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Museal Governance and Cultural Law: Presentation of the Selected Texts

Yves Bergeron, Lisa Baillargeon and Pierre Bosset

Yves Bergeron is a full professor of Museology and Heritage in the art history department, at Université du Québec à Montreal (UQAM). He obtained his Ph.D. in Ethnology, at Université Laval and a Habilitation to direct research (HDR) in History and Art History, at the Université Paris 1 Panthéon-Sorbonne under the tutelage of Dominique Poulot (2015). Since 2018, he holds UQAM's Research Chair in Museum Governance and Cultural Law. His current research focuses on the history of collections and museums, the societal trends transforming the museum world, and the strategic governance of museum institutions. He has published numerous articles on the meaning of the museum's key objects, and on the history of North American museology. He has directed UQAM's Heritage Institute and participated in the creation of the heritage network of the University of Quebec (RéPUQ).

Pierre Bosset is a professor in the Department of Legal Sciences at UQAM since 2007. He has a background in law and in international relations. He is a member of UQAM's Heritage Institute and contributes as a co-researcher at the Research Chair in Museum Governance and Cultural Law. He teaches human rights and freedoms, international law and constitutional law. His research in both international law and Quebec and Canadian law, falls within the paradigm of human rights. His work focuses on legal "management" of diversity, but also on interculturalist policies and more broadly, on the relationship between law, art, and culture. He has actively contributed to the Quebec Human Rights Commission for more than twenty years.

20 Lisa Baillargeon is a Full Professor and the Director of l'Institut du patrimoine at Université du Québec à Montréal (UQAM). She holds a Ph.D. in economic and business history from UQAM, an MBA with a specialization in accounting from York University. She is a Chartered Professional Accountant (CPA) and holds a Corporate Director accreditation (IAS.A.). Ms. Baillargeon has many years of experience in university management, notably as Vice-Rector of Academic Affairs (UQAC), Vice-Dean of Studies at UQAM's School of Management Sciences, and Director of Programs and Departments. within several entities of the Université du Québec's network. She contributed to the creation of the Chaire sur la gouvernance des musées et le droit de la culture, and the Réseau Patrimoine of Université du Québec (RéPUQ). She has been involved in the community for many years by sitting on various boards of directors, including those of non-profit organizations. These include the board of directors of the Musée d'Art Contemporain de Montréal (MAC) and the board of directors of the Fédération des Caisses Desjardins. Dr. Baillargeon also chairs the audit committee of the City of Montreal and the Board of Directors of Développement International Desjardins (DID).

This thematic issue of the *Muséologies* publication has been an occasion to take stock of the focal points of research on governance and cultural law. We have considered six texts that deal with further aspects of governance, as well as an interview with René Binette, a founder and the first director of the Écomusée du fier monde. This overview assesses the Chair's work on both research into museal management and questions more specifically of cultural law.

To open this issue, we have chosen the text of John R. Porter, which provides a sort of introduction to a clear understanding of the role of governance since the creation of the first national museum of Quebec in 1933. We will remember that John R. Porter was a professor of art history at Université Laval, head curator of the Musée des beaux-arts du Québec and director of the Musée national des beaux-arts du Québec from 1993 to 2008. Porter revisits the three decades of the first national museum of Quebec, from its inception in 1933 to 1963 when the institution modernized and defined itself at the dawn of the Quiet Revolution as the Musée du Québec. The author searched the museum's archives to reconstruct the cultural and political climate at the time of the appointment of the museum's first directors. He endeavours to identify the role and vision of the first true director, Paul Rainville, who has brought the museum into the modern era, as well as identifying the role of his successor, Gérard Morisset, Quebec's first art historian trained at the École du Louvre, who was primarily interested in studying historical art. It is to Morisset that we owe the inventory of Quebec artworks. John R. Porter offers a major analysis revisiting the creation of the first national museum and understanding the impact of its first two

directors' management model on the development of the Musée and on all Quebec's museums. This text puts into perspective the necessity of studying governance in the context of the lengthy timeframe to demonstrate the way museal institutions are transformed. There is little need for a reminder that John R. Porter acquired exceptional expertise as a manager and that he shared his vision in the work he published on his career path in conjunction with Natalie Rinfret¹ in 2013.

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In the second article, Aude Porcedda, of the department of leisure studies, culture and tourism at the Université du Québec à Trois-Rivières, shows that the museal world has had to deal with globalization since the beginning of the XXIst century and that it has found itself faced at once with the new challenges of sustainable development, the digital revolution and new management tools coming from “new management,” which are transforming the museum. Aude Porcedda's thinking is based on a triple disciplinary profile. Mme Porcedda's initial training was in biology, then in museology and then sociology, specializing in organizations and the management of change. She defended her dissertation on sustainable development in science museums in co-tutorship between the National Museum of Natural History in Paris and environmental sciences and sociology at UQAM. Her thesis, published in 2009, became a key reference² along with the collective work she directed with Serge Chaumier, *Musées et développement durable*.³ She went on to do a post-doctoral study on leadership and cultural management at

1 PORTER John R., RINFRET Natalie, *John R. Porter Devenir un leader culturel. Récit d'un rêveur pragmatique*, Montréal: Presses de l'Université du Québec, 2013.

2 PORCEDDA Aude, *Musées et développement durable. Les Muséums nature de Montréal*, Paris: Éditions l'Harmattan, 2009.

3 CHAUMIER Serge, PORCEDDA Aude, *Musées et développement durable*, Paris: La documentation française, 2011.

HEC Montréal. This led to her career at the Musée de la civilisation where she had the opportunity to work with Michel Côté on Quebec's Agenda 21 for culture. Here, Aude Porcedda puts in perspective the appearance of new practices in cultural institutions. She cites three particular examples to suggest a theoretical framework to understand the functioning of museal institutions and to better understand contemporary issues facing museums.

To reflect on governance from a legal standpoint, we asked for help from Michèle Rivet, who is one of the rare few to have master's degrees in both law and museology. Following a career as a professor of law, Michèle Rivet served as the first president of the Human Rights Tribunal from 1990 to 2010. She moved on to pursue a master's in museology at the Université de Montréal and then joined the museal world as secretary of the board of directors of ICOM Canada and vice-chair of the board of directors of the Canadian Museum for Human Rights. She is also a member of the executive committee of ICOFOM and she organized, along with Yves Bergeron and Quebec's museology universities (UQAM, UdeM, UQO, UQTR and Laval) the 43rd ICOFOM Symposium (from March 15 to 18, 2021) on the theme *The Decolonization of museology: Museums, Mixing and the Myths of Origins*. Additionally, Michèle Rivet is responsible for an international study on the definition of the museum, published by ICOFOM⁴ in 2017, *La définition du musée: que nous disent les droits nationaux?* which was very useful in deliberating on the proposed definition

4 RIVET Michèle, « La définition du musée: que nous disent les droits nationaux? », *Définir le musée du XXI^e siècle*, (Mairesse François, ed.), Paris: ICOFOM, 2017, p. 53-123.

debated in Kyoto. In Michèle Rivet’s article here, devoted to museal governance norms seen through the lens of the law, she demonstrates that there is “therefore, in addition to hard law (law as legislated and thus interpreted by the courts, in a fixed hierarchy of rigid norms), a flexible law, an intralegislativ law, soft law, paralegislativ or metalegislativ law.” She therefore pays particular attention to the soft law of UNESCO conventions and the ethics codes of ICOM and national associations, which provide a frame of reference for museal culture. The second part of the article focuses on the more specific context of Canada and Quebec in regards to state law and to this other law. This is an initial analysis of the role of law in museal governance, an introduction to this field of museological research.

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The scientific committee chose a final article that analyzes in greater depth the governance of national museums in Quebec. Annie-Claude Larocque, who has been head of the general secretariat of the Musée d’art contemporain de Montréal since 2017, conducted this research as part of her directed work for a master’s in museology, entitled *Toward a modernization of governance in national museums: theories, practices and perspectives*, under the direction of Wendellyn Reid, associate professor at HEC Montréal. Her analysis is based on the passage of Bill 114, whose goal was to “modernize the governance structure of Quebec’s national museums.” She hoped to measure the impacts of the law on the management of national museums. Her research, based on interviews with those in charge at the three national museums, shows that the question of diversification of boards of directors affects institutions wishing to reach their publics. Also, the notion of transparency as well as the

“dissemination of information to which the national museums must hitherto conform probably translates into similar behaviours on the part of the museal community.” In fact, since these museums make certain information available, other museums are likely to adopt these best practices.” In other words, legal requirements should be observed in private museums which may find it advantageous to be governed even more by legal principles and practices, since their financing depends on the State.

At the Musée de la civilisation’s governance symposium, we invited Michel Côté to present the keynote address. His extensive experience as director general of the Musée de la civilisation and the Musée des Confluences informed his speech on the reading he suggests on governance issues. Michel Côté was one of the first to pursue in-depth research into the role of private museums’ boards of directors in a 1980 report to the minister of cultural affairs.⁵ He was also a member of the first team that conceived the Musée de la civilisation, which became an exemplary model of a social museum, precisely because the museum’s success was based on an original concept and a specific manner of developing cultural projects. At the same time he was involved in the creation of the DESS in museology at Laval University in 1988, ensuring seminar teaching of museum management, which led to his publishing the first collective work on museums and management in 1991.⁶ But history will most notably record the collaborations he has established, since the opening of the Musée de la civilisation, with SMQ and many Quebec

5 CÔTÉ Michel, DESMEULES Raoul Desmeules, *Le conseil d’administration, les membres et le directeur des musées privés et centres d’exposition: fonctions et relations*. Québec: Ministère des Affaires Culturelles, 1980.

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

museums and in the international arena. Published in the fall of 2021, his work, *Passion de musées. De Québec à Lyon*,⁷ attests to his vision and his management philosophy. Michel Côté stands among those who have played a role in the renewal of Quebec museology at the beginning of the 1990s and the international spread of the idea of a social museum. He also judiciously edited the work entitled *La fabrique du musée de sciences et sociétés*.⁸ When he spoke at the first symposium on governance, he emphasized that the question of organization remains a central element in a museum. He frequently mentioned this formula, highlighting the fact that a “museum is fundamentally an organization, a structure, a way of operationalizing a cultural project.” This text is certainly a valuable testimony, but it relies on an exceptional and inspiring trajectory. We can never overstate the fact that the transformation of the Museum de Lyon into the Musée des Confluences (museum of confluences), which he engineered, would not have come about without his vision and his skills in management and as a cultural diplomat. And that is why his reflections here have great value. They are not about principles alone, but about concrete realizations that have become models.

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Carnet

As Michèle Rivet emphasizes, the world of associations plays a central part in the establishment of best practices, which is why we wish to acknowledge also the fundamental role of the Société des musées du Québec. Katia Macias-Valadez, Director of Communications at the SMQ, reports in this summary text on the process of

7 CÔTÉ Michel, *Passion de musées. De Québec à Lyon*, Québec: Septentrion, 2021.

8 *La fabrique du musée de sciences et sociétés*, (Côté Michel ed.), Paris: La documentation française, 2008.

reviewing the SMQ's museal governance and code of ethics. In addition, the SMQ produced and disseminated an electronic guide to governance best practices for the management and boards of directors of museums.

Interview

Because the Écomusée du fier monde is an exceptional model in the new museology movement and because its director, René Binette, won the Société des musées du Québec's career award in 2021, Rébéca Lemay-Perreault, assisted by Anna-Lou Galassini, interviewed René Binette. M. Binette went back in time to demonstrate the context for the creation of this community-based participatory museal project, inspired particularly by Pierre Mayrand and Hugues de Varine. The account is interesting in that it points out that the Écomusée du fier-monde model has been the inspiration for many museums and that if it proved to be avant-garde in the 1990s, it was already motivated by the values which today inform the new definition of the museum as social actor.