most significant and controversial issues in the contemporary debate. My hope is to elucidate the reasons why partnerships are forming, as well as their benefits and consequences. I propose some ethical standards to guide potential alliances, and suggest solutions for how to navigate these relationships, advocating for the primary goal of enriching the public’s experience with art.
CHAPTER 1
WHAT MAKES MUSEUMS PUBLIC?

The Inseparability of Public and Private in the History of American Museums

Before we analyze the boundaries between public and private interests within art museums, it is vital to understand the history of the “public” institution in the United States. How can we define what constitutes a public museum? Let’s reflect on the history of the museum and power structures of museum governance.

Former Harvard Museum Director James Cuno argues for the obligations a museum has to its publics, making a “case for the role of art museums in a democratic culture; a case based on the very purpose of an art museum as an art museum, intent on its fundamental purpose and with a high regard for the nature, condition, and responsibility of the public’s trust.”\(^\text{13}\) The idea that a museum must not betray the public’s expectations implies that it exists for the people collectively, which is a statement that we generally assume to be true without question.\(^\text{14}\) This type of thinking is what Victoria Alexander calls “institutionalized knowledge,” a set of standards that are “true because they are believed.”\(^\text{15}\) The concept of a public museum is actually quite complex, and it depends on which definitions of “public” and “museum” we are using at a given time.

The Musée du Louvre in Paris (founded 1793) is frequently cited as the first public museum, and it is the one after which other nations, including America, followed.\(^\text{16}\) The Louvre was not the very first public museum\(^\text{17}\) but it is perceived to be the model institution because it


\(^{14}\) According to Cuno, museums, now more than ever before, face criticism from the public for potential conflict of interest and censorship issues.


\(^{16}\) Similarly, national galleries were founded in London, Dresden, and Vienna, among others.

\(^{17}\) Some scholars list the Library of Alexandria and Shrine of the Muses in Hellenistic Egypt as the first public museum; however, while certain elite members of society had access to it, it was not public in the democratic sense.
emerged out of a dramatic revolution, liberating the royal art collection from the confines of a private palace and placing the objects under the guardianship and collective ownership of the French nation.\textsuperscript{18} According to Carol Duncan and Alan Wallach, “The state, as an abstract entity, replaces the king as host. This change redefines the visitor. He is no longer the subordinate of a prince or lord. Now he is addressed as a citizen and therefore a shareholder in the state.”\textsuperscript{19}

The government assumes a new task of enlightening the public through communion with cultural objects. As Tony Bennett describes, the administration “assigned [the museum] the purpose of civilizing the population as a whole.”\textsuperscript{20} Bennett continues, “Museums might help lift the level of popular taste and design, thus increasing…the industriousness of the populace.”\textsuperscript{21} This new form of museum may empower the everyman to have access to artwork, but it also presumes that he needs to be civilized through high culture, and only those with a specific level of knowledge can truly understand what they are seeing.\textsuperscript{22} Nevertheless, the Louvre became an icon of French culture, projecting a message of its legitimacy and taste across the globe.

\textit{Enter, the Philanthropist}

At the turn of the century, United States cities aimed to establish their own public museums to serve as cultural centers that would rival those of Europe. They sought to obtain old master artworks, such as those by Raphael, Rembrandt and Vermeer, which were indicators of sophistication and economic success. Money was in no short supply; the railroad and sugar industries provided the funds to collect expensive art. At this time in history, America was.

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\textsuperscript{21} Ibid., 21.  
\textsuperscript{22} Ibid., 35.
experiencing a “gilded age” of industrial profit, allowing its most wealthy individuals to embark on an “art-buying binge.”

Affluent people such as Arabella Huntington, J. Pierpont Morgan, and Andrew Mellon worked with their peers to establish museums like the Museum of Fine Arts in Boston, the Metropolitan Museum of Art in New York, and the National Gallery.

Unlike the Louvre, which originated out of a royal collection turned public through revolution, American museums were founded by the elite to “affirm to an international community the identity of the United States as a full-blown bourgeois society, an equal among other great nations of the western world.” While these individual founders benefited from the business and success that came with a thriving cultural center, they also wanted the public to profit from these new museums. One of the Met founders said that viewing art would educate the public and elevate the city to a new level of beauty, to be enjoyed by all. Carol Duncan’s cynical comments about the public nature of American art museums suggest that they are elitist in nature with an egalitarian façade:

American public art museums would have to appear inclusive and democratic in order to effectively symbolize community and define national identity. To thrive as art collections, they needed money and art from the rich, but to work as ideologically effective institutions, they required the status, authority, and prestige of public spaces. However much they catered to elites, museums had to appear...as credible public spaces, above politics and class interests and accessible to all.

Duncan’s assessment implies that American museums are private institutions in disguise. She quotes a New York Times article from 1886, which called the Met “a private affair and...in no
sense a public institution.” Duncan, however, takes this quote out of context. The reason the trustees called this a “private affair” was that they did not accept public funding for the museum, in order not to divert taxpayer money. In other words, this private funding was intended to benefit the public. Duncan further accuses these museums of serving as memorials for the wealthy, showcasing their belongings for eternity, sometimes in extravagant ways such as the replica of trustee Herbert Bishop’s living room complete with jade collection. Another New York Times critic from the museum’s founding era said the Met was “not so much an institution for the instruction and the pleasure of the people as a sort of joint mausoleum to enshrine the fame of American collectors.” On one hand, these replicas challenge curatorial flexibility, but they also can be interesting time capsules of history, domesticity, and taste. Albeit one-sided, Duncan’s discourse is indicative of a debate about American philanthropy that existed long before the 21st century as a response to the role of wealthy patrons within museums, museums that are controlled by the rich, but intended for the public as a whole.

**Private Governance, Public Mission**

As the founders of American public museums, philanthropists became trustees, individuals entrusted with governing institutions on behalf of the community. In her manual of museum governance, law, and ethics, Marie Malaro explains the role of the trustee:

> A trust is a fiduciary relationship whereby a party, known as a trustee, holds property that must be administered for the benefit of others, who are known as beneficiaries. In a nonprofit organization, one has a trust-like situation. Here, the assets of the organization are controlled by the governing board but the board is under an


29 Original article is unavailable. According to Duncan, the source is New York Times, May 9, 1925, reprinted in Literary Digest.
obligation to exercise its powers only in order to benefit that segment of the public (the beneficiaries) which is to be served.\textsuperscript{30}

In simple terms, trustees are in authoritative positions of leadership within an organization and are expected to implement their power responsibly for the advantage of the community. Trustees, like the founding members of the Met and other American museums, are often art collectors who eventually donate their work to institution. They are the supervisors of the director, and are accountable for the museum’s activities and fiscal sustainability.\textsuperscript{31} A board of trustees is meant to oversee the long-term activities of the museum, and there is intended to be a balance of power amongst the members, with each person making a contribution whether it is legal savvy, financial donations, or networking connections. The professional guideline says that no single individual with private interests should have disproportionately large control over the museum’s activities.\textsuperscript{32} Problems can surface when one person on the board, usually someone who gives the most money, begins to treat the organization like a for-profit company in which he has the largest share.\textsuperscript{33} Generally, it should be the responsibility of the rest of the board not to let one person divert a museum away from its mission.

American museums house a complex dynamic where the wealthiest, most privileged people are governing an institution with a public mission. This public mission of a nonprofit museum is considered sacred. It gives the institution purpose, and it is what inspires individuals and corporations to make donations and purchase memberships. For example, the mission statement of the Museum of Fine Arts, Boston declares preserving art for future generations, interpreting the art, educating the public, instilling public pride, and contributing to the overall

\textsuperscript{31} A governing board has a chairperson, and the group is divided into subcommittees with specific duties.
\textsuperscript{32} Ibid., 8.
\textsuperscript{33} William Damon and Susan Verducci, eds., \textit{Taking Philanthropy Seriously: Beyond Noble Intentions to Responsible Giving} (Bloomington: Indiana University Press, 2006), xii.
appreciation of the visual arts as the central goals.\textsuperscript{34} Wavering from a mission places a museum in jeopardy because it can lose the public’s confidence, as well as funding.

One way in which the public’s faith can be upset is if a private individual—a wealthy donor or trustee—displays his or her collection in an exhibition within the museum.\textsuperscript{35} This was always a topic of debate in the United States, as we learned from the early critiques of Met exhibitions. However, it has also consistently been a common occurrence. In a study spanning 1960-1972 of a sample of museums, almost 20\% of exhibitions were from patron collections.\textsuperscript{36} These exhibitions were often partially funded by the collector himself.\textsuperscript{37}

Similarly, allowing a collector’s will to dictate how the museum uses the objects after a gift has been made is usually considered unethical because it can potentially cause an interference with the museum’s purpose of serving the public. These arrangements are called “restricted gifts,” in which the donor’s “dead hand” controls how and where the work will be displayed.\textsuperscript{38} The traditional rule of thumb for museums, which is not always followed, is to avoid bowing to these agreements.\textsuperscript{39} However, sometimes the apparent quality of the art or the authority of the donor (and his purse strings) results in compromises.

Museums rely on trustees, donors, and collectors financially as well as for leadership. While institutions can earn revenue through membership, merchandising, and government support, they depend on wealthy individuals to add to the endowment and fund both planned and unexpected expenses. Not only do they need the checkbook of the donors, they also depend on

\textsuperscript{35} There are many other ways that a museum can appear to betray its public such as the appearance of political bias, misrepresenting a culture, using deaccession funds for operating costs, etc.
\textsuperscript{36} Alexander, \textit{Museums and Money}, 65.
\textsuperscript{37} Ibid., 60. This is considered especially controversial if the collector does not have plans to donate the artwork to the museum.
\textsuperscript{38} Malaro, \textit{Museum Governance}, 79.
\textsuperscript{39} A common argument from the donor is that they want the work to be seen and that it will otherwise be in storage if they do not legally require it to be shown.
their patronage for gifts of artwork. Private collectors donate 80% of the artwork acquired by American museums today. Without collectors, museums could not continue to operate successfully.

The Autonomy of the Curator

If collectors have always been central to museums, why are the contemporary partnerships mentioned within this thesis considered so controversial? These are questions reserved for the subsequent chapters; however, increasing importance of the role of the curator during the late 20th century is partially responsible for this shift.

While the first celebrity curator was Alfred Barr of MoMA, Harald Szeemann, curator of the 1972 documenta 5, famously advocated for the autonomy of the curator. He declared that the curator, as a professional expert, was qualified to interpret the artwork in new ways beyond the artists’ intentions. To Szeeman, the curator openly had a thesis and a specific point of view around which to frame the artwork. Since the 1970s curators have stepped into the limelight. International curators like Robert Storr, Francesco Bonami, Catherine David, and Hans Ulrich Obrist are just a few of these stars. The public trusts these people to present information thoughtfully and accurately. Contemporary art is particularly difficult to decode because it introduced viewers to unfamiliar ideas, and curators are the translators. Curators can also put an unknown contemporary artist on the international map quickly by featuring them in a solo exhibition or a biennial. Although interpreting art is never an objective exercise, the overall

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41 Kate Fowle argues in her essay “Understanding the Role of the Curator Today,” that “the role of the curator has shifted from a governing position that presides over taste and ideas to one that lies amongst art, space and audience.” (Kate Fowle, “Understanding the Role of the Curator Today,” Cautionary Tales: Critical Curating, eds. Steven Rand and Heather Kouris (New York: Apex Art, 2007), 32.)
public believes that these professionals, who are educated in the history and methodology of art history, offer trusted interpretations.\footnote{Hayden White’s seminal 1978 essay argues that every portrayal of history has an agenda, and that no representation is fact. This idea is generally accepted in art historical discourse, though at the time, was contested. (Hayden White, “The Fictions of Factual Representation” \textit{Tropics of Discourse}, (Baltimore: Johns Hopkins University, 1978), 124-34.)} A 2001 study by the American Association of Museums showed that Americans view museums as “one of the most important resources for educating our children and as one of the most trustworthy sources of objective information.” 87% of respondents said they found museums to be trustworthy; only 50% said that the media was trustworthy.\footnote{Cuno, \textit{Whose Muse?},18.} Thus, when a collector appears to interfere with the autonomy of museum scholarship, it can provoke uproar. This relatively new confidence in the curator’s role increases the public’s sensitivity to what are perceived to be external forces of a collector, corporation, or philanthropist.\footnote{Corporate sponsorship has dramatically increased since the 1980s. Corporations improve their public image by funding the arts and hosting functions in glamorous museum galleries, while museums receive the funding they need, often for exhibitions. Corporations like to fund exhibitions specifically because they generate publicity. It is often questioned whether museums are at the mercy of these companies. For example, Chanel sponsors an exhibition of high fashion, which critics see as a conflict of interest.} Curators are outspoken against collector interference, as this challenges the relevance of their own profession. We should be open to other venues for art exhibition outside spaces controlled by a curator, but one of the strengths of a public museum is curatorial creativity. The curators have access to a full collection of artwork and have free reign to explore connections and possibilities.

\textit{Conflicts of Interest?}

Let us return to Carol Duncan’s claim that, “However much they catered to elites, museums had to appear…as credible public spaces, above politics and class interests and accessible to all.”\footnote{Duncan, \textit{Civilizing Rituals}, 57.} On one hand, museums are run by the wealthy and are repositories of the
elites’ possessions. But, under Duncan’s assessment, the public missions of museums are fictitious—they are for the rich, not for the community. This conclusion assumes that the leaders of museums have only individual agendas and that they do not actually believe wholly in the mission. The richest members of society lead most museum governance boards, but Duncan questions this structure, pondering what factor beyond capital entitles these individuals to represent the public.\footnote{This idea is close to one stated by Professor Kira van Lil while editing this thesis.}

It is all a matter of opinion, but can we really ignore all of the good that museums do? It is not a black and white situation where the museum is either for the elite or the common man. Museums provide access to artworks, collect and conserve objects that are deemed important to our history, and promote critical thinking for diverse audiences, among other activities. Donors often make possible commissions, projects, and programs that would otherwise not be feasible.

What about conflicts of interest between donors and museums? James Cuno cautions that should a museum even \textit{appear} to have a breach of ethics, it can jeopardize its credibility in the eyes of the public.\footnote{Cuno, \textit{Whose Muse?}, 13.} One way to possibly prevent upsetting the public is to be open and transparent about funders, donors, and sources of art. Curator Francesco Bonami claims that, “The idea of conflict of interest is a hypocrisy. Our profession—curator, director of a museum, collector, or artist—is based exactly on conflict of interest because it’s based on relationships.”\footnote{Francesco Bonami, Lecture at the New Museum Symposium “Art Museums, Private Collectors, and the Public,” New York City, March 13, 2010.} To Bonami, these situations are inevitable.\footnote{During the 20th century, artists such as Hans Haacke critiqued and revealed the power structures, connections to the market, and politics of museums through institutional critique. For example, several of his projects displayed the provenance (history of ownership) of objects within museum collections and how they increased in value over the years before entering the collections. In another of Haacke’s projects, he showed that a Manet painting had been rejected from a museum based on the immoral deeds of a donor.} He advocates for “full disclosure” as a way to be accountable to the public. Bonami argues that our sensitivity to conflicts of interest is so high
that it is sometimes distracting from the actual artwork. While transparency is not an excuse to behave irresponsibly, Bonami’s position that the art world fatefully relies on relationships is a strong counterargument to critics who state that conflict of interest are a problem.

Within museums, we need to be aware of the role of the donors as stakeholders, and we should question their activities, but we should not consider museums institutions that are exclusively elite. The lines between public and private are blurred and while we can draw ethical boundaries, we cannot separate the two spheres. As historian Andrew McClellan reminds us,

> We think of museums as public, by which we mean accessible, open to all, and so it is sometimes confusing and unsettling to learn that in fact our public museums derive support in some cases fully from private means. We need to acknowledge that without private money and private collectors, there would be no public museums. Moreover, though we think of museums as independent arbiters of taste, their contents have been greatly shaped by the collecting preferences of those who supply the art.

In short, though American museums are open to the public, they originated out of a moneyed culture, and they rely heavily upon philanthropists for their survival and success, not only for financial donations, but also for access to their art collections.

While public museums do include private interests and money, they are a true mix of agendas, funding sources, and stakeholders. They are products of communal effort, with the goal of fulfilling a common mission. Government grants, foundation grants, gifts from individuals, corporate memberships, city funding, and admission tickets are just some of the sources of support for these museums. It is precisely what Andrew Mellon had in mind when he founded the National Gallery, and elected to leave his name off of the project, to indicate that it was an ongoing collective creation. This combination of sources is usually more powerful than the efforts of an individual, and it is this communal endeavor that defines public museums.

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51 Bonami recalls an incident at the 1999 Biennale in which an artist, wife of the curator Harald Szeemann, was in the running for a Golden Lion based on the quality of her work until they found out who her husband was.

52 Andrew McClellan, Lecture at the New Museum Symposium, March 13, 2010.
CHAPTER 2

GIFTS OF ART FROM COLLECTORS TO MUSEUMS:
VICKI AND KENT LOGAN AS CATALYSTS

Traditional vs. Experimental Relationships

In a discussion of new models for relationships between private collectors and museums, we must be aware of the traditional model. Traditionally, collectors gift their artwork directly to the museum, making it the property of the institution. Alternatively, they can arrange a bequest, in which the museum receives the artwork upon the death of the donor. In this context, the word “traditional” is not used to imply a specific level of wealth or the size of donation, but rather that the gift is given unconditionally to the museum. The word is also not meant to imply that it is outdated, but rather that it is the established, mainstream approach. Anything that strays from this would be considered experimental.

This chapter will demonstrate how museums and donors have worked together in the past, and how collectors Vicki and Kent Logan are emblematic of traditional, yet involved philanthropy. While researching their activities in relation to Denver Art Museum (DAM) and San Francisco Museum of Modern Art (SFMOMA), I learned that the face of philanthropy in America is changing to reflect a new generation of more active donors.

Vicki and Kent Logan have been listed among the top 20 collectors of contemporary art worldwide in recent literature.\(^53\) Mr. Logan made his fortune as a senior partner at Montgomery

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\(^53:\) Don Thompson, \$12 Million Stuffed Shark: The Curious Economics of Contemporary Art (New York: Palgrave Macmillan, 2008), 93.
Securities in San Francisco and the couple began collecting art avidly in the early 1990s. The Logans’ collection is a mixture of established and emerging artists, though most of the artists were relatively unknown at the time their works were purchased. Among the first to collect Young British Art and contemporary art by Chinese artists, the Logans’ artwork is considered especially strong in these areas. Their relationships with museums may be somewhat customary compared to more experimental models of philanthropy, but the sheer scale of their donations alone sets them apart from average donors. While there certainly have been other donations at this level for other museums, the Logans’ contribution made a significant difference at the Denver Art Museum. According to the Logans, they gifted the work to DAM because in comparison to a museum like MoMA, which receives many high profile gifts, it would make a measurable contribution to the overall scope of the DAM modern and contemporary collection.

**Gifts: Fractional and Promised**

Each serious collector has a philosophy, a set of guidelines by which he collects, defining his long-term goals. For the Logans, part of their philosophy is that they are “temporary private custodians of artworks that will be returned to the public.” Soon after they began collecting, they started to expand their holdings beyond their own personal taste, an attempt to encompass artwork of the contemporary scene rather than only collect one aesthetic. Because of their extensive funds, they have been able to properly care for the artwork with collection storage, climate control, and professional-level registrarial practices. Mr. Logan has compared his

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58 Ibid., 17.
approach to collecting to that of a curator, thinking about how the works fit into the context of the collection contextually. Planing for the future, the Logans’ longtime intention has been to gift their artwork to public museums. While many collectors donate their artwork to institutions, the Logans have been exceptionally methodical throughout the process.

In 1997, they donated over 200 works by 86 artists to SFMOMA, followed by approximately 100 more in subsequent years. The works were contemporary, ranging from the 1980s through the 1990s. According to SFMOMA curator Gary Garrels, the Logans retained half ownership interest in the artwork, allowing them to use the work for their own display if the museum is not exhibiting it. This type of arrangement is called a fractional gift. In 2006, a national law was passed that eliminated the opportunity for fractional gifts; however gifts of this type that were made before this date still stand. The museum arranged a large exhibition, *Supernova: Art of the 1990s from the Logan Collection*, realized in 2003.

Following their move to Vail, Colorado, Vicki and Kent Logan assumed a new relationship with the Denver Art Museum (DAM). They made a fractional and promised gift in 2001 of 213 contemporary artworks, including artists such as Damien Hirst, Roxy Paine, and Cecily Brown. Several years later, in 2006, the Logans further solidified their relationship with DAM further. Under a new arrangement, they promised the remainder of their art collection upon their deaths to the museum. This includes any work that they collect in the future, but they are also free to sell anything in their holdings, allowing them flexibility. At the time of the

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64 MacMillan, “Donors Give Denver Museum a Boost in Modern Art.”
65 Kent Logan, interview by author.
announcement, their collection held 900 objects by 200 artists. Promised gifts are not unusual, yet the size of the gift is unprecedented for DAM, making it the largest single gift in the museum’s history.

In addition to the future gift, the Logans have endowed DAM’s exhibitions program with $10 million. Their home in Vail is connected to a 6,500 square foot private gallery; both buildings will become property of DAM along with the artwork. The use of the complex will be at the discretion of the museum, perhaps for conferences or as an art center. In the meantime, the gallery is currently a private facility. A $5 million endowment will help maintain the building. Within five years of the couple’s death, if the museum has not found a use for the gallery, it may sell the property and allocate the funds toward future acquisitions. After 10 years, DAM is also permitted to deaccession artwork from the Logans’ collection in order to purchase new works. Beyond their physical gifts, the collectors also contributed to the construction of DAM’s new building, designed by Daniel Libeskind, which opened in 2006. Once the donation was announced, DAM organized the exhibition, Radar: Selections from the Collection of Vicki and Kent Logan.

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67 Ibid.
69 The buildings will not belong to DAM until the couple has passed away.
71 Ibid.
72 Vicki Logan, interview by author.
73 Supernova and Radar are only two of the several exhibitions organized from the Logan Collection. Other notable exhibitions are Full Frontal (date) at DAM, Half-Life of a Dream (2008) at SFMOMA, and A Contemporary Cabinet of Curiosities (2001) at California College of the Arts.
Private Museum vs. Private Gallery

In 2007, the New York Times discussed the Logans as an example of collectors who built their own private museum in an article entitled “Welcome to the Museum of My Stuff.”\(^{74}\) This is ironic, given that the Logans actually serve as a counterexample to collectors who have founded museums, such as Mera and Donald Rubell or Alice Walton. Nor are the Logans collectors who only show their art in a private facility; their collection is seen regularly in public museums. Their gallery in Vail, they are careful to say, is not a museum. Rather, they built it as an addition to their home because they ran out of walls on which to hang the artwork.

In this space, they curate their own thematic shows, rotating on a yearly basis. It was intended as a space for the couple and their visitors, and a venue for them to explore seeing the collection in new ways.\(^{75}\) Alternatively, exhibitions of work from the Logan Collection in public museums are entirely organized by professional curators. The Logans’ gallery should not be misinterpreted to place them in a category of collectors who have opened their own museums. The only way the gallery is connected to museums is that someday it will belong to the Denver Art Museum. After their promised gift to DAM was announced, the museum arranged a major exhibition composed of work exclusively from the Logan Collection, in honor of the occasion.

Gifts Lead to Exhibitions

Exhibitions following a major gift from a collector are frequent in museums. This practice entered the mainstream in the 1930s, soon after the Museum of Modern Art (MoMA) opened in New York City. Curator Alfred Barr discovered that offering exhibitions to philanthropists who had donated artwork to the museum stimulated the modern art market and


\(^{75}\) Vicki Logan, interview by author.
also encouraged donations, allowing the museum to expand its collection. The experiment began
with shows that included works from the collections of multiple trustees, then expanded with
exhibitions from the collections of individual patrons. For example, the collection of Mrs. John D.
Rockefeller, Jr. was exhibited at MoMA in 1936.76

This practice soon became prevalent in new art institutions throughout America. It proved
to be mutually advantageous for the parties involved. The collectors achieved what they were
hoping for, whether it was recognition, status, public access to their artwork, or a mixture of these
benefits. Meanwhile, the museums were able to grow their permanent collections through new
acquisitions, and gain exciting new artwork to exhibit to their public.

In this spirit, SFMOMA and Denver Art Museum assembled exhibitions of work from the
Logans’ bequests. Their work was on display for the public to see for the first time, and in return,
they were honored for their gifts through these shows. Catalogues that highlighted the Logans’
contributions and provided insight into their approach to collecting accompanied both exhibitions,
*Radar* and *Supernova*.

Madeleine Grynsztejn curated SFMOMA’s 2003 exhibit, *Supernova*, but the Logans’
vision guided the tone of the exhibition. It was touted as one of the first retrospectives of art of
the 1990s, as it attempted to bring some cohesiveness to the decade by organizing it into themes
such as Post-Surrealism, Contemporary Painting, Themes of Self, and Art as Social Critique. In
the catalogue, Kent Logan describes his philosophy that art is a “mirror of our culture, and that
the best work provides insight into issues that face us as individuals and as a larger society.”77
This statement highlights the fact that he is speaking from a particular point of view, a specific
collecting philosophy.

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76 A. Dierdre Robson, *Prestige Profit and Pleasure: The Market for Modern Art in New York in the 1940s and 1950s*
The catalogue for Supernova is especially self-critical. An included essay by Katy Siegel titled “The Private Collector: Making the Nineties” draws attention the role of the collector in exhibitions of this kind. The Logans did not invent the idea that art made within a given decade shares something in common with other art of its era, as art history textbooks often promote this view. Nevertheless, it is a way of seeing and drawing connections.

Even though the Logan Collection is not confined to any specific medium, style, or aesthetic, Siegel writes,

What Supernova presents instead is a genuinely pluralist art world seen from a singular subject position, that of the wealthy businessman. Logan himself unifies the art—all of it has been filtered through his eyes, his hands, his financial resources, in order to enter the museum and become part of history…While the Duke of Devonshire collected Renaissance art to show that he had transcended his own degraded time, Logan collects contemporary art as a sign that he has mastered his moment…That is, the experiences that Supernova catalogues are not necessarily those of the artists, or even of ‘society,’ but rather those of the collector himself.78

Unlike some other exhibitions that often feature coffee table books without contributing new insight to scholarship, Supernova and Radar both contain individual artist essays, and essays about their social context.

Though the Logans’ gifts of art allow the museums to exhibit the artwork as they please, they have an escalated level of involvement in the exhibitions. For both of these exhibits, and others from the Logan Collection, there was a museum curator selecting the work and choosing how to portray it to the public. On the other hand, one unique aspect of museum exhibitions from the Logan Collection is that the couple frequently contributes essays to the catalogues. For example, Mr. Logan wrote part of the Foreword of Supernova, followed by a discussion between himself and the curator. In the Radar catalogue, the first 40 pages are dedicated to the Logans and analyzing their collecting strategy.

To museum administrators, it is important to recognize donors’ gifts with exhibitions promptly after a large gift has been made. As Hugh Genoways and Lynn Ireland implore, “a show of appreciation is absolutely critical. Small or large donors alike will not repeat gifts that are not received and recognized in a timely fashion.”\(^7\) Collectors want to see not only their gifts acknowledged, but also their taste validated, for as Jean Baudrillard has theorized in his essay “The System of Collecting,” collecting is a way of projecting an image and creating and identity of oneself to the world through objects.\(^8\) For SFMOMA and Denver Art Museum, *Radar* and *Supernova*, as well as involving the Logans in the catalogue production, were not only about showing the public the new acquisitions, but also showing gratitude for the donors’ contributions.

*The Active Philanthropist*

The Logans’ involvement with the catalogues is indicative of philanthropy that goes beyond a disinterested gift of art to an institution. Donors who give their holdings to art museums are often highly involved as trustees, funding the museum’s activities and having a large impact on decision-making. The Logans are no exception, but their actions take the donor-museum relationship to a new level, stimulated by their contributions to the catalogues, and the size of their gift to the Denver Art Museum.

When asked about their participation in museum exhibitions, the Logans contrast their patronage with donations from other collectors. Traditionally, as Vicki Logan says, museums “prop up collectors on their death beds and say, ‘Can I have it [your art]?’”\(^8\) Instead, in both

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\(^7\) Hugh Genoways and Lynn Ireland, *Museum Administration: An Introduction*, (Walnut Creek: Altamira, 2003), 129.


\(^8\) Vicki Logan, interview by author.
cases, the Logans have approached the museums about planning early to put forward promised gifts.

Their goal in Denver has been to act as a “catalyst” to help the city’s emerging contemporary art scene gain momentum. Mr. Logan explains, “Many museums will take your art and will add it to an already fine collection of art and make it a little bit larger. It doesn’t change anything.” They had considered giving their collection to large New York institutions, but decided to donate it to a place where it would be seen and where it would “make a difference.” To the Logans, it is important for contemporary artwork to be exhibited to the public at the time that it is made. At Denver Art Museum, they believe that their work will be shown rather than “put in storage for 25 years.” As part of their initiative to facilitate new possibilities, the Logans chose an art museum with a smaller contemporary art collection that could benefit from the addition of their artwork. Their gift came at a time when the museum had just opened its new building and now had the wall space to display contemporary art, for which it had not had room in the past.

While some may describe the Logans as the most generous, traditional donors in contrast to a new category of collectors who lend their art temporarily to museums rather than gifting it, they are less traditional than meets the eye, partly due to their passionate contributions to the exhibitionary scholarship and catalogues. Kent Logan proclaims a new model for philanthropy:

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84 Kent Logan, interview by author.
85 Ibid.
involvement, even for conventional donors such as themselves. “The new philanthropy is activist. They’ll say, ‘I’m going to have a say in what the objectives are.’”\(^7\)

Mr. Logan describes his opinion of the “new” philanthropy in comparison to what he calls the “old model”:

Typically the collectors gave the collection to the museum, they got sort of a vanity show and that was it, the museum took the art, and did what they wanted with it. I think the face of philanthropy has changed. For one thing, collectors are younger, but more importantly, they want an active role in how their gifts impact an institution. And a lot of the criticism is that collectors feel alienated from museums in terms of how their art is used. Just to give it to a museum to have them put it in storage and to have a fraction of it come out of storage in a period of 25 years is not what passionate collectors are all about and that’s the reason you see so many private museums. This is all interrelated. There are all of these museums springing up. Frankly, collectors are frustrated trying to deal with large institutions.\(^8\)

This concern is more serious than one collector hoping that the work he donated will be displayed. Many of today’s collectors who are opening their own museums (or entering museum collaborations with strings attached) cite the same reasons for this decision: they do not believe their artwork will be seen.\(^9\) The average museum exhibits only 5-15% of its permanent collection at a given time. Part of the reason for this is wall space. Museums simply do not have the facilities to hang all of the work in their collections at once.

There is another important factor to consider. Institutions often look to “blockbuster” exhibitions,\(^\) which are exceptionally lucrative. The Logans say that partially because of the appeal of the “next Impressionist or King Tut show…museums do not do enough to exhibit their permanent collections in an imaginative way.”\(^1\) Mrs. Logan argues that even when most museums do exhibit their permanent collection it is in a way that lacks creativity and originality,

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\(^7\) Kent Logan, quoted in Kino, “Welcome to the Museum of My Stuff.”
\(^8\) Kent Logan, interview by author.
\(^9\) All of the collectors featured in this thesis, including the Fishers, Eli Broad, and the Rubells stated similar opinions.
\(^\) Blockbuster exhibitions are large, traveling shows that are centered around a “popular” theme aimed at the general public.
\(^1\) Kent Logan, interview by author.
in something such as “Exhibition from the Permanent Collection on the 3rd Floor” rather than finding a new way to interpret the collection.92

This viewpoint is not new. In 1975, curator Lawrence Alloway wrote an essay titled “The Great Curatorial Dim-Out,” which points to a “crisis” in curating, partially due to the fact that blockbusters dominate the museum scene.93 “Only occasionally,” he explained, “does the permanent collection have a comparable box office value.”94 Although this essay was written 35 years ago, it still resonates today. A handbook on museum management by Hugh Genoways and Lynn Ireland, published in 2003, cites blockbusters as a major source of revenue. For example, the Albert-Knox Art Gallery’s “Summer of Monet” generated $11.3 million for the museum and its city from tourists alone. These exhibitions, the authors write, are “mutually beneficial for corporations, museums, and their communities.”95 If blockbusters are seen as profitable events that increase attendance and strengthen relationships within the local and broader communities, they are likely to remain a common occurrence in the future. The people they push away, however, are art world professionals, and donors such as the Logans.

Director of the Denver Art Museum, Christoph Heinrich, disagrees that blockbusters are always profitable. They are expensive, and are not guaranteed to sell a lot of tickets, though he says that the museum’s recent King Tut exhibition was indeed profitable. Often museums only break even with a blockbuster, and sometime even lose money. However, there is another benefit to hosting a blockbuster—they attract new audiences. Over 50% of the visitors to Denver’s King Tut exhibition were first-time visitors. Heinrich says that museum would not have attracted so

92 Vicki Logan, interview by author.
94 Ibid., 222.
95 Genoways and Ireland, Museum Administration: An Introduction, 157.
many new patrons if the theme had not been so accessible and popular for the general public. Museums are obligated not only to their elite donors, but also to attract diverse and new audiences.

As a potential solution to help their artwork be exhibited more often, the Logans attempted to convince two unnamed art museums to “share” their collection. They had hoped that the museums would split ownership, costs, and the right to exhibit the work. Mrs. Logan says that it makes “all the sense in the world,” but that the museums declined because owning the work is important to institutions that want to build their reputations through larger collections and important artwork. They eventually abandoned the hope that the museums could work together after investing a lot of time and effort into the potential plan.

From the museum standpoint, it is true that the biggest collection is often a source of prestige and a sign of success. Yet, there are other reasons why a museum may not want to share ownership. Insurance, storage, the cost of transportation between facilities, and the fact that it is an experimental idea are all deterrents for such an arrangement, particularly if the museums are located in different parts of the country.

**Working Within the System**

Why did the Logans choose to donate their entire collection to a public museum when they are discouraged by museums’ activities? They believe that small, privately founded museums do not have the permanence and possibilities of larger institutions. Kent Logan explains:

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96 Christoph Heinrich, interview by author, Denver, February 4, 2011.
97 Vicki Logan, interview by author.
98 Shared ownership between two museums is a relatively new idea, and is not something that has been written about much in the collections profession. The museum community generally is frowning upon a recent deal between Fisk University Art Museum and Crystal Bridges Museum where the latter purchased 50% ownership from the former for a portion of the collection. However, if the donation originated with shared ownership, it would be considered more ethical than selling partial ownership after the fact.
We personally—with all the flaws we find—within the institutional museum community, we’ve chosen to try and work from within because…most of these private museums never stand the test of time. They’re more a passion of an individual, and it’s not clear that that can be passed on to future generations. There’s very little historical evidence about the success of private museums. The problem is once the collection stops, it’s relevant for another ten years, it’s much less relevant 10 years after that, and it’s totally irrelevant 20 years after that. That’s why we’ve always believed that the collection belongs in the public sphere, that’s how you put it in the context of the time.\(^9\)

The rational is that if a collection is separated by itself for future generations, it becomes stagnant and gives up the opportunity to be re-contextualized by continual collecting and fresh ideas. The Denver Art Museum seemed a viable and appealing institution to house their art, not simply because their donation would have an impact but because it would be shown more there than at another museum. Beyond simply exhibiting the art in a “highlights” show of the permanent collection, Denver curators have worked to plan creative themed exhibitions, in which they incorporate works from the Logans’ collection. According to Christoph Heinrich, these exhibitions include *Focus: The Figure*, a modern and contemporary show about the use of the human body in art, and the upcoming *Earth & Fire* exhibition planned for summer 2011.\(^{10}\)

In contrast to many other museums’ blasé and uncreative exhibitions from their permanent collections, DAM’s *Focus: The Figure* garnered the praise and attention from the press. One critic commented, “The newest offering at the Denver Art Museum has all the freshness, scope and appeal of a major touring exhibition.”\(^{11}\) Exhibitions of this kind are an attraction for donors such as the Logans who take an interest in the intellectual caliber of exhibitions from the permanent collection.

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10. Christoph Heinrich, interview by author.
The Future of Donations to Museums

Unless museums are to stop or slow collecting, they need donors like the Logans.\textsuperscript{102}

Approximately 90\% of artwork currently in US museums is from private donors, and 80\% of new acquisitions today are gifts.\textsuperscript{103} The Logans’ promised gifts to the Denver Art Museum, including their home and gallery, allow the museum complete freedom in how to interpret and display the artwork and if to deaccession. Despite their active participation in how their resources and collection are used, in many ways, they are the type of philanthropists whom museums strive to attract. This freedom with which they entrust the public museum contrasts with donors or lenders who impose restrictions on curatorial creativity. From the collectors’ point of view, although their type of gifting is traditional, the role they are playing is of catalyst, not just donor. They want to witness the results of their philanthropic contributions, and ensure that they have an impact on exhibitions programs, publications, and the public’s access to their collection.

\textsuperscript{102} Many museum studies scholars have suggested that museums’ current rates of collecting are unsustainable and should be reevaluated. For more information, see \textit{Museums and the Future of Collecting} by Simon Knell (Burlington: Ashgate, 2004).
CHAPTER 3
PRIVATELY FOUNDED MUSEUMS:
THE RUBELL FAMILY COLLECTION AS AN INDEPENDENT INSTITUTION

The Miami Model

The “Miami Model,” a term coined by Lisa Phillips, is being used to describe how private collectors establish art museums, foundations, and art centers that are open to the public. The reason she gave it this name is because of the abundance of collectors in Miami who have recently founded exhibition spaces in which to show their art. Often called the prototype of the Miami Model is the Rubell Family Collection, created by Don and Mera Rubell. The couple first opened their collection to the public in 1994. Although there are many different collectors worldwide who have taken on similar endeavors, the Rubell case will serve as our point of entry into this complex topic.

Museums of this type are often called “private museums,” but in her book entitled A Museum of One’s Own about historic institutions founded by private collectors, Anne Higgonet remarks that they are almost never fully “private.” Higgonet instead calls them “personal art collection museums,” which is a more accurate assessment. The public has access to these institutions, and they are often begun with the public in mind as the beneficiaries. They are private in terms of funding, but are publicly accessible. Unlike public museums, these kind of

104 Phillips, “Director’s Foreword,” in Skin Fruit, 5.
105 In 1998, Martin Margulies opened a 45,000 square foot space to exhibit his collection of contemporary art. Soon after, in 2002, Ella Fontanals Cisneros did the same, establishing the Cisneros Fontanals Art Foundation (CIFO).
106 The Rubells are extremely influential figures in the international art community. They initiated Art Basel Miami and are highly regarded as trendsetters
institutions generally do not receive money from grants, the government, or a diverse board of trustees.\textsuperscript{109} In the context of this contemporary study, I will refer to them as privately founded museums, indicating that they are the product of an individual private collector’s funding, efforts, and art objects.

Some privately founded museums are classified as private foundations, which are tax exempt. The increase in privately founded museums is reflected in an overall proliferation of new private foundations. A recent study revealed that the 1990s saw a 37% increase in the number of private foundations with at least $1 million in assets. 2000-2004 saw an additional increase of 12%.\textsuperscript{110} Although this is not limited to art foundations, the data supports Lisa Phillips’ claim that private museums and collector foundations are on the rise.

There are mixed feelings in the art world surrounding privately founded museums and art spaces. Some disapprove of art collectors keeping their work separate from public museums, and filtering how the public views the art.\textsuperscript{111} Others are upset that these collectors sometimes organize shows and tour them at public museums with no plans to gift the work to the museums in future because museums rely on private donors for most of their acquisitions. When the world’s top collectors develop alternative venues to show and house their art, many art professionals feel as though it is a loss to public museums. Adrian Ellis, Director of an international cultural consulting firm, writes, “as the scale and number of private art museums increases, their influence on museum practice will too, and codes of practice and policies around such issues as deaccessioning, conflict of interest policy and reciprocity in loans will come under pressure as these new

\textsuperscript{109} In the context of this paper, a public museum has many stakeholders because of its multiplicity funding sources. A privately founded museum has very few stakeholders.
\textsuperscript{111} Strictly adhering to this belief denies that the public has agency to have an opinion about the work.
institutions explore and test wisdom and standard practices.” In a privately founded museum, there is usually not a board of trustees, but instead one individual or a family making the decisions. Therefore, they don’t have the same level of accountability to the public to be transparent and cautious. This can sometimes result in lower quality exhibitions, but it also can allow flexibility and rapid innovation that is more difficult at large institutions with more parties involved. For example, when the Rubells and their director decide on an exhibitions theme, they then have the resources and ability to buy the work they need to achieve the show without going through a collection committee.

The issue of conflict of interest is not applicable with a private museum because this kind of museum supports the taste and interests of the founder and is not intended to be publicly governed. Ellis’ fear is that public museums may begin to be governed like private museums as private museums become more mainstream. His comment about “reciprocity of loans” is a valid concern. Many privately founded museums like the Rubell Family Collection do not accept loans from other institutions, and only display work from their own collection, which limits the curator’s creativity and resources.

Ellis makes a distinction between two types of privately founded museums. One type is the “vanity museum,” a museum that is funded as a public trophy in which to display one’s wealth. While we cannot make conclusions about individual ambitions of this kind, we can analyze their actions, the quality of programming, relationships with other institutions, and the nature of their exhibitions. The other type of privately founded museum is one that makes a “vital

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113 For example, Simon Knell, author of *Museums and the Future of Collecting*, advocates that public museums should consider adopting collecting practices more akin to those of a private collector. He argues that private collectors have a well-edited collection because they are free to deaccession whenever they please. Knell supports this model because of the unsustainable levels at which museums are collecting today.
addition to the cultural fabric of the city, with a full range of curatorial, conservational, public and scholarly programs.\footnote{Ellis, “The Problem with Privately Funded Museums,” 24.} It is upon these qualities which we should evaluate the contribution of this type of museum.

**The Miami Model, or the Medici Model?**

The idea that the Miami Model is a brand new genre of museum is false. The uproar that surrounds new private museums is strange, considering the long history of institutions of this kind, which has not been given adequate attention. Museums founded by private collectors are not unique to Miami or the 21st century, and they certainly did not originate there.

Anne Higgonet recalls that there was a golden age of privately founded museums from 1890-1940, which went out of style by 1950. She writes that there is a “2\textsuperscript{nd} Age of the Collection Museum,” which began in the late 1990s.\footnote{Higgonet, *A Museum of One’s Own*, 212.} What is quite different about these newer museums is that they are not house museums, which preserve an entire historic environment within the founder’s living space. Rather, they are exhibition spaces for artwork that look a lot like other museums with curated shows within galleries specifically designed for displaying art.

It is important to understand that while there may be a sudden increase in such institutions, they are not a new concept. There are many precedents that we can find within history. In the United States during the late 19\textsuperscript{th} and early 20\textsuperscript{th} century, numerous new museums were founded. There are three basic types that emerged as a result of collector involvement. One kind was private museums housed in the founders’ homes. For example, Isabella Stewart Gardner began the Isabella Stewart Gardner Museum in 1903. She built a palazzo-style home in Boston to hold her collection, which she periodically opened to the public. Her will dictated that upon her death,
the artwork and furnishings in the home would remain in the same location in perpetuity. Gardner was the first and the last curator of her collection.\textsuperscript{117} The Frick Collection is another museum founded in a similar way, in the home of the collector and is comprised of artwork that Henry Clay Frick and his family acquired. Places like the Frick Collection and the Gardner Museum are the kind of “first golden age” museum to which Anne Higonnet is referring.

Another type were collectively founded organizations created by a group of wealthy philanthropists. The Metropolitan Museum in New York is the ultimate example of such an institution. A source of national and local pride, it was meant to be a product of team efforts which no one individual could accomplish alone. Another example is the National Gallery in Washington D.C., which was initiated by Andrew Mellon but quickly expanded to include donations of art and money from numerous individuals.

The third type blurred the boundaries of public and private. These museums began as the project of an individual, yet evolved over time rather than existing as a time capsule of the individual’s home or private collection. For example the Whitney Museum and the Solomon R. Guggenheim Museum began this way. If we stop and ponder the extensive list of museums that have an individual as their namesake, we are reminded that it is a common occurrence. Gertrude Vanderbilt Whitney established the Whitney Museum of American Art in 1930. After her death, a governing board of trustees took control over the institution, and it continued to grow and change under their guidance.\textsuperscript{118}

\textsuperscript{117} At the beginning of the new millennium, the museum developed an Artist-in-Residence program, along with a contemporary gallery. It is now in the process of adding on to the palazzo, adding a new space that will allow administrators the freedom to exhibit curated shows, but the house portion of the museum will remain the same.

\textsuperscript{118} Robson, \textit{Prestige Profit and Pleasure}, 40.
Similarly, Solomon Guggenheim inaugurated the Guggenheim Museum, which has been described as a “personal public memorial” that he created for himself.119 When it began in 1938, Mr. Guggenheim chose not to donate his collection to an existing museum, and he started the Guggenheim Foundation.120 The museum was endowed and funded by him, and he contributed an additional $8 million upon his death in 1949.121 One of his main goals was to collect nonrepresentational art exclusively. The museum was criticized, even for a decade after Guggenheim’s death, for serving as such an influential tastemaking entity from the singular view of a private individual.122 A board of trustees had been assembled when he died, controlling the museum’s activities and acquisitions. They were unhappy with limiting the Guggenheim to nonobjective painting, and tailored the collecting plan to fit their vision.123 Today, the Guggenheim is far from a mausoleum.

Far before the 20th century, privately owned galleries open to the public were common in Europe. In fifteenth century Florence, the enormously wealthy and royal Medici family built the Uffizi Gallery to house their art collection. Of course, the Medici galleries were only open to certain privileged guests, but this is an early instance of a privately held art collection organized and displayed by the wealthy, albeit to an elite audience. In 1769 the Medici Grand Duke reorganized the family’s collection and opened the Uffizi Gallery to the public.124 In Europe,

\[\text{\cite{119} Ibid., 23.}\]
\[\text{\cite{120} The mission of the Foundation was “to provide for the promotion of art and for the mental or moral improvement of men and women; to establish, maintain, and operate, or contribute for the establishment, maintenance and operation of a museum (Robson, 25).”}\]
\[\text{\cite{121} Robson, Prestige Profit and Pleasure, 27.}\]
\[\text{\cite{122} Ibid., 66.}\]
\[\text{\cite{123} Ibid., 37.}\]
\[\text{\cite{124} Higgonet, A Museum of One’s Own, 4.}\]
small museums like London’s Wallace Collection and the Ashmolean Museum at Oxford were the result of private collections.\textsuperscript{125}

Perhaps the reason that the Miami Model is such a popular topic today is because it seems there is a recent surge in museums of this kind worldwide, which started with the Rubells. Eli Broad, Los Angeles billionaire, is currently in the process of building his own museum in downtown LA. The Neue Galerie, a museum of German and Austrian art in New York City founded by Serge Sabarsky and Ronald Lauder, was conceived in the late 1990s. In 2004, the Rubin Museum of Art originated from Donald Rubin’s private collection. In addition, the Crystal Bridges Museum, initiated by Anne Walton of the Walmart corporation is due to open in 2012.\textsuperscript{126} Some of these institutions are governed by a board of trustees and are certified by the American Association of Museums; others are controlled exclusively by the collector.

\textit{The Rubell Family Collection}

The Rubells were chosen to represent the model of privately founded museums within this thesis because they were some of the first collectors in the 1990s to do so. Thus, their institution has the longest history of activities to be analyzed. The Rubell Family Collection (RFC) is not meant to represent every individual who has opened an exhibition space. Each case is unique depending on the staff and leadership structure, programming, and the nature of the exhibitions, as well as their relationships with other art organizations.

\textsuperscript{125} Other examples from European history include the Borghese Gallery in Rome and Sir John Soane’s Museum in London.
\textsuperscript{126} Europeans Dakis Joannou and François Pinault have debuted spaces for the display of their large, high quality collections, in Athens and Venice, respectively. In March 2011, the world’s richest person, Carlos Slim, announced he would be building a museum to house his collection, called the Soumaya Museum, in Mexico City.
Mera and Don Rubell moved to Miami and founded the Rubell Family Collection in 1996.\textsuperscript{127} The couple had been collecting art since the 1960s and decided that it was a shame to keep it in storage, so they opened a public space.\textsuperscript{128} Their collection is composed of both established and emerging artists, but they often focus on buying a large amount of work from undiscovered artists. Much of their collection is challenging and controversial in terms of content, imagery and subject matter.

Their exhibition gallery is housed in a converted Drug Enforcement Agency warehouse in a part of town that the couple served as a catalyst in gentrifying.\textsuperscript{129} The 45,000 square foot facility is composed of an exhibition space, a research library, climate controlled storage, media screening rooms, and a bookstore.\textsuperscript{130} In 1998 they hired their first director; the current director is Juan Roselione-Valadez.\textsuperscript{131} Since the late 1990s the staff has been expanded to include a graphic designer, a public relations manager, a preparatory, building manager, registrar, visitor services manager, and an educator.\textsuperscript{132}

Within the Rubell Family Collection is the nonprofit Contemporary Arts Foundation (CAF), which is responsible for organizing the exhibitions and publications, composed of artworks drawn from the family’s private holdings of over 6,000 works of art.\textsuperscript{133} Although the entire institution is best known as the Rubell Family Collection, the CAF carries out the public activities such as lecture series, artwork loan program, and facilitates school visits. A public research library with 40,000 volumes accompanies the exhibition space.

\textsuperscript{128} Ibid., 9.
\textsuperscript{129} Much of their fortune was made in their hotel business, and they opened many hotels within the Miami area.
\textsuperscript{130} Coetzee, \textit{Not Afraid}, 6.
\textsuperscript{131} Roselione-Valadez was the former Collection Manager for the Rubells, and has worked at the RFC since 2001. He replaced the former Director/Curator Mark Coetzee, who recently took a job at Puma as the Social Initiatives Director.
\textsuperscript{132} This information was available through a Staff Directory on the RFC website as of February 2011, but is no longer posted online.
\textsuperscript{133} Coetzee, \textit{Not Afraid}, 6.
Because the CAF is a nonprofit, its exhibitions receive support from corporate sponsors like Bank of America, Lanvin, Illy, Puma, and Audi. However, the collecting and the remainder of the activities are supported by the family’s private funds. In an interview, they would not disclose the dollar amount that they contribute to these expenses. But, we can see from the Contemporary Arts Foundation’s tax documents that the institution had $660,000 in expenses during 2009. This may not reflect the actual dollar amount for all of the Rubell’s art activities, but it is the total cost of CAF for tax purposes. Corporate sponsors cover 96% of the costs, or $580,000. Of this amount, 40% is from the Rubell’s companies. This is quite different from a public institution, which receives support from many sources such as an endowment, board members, corporate sponsors, admission fees, municipalities, and grants, among other funders. The CAF does receive any grants, so public institutions do not need to be wary about the Rubells diverting any of their potential grant funds. As for corporations such as Audi and Puma, they will fund what they view to be the most interesting ideas or the programs that will give them the best PR and it should not be seen as a crisis that they are funding a private foundation.

Since opening, the RFC/CAF has created 14 exhibitions with catalogs. The director conceives and curates the shows but the family is very involved in their conception. Generally, they do not accept incoming loans, but only display what they physically own. The exhibitions tend to be thematic, or focus on the oeuvre of a single artist.

138 For exhibition list, see Rubell Family Website.
Independent Exhibitions and Collaborations

Why did the Rubells found their own museum rather than partnering with an existing organization? They say it is partially because they are passionate about art and want to be involved in the creative process. Second, they want to be able to show work that is controversial (i.e. sexually explicit), and challenging. Don Rubell remarks that this is unlikely to happen in a regular museum.139

Another major reason for their independent museum is that they did not want to see their collection sit in storage. Mr. Rubell explains, “We could also have donated our collection to museums, but a lot of our collector friends have done that and, more of then than not, 75% of it is hidden away in storage. Having our own exhibition space is a tremendous luxury. We can see our collection all of the time and so can other people.” 140 This fear that their collection will remain in the vault rather than on the walls is very common among collectors today. Vicki and Kent Logan, Don Fisher, and Eli Broad, collectors who are discussed within this thesis all made similar remarks. Despite this concern, some of these collectors chose to work within the museum system, while others decided to build their own facilities.

It is also interesting to note that the Rubells do not call their institution a museum. However, to the public, it essentially viewed as one. Education, exhibiting, preserving, and collecting are traditionally viewed as the four core functions of a museum and the RFC fits this description. Mera Rubell says, “It’s not a museum. More and more people are referring to it as a museum. I guess if you look like it and behave like it, then by certain definitions we are a very ambitious museum.” 141 How does the RFC differ from other art museums? They can quickly

139 Examples of challenging artwork in the Rubell Family Collection are by artists such as Charles Ray, Paul McCarthy, Marlene Dumas, Zhang Huan, Helen van Meene, and Jake and Dinos Chapman, among others.
140 Don Rubell quoted in Coetzee, Not Afraid, 9.
make decisions such as whether to make a new acquisition, rather than needing a large governing committee’s approval.\textsuperscript{142} The governing members are Don and Mera Rubell, their two children, and the director, which makes it very easy to agree on major decisions.

Although the Rubells have chosen to work outside the museum system, they often collaborate with other organizations. For example, their loan program has 200-300 pieces on loan worldwide at any given time.\textsuperscript{143} Curators can request to use the Rubells’ art in their exhibitions. Not only does the RFC lend individual artworks to other museums’ shows, they also travel RFC exhibitions to other museums after finishing in Miami. For example, the Rubells’ “Life After Death: New Leipzig Paintings from the Rubell Family Collection” traveled to Mass MoCA, Site Santa Fe, Frye Art Museum in Seattle, and the Kemper Museum of Contemporary Art in Kansas City.\textsuperscript{144} When “Hernan Bas: Work from the Rubell Family Collection” opened at the Brooklyn Museum in 2009, it garnered a flurry of media attention.

The idea that a substantial amount of work from one private collection, which will not be donated, is on view at a public museum often is upsetting to some people in the art world.\textsuperscript{145} In 2010 at the New Museum, the collection of Dakis Joannou was shown in an exhibition called “Skin Fruit,” which outraged some. One critic said, “It [the museum] is supposed to be an independent arbiter of taste and art-historical value. It is not supposed to surrender itself to a trustee and donor\textsuperscript{146} whose collection stands to be enhanced in value by a major museum

\textsuperscript{142} Brienza, “The Rubells,” 62.
\textsuperscript{143} Cocks, “At Home with the Rubells.”
\textsuperscript{146} This particular case was especially controversial because of Joannou’s role as a trustee.
show. "147 Another example of a controversial show from a private collector was “Sensation” at the Brooklyn Museum, with works from superstar collector Charles Saatchi, and organized by the Saatchi Gallery. Saatchi frequently sells his work after it is exhibited, part of the reason why he has received so much vitriol from individuals who feel that this activity is unethical. 148

One infamous case of a collector selling work directly after it was exhibited by a museum was the Estella collection of contemporary art from China, which auctioned for over $50 million, breaking records for many of the artists included. 149 As a response to situations like the Estella sale, some places like the Whitechapel Gallery only exhibit work from a private collector if the lender signs an agreement promising they will not sell the work for a number of years after the show. 150 The Estella sale was unethical because its owners misled the museum into thinking that the work would not be sold. At the same time, curators should not be so afraid of acknowledging the potential sale value of art that they avoid showing stellar art from private collections in public museums. In his book, Art Incorporated, Julian Stallabrass contends that the global economy is the system that supports the creation of art, and the two are intertwined. 151 Scholar of collecting Inge Reist supports this point of view as well, “There are a lot of moments when people involved in the commerce of art have also been involved in the development of public collections. I think it’s a little bit naive to think that you can keep the two always running on parallel tracks.” 152

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152 Reist, interview by author.
Most are not worried about the Rubells selling their collection to make a fortune after their exhibitions. They rarely sell work. Mrs. Rubell says, “Often, the first question people ask us is about how much the art is worth. Thinking of the art as an investment or an asset is a major mistake.153 There’s really not price tag on these things. These are the artifacts of our culture.”154 There is an ongoing debate within the art community about two different types of roles for dealers and collectors—the investing versus the altruistic.155 As Pierre Bourdieu observed about individuals working with “symbolic goods” within the art world, “by concealing from themselves and others the interests at stake in their practice, obtain the means of deriving profits from disinterestedness.”156 In the case of the Rubells, it may not be monetary benefits, but this disinterest in value and the market lends them credibility.

"Hernan Bas” at the Brooklyn Museum was organized by the Rubells’ own curator exclusively from work in the Rubell Collection. It toured to the museum because administrators in Brooklyn heard about the show and asked to borrow it in a temporary exhibition. It is somewhat surprising that the Brooklyn Museum has not faced more criticism for giving up curatorial agency, but the Rubells’ demonstrated commitment to building their collection and creating insightful, academic exhibitions with accompanying scholarly catalogs helps legitimize their activities. We must acknowledge that a one man show of an emerging artist gives the Rubells an enormous role in determining this artist’s success when sent to a public museum, which is considered one of society’s trustworthy tastemakers. Yet, the Rubells are not on the

153 In 2009, the Rubells sold one work of art, a Mark Grotjahn, for $45,000, which was included in its revenue on the CAF 990 form.
154 Mera Rubell quoted in Coetzee, Not Afraid, 9.
board of trustees at the Brooklyn Museum and they did not have any role in requiring that the exhibition tour there. Arnold Lehman, Director of the Brooklyn Museum, defends the exhibition:

Our position is to try to show the most engaging and best art. Those collections that are available to us to show, and that relate in some fashion - either to the strengths of our institution or to gaps in our own collection. We’ve never felt there is any issue here. The commitment is to show the best and most interesting art that you can. We just fell in love with that exhibition [Hernan Bas] and also thought his work was little known in the Northeast. 157

In some ways, the art world is oversensitive to museums showing work from private collections. If the curators at Brooklyn Museum deemed the work to be high quality and approached the Rubells to ask for the exhibition, then there should be no perceived ethical problems. 158

A Question of Permanence

One argument against privately founded museums is that they do not have the permanence of regular museums. 159 When asked whether Miami will be able to “congeal all of these wonderful collections [Rubell, Cisneros, Margulies, etc.] in one place,” the Rubells say that Miami is too young for such a museum and that someday if it were to be built, “we’d be very happy to collaborate.” This conversation is somewhat ironic, given that the Miami Art Museum has already been built and the local star collectors have largely ignored it. There may be a deeper reason for this. Miami collector Marty Margulies, who donated $5 million to the Metropolitan

158 Fortunately, both Art in America and Flash Art reviews focused on the quality of the art and its context rather than the source of it.
159 Kent Logan, interview by author.
Museum of Art in 2010, told the *Art Newspaper* regarding Miami Art Museum, “most people know that the county government, which is involved in the museum, is corrupt.”

The Rubells are enthusiastic about the future of their institution and about collaborating with larger museums. However, they do not show any hint of wanting to eventually donate to another museum. They remark about getting their children and grandchildren involved in the family’s organization, and hope it will continue to thrive through future generations. Don Rubell hints, “A hundred years from now we want people to see the collection as being just as vital as it is today. We want them to be looking at the latest work that our great-great-grandchildren have bought. We want it to be constantly evolving. The great luxury our descendants will have—and that we lacked—is that they’ll be able to look at contemporary art in the context of historical work.” In other words, they have no plans to donate their collection upon their deaths. However, their institution has the potential to become more established and public in a Guggenheim-style transfer of power to a board of trustees in the future. This type of transformation would likely take years, possibly decades, and would involve convening a board of trustees comprised of diverse members.

*The Future of Privately Founded Museums*

There is usually more than one reason why private collectors start their own museums. For example, for the Rubells, it was a combination of passion, not wanting the work to stay in storage, and needing the flexibility to share controversial art with the world that other institutions could not show because of obligations not to offend their audiences and funders.

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As discussed in the beginning of this chapter, some critics are unhappy with the increase in small, independent institutions such as the Rubell Family Collection because they feel that it does the public a disservice, as the collector filters what the public sees, and the collector contributes to the making of art history. With this in mind, we should also ask the question: Is it really so terrible if the public is curious and interested in collecting and collectors as an avenue of inquiry into thinking about art and its social functions? To completely conceal that private collectors contribute to art history and tastemaking is to deny a central segment of the art world network.

In the case of the Rubells, if we can look beyond criticism, we see that they have an interesting exhibition program which encourages critical thinking, and that they embrace the public through partnering with local schools and hosting educational programs. One of their latest exhibits was “30 Americans,” showcased the work of 30 African American artists. The catalog contains scholarly essays by artist Glenn Ligon, Michelle Wallace, and Robert Hobbs. It is not without fault though. Creating a show exclusively compiled of a single ethnicity or nationality implies that there is something unique about them as a group, even if the goal is the opposite. A more successful Rubell exhibition was “Beg, Steal, and Borrow,” which examined the issue of using others’ images and ideas in contemporary art, encouraging viewers to make connections between artworks, advertising, and the ethics of appropriation.

Problems with private collectors starting their own museums surface when the collector has an adverse relationship with the local and global arts communities, or when the collector wants to show the work in a way that is not beneficial to the public, creating an institution that bears his or her name but without curious investigation into the artwork. Los Angeles billionaire collector Eli Broad has dominated the arts community in the city by demanding too much control
over public institutions, which he justifies through his tremendous financial donations. Broad ultimately abandoned plans to work with existing institutions and chose to plan his own public, but privately funded, museum in LA. Although the Broad Museum has not yet been built, Mr. Broad has said that he has no plan to have an education department or to produce publications. Therefore, his future museum may not significantly add to the cultural dialogue in the city, making it quite different from the Rubell Family Collection. In the terms of Adrian Ellis, an institution like the Broad Museum would likely qualify as a “vanity museum” for the purpose of exhibiting wealth, and contributing little in terms of quality exhibitions, programs, and publications.

Broad had previously tried to control the Los Angeles County Museum of Art to the extent that it began to mimic a private museum. He is just one of many donors who sometimes try to create an unequal balance of power, forcing individual interests in a public museum. As a board member at the Los Angeles County Museum of Art (LACMA), he exclusively financed a new building at LACMA, named the Broad Contemporary Art Museum (BCAM), but did not pay for the endowment. Museum officials were convinced that Broad’s collection would eventually rest at LACMA, and they predominately displayed work lent from the Broad Foundation in the new space. A heated disagreement occurred when Broad insisted that BCAM have a separate board of trustees and surrender curatorial control to his foundation, which the LACMA refused. In the process, he drove out the former director and angered the other trustees. Broad even offended the architect Renzo Piano, whom he had chosen to design the

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165 Ibid.
museum,\textsuperscript{166} by revising his design.\textsuperscript{167} Likewise, as a founding trustee of the Los Angeles Museum of Contempor ary Art (MOCA), Broad has been accused of running the museum like a private museum, or a corporation in which he owns the majority share.\textsuperscript{168} He uses enormous gifts of money to justify his behavior. Robert Storr calls this “not a power shift but a categorical usurpation of the role of museum professionals by those who used to support them.”\textsuperscript{169} When museums allow compromises of this extent, they risk alienating not only the public, but also previous and future donors who are troubled by this misappropriation of power.

Now Broad is starting a privately funded museum, which is what he should have morally done from the beginning to avoid tarnishing LACMA’s credibility. Collectors like the Rubells are smart for not interfering in the public arena, yet remaining open to collaborations. In response to those who see privately founded museums as a threat to established institutions, we should consider the alternatives.

Collectors who give to public museums, but expect their collections to be kept intact, displayed indefinitely, or any other restrictive requirements are crossing traditional ethical boundaries, though it happens regularly. Of course there are private interests guiding a museum, but they are a multiplicity of concerns. When one collector wants to dictate the activities so much that a public museum begins to seem like privately founded museum, then a border has been crossed. In their book about philanthropy in the 21\textsuperscript{st} century, William Damon and Susan Verducci remark that this is a developing trend and it is not limited to museums, but is consistent among nonprofits today.\textsuperscript{170}

\textsuperscript{167} Bruck, “The Art of the Billionaire,” 50.
\textsuperscript{168} Ibid.
\textsuperscript{170} Damon and Verducci, eds., \textit{Taking Philanthropy Seriously}, xii.
In the case of the Rubells, they have not tried to control an existing museum, but founded their own where they can pursue their own ideas and agenda, as well as ensure that their artwork is seen. While it is not best to discourage collectors from working with public museums, a private museum is a welcome alternative to an individual collector dominating the public sphere. Robert Storr agrees, “It is appropriate that people in the private sector make private museums, not that they turn public museums into private museums. There is no control over the private sector when it does the public sector’s business.” 171

The Rubells’ activities are just one example of this recent surge in privately founded museums. They, like Broad, represent a generation of philanthropists who are decidedly more active in determining how their funding is used, and how their art is displayed. In order to fulfill their hopes for the collection, they chose to operate outside the existing museum system. 172

172 The Rubells are open to collaborating with museums for loans and exhibitions, but not for donations.
CHAPTER 4

LONG-TERM LOANS FROM PRIVATE COLLECTORS TO MUSEUMS:
A PARTNERSHIP BETWEEN THE FISHER FOUNDATION AND SAN FRANCISCO
MUSEUM OF MODERN ART

In 2010, a controversial topic at the American Association of Museums’ annual meeting was the issue of “stewardship.” Maxwell Anderson, Director of the Indianapolis Museum of Art, argued that instead of collecting, in the future, museums will borrow or commission artwork, acting as “stewards” of the work but not owning it.\textsuperscript{173}

Some museum administrators have suggested that instead of burdening museums with the cost of maintaining growing collections, we should change the responsibility of museums from collecting to “stewardship.”\textsuperscript{174} Under the stewardship model, museums would gather and exhibit the artwork, but return it to its owner after the loan period is over. This situation is much like the agreement discussed in this chapter, which is between the Fisher Foundation and the San Francisco Museum of Modern Art (SFMOMA). However, if that becomes the mainstream model, then art museums no longer continue to build their own rich and expanding database from which to draw to create independent exhibitions.

In 2009, a “stewardship” partnership was formed in San Francisco between a collector and a museum that diverges from both the traditional outright gift of artwork and the temporary loan for exhibitions. This specific agreement is between the Fisher family and SFMOMA. Don Fisher, now deceased, was the founder of Gap, Inc., a worldwide clothing company. He was also a


\textsuperscript{174} Ibid.
trustee of SFMOMA since 1983.\textsuperscript{175} His collection, which is composed of blue-chip\textsuperscript{176} modern and contemporary art, has been displayed at the Gap headquarters for years, but it is not technically a corporate collection, as it is owned by Don Fisher’s wife Doris and their children rather than by the company.\textsuperscript{177}

The deal was announced September 25, 2009.\textsuperscript{178} This agreement places the Fishers’ collection of 1,100 artworks on long-term loan to SFMOMA for a period of 100 years.\textsuperscript{179} The family will own the artwork, but it will be under the temporary care of the museum. Furthermore, the museum will be constructing a new building in which to house the Fisher collection, requiring an increased endowment and an extensive fundraising campaign. The proceeding text will discuss the specific terms of the agreement, the reasons why this type of arrangement was chosen, and what the implications and benefits will be for the museum, the collectors, and the public.

Whether it is viewed as successful will likely determine whether other museums and collectors in the future will undertake a similar approach. Because it is a situation that has not been repeated much elsewhere, this model is unique thus far. However, in a time when collector partnerships with museums are receiving increasing publicity, it may prove to be more than an anomaly, but rather a repeated occurrence. Collectors will be watching to see if it is beneficial from their point of view. Museums will be watching to decide if SFMOMA is able to maintain enough control for it to be worthwhile for their curatorial goals, how it affects attendance, and how the art world responds.

\textsuperscript{176} Blue-chip art can simply refer to high-quality, high-value art. It can also refer to artwork collected by wealthy business people who are investing, or accumulating “trophy art.”
\textsuperscript{177} Laura Satersmoen, interview by author, San Francisco, August 4, 2010.
\textsuperscript{179} Satersmoen, interview by author.
**Background: Almost the Miami Model**

The arrangement between SFMOMA and the Fishers almost didn’t happen. The so-called “Miami Model” that we have been hearing about recently in which collectors found their own museums, was almost the same route for the Fishers. The family hoped to donate their collection to a San Francisco museum initially, and was considering both the de Young and SFMOMA, but discussions ceased in 2006 when the Fishers decided that a gift would not be satisfactory. Though the specific requirements on both sides were not released to the public, we can speculate that the Fishers demanded wall space. “Museums are complicated organizations. We have education. We have conservation. We do a lot of things besides hang pictures on the wall. Sometimes private collectors are interested in the most basic function—of hanging pictures on the wall,” SFMOMA Director Neil Benezra stated about the abandoned negotiations.  

Instead, Don Fisher pursued building his own museum in San Francisco’s Presidio, the city’s historic park. The potential museum would contain 55,000 square feet of gallery space with 100,000 square feet overall, and Fisher was prepared to donate $10 million the Presidio restoration campaign. The purpose of the space would have been not only to show artwork from the Fisher Collection but also from other institutions and private collections. His plan was controversial and prompted distress from people claiming that the new museum would be detrimental to the property’s historic and archaeological value. In the end, Fisher dropped the plan after the Presidio Trust did not approve the measure after two years of public hearings. Because Fisher had become sick with aggressive cancer, he and his family moved quickly to

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make plans for the future of the collection. Had his illness not been a factor, Fisher may have looked for an alternative space to follow through with a private museum, but SFMOMA offered a quick solution.

**Negotiations**

Although the negotiations between the collectors and the museum took place behind closed doors, the press caught wind of some of the terms of the arrangement as it was being formed. Initially, the artwork would be on loan for 25 years to SFMOMA. That number continuously inched higher until settling on a 100-year loan, which will be renewable, depending on the wishes of the family. The agreement also specifies that the museum will not own the artwork, but that it will belong in full to the newly established Fisher Foundation composed of family members and overseen by Laura Satersmoen, Gap Inc.’s curator. When the new building is completed in 2016, the artwork will move in to its new home at SFMOMA.

Once the transfer has been made, the artwork will be under the stewardship of the museum. In other words, the museum will be responsible for conducting and funding conservation, storage, and security. However, any artwork that is not on display at SFMOMA will be free to be exhibited at Gap or at the Fishers’ private residences. Any requests to loan artwork to other institutions would be subject to approval by both the Fisher Foundation and SFMOMA. All of these terms are outlined carefully in the confidential legal documents that solidify the agreement.

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184 Carol Kino, “Private Collection Becomes Very Public.”
186 Laura Satersmoen, interview by author, San Francisco, August 4, 2010.
With new artwork and a requirement that work from the collection be displayed consistently, more gallery space was needed. A new 100,000 square foot building called the Fisher Wing will be constructed to house the artwork, and the provision is that 75% of the artwork in the new space will be from the Fisher collection, while the other 25% will be at the museum’s discretion. Once this plan is put into action, SFMOMA will have 25,000 more square feet of gallery space than the Museum of Modern Art in New York.

For museum administrators, the number of star artists in their exhibitions and in their collection, are crucial elements to building any institution’s reputation. Scholar Don Thompson argues that while museums are the trusted authority in building careers of artists, the inverse is also true; the “successful purchase of iconic works puts a museum on the map.” An opportunity to add works by Andy Warhol, Roy Lichtenstein, Sol LeWitt, and many other artists of this caliber would have been difficult to decline for SFMOMA.

Contemporary artwork is becoming too expensive, too fast for museums to afford to collect the most famous artists on their own. For example, in the 1990s paintings by Gerhard Richter sold for a few hundred thousand dollars; their fair market values are now millions. Artwork by Richter, and every other blue-chip artist in the Fisher’s collection would be impossible to collect with the museum’s acquisition funds alone. In the 21st century more than

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187 The architectural firm chosen is Snohetta, but the design is not yet revealed.
188 John Zarobell, interview by author.
190 Thompson, The $12 Million Stuffed Shark, 217.
191 An article published by the Getty Institute, “Metrics of Success in Art Museums,” (2004), suggests alternatives for measuring success in art museums. It argues that instead of the size of the collection or attendance numbers, we should be looking for other indicators such as the number of volunteers, the quality of visitor experience, diversity of staff, and number of loans, among others.
ever before, collectors are needed to help museums gain access to contemporary art. In 2009, SFMOMA’s acquisition budget was a mere 2.6 million.\footnote{SFMOMA 990 tax form, Guidestar website, http://www.guidestar.org/FinDocuments//2009/941/ 156/2009-941156300-05fe28ad-9.pdf.}

Museums are also increasingly looking to eye-catching architecture to revitalize the space, drawing in more visitors. Architect Vittorio Magnano Lampugnani writes that innovative new buildings are part of what makes museums “distinctive” and famous globally.\footnote{Lampugnani is strongly against elaborate architecture expansions for art museums. He argues that a “sober, neutral” space is best for art and that the architecture is distracting. Contrary to Lampugnani, one could argue that architecture is an art form and it is appropriate for an art museum to push the boundaries of this three-dimensional art, and that it is impossible for any space to be truly neutral.} It gives identity to the museum and its home city.\footnote{Vittorio Magnagno Lampugnani, “Insight versus Entertainment: Untimely Meditations on the Architecture of Twentieth-century Art Museums,” in Companion to Museum Studies (Malden: Blackwell, 2006), 247-248.} In the partnership with the Fishers, SFMOMA is given an opportunity to expand, making it a larger tourist attraction, increasing the quality of the artwork through the addition of established artists, and attract more visitors through the lure of a brand new building designed by the prestigious architecture firm, Snohetta. Furthermore, the financial backing of the Fisher family removed a large obstacle that would normally stand in the way of an expansion: fundraising.

This new construction, gallery space, and artwork to maintain and insure will require a lot of fundraising. The museum is currently engaged in a campaign to raise $480 million for the project: $230 for the building, and $250 to form an endowment for the added expenses of the larger space and collection. As of July 2010, they had already secured half of the needed funds from the board of trustees alone.\footnote{Jori Finkel, “SFMOMA Picks Architect; The Museum Chooses Norway’s Snohetta to Design Its Major Expansion. Now All It Needs is $480 Million,” Los Angeles Times, July 24, 2010, D4.} None of the exact donations from specific members were mentioned, though it is speculated that Charles Schwab, Chair of the Board, made a large contribution.\footnote{Ibid. While the museum will not provide the dollar amount that the Fishers contributed,}
they are revealing that the family donated a “substantial, significant, very generous” amount to
the new endowment.\textsuperscript{198} Since the Fishers had planned to finance the endowment of their own
museum before the project fell through, it is assumed that they redirected their funds toward this
undertaking.

\textit{Why not a gift?}

This expensive and legally complex agreement prompts some questions. Why did the
Fishers not simply gift their artwork to SFMOMA? The main motivation is said to be that Don
Fisher wanted his artwork to be seen by as many people as possible. His friend, collector Eli
Broad, remembers a conversation that the two men had before Fisher’s death. According to
Broad, they had “talked about not wanting to get involved in bureaucracy, and making sure our
collections are shown to as broad of an audience as possible.”\textsuperscript{199}

It seems to be a rising fear of collectors that their collections will be squirreled away in
storage. This is one reason why Fisher had originally explored building his own museum. In
2007, he told the press, “Our decision to pursue a new museum in the Presidio is about one issue:
space. Our collection is large enough to require a new building and would otherwise overwhelm
many existing institutions, which already have impressive art collections to display to their
visitors.”\textsuperscript{200} Fisher got straight to the point: Museums don’t want to be constrained by collectors’
wishes. “It’s an unfortunate situation where most of the art that is given to museums ends up in
the basement.”\textsuperscript{201} After the initial failed negotiations, the museum’s director Neil Benezra stated,

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\textsuperscript{198} Zarobell, interview by author.
\textsuperscript{200} Don Fisher quoted in Julian Guthrie, “Why Gap Founder Chose to Build His Own Art Museum.”
\end{flushright}
“Some things just don’t work out. One thing I learned about Don in terms of collecting is that he takes incredible pride and incredible pleasure in acting as the curator of his own collection. Sure, we were disappointed. But we understand that the most important thing here is that his great collection will go on public view.”

Ensuring that the artwork is on view has been a top priority of the Fishers. According to Gap Curator, and now Fisher Foundation leader, Laura Satersmoen, the Fishers have always had between 90-95% of their collection on view at a given time, divided between the Gap offices, the collectors’ private homes, museum loans, or traveling exhibitions. She says that is only natural that they would want to continue to ensure that the artwork is continuously seen. In the agreement with SFMOMA, the Fishers will be able to continue to display their artwork in all of these venues if the museum is not using it, which will allow more of the artwork to be on display. When asked if it was an issue of not wanting the art to be in SFMOMA’s basement, Satersmoen says, “That’s exactly right. Museums have maybe 5 or 10% of their collection up at any time and rest in storage because they don’t have the wall space for it. The Fishers have about the opposite ratio.”

Although all parties involved say they are not worried that the museum will not uphold their end of the contract, Satersmoen emphasizes that it is a legally-binding agreement.

In this situation, the collector has control over the artwork, where as in an outright gift, the donor would sign a deed of gift relinquishing any jurisdiction over the artwork. The Fisher Collection is not an addition to SFMOMA’s permanent collection, but the nature of the agreement and the extended length of the loan make it comparable to a restricted gift. A restricted gift is one

202 Neal Benezra quoted in Julian Guthrie, “Why Gap Founder Chose to Build His Own Art Museum.”
203 Satersmoen, interview by author.
204 Usually, a deed transfers full ownership of artwork from the donor to the museum. An example of deed language provided by the University of Colorado Art Museum Collections Department: “I hereby irrevocably and unconditionally give, transfer, and deliver to Museum X by way of gift, the objects described below. I understand that by donating these items, they become property of the Museum, and through my signature, I acknowledge that no limiting conditions exist. I affirm that the objects are my sole property and are fully free of all known liens and encumbrances. Furthermore, I acknowledge that these objects are authentic items as described.”
in which the donor legally restricts an element of the gift such as conditions of display or rules of deaccessioning. Marie Malaro, whose *Legal Primer on Managing Museum Collections* is the preeminent professional source, strongly advises against accepting objects with “strings attached.” Malaro writes, “It is wise for a museum to have a general policy that prohibits the acceptance of restricted gifts.” Because the Fisher loan is technically not a gift, the museum avoids these ethically questionable actions, but although it is not a gift, it is indeed restricted.

From the view of the Fishers, maintaining ownership of the objects is in their best interest. Satersmoen explains, “Control. That’s the biggest benefit. If we gave all the [Alexander] Calder mobiles to the museum and said, ‘Here you are, no strings attached,’ then they would undoubtedly sit in storage…that’s the primary reason why you’d want to have a partnership over an outright gift.” Control is something that Satersmoen says people like the Fishers are used to having. She articulates that most collectors who form valuable collections, especially those of contemporary art, are entrepreneurs who have a personal investment in their artwork. They have carefully chosen the artwork and care what happens to it after they are gone. People like the Fishers are “smart, aggressive” business people and are not going to say, “Take my Calders and I don’t care what you do with them.” It is a similar situation to when trustees donate money to museums expecting to be involved in allocating the funds that they are gifting.

It is puzzling to compare Satersmoen’s statement with collectors from history because being “smart and aggressive” with business skills is not unique to contemporary collectors. Henry Havemeyer (1847-1907), a self-made businessman through the sugar and railroad

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206 Marie Malaro, *A Legal Primer on Managing Museum Collections*, 137.
207 Satersmoen, interview by author.
208 Ibid.
industries, donated 1,972 artworks to the Metropolitan Museum of Art.\textsuperscript{209} Banker Andrew Mellon (1855-1937) founded the National Gallery in Washington, D.C., donating his collection to the venture, as well as endowing and funding the building.\textsuperscript{210} Mellon chose to name the museum the “National Gallery of Art” rather than naming it after himself to encourage other collectors to donate in the future.\textsuperscript{211} Henry Sturgis Morgan, the son of financier J. Pierpont Morgan (1837-1913), gave thousands of objects to the Metropolitan Museum of Art.\textsuperscript{212} It is relevant to note that Morgan initially required that the collection be displayed cohesively in the Morgan Wing, but this was repealed in 1942 in order to allow the museum to display the artwork with more flexibility.\textsuperscript{213}

These individuals, although philanthropic, were not purely motivated by altruism. Morgan once said, “A man always has two reasons for the things he does—a good one and the real one.”\textsuperscript{214} It was in their best interest to improve the cultural reputations of American cities to attract industry.\textsuperscript{215} One can only speculate about these collectors’ motivations, but scholar Carol Duncan writes that it was a “mix of personal and public ambitions.”\textsuperscript{216} In a time when America’s museums were in their nascent phase, collectors generally were focused on building the collections of the nation’s art museums to equal or surpass Europe’s institutions.\textsuperscript{217} This legitimized American culture and placed U.S. cities on the international map. These examples from history demonstrate that partnerships with collectors who maintain control cannot be

\textsuperscript{209} Michael Gross, \textit{Rogues’ Gallery: The Secret History of the Moguls and Money that Made the Metropolitan Museum} (New York: Broadway, 2009), 149.
\textsuperscript{214} Carol Duncan, \textit{Civilizing Rituals}, 54.
\textsuperscript{215} Ibid.
\textsuperscript{216} Ibid.
\textsuperscript{217} Cynthia Saltzman, \textit{Old Masters New World}, 16.
attributed to an increase in the business savvy of individuals, but it does indicate that their priorities have changed.

During three separate interviews conducted while researching for this thesis, a collector, a scholar, and a curator all suggested that new tax laws implemented recently may have altered how collectors approach giving their artwork to museums. In 2006, Congress passed the Pension Protection Act, which altered donors’ options for fractional or partial gifts. Before 2006, donors could give a museum partial ownership of their artwork, and in turn, retain the right to use the artwork in their private homes until their death and could receive a tax deduction for the partial gift. The new law says that the owner cannot receive growing tax deductions if the value of the work appreciates after the initial gift. The *New York Times* reported, “there could also be significant estate tax penalties if donors make fractional gifts and then die while the work is still in their possession.” Laura Satersmoen has indicated that this law has affected how the Fishers approach their relationship with museums.

Hypothetically, pre-2006, if Doris and Don Fisher wanted to donate 50% ownership of their collection to SFMOMA, they could have access to the work for 50% of the year, perhaps more if the museum did not have plans to immediately exhibit it. Moreover, they could have received a percentage tax deduction, increasing as the work appreciated over time. These regulations are discouraging for collectors who want to donate their artwork but wish to have access to the artwork while they are still alive.

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218 Kahn, “Museums Fear Tax Law Changes on Some Donations.”
219 Satersmoen, interview by author. According to the *LA Times*, in 2011, a new proposed tax law under the Obama administration could also potentially affect donations to museums. “tax deductions for charitable donations will be capped at 28% starting in 2011 for individuals earning more than $200,000 and joint-filers whose income tops $250,000. The current tax write-off for people in the top bracket is 35%. So an arts philanthropist donating a $1-million gift to a museum or performance group would get a $350,000 tax break this year, but only $280,000 in 2011.”
220 Kahn, “Museums Fear Tax Law Changes on Some Donations.”
An Equal Partnership?

As a reaction to collectors wanting more power over the fate of their artwork, museum administrators have been looking to “partnerships” as a solution. In a partnership, ideally both parties benefit. The collector’s requirements are met, and the museum is able to exhibit artwork to which they would otherwise not have access. It could also be viewed as a compromise, where the museum is willing to forgo owning the artwork in order to have the right to exhibit it. Although both parties are benefitting, the museum is giving up its traditional power, while the collector gains more control. Neil Benezra confirmed what other museum directors have disclosed—that collectors and museums “needed to find a third way to work together.”

Regarding SFMOMA’s partnership, he told the New York Times, “Hopefully, this might be it.”

SFMOMA’s Curator of Collections and Exhibitions, John Zarobell, maintains that he believes the partnership is a positive answer to a problem that could otherwise have ended unfavorably. He mentions the situation with collector Eli Broad and the Los Angeles Museum of Contemporary Art (LACMA), where Broad is building his own museum, abandoning what LACMA thought was a plan to eventually donate the work to them. For Benezra, Zarobell says that for SFMOMA, it is “an extremely happy solution.” He agrees that there will always be collectors willing to donate work to museums, relinquishing their ownership of the work, but says that how donors dispose of work is “highly idiosyncratic depending on who they are and what they want.”

In situations like these, museums must weigh whether what they are gaining is worth what they are sacrificing. Art museum director, Christoph Heinrich, explains that in general, no museum wants to accept a gift or long-term loan with stipulations, but that the ultimate

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221 Neil Benezra quoted in Kino, “Private Collection Becomes Very Public.”
222 Zarobell, interview by author.
determinant of whether it does so should be the caliber of the art. When asked if the stipulations are worth gaining a private collection, he says, “If it is a top quality, wonderful, breathtakingly beautiful collection, you might consider these stipulations. You don’t want to accept them. But you might have to consider it. If it is three fine works and a lot of not so great things, you might not do it. That really depends on the quality and of the strength of the collection.”

In regard to taking a loan from a private collector when the collection is not promised to the museum, Heinrich again says that it is the quality of the art that should be the deciding factor. However, he also believes that accepting a loan can begin to cultivate a long-term relationship with that collector, which will perhaps lead to a gift 20 or 30 years later. Long-term planning is a major motivation behind an agreement of this kind.

According to scholar of the history of art collections, Inge Reist, the only major precedent for the Fisher/SFMOMA long-term loan concerns the Duke of Sutherland and the National Gallery of Scotland. Since 1945, artwork from the Duke’s collection, including Poussins, Rembrandts, and Titians, has been on display at the gallery. The decision to sell or exhibit the work has always been at the discretion of the family. In 2008, the family decided to sell the work to the museum at a low price, while the remainder of it will be on loan for at least an additional 21 years. What is unique about the SFMOMA partnership is the size and longevity of the loan.

Neil Benezra’s idea that the Fisher partnership is a “solution,” and his willingness to accept a long-term loan is likely based upon the quality and size of the collection, as well as the hope that perhaps SFMOMA will eventually be the final resting place of the Fisher Collection.

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223 Heinrich, interview by author.
224 Heinrich, interview by author.
225 Reist, interview by author. Another precedent for the Fisher agreement is the loan of the Clowes Collection of European paintings to the Indianapolis Museum of Art, which began in 1972. Ownership of the art is now being transferred to the museum (Douglas, “Whose Museum is it Anyway?”)
In summer 2010, the premiere exhibition of the Fisher Collection at SFMOMA, *Calder to Warhol: Introducing the Fisher Collection*, opened to the public. The goal of the exhibition was to, “give a glimpse into SFMOMA’s vibrant future and provide a sense of the extraordinary breadth of the Fisher’s holdings, which include works by Alexander Calder, Chuck Close, Ellsworth Kelly, Sol LeWitt, Agnes Martin, Gerhard Richter, Richard Serra, Cy Twombly, Andy Warhol, and many others.”  

The exhibit was organized by artist and movement (i.e. a room for Anselm Kiefer, one for Agnes Martin, etc), grouping similar styles. It also had a “Learning Lounge,” where visitors could read about individual artists. In addition, as part of the SFMOMA Oral History Project created in order to document the museum’s history, a video played an interview with Don Fisher about his collecting philosophy and his hopes for the artwork’s future.

One noticeable aspect of the Fisher’s artwork is that it is a visual rendering of modern and contemporary art textbooks. All of the famous names are included, and in surprising depth. While the family only collected art that they personally liked, they also only collected artwork that had already entered the new canon. They did not want to be “talent scouts,” speculating about which artist would be the next big hit as many collectors do, and their mission was to collect a range of work from each artist’s oeuvre. The collection is almost exclusively composed of a superstar roster. Furthermore, the Fishers were not interested in collecting controversial, grotesque, or visually challenging artwork. This is partially because the work was displayed at their corporate headquarters, but mostly because it suited their own personal

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228 Visit by author to SFMOMA, August 5, 2010.
predilections. As Laura Satersmoen explains, “There’s no Piss Christ in their collection. Or anything made with elephant dung, or anything like that. It’s kind of classic, blue chip.” As a result, *Calder to Warhol* is a straightforward, “friendly” exhibition of well-known artists.

Don Fisher elaborated in the video that accompanied the exhibition that he thought museums needed to be more relevant to the public, that they should have exhibitions more accessible to a larger audience, and that the museum shouldn’t decide “what is art,” but that the visitors should have a voice, indicating that he believed the art he was collecting had the public’s stamp of approval. Fisher’s statement contradicts the long history of the role of museum as tastemaker. Generally, the public trusts museums as independent authorities, which define and promote art. It is worthwhile to question authority and promote the public’s agency, but Fisher is bold to imply that his own taste is representative of the public opinion, and perhaps even that it is superior to the judgment of the curators. Although every individual has the entitlement to have an opinion about art, and it is true that curators sometimes perpetuate an elitist outlook, they are experts in presenting artwork in new and interesting ways. This skill should not be renounced by a private collector within the context of a public museum.

When entering *Calder to Warhol*, the visitor is introduced to the exhibition and the Fisher family by a blurb written by the Curator, Gary Garrels. Garrels and the SFMOMA team, not the Fisher Foundation, selected the work and organized the exhibition. He begins the introduction with, “The late 1970s and early 1980s marked the resurgence of painting as a contemporary mode of art making. The Fishers followed this development with keen interest and acquired works by a

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230 *Piss Christ* is a photograph by artist Andres Serrano, featuring Jesus on a cross suspended in urine. In the 1990s, there was a major controversy involving the National Endowment for the Arts, where some government officials argued that public money should not support controversial artwork.

231 Satersmoen, interview by author.

232 Don Fisher video from SFMOMA Oral History Project, filmed Jan 25, 2007 and shown at *Calder to Warhol* exhibition, observed by author, August 5, 2010.
number of emerging New York-based artists who were then working in the medium.”

Although the exhibition is not exclusively an exhibition of paintings, they compose a significant portion of it. In this exhibition, the Fishers’ presence is felt more than usual exhibitions from private collections. In the wall text accompanying many of the works, there is discussion of why Don and Doris Fisher purchased the work and how they interpreted it. There is an underlying emphasis on the collectors throughout. This could potentially be interpreted as a “vanity” exhibition, focusing too much on the individuals rather than their art. However, one could also argue that learning how and why a collector acquires work can also be meaningful from a social standpoint.

Beyond the collectors, the wall text is predominantly composed of basic biographical information about the artists and visual descriptions of the work the text accompanies. John Zarobell, who was the point person in the museum between the curators, registrars, and other parties working on the exhibition, agrees that the presentation of the artwork is “straightforward.” Perhaps this is partly because of Fisher’s wish that the artwork be accessible. Zarobell also states, “It has a resonance on its own without being turned into a history from pop to neo-expressionism or something like that.” Part of this philosophy is that the artwork doesn’t need extensive didactics, but can be appreciated on an aesthetic level and leaves room for the visitors to create their own meaning.

Reviews of the exhibition were generally favorable. According to Zarobell, feedback from the public was overwhelmingly positive with the exception of a couple of “snarky blog posts.” Christopher Knight of the LA Times noted a few “missteps,” but generally found it

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233 Gary Garrels, wall text at Calder to Warhol exhibition, observed by author, August 5, 2010.
234 Zarobell, interview by author.
235 Ibid.
236 Ibid.
“spellbindingly beautiful,” and “not just blue-chip, but the deepest, darkest, indigo blue chip.”

Knight did not object to the museum spotlighting the Fisher Collection, arguing that museums also “collect styles of collecting,” and that this collection is “an emblematic example of a late-20th century collecting style.”

Reviewers said that the Fisher collection increases the depth of SFMOMA’s collection and strengthens the permanent collection’s weak spots. No one seemed upset that a private collection was going on view, nor were they worried about any potential conflicts of interest, or watering down of the didactics. In general, people were excited that once private art was now on view to the public.

The Future of the Fisher Collection at SFMOMA

The questions to ask about this partnership are: How has it affected the viewers’ experience? How will it help or hinder the museum’s goals? SFMOMA’s mission statement reads,

The San Francisco Museum of Modern Art is a dynamic center for modern and contemporary art. The museum strives to engage and inspire a diverse range of audiences by pursuing an innovative program of exhibitions, education, publications, and collections activities. International in scope, while reflecting the distinctive character of our region, the museum explores compelling expressions of visual culture.

There are still some negotiations to finish in the next several years as the museum and the Fisher Foundation prepare for the collection arriving at SFMOMA in 2016. While the museum’s curators will have control over the selection and exhibition of artwork, John Zarobell reveals that


238 Ibid.


240 The art that was previously on view at Gap, Inc. was only accessible to employees and their guests, not to the general public.

the exact exhibition and programmatic provisions are still unclear, such as whether presentation will be thematic, or more visual as it is in *Calder to Warhol*. What is clear is that SFMOMA will be able to blend its own permanent collection with the Fishers’ artwork within a single exhibition, rather than keeping it segregated, but 75% of the work within the new wing will be from the Fisher Collection.²⁴²

Zarobell asserts that this flexibility is incredibly important.²⁴³ His point of view is that museums must maintain independent curatorial control for a partnership to be successful. He recalls a partnership gone wrong at the Dallas Museum of Art where collectors insisted that the artwork they were displaying in the museum be arranged to replicate their personal living room. “You get a strong sense that they [the Dallas Museum] made a compromise, they can’t lend them [the artwork], they can’t move them, and indeed they have somebody’s living room in their museum and it’s a terrible, strange solution.”²⁴⁴ Curatorial independence and transparency surrounding who is presenting the artwork to the public is considered to be the most important aspect to keeping a partnership ethical.

Though some curatorial independence is maintained, this situation may prove to be quite constraining for SFMOMA. The stipulation that 75% of the art in the new building must be from the Fisher collection all but removes the possibility of organizing shows that are not constrained to the late 20th century or to a particular style such as minimalism or pop art. Some of the most thought-provoking exhibitions are generated from an idea rather than a style or a decade, and the museum should have the flexibility to organize such an exhibition in its new building.²⁴⁵ If part

²⁴² Zarobell, interview by author.
²⁴³ Ibid.
²⁴⁴ Ibid.
²⁴⁵ Examples of interesting thematic exhibitions are “Shopping: A Century of Consumer Culture” at Tate Liverpool (2002), “After Nature” at the New Museum (2008), and “Beyond Green: Toward a Sustainable Art” at the University of Chicago Smart Museum (2006).
of the museum’s mission is to create “innovative” exhibitions and programming, this plan could potentially limit the capacity for curatorial creativity. A curator is in an unmatchable position, based on years of education, to present artwork in a fresh way that is sensitive to current issues in art history, while a collector often compiles work exclusively based on his or her own taste, which limits the capacity to create connections between artworks and society within an exhibition.\(^{246}\)

Curatorial practices change over time, and curators need to have freedom to create many types of exhibitions. Although the Fisher partnership does not specify what types of exhibitions can be formed, the restraints on what must be shown at a given time limit curatorial agency. The predominant form of exhibition within the 20\(^{th}\) century grouped artwork by nationality of the artist and by time period.\(^{247}\) Other variations of this included creating a development of the artwork over time by hanging it chronologically or exhibiting a survey of one artist’s work. These modes of display are still very commonly used today; however in the past two decades, curators have challenged tradition. Nicholas Serota of the Tate Modern has promoted organizing artwork by theme to encourage viewers to devise their own meanings and connections.\(^{248}\) Curator Robert Storr writes that no exhibition form is superior to another, but that it is the authority of the exhibition-maker that must be maintained without interference from collectors, dealers, museum administrators, or artists.\(^{249}\) SFMOMA, as a contemporary institution, should ideally have the opportunity for curatorial experimentation in the future.

\(^{246}\) Harald Szeeman said that curating is not only about showing the best art, but assembling it in unpredictable ways to pave a path to the future of art. (Harald Szeeman quoted in David Levi Strauss, “The Bias of the World: Curating after Szeeman and Hopps,” Cautionary Tales: Critical Curating, eds. Steven Rand and Heather Kouris (New York: Apex Art, 2007).)

\(^{247}\) This is a simplified statement about the complex history of modern exhibitions.

\(^{248}\) Nicholas Serota, Experience or Interpretation: The Dilemma of Museums of Modern Art (London: Thames & Hudson, 2000).

Despite transparency and some curatorial independence, there is still possibility for the partnership to go awry in the future. Once a collector is deceased, future generations, including the collector’s descendants, city politicians, museum administrators, and other stakeholders sometimes wish to change the original arrangement. One recent example, which resulted in a heated, emotional, and long legal battle, is that of the Barnes Foundation\textsuperscript{250} in Pennsylvania. In short, some believed that the collector’s will was illegally violated when all of Barnes’ artwork moved from its intended permanent home at the Foundation to the Philadelphia Museum of Art. Others contended that the collector’s wishes were no longer relevant and should be amended to fit contemporary needs. It was a heated debate that tore apart the community.\textsuperscript{251}

SFMOMA is adapting to the current 2011 climate, but it is an institution whose mission is to present modern and contemporary art. A 100-year contract with the Fishers, unless amended as time progresses, will severely limit how “contemporary” the institution can continue to be in the coming decades. In 2075, will Gerhard Richter and Chuck Close still be perceived as relevant?\textsuperscript{252} They might be, but the museum has forfeited its right to decide this within half of its exhibition space. The Fisher Foundation will not continue to collect or add to the items on loan,\textsuperscript{253} so the artwork included in the agreement could quickly become dated. When legal contracts rather than curators are deciding this, there is a possibility that the museum’s mission could suffer. In the long term, should partnerships of this kind become ubiquitous, museums could face a crisis. If every collector believes that his or her artwork should be on view 100% of the time, then

\textsuperscript{250} Albert Barnes of Marion, Pennsylvania founded the Barnes Foundation in 1922 as a private museum and school focused on impressionist and postimpressionist art. He left the museum under the care of Lincoln University upon his death in 1951. In the subsequent decades, changes were made to the Barnes Foundation, including opening the museum to the public, loaning the artwork to other institutions, and eventually it was purchased from Lincoln for $40 million. In 2004, a Pennsylvania judge ruled that the collection would be moved to Philadelphia because the facilities at the Barnes were incapable of properly taking care of the artwork, both physically and financially (Art of the Steal, documentary).

\textsuperscript{251} Gary Ugarech, \textit{Art Held Hostage}, Documentary Film, WNWR Films, 2010.

\textsuperscript{252} This idea surfaced in a conversation with Professor Kira van Lil.

\textsuperscript{253} John Zarobell, email to the author, March 16, 2011.
museums could find themselves making unwise compromises in order to secure artwork that they would otherwise have to pass up. Museums do not have nearly the capacity to display everything in their collection.

If the Fishers’ art is always on display, it could take away from the space for work donated by other patrons of the museum. The situation begs the question, “What makes one donor’s art more important than another?” The strength of museums such as SFMOMA is that they have large collections from which to draw to create new exhibitions, created through the conglomerate donations over time. To limit display in any way, warns Robert Storr, is “cutting short the conversations” between artwork in the collection. He continues, “One-person museums have their place, but a general museum of art should never allow itself to become an aggregate or constellation of individual repositories.”

In the uncertainty of the future of the Fisher Collection at SFMOMA, it is evident is that the Fishers represent a new generation of philanthropists who want to be involved with museums, ensuring that it their art is seen by the public, and are adamant on being more active in determining the fate of their collections. The future is to be determined, but what is positive about the Fisher/SFMOMA partnership is that historically important artwork is now accessible to the public. Sol LeWitt’s first wall drawing and a self-portrait photograph printed on a tapestry made by Chuck Close are now available to benefit SFMOMA’s audience. The agreement between the two parties is undoubtedly a new model for relationships between collectors and museums. This will be a “litmus test” to measure whether it can prove to be a successful one.

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255 Zarobell, interview by author.
CONCLUSION
NAVIGATING FUTURE PARTNERSHIPS

Alliances between collectors and museums are constantly changing and evolving—they are never static and it is impossible to make universal statements that apply to every situation at any given time. However, through analysis of scholarship, the media, interviews, and observations, I have aimed to assess the current conditions in order to help us better understand possible directions in which these relationships may be heading.

The steady swell of wealth in the United States and the proliferation of corporate culture, coupled with an increase in the number of new private foundations and private museums have greatly affected the museum world.\(^{256}\) Prices for contemporary art have soared, making it unaffordable for museums and causing them to need the resources of philanthropists now more than ever. Taking advantage of their increased importance, many collectors are moving toward an active philanthropy, ranging from participation in exhibitions and catalog production to making more constraining ultimatums on the programming and curators. Part of this new activity is due to dissatisfaction with museums for not displaying the collector’s holdings enough. Vicki and Kent Logan have sought involvement with a museum that they feel is more sensitive to these issues, and have not placed inconvenient stipulations on the institution; instead they foresee that museums will need the flexibility to make decisions to deaccession or display the work as they see fit.

Who benefits from exhibitions of private collections in museums? The collector gains notoriety and enhances his cultural résumé; the museum ideally receives some resources to realize

\(^{256}\) 80% of the nation’s private wealth is held by 20% of the population. The income of top 1% quadrupled in the past 28 years. (Marketing Charts Website, http://www.marketingcharts.com/direct/wealthiest-americans-dramatically-increase-income-16296, accessed April 4, 2011)
a desired exhibition; and the public earns an opportunity to exhibit interesting art that exposes
them to unfamiliar ideas. Because the curators deemed the work worthy, an exhibition like the
Rubells’ show of Hernan Bas’ work at the Brooklyn Museum, should not be considered a
calamity. Even if the collectors hypothetically sold the artwork after exhibiting it, the public still
has gained from the exhibition. The persistent and naive idea that art is sacred and separate from
the economy should be abandoned.\textsuperscript{257} In reality, collectors contribute heavily to the setting trends,
promoting particular artists, and participating in museum leadership. Showcasing a mode of
collecting, rather than ignoring the fact that collecting is part of the art world, is a valid exhibition
technique and as long as it doesn’t become the \textit{only} avenue of inquiry, it should be accepted.

Scholar Inge Reist eloquently supports this outlook:

\begin{quote}
“My position is basically that the decision to exhibit it should not be theirs [the
collectors’], and it should be based on the quality of the material. If the collection is of
the quality that the museum administration and curatorial staff deems worthy, then I don’t
see why they shouldn’t show it. If you have sufficient faith in the curator, you say to
yourself, that painting deserves to have that high value [if it was sold after the exhibition
closed] because the curator deemed it worthy of inclusion.”\textsuperscript{258}
\end{quote}

Nevertheless, there are points at which we should draw the line. I propose five general
guidelines, which can be adapted to any public museum. These suggestions can help museums
and their governing boards decide whether a given partnership is ethical, and whether it supports
the public’s interest.\textsuperscript{259}

\textsuperscript{257} For a more in-depth discussion of the perceived sanctity of art, see Hans Abbing, \textit{Why Are Artists Poor?}
(Amsterdam: Amsterdam University, 2002).
\textsuperscript{258} Reist, interview with the author.
\textsuperscript{259} After writing this thesis, I discovered a 2007 document entitled “Art Museums, Private Collectors, and the Public
Benefit,” published by the American Association of Museum Directors, which provides 15 questions for museums
to ask themselves when working with collectors. This document can be found at
1. The Partnership Should Enhance the Museum’s Mission

This principle is the most obvious, but it is also the most essential. If the outcome of the partnership does not help execute the mission of the institution, it is not in the best interest of the public. In the case of the Rubells and the Brooklyn Museum, the museum deemed Hernan Bas’ artwork worthy of exhibition, and concluded that it supported the mission of the organization. The same is true for the New Museum’s “Skin Fruit” exhibition. The public gained access to new work that challenged existing notions about artmaking and its place in society, precisely suiting the museum’s mission.

2. Strong Governance Must Limit Disproportionate Special Interests

When an individual philanthropist uses a donation of money or art as leverage to demand control of a public institution, it is the duty of the director and other board members to prevent this from happening. The case of billionaire Eli Broad serves as the perfect example of a donor who went too far. Privately founded museums may be notorious for diverting resources and donations from public institutions, but they provide collectors the opportunity to convey their own vision for their collections in an appropriate fashion.

3. Allow Flexibility for the Future

When deciding how and if to work with a private collector, public museums need to consider the long-term implications if the partnership concerns the museum beyond a single exhibition. Will their agreement create problems in the future? For example, SFMOMA’s agreement to show 75% art from the Fisher Collection its new wing for the next 100 years denies
flexibility and adaptability to change, the very strength of a contemporary art museum. Furthermore, the museum’s mission can change within 100 years, and likely will change to reflect society’s values. Any exceptionally long-term and legally binding agreement could interfere with the museum achieving its goals and providing the most relevant art to its public.

4. Insist upon Transparency

All of the partnerships discussed within this thesis have provided information about funding sources, how the agreements will affect the institution in the future, and the authority of the curator. In a partnership, transparency is crucial, but transparency alone doesn’t justify a single private interest dictating the activities of a public museum for an extended period of time. Yet, it is still vital to be open with stakeholders. If the all of the interests are not made known to the public, people begin to assume that there is a breach of ethics of which the museum is ashamed. To be responsibly transparent, museums should provide accessible statements to alert their constituents of the details of partnerships and justify how their mission is being served through the arrangement.

5. Maintain Curatorial Control

In a privately founded museum, the collector has the right and the authority to make these judgments. In a public museum, the curator is the agent who filters the art collection and determines which art is most important and relevant. One of the defining characteristics of a public museum is curatorial power and expertise. This is especially central to interpreting new contemporary art, which has yet to be publicly assigned meanings and significance. When

260 If the Fishers abandoned these requirements, then the partnership would create many more opportunities for the museum in the future, and would be a much more positive plan from the standpoint of the museum and the public.
curators endorse partnerships, members of the art community should be more open to collector exhibitions. Likewise, museums should not be overly hesitant to work with privately founded museums to obtain loans and exhibitions if the curators believe that the artwork to be stimulating to their viewers.

Public museums must adapt to the reality that private museums are multiplying, while not being too quick to sacrifice communal power, which is one of their most precious assets. Striking a balance between maintaining professional principles and being amenable to partnerships is challenging for administrators. However, private collectors have always been absolutely central to the activities of public museums. Preserving these sensitive relationships, which take a long time to build and nurture, is crucial to their success.

To public museums, the proliferation of private museums is a potential threat, since precious funds and artwork are being diverted. To this, I argue that while this may be the case, we should not entirely discredit privately founded museums. With private museums, there is a full spectrum of quality, ranging from vanity museums to exceptionally innovative institutions, but there is not a mechanism to measure and ensure accountability. In some cases, they can achieve goals that public museums cannot, and they too can provide access and creative interpretation of art—the public can still benefit equally. Finally, in the realm of public-private partnerships, our compass should always return to the question: does this alliance serve the desired outcome—facilitating appreciation, understanding, and discussion of art?
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