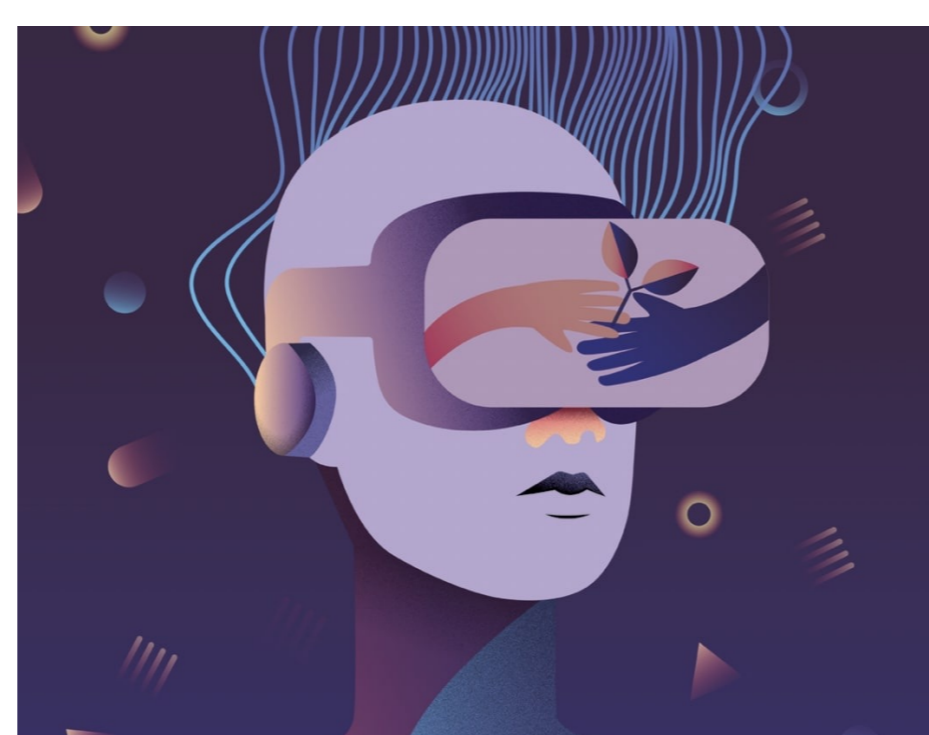


CULTURAL HERITAGE, LAW AND TECHNOLOGY IN THE CITY: THE ROLE OF MUSEUMS

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Backgrounds and Objective

- «A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment» (ICOM, Code of Ethics).
- The adoption of an international definition and numerous studies on what a museum means, especially in the field of museology, have led national legislators to redefine (sometimes introduce a new) legal status for museums, essentially embracing ICOM definition.
- Museums are also part of public life and city life as most of them are in urban settings and contribute to defining the urban landscape. They therefore fulfil fundamental social functions and have a social role.
- Particularly in Europe, public museums account for the vast majority of existing institutions as European cultural heritage is in most cases publicly owned and managed.
- Digital technologies and the Covid-19 pandemic crisis have changed the way museums are accessed and enjoyed by people, as well as the way they disseminate their educational and cultural message.
- The aim of the research is to understand the new role of museum in contemporary society, also in the light of recent developments imposed by the digital era in order to understand its potential for national and urban socio-economic development.



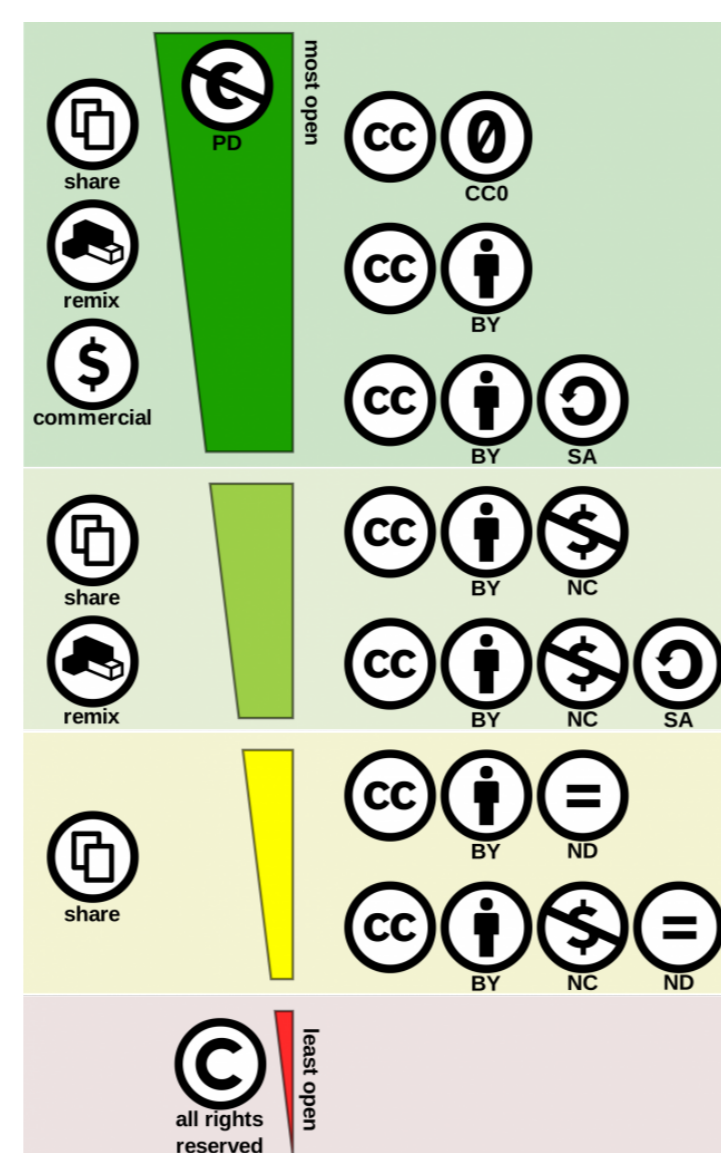
Source: <https://icom.museum/en/our-actions/events/international-museum-day/>

Methodology

- Analysis of legal rules found in primary sources (cases, statutes, regulation).
- Comparison between different set of laws in different countries (common law and civil law approaches) in order to analyze museum(s) legal status, finding common grounds and determining best practices and solutions for contemporary issues.

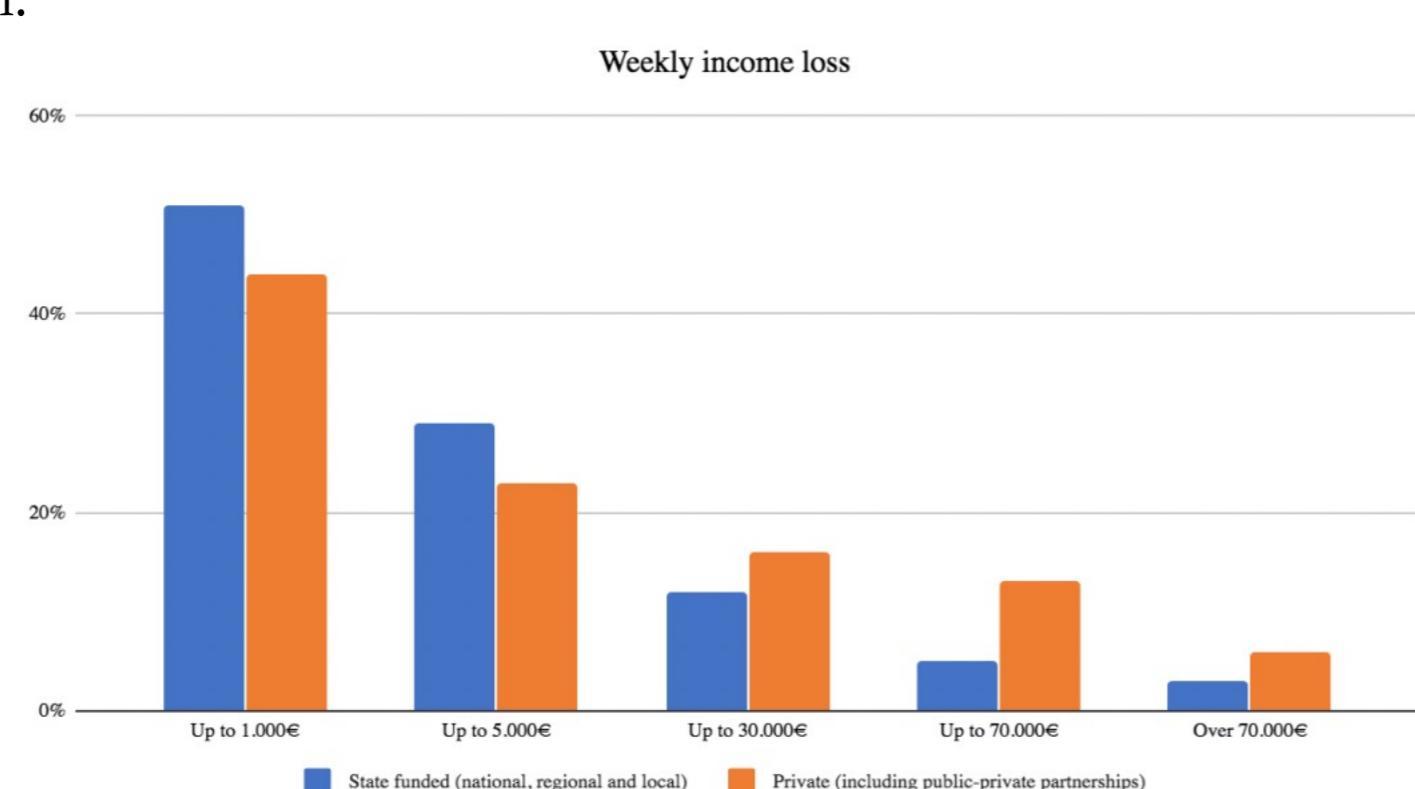
Findings

- In common-law countries museums (public and private) are mostly autonomous institutions or entities (even though in a few cases national government arm's length bodies); have their own internal organisation; manage their own finances (budgets); have legal capacity to conclude agreements independently. This allows direct contact with the society, to experiment with their own strategies (study, research, education, accessibility) in order to carry out their mission.
- On the digital front, among many other aspects, the issue of sharing images of works of art from collections (especially those in the public domain) is relevant, which in most cases these museums make them available online and free of charge (creative commons licences, e.g., National Gallery or British Museum's collections in UK and Metropolitan Museum of Art in New York, US) (Reese, 2009; Crews and Brown, 2011).
- In civil-law countries, on the contrary, there are organisational-management differences between public and private museums. However, most museums are public museums and as such subject to the discipline of public law (administrative law, as in Italy and France for example). These institutions are therefore internal offices of the administration of culture or in some cases arm's length bodies; they do not have their own internal organisation different from the one in which are embedded (except in a few cases); they are not accountable for their decisions; they have no spending, decision-making and strategic capacity to carry out their mission.



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- These differences led to difficulties in Europe in reorganising and restarting museum activities in the aftermath of the pandemic outbreak, with higher weekly income losses than in private museums.



Source: NEMO Survey on the impact of Covid-19 situation of museums in Europe (Final report, 2020).

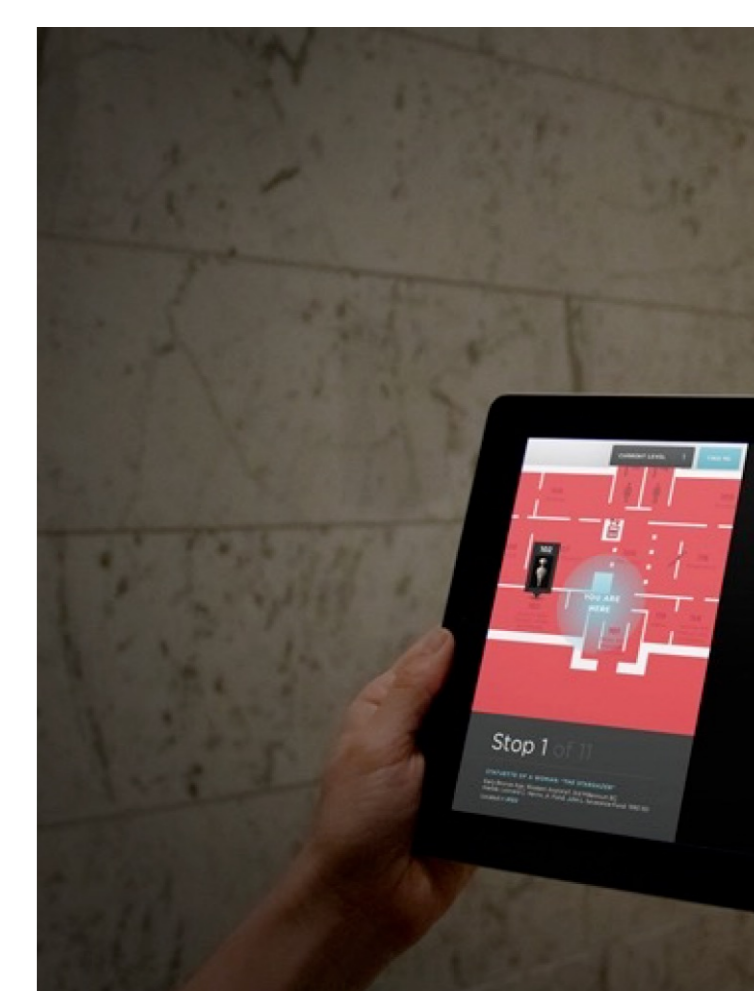
- Last three decades have seen a progressive reform of public museums' legal status even in countries where the prevailing regime is that of administrative law.
- In France, since the mid-1990s, a new model of museum-public entity (*établissement public*) has been progressively enacted and implemented from 2002-2004 (Museums Law, n° 2002-5, 4 January 2002), for the Louvre, Musée d'Orsay, Musée Quai de Brainly among others.
- In Italy, the reform of national museums was launched in 2014 (decree of 23 December 2014) and concerned institutions such as the Uffizi, Pinacoteca di Brera, Museo Archeologico Nazionale di Napoli (MANN).
- Still legal issues on open access to contents, although recent European directives go in a different direction (open access and licensing, PSI Directives 2013/37/UE and 2019/1024/UE). In pooling national and European cultural heritage through the sharing of collected data, the databases of the national museum networks created can certainly be useful.



National museums networks logos in Italy (*Musei Italiani*), France (*Musées de France*), in United Kingdom (*UK Accreditation Scheme*). Sources: national government sites.

Discussion and Conclusion

- The creation of local networks of museums (later co-ordinated at national level) has made it possible to oppose the tendency towards individualism in museum institutions, giving value to design choices and to the role that the museum plays in the local economic and social environment and in particular in the city in which it is located.
- Networks of museums can then contribute to the design of a new model of economic and social development for cities, that of cultural driven districts.
- The implementation of digital tools in the management and accessibility strategies of museums allows to design policies in favour of the users' needs by the museum itself (e.g., Museum Index experience in Italy). Digitalization plans of museums (as well as of the whole public sector, also foreseen by National Recovery and Resilience Plans in EU) go in this same direction.
- But databases analysis and the use of algorithms or correlations (methods increasingly adopted by the public sectors to produce information against a massive collection of data) and networks themselves could be increasingly used to make 'predictive' choices, fundamental in the current pandemic era? (J.-B. Auby, V. De Gregorio, 2015).
- In conclusion, national legal frameworks affect museums in pursuing their missions and sharing their data (images, big data etc.), fostering or hindering it.
- In most European countries there is also tension towards public museums between keeping limits to the creation of diverse governance models, and recognizing them as autonomous infrastructures and institutions which guarantee the protection and promotion of the cultural heritage they preserve.
- Collaboration and interconnection between museums should be fostered since they increase culture dissemination; create cultural driven districts matching underdeveloped urban areas with historical centres, supporting economic local development and urban regeneration activities.



Source: Shutterstock images

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