

Muz., 2020(61): 145-153
Annually, eISSN 2391-4815

received – 06.2020
reviewed – 07.2020
accepted – 07.2020
DOI: 10.5604/01.3001.0014.3323

PROFESSION OF A 'MUSEUM CURATOR'. ON LEGAL CHANGES IN THE CONTEXT OF THE EROSION OF THE ROLE PLAYED BY MUSEUM CURATORS

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Introduction

A long-standing tension has been observed in Poland between groups of interest influencing the legal regulations related to the profession of museum curator: *muzealnik* and such professionals' role in museums. However, not a great impact on the occurring changes can be exerted by those who are vitally interested, namely museum curators themselves as defined by the Act on Museums. This is for two different, albeit meaningful reasons: the understanding of the term 'museum curator' in Polish legislation (narrower, though extended in 2015, previously in harmony with the rigours of the definition based on the Act on Museums and Labour Law) differing from the conviction among a part of

the museum professionals that if one has become a museum curator, one does not cease being one, even when not performing the job. The tendency has been spreading that one becomes a museum curator when taking the position of the museum director/manager.¹ This is a novel approach, since until the 1990s a museum director had been expected to have some experience having worked on positions of a museum curator, or to boast some university experience connected with the collections amassed in the museum. The director used to cooperate with museum curators, accepting their empowerment in the museum, this actually in compliance with the provisions of the museum-related legislation.² Together with the tendency to transform museums' missions and with the shift in activity vectors: from the holistically

perceived internal and external ones mainly to the latter, affiliated with the public, a simultaneous attempt is made to redefine qualifications, competences, the range of professional tasks, and the place of the profession of museum curator in the museum professions' structure, overlooking the fact that currently a museum director/ manager is not expected to have any museum curator's knowledge and experience.³

The focus of the present analysis is on concepts and provisions related to museum regulations and labour law, this including the principles of defining and classifying jobs, and the proposed amendments. The following concepts will be discussed: occupation, professional tasks, workplace, and a museum curator.⁴

In the light of the sociological definition⁵ an occupation is a set of tasks (activities) resulting from the social division of work, performed permanently, and requiring adequate qualifications. A systematized set of tasks should be internally cohesive. The performance of those professional tasks inseparably implies their professional fulfilment, hence the adjective professional, as distinct from amateur acting that does not provide performance guarantee. A profession is an indicator of the social status in the material aspect, as well as in the aspects of power and prestige; it shapes one's personality, values, and lifestyle. Professions of social trust are of special importance; they represent the kind of status museum curators are aspiring to achieve. It is quite exceptional that the requirements they need to reach as for qualifications and ethical norms are defined in a legal act. However, the requirements and responsibilities are not matched by the financial evaluation of their work. At the same time strong tendencies are observed to further extend professional tasks of museum curators, which by itself makes them disjunctive with the so-far required qualifications and the total of the to-date professional tasks, making such-defined tasks incohesive with the ISCO-08-COM International Standard Classification of Occupations (Code 2621 in Sub-major Group 26: Legal, Social, and Cultural Professionals) [Curators & Archivists]).⁶

Legal grounds

The legal grounds for the occupation of a museum curator [*muzealnik*] are found in Poland in the following:

- Act on Museums and enabling regulations;
- Act on Organizing and Running Cultural Activity and enabling regulations;
- Provisions of the Labour Law.⁷

The Act on Museums currently in force⁸ (with later amendments) is the most important legal act rephrased on numerous occasions. In its original version, the following can be found: *Personnel employed at positions related with the fundamental activities of museums constitute a professional group of museum personnel, which includes assistants, adjunct curators, curators and certified curators. And: Personnel referred to under Section 1 shall be in possession of museum qualifications* (Art. 32.1–2). The act delegated a regulation defining the qualification requirements for specific museum positions to the minister (Art. 32.4). Art. 34 contains ethical norms binding for those professionals: *In the course of their employment, museum employees*

shall observe the generally accepted norms of professional ethics, and in particular shall not trade in objects that remain within the scope of interest of the museum and shall not undertake any activities such as collecting, issuing expert opinions or valuation of objects, which may give rise to a conflict of interest with the museum at which the person has undertaken employment. The provisions of the Act define a museum curator as an employee remaining in a contractual employment relationship, which forms the basis of the ethical dimension of the service and devotion to collections, and through them the service to society, its heritage, and identity.⁹ The afore-mentioned enabling regulations¹⁰ referring to the promotion of the museum personnel defined the titles and the number of positions (certified curator – since 1999 senior curator, curator, adjunct, senior assistant, assistant; the number between six and four). Furthermore, they defined the kind and ways of evaluating the qualifications, including: education (tertiary *in one of the fields presented in the museum collections or related to the fundamental activity of the museum*; initially Master's degree; from 1998: Bachelor's degree; for higher museum positions: post-graduate or/and specific Doctoral degree as of 1998); as well as the profile of professional accomplishments (scientific, professional); years of service in museum-related occupations (at least three-year seniority as of 2008; two-year seniority for an adjunct as of 2012) at culture-related institutions and at positions related to culture or heritage preservation or academic positions (as of 2012) and at respective positions (0–10 years, the longest required for certified curator's position in 2008–12); the mode of ascertaining and evaluating qualifications (director's decision, commission ascertainment: as of 1999; as of 2012 minister's statement on the submitted commission's opinion; as of 2004, submission of the director's opinion; as of 2012, information on the years of service and education, appeal procedure). In 2008, the opportunity was opened to make employment at administration offices at positions related to cultural activity applicable, however at the same time the highest seniority requirement was set; as of 2012 it was also authorized to accept years of service at culture – related positions or academic positions or heritage preservation positions at entities dealing with the dissemination or preservation of culture, substantially decreasing the role of professional experience that can be gained exclusively in museums. This was equivalent to admitting 'a wide range' of employees who boast meagre experience in museum work to higher positions of museum curators despite the commitment in the Act on Museums to provide enabling regulations for the personnel *to be in possession of museum qualifications*. At the same time, the Act for the first time enumerated the types of professional accomplishments. It was repealed by the so-called Act on the Deregulation of Professional Requirements of 5 August 2015.¹¹

In compliance with the provisions of Art. 31 of the Act on Organizing and Running Cultural Activity of 25 October 1991,¹² on 31 March 1992 the enabling Regulation on remuneration principles for employees of cultural institutions was issued. It contained tables of the base pay (from-to), positions (functions) entitling to duty allowances, and job classification.¹³ The need for a long-standing experience as

a museum curator, also of museum directors, was clearly stated. The next Regulation of 1999¹⁴ provided remuneration tables and job classification, however the group of employees related to the fundamental activity did not feature directors, but only museum curators, conservators, and renovators. A further one of 19 June 2008¹⁵ included remuneration table and job classification categorized from I to XXI.¹⁶ It was repealed by the Act of 31 August 2011 on the Amendment to the Act on Organizing and Running Cultural Activity¹⁷ containing merely the remuneration principles, delegating the issuing of the enabling regulation with e.g. job list, conditions and means of remuneration, including the minimum pay at respective positions (versus the previous salary scales). The Regulation of 3 October 2012¹⁸ fulfilled the statutory delegation, amending its principle: instead of defining the minimum remuneration at each position, the regulation stipulated only that *the minimum remuneration of full-time employees at respective positions is PLN 1.050*.¹⁹ The Regulation was repealed by the Act on the Deregulation of Professional Requirements of 5 August 2015,²⁰ while subsequent regulations do not tackle the central question, namely the base pay, defining merely allowances.²¹

Amendments to the Act on Museums

The Act on the Amendments to the Act on Museums of 29 June 2007²² did not really amend anything related to museum employees, although in Art. 32.4 the phrase later repeated in the Regulation on qualification requirements read that the minister shall define the requirements for positions related to the fundamental activity of museums, in order to *guarantee a professional task performance*. Three years later substantial amendments were introduced with the Act on the Deregulation of Professional Requirements of 5 August 2015,²³ thus amending the Act on Museums and the Act on Organizing and Running Cultural Activity, while also repealing their respective enabling regulations. Art. 5 of the 2015 Act contains amended Art. 32.1 of the Act on Museum, reading: *Personnel employed at positions dealing with the tasks related to: 1) collecting and studying the collections. 2) arranging exhibitions and ensuring access to the collections for educational and scientific purposes, 3) organizing research and scientific expeditions, including archaeological, 4) conducting educational, artistic, and culture-promoting or publishing activities, form the professional group of museum curators. 2. Employees who form the professional group of museum curators shall be employed at the positions of certified curators, curators, adjunct curators, and assistants*. Subsequent articles rephrase the content of the repealed 2012 Regulation on qualification requirements. Elements of professional accomplishments are specified, while the required seniority is substantially reduced. Thus a certified curator can boast merely 3 years of service (it used to be 10), a curator respectively 2 years of service (versus e.g. 6 years' seniority of a senior conservator). Museum curators afflicted by such instability of regulations could not comprehend the reasons for their profession to be similarly deregulated.²⁴ The supposed purpose of the Act was to facilitate access to regulated professions and

to lower the fees for the services provided by such professionals. A museum curator, in turn, is a regulated profession, yet access to it was not safeguarded by any specific requirements; neither was there the necessity to pass a certain professional exam when 'entering' the profession. The job is exceptionally low-paid, almost exclusively by state and local government bodies, for whom museum exhibits and their guardians: museum curators, are becoming a gradually lower estimated cost. What was thus the goal and purpose of that deregulation? Maybe the lowering of the required seniority and the fact that artistic activity, culture dissemination, and publishing were added to museum curator's tasks served as an Overton window: to prepare the museum-related professionals for a further-reaching transformation of the museums' mission? Until the deregulation such tasks had not been given to museum curators. The change included other areas of professional activity in the museum curators' responsibilities: publishing, culture dissemination, artistic, by this token considering them to be forming part of museums' fundamental activities, and not ancillary as had been phrased in the previous version of the Act. The far-reaching impact is worrisome, since it opens possibilities for the essential transformation of the core of the public museum institution towards supporting the *process of turning museums into cultural centres as well as curiosity and entertainment centres where the collections become a burden*,²⁵ while the de-professionalisation introduces a kind of 'omnism' (anyone employed at a museum is an expert museum curator, anyone 'dealing with' culture can be a museum curator?),²⁶ this leading to the loss of the professional identity of museum curators.²⁷ The signalled phenomena directly related to the lack of statutory regulations regarding remuneration principles²⁸ that should be aligned with professional promotion open up easy opportunities for abuse, leading to the impoverishment of this small professional community who, at least to-date, have been responsible for the non-renewable material assets of symbolic and identity-related significance for the Polish people and state. However, the deregulation also had its positive aspect: it moved the requirements related to factual positions in museums as well as to the professional accomplishments from the level of regulations to that of a legal act.

The de-professionalizing of the occupation was protested against by museum curators, while Parliament deputies put a PQ to the Minister in the course of the session of the Senate Culture and Media Committee;²⁹ also a Senator Statement was heard.³⁰ Prof. M. Omilanowska, Minister of Culture and National Heritage, responded that it was the Ministry of Justice who were responsible for the discussed Bill, while all her department had done was to introduce rules related to the minimum skill regulations essential for employees holding key museum positions, such as certified curator, junior documentalist, renovator, and guide. The last attempt to prevent the changes was the amendment proposed by Senator Prof. Jadwiga Rotnicka³¹ aimed at rejecting the extension of the museum curator's professional tasks.

Earlier, the stand on the Bill had been formulated in the resolutions of the First Congress of Polish Museum Professionals (I KMP, Lodz 23–25 April 2015). The content

of the resolutions did not reflect the essential changes proposed in their drafts: for anyone working and co-operating with museums to be a museum curator, and that *there was a need to draw and introduce legal regulations that delegate to museum director a greater right to dispose of museum exhibits under specific circumstances*.³² However, an essential issue was not addressed, namely whether museum director is or not a museum curator while managing the museum institution, both in the situation when the director used to be one, and he/she did not. The lack of consensus on the draft resolutions drawn by the Resolution Team of I KMP on museum curator based on the tradition of the profession led the KMP Programme Committee to suddenly decide to integrate three draft resolutions into one. Finally, Resolution 1 read that museum curators are a professional group of public trust, and that both the government and museum organizers shall provide their fair remuneration not lower than the country's median wage. In the understanding of Resolution 3, a museum curator is the individual employed at the positions ranging from assistant to certified curator; additionally, a proposal was put forth to restore the positions of a senior assistant and a senior curator, and to link the professional promotion with the financial one. Furthermore, it was suggested to restore the seniority requirements in compliance with the provisions in force by 2008. Neither did the I KMP Resolutions nor the Congress participants opt for extending museum curator's tasks to include artistic, disseminating, or publishing activities.

Museum Curators versus the Council for Museums

The Council for Museums (thereafter Council) where the voice of museum curators should be well heard, as of 1997 replaced its predecessor existing in compliance with the provisions of the Act on the Cultural Goods Protection of 15 February 1962. The Council's function was advisory and consultative. The Regulation of 26 August 1997 specified its composition, appointment procedures, and competences which included opinions on the ministry's budget components. The Council was composed of museum curators: 10 appointed by the minister, 11 elected at the convention of registered museums to which each museum was to delegate its representative. The Act on the Amendments to the Act on Museums of 29 June 2007³³ changed the situation so that the composition of the Council was stipulated by the very Act. Its respective enabling regulations³⁴ specified that the Council candidates shall be elected in two-stage elections: each registered museum shall delegate its representative to the convention of registered museums elected during a meeting of museum curators employed at that very museum, while the convention shall elect from among its participants 11 candidates for Council members. The currently valid regulation³⁵ while limiting the Council's powers, extends the group of electors, not mentioning the earlier eligible for election group of museum curators. This process is possible thanks to an Aesopian inapplicable in real life phrasing related to the elector group.³⁶ It opens room to include in it the managerial staff who do not constitute part of the museum curator occupational group, but who almost exclusively form the current Council and formed before, previously violating the regulations, and currently in

line with the legal framework.

Museum curators versus museum collegial bodies

In compliance with the provisions of the Act on Museums of 21 November 1996,³⁷ museum councils operating in museums of special significance and composed of the heads of scientific units and professionals in the areas connected with the academic and educational activities, ceased to exist. The Act provided for collegial advisory bodies to take their place; they were to be formed at the instigation of the director or of at least half of the museum curators employed at the museum, while the activity, composition, and structure of those collective bodies are to be defined by Art. 12 of the museum statute. This right is in force, however the lack of a statutory obligation for its existence and the lack of statutory provisions for their procedures, with no archiving of their minutes or no mode for reviewing the submitted matters, make their role but illusory. Although only museum curators are entitled to petition for the establishment of such a collegial body, its composition shall not be limited to museum curators only.

Occupation of museum curator versus regulations related to the knowledge of professions

Proposal of the Solidarity Trade Union and the Culture Paupers National Protest Committee

The Polish Standard Classification of Occupations (KZiS)³⁸ based on the ISCO-08 International Standard Classification of Occupations defines the occupation of museum curator in compliance with professional tasks, and until the moment when the tasks were extended to additionally incorporate artistic, culture-disseminating, and publishing activities, the statutory regulations and KZiS strictly reflected the professional tasks of the Polish *muzealnik* as formulated in the international classification for its counterpart in English, namely Museum curator, while the occupation definition was provided strictly in compliance with the methodology used for the Classification.³⁹ The Ministry of Labour and Social Policy formulated the opinion on the equivalence of the terms, saying that the *English occupation of 'Museum curator' is equivalent to item 26102 in the Polish classification: Muzealnik*,⁴⁰ pointing to the fact that the translation is based on the proposal of a professional translator, thus rejecting at the same time the possibility of translating the term Museum professionals as the Polish *muzealnik*. Analogically, in M. Gruza's opinion, *in compliance with the occupation classification principles it is impossible to extend the single category of the Polish muzealnik to every [or selected – authors' note] occupation in museums. All museum employees whose tasks are not directly connected with the tasks of muzealnik [Museum curator] should be classified in compliance with their responsibilities as 'editors', 'conservators', or 'artists' respectively. The expert's conclusion reads: ...using the category of muzealnik to encompass*

a broad range of occupations, such as an editor, publishing production organizer, culture expert, or an artist, is inadmissible in view of the methodology adopted for occupation classification and differentiation. Meanwhile, the term 'Museum professionals' used in the ICOM Code of Ethics for Museums should be appropriately rendered in Polish by *specjalista muzealnictwa*.

In 2016, the Solidarity Trade Union and the Culture Paupers National Protest Committee prepared draft amendments to the Act on Museums.⁴¹ On many issues and justifications as for goals and the core activity of museums, museum exhibits, and running museums, their proposal coincides with the theses formulated in the work Public Museums. *Administrative and Legal Study*.⁴² The put-forth proposal focuses on the care that a museum takes of the collection it owns, in a way formulating the museum curators' response to the Supreme Audit Office's (NIK) 2008 Report exposing irregularities.⁴³

The main recommendation was to alter the Act's name to specify directly its legal status.⁴⁴ The new name: Act on Museum Collections and Museums, emphasizes the *differentia specifica* of the museum institution. This claim stems from Art. 5 of the Constitution of the Republic of Poland⁴⁵ and its Preamble,⁴⁶ pointing directly to the preservation of national heritage being part of the common good of the people and the state as one of the main missions of the state and its citizens. The purpose of the suggested amendment was to consolidate the position of public museums as specialized administration institutions serving to protect museum collections and fulfilling the tasks that serve this very purpose: documenting, conserving, and studying of museum exhibits, as well as their publication, making available, also to the public, and finally the activities: educational, disseminating, as well as social, related to the amassed collections.⁴⁷ The collections are the supreme value; it is to serve them that the organization in the form of a museum has been established, while cultural and business activities in a museum are but complementary. A museum is a knowledge-based organization meant to increase its own resources; as such, it should be run meritocratically, involving a wide range of employees in the decision-making process. Museum collections as non-renewable material and symbolic assets should be treated as shared good whose managing agent is actually but their depository. The depository should administer them in such a way that the entrusted collections are under proper care performed by museum curators. This professional group who used to enjoy the status of a state museum service, play an ancillary role to the heritage, and can properly perform their functions only boasting adequate qualifications for a given position (education in the field connected with the collections amassed in the museum: museology and affiliated), competences (research, ethical), and skills (working with museum objects and people: the public and the social environment). The proposed amendments referring to museum curators echo the Act on Museums in its original version from 1996.⁴⁸ The option for creating

different areas of expertise for museum curators has been proposed (museum curator specializing in museum education; museum curator specializing in collection inventorying; systems museum curator, modelled on the systems librarian); emphasis, however, has been put on the fact that a significant majority of museums are small institutions where there is no need for different areas of expertise, while a museum curator should be an employee of versatile skills (see the occupation description according to KZiS). The required years of service should be increased due to the complex character of the museum curator's tasks, and the need to acquire experience in the work with museum objects (their authenticity evaluation, knowledge of the collections, provenance, and their use in educational activity) and with people (museum visitors, event participants, donors, tenderers). Another recommendation implied restoration of the positions of senior assistant and senior museum curator, as well as the introduction of that of a certified museum curator. The tasks of running artistic, culture-dissemination, and publishing activities should be excluded from museum curator's tasks, also for their incoherence with the previously presented labour law and standards of the Polish and European Qualifications Framework.⁴⁹ There is an evident need for highly qualified museum directors/managers. It is with respect to this position that legal regulations are most urgently needed, hence the claim to introduce a list of museum positions and transparent remuneration principles, these including the minimum base salary at various positions as contained in the enabling regulations in force by 2012. Furthermore, the Act should also contain the imperative to harmonize the professional promotion with the financial one; finally, it should resolve the question of the empowerment of museum curators in museum institutions and legally safeguard their real access to the Council for Museums.

To conclude, let us emphasize that the circles of museum curators are longing for some real amendments to the regulations in the spirit of the tradition of Polish museology,⁵⁰ with reference to the principles of museum operations reflecting the increasing requirements from the representatives of the profession of museum curators. They are hoping for the restoration of the impact that museum curators should have, their occupation clearly being that of public trust; furthermore, they are expecting a shift in managing museums from the technocratic mode (New Public Management), echoing the neoliberal economy-only 'bias', to a modern management one, allowing to take an equal care of the entrusted national cultural and natural assets and of their guardians, raising the standards of working conditions, as well as of storing, conserving, studying, and making available of the objects, works, and artifacts to all the interested together with their to-date knowledge in the spirit of the New Public Service.⁵¹

Abstract: Changes in the legislation related to museum curators and museology, introduced with small steps in

harmony with the Overton Window concept, are discussed; they are leading away from the letter and spirit of the Act on

Museums of 21 Nov 1996 and the traditions of Polish museology based on creating collections of museum objects and working on them in various manners. Regulations and legal opinions on the museum curator profession are presented, pointing to the fact that the initially cohesive definitions and provisions are becoming blurred, to the extent of losing their initial sense, and threatening the identity of this professional group, as well as the identity of museums as heritage-preserving organizations. Furthermore, attempts to extend the concept of museum curator to encompass also the institution's executives or the entire museum staff undertaken in order to depreciate this professional group and deprive it of the impact on the institution's management have been signalled. A tendency has been observed to deprive the employees fulfilling the museum's basic activity, museum curators included, of the influence on shaping state policies with respect to museology, this clearly illustrated by the composition of the Council for Museums and National Memorial

Sites. Provisions of the labour legislation as regards professions of public trust museum curators aspire to join have been quoted. Mention has also been made of certain activities they have undertaken to prevent the process of de-professionalising the profession of a museum curator in the museum-related legislation, and to subsequently reverse it. The 2016 Bill on Museum Collections and on Museums prepared by the National Section for Museums and Institutions for the Preservation of Historical Monuments of the Solidarity Trade Union has been presented. The main demands of the Bill have been pointed to: the consolidation of the status of museum collections as the main purpose of the museum's *raison d'être*, the status of a museum curator as a profession of public trust, and the shift in museum management from technocratic (New Public Management) to modern, aiming to serve the national heritage and people in harmony with the principles of the New Public Service.

Keywords: museum curator, profession of public trust, museum objects, museum-related legislation, museum goals, museum management.

Endnotes

- ¹ Exemplification of the latter can be seen in the composition of the authorities of the organization meant to protect the interests of museum curators as specified in its statute, *Stowarzyszenia Muzealników Polskich* [Association of Polish Museum Curators, SMP]. The authorities of the Association are in their majority composed of individuals who neither at the moment of the election, nor today, rank among the professional group of museum curators. They are museum directors, sometimes employees at other positions than from an assistant to certified curator, and the perspective they present is hardly compatible with the occupational and financial interests of ordinary members: museum curator. Meanwhile, if one wants to represent an opinion of a group, one should first belong to it; see L. Jaczynowski, *Vox populi, vox Dei*, in: 'Rocznik Naukowy Wydział Zarządzania w Ciechanowie' 2011, Nos. 1-4 (V), *Prawo i Zarządzanie* [Law and Management], p. 79: *Right to vote. Not everyone can take part in every voting. First of all one needs to be a member of a given social group.*
- ² See former rules of museum curators' councils; from the present ones, e.g. Rules of the Council of Museum Curators [Regulamin Kolegium Kustoszy ZKW2014.pdf].
- ³ <https://psz.praca.gov.pl/rynek-pracy/bazy-danych/klasyfikacja-zawodow-i-specjalnosci/wyszukiwarka-opisow-zawodow> [Accessed: 17 June 2020].
- ⁴ Studies dedicated to museum law do not give much room to the reflection on the profession of museum curator [muzealnik]. In the publication P. Antoniuk, *Ustawa o muzeach – komentarz* [Act on Museums: Commentary], Warszawa 2012, on pp. 157-63 Art. 34 of the Act on Museums is discussed in more detail, with reference to the *ICOM Code of Ethics for Museums* valid as its extension, which we consider too-far-reaching an interpretation, contradicting the letter of the law. More on museum curators, in: K. Zalańska, *Muzea publiczne. Studium administracyjnoprawne* [Public Museums. Administrative and Legal Study], LexisNexis, Warszawa 2013, pp. 192-94 (museum curators versus museum employees, the Author does not rank educators among museum curators); pp. 237-243 (on a different understanding of the term *muzealnik* in the *Code* and the Act on Museums, on the normative character of the Code in Polish legal regulations, and on the unique status of museum employees). On the ICOM Code of Ethics see P. Rybiński, *Kodeks etyki dla muzeów* [Code of Ethics for Museums], in: *Prawo muzeum* [Museum Law], J. Włodarski, K. Zeidler (ed.), Warszawa 2008, pp. 239-56, and S. Waltoś, *Kodeks etyki ICOM dla muzeów* [ICOM Code of Ethics for Museums], Oficyna Wolters Kluwer Sp. z o. o., Kraków 2009, where in the glossary on p. 31 the term *muzealnik* is matched by the museum professional. See further paper on the inadequacy of the terms. On the origins of the term museum curator in law see A. Murawska, *Zawód: muzealnik. Spojrzenie okiem historyka* [Occupation: Museum Curator. Perspective of a Historian], in: 'Museum Poloniae Maioris' 2015, Vol. II, p. 74 endnote 20. On the colloquial, dictionary, legal, and professional definitions of the profession of *muzealnik* [museum curator] and the translations of the category of *museum professionals*, self-definition of museum curators, their self-awareness, and the values that bond this professional group see A. Nadolska-Styczyńska, *Być muzealnikiem: pytanie o tożsamość zawodową?* [Being a Museum Curator: a Question about Professional Identity?] in: 'Rocznik Muzeum Wsi Mazowieckiej w Sierpcu' 2011, No. 2, pp. 48-64. With reference to the *Code*, the author thinks that it is *gradually better known and more broadly introduced in Poland*, however as for the principles of the professional activity it encompasses demands, therefore, in Nadolska-Styczyńska's view, not compulsory (p. 56). Similarly A. Barbasiewicz, *Czy polskich muzealników obowiązuje Kodeks etyki ICOM?* [Are Polish Museum Experts Bound by the ICOM Code? Remarks on the Legal Aspects of Museum Ethics], 'Muzealnictwo', 2012, No. 53, pp. 196-200. When reaching for the publication *Wokół problematyki prawnej zabytków i dzieł sztuki* [Around the Legal Questions of Heritage Objects and Art Works] Vols. 1-2 W. Szafrński (ed.), Poznań 2007 (Vol 1) and Poznań 2008 (Vol. 2) and the continuation of the series: *Prawna ochrona dziedzictwa kulturowego* [Legal Protection of Cultural Heritage], W. Szafrński and K. Zalańska (ed.), Poznań 2009, we will not find issues related to the professions that have among their occupation's tasks care over tangible and intangible heritage. In the work *Prawo muzeów* [Museum Law], J. Włodarski and K. Zeidler (ed.), Warszawa 2008, we will find essays by J.A. Chrościcki, *Rady muzealne. Uwagi na temat ich podstaw prawnych, funkcjonowania i znaczenia społecznego* [Museum Councils. Remarks on Their Legal Grounds, Functioning, and Social Impact], pp. 31-34 dealing, however, with professionals and representatives of other museum institutions. Works that are strictly museological do not reveal any deepened reflection on the museum curator's occupation; the issues are avoided both by the Report. *Strategia*

- rozwoju muzealnictwa. Założenia Programowe [Report. Museology Development – Strategy – Program], NIMOZ, Warszawa 2012 (except for opting for the acknowledging the function of a certified curator as a professional title, pp. 131-2); M. Borusiewicz, *Nauka czy rozrywka? Nowa muzeologia w europejskich definicjach muzeum* [Science or Entertainment? The New Museology in European Museum Definitions], Universitas, Kraków 2012; D. Folga-Januszewska, *Muzeum: Fenomeny i problemy* [Museum: Phenomena and Problems], Universitas, Warszawa 2015, *Ekonomia muzeum* [The Economics of Museums], D. Folga-Januszewska, B. Gutowski (ed.), Universitas, Kraków 2011 (here except for the gloss re. ethics in the paper by K. Zeidler, *Muzeum i komercja. Prawo, etyka, misja, rynek* [Museums and Commerce. Law, Ethics, Mission, and Market], pp. 128-9).
- ⁵ B. Szacka, *Wprowadzenie do socjologii* [Introduction to Sociology], Warszawa 2003, p. 291; here with reference to K.M. Słomczyński, H. Domański, *Zróżnicowanie społeczno-zawodowe* [Social-Occupational Differentiation], in: *Socjologia w Polsce* [Sociology in Poland], Z. Krawczyk, K.Z. Sowa (ed.), Rzeszów 1998, p. 125; and B. Szacka, *Ibid.*, pp. 143-4; O. Łodyga, *Zawód jako kategoria badań socjologicznych* [Occupation as a Category in Sociological Research], in: 'Prace Naukowe Akademii im. Jana Długosza w Częstochowie. Seria Pedagogika' 1999-2001, Vols. 8-9-10, pp. 165-71.
- ⁶ More on profession knowledge see *Podstawowe pojęcia zawodoznawstwa* [Basic Concepts of Profession Knowledge], K.M. Czarnecki (ed.), Oficyna Wydawnicza Humanitas, Sosnowiec 2008, particularly pp. 59-68 (profession and specialty classification); *Klucz powiązań między klasyfikacją zawodów i specjalności z 7 sierpnia 2014 r. Tekst ciągły* [Connection Key Between Occupation Classification and Specialty of 7 August 2014: consolidated text] (Journal of Laws of 2018, Item 227.) versus the ISCO-08 International Standard Classification of Occupations, <https://stat.gov.pl/Klasyfikacje/doc/kzs/pdf/Klucz%20KZiS%202014%20z%20p%C3%B3%B3C5%BCn.zm%20-%20ISCO-08.pdf> [Accessed: 5 July 2020]; State Fund for the Rehabilitation of the Disabled (PFRON) Occupation File 4045 Museum Curator, pp. 11, pdf [Accessed: 5 July 2020], https://www.pfron.org.pl/fileadmin/files/m/4045_Muzealnik.pdf?utm_campaign=pfron&utm_source=df&utm_medium=download.
- ⁷ The Author generally refers to the Journal of Laws via the online legal act system <https://isap.sejm.gov.pl/isap.nsf/search.xsp>
- ⁸ Journal of Laws of 2019, Item 917. Mirosław Borusiewicz and Tadeusz Jeziorowski of the Solidarity Trade Union were involved in the works on the Bill on museums.
- ⁹ The legislator did not notice that due to conservators' tasks and director's prerogatives related to museum exhibits, and also due to the possibility of the latter to initiate the procedure of selling the collection entrusted to their care, the regulation should also apply to these professional groups. On conservators' ethics K. Zeidler, *Muzeum i komercja...*, p. 128 footnote 21. Regrettably, the aspect differentiating museum curators versus other museum employees is overlooked, distorting relations and different legal, ethical, and professional requirements. It can be doubted whether the profession of a teacher would be alternately referred to as school employee, similarly as would a nurse be synonymously called a hospital employee?; see e.g. A. Jagielska, W. Szafranski, M. Skąpski, *Eksperti i ekspertyzy na rynku sztuki* [Experts and Expertise in the Art Market], in: *Wokół problematyki...*, Vol. 1, Poznań 2007, pp. 29-37, where the concepts: museum employee and museum curator are used in this way.
- ¹⁰ Journal of Laws of 26 June 1998, No. 122, Item 804; Journal of Laws of 9 March 1999, Item 233; Journal of Laws of 13 Dec 2004, No. 272, Item 2695; Journal of Laws of 29 June 2007, No. 136, Item 956; Journal of Laws of 13 May 2008, No. 91, Item 568; Journal of Laws of 7 Aug 2012, Item 937.
- ¹¹ Journal of Laws of 2015, Item 1505.
- ¹² Journal of Laws of 1991, No. 114, Item 493.
- ¹³ E.g. director – senior custodian were entitled to categories XVI-XVIII, custodian to XII-XIV, museum assistant and conservator assistant VI-IX, chief accountant XIV-XVI, legal adviser XIII-XIV, senior accountant IX-XI.
- ¹⁴ Journal of Laws of 1999, No. 45, Item 446.
- ¹⁵ Journal of Laws of 2008, No. 122, Item 785.
- ¹⁶ E.g. senior custodian categories XVIII-XXI, custodian XV-XVI, conservator, chief specialist, legal adviser XIV-XVI, museum assistant and conservator assistant IX-XI.
- ¹⁷ Journal of Laws of 2011, No. 207, Item 1230.
- ¹⁸ Journal of Laws of 2012, Item 1105.
- ¹⁹ With time, what remains clear is the destructive impact of the regulation of the employees' remuneration, particularly with respect to those whose work's value is not easily valued quantitatively and whose underestimation allows some saving. Currently, following years of negligence in indexation and promotion, administrators claim that museum curators' work has low market value forgetting that it was themselves who set it years ago pointing to the profession's ethos and force majeure, namely shortage of financial means.
- ²⁰ Journal of Laws of 2015, Item 1505.
- ²¹ Journal of Laws of 2015, Item 1798.
- ²² Journal of Laws of 2007, No. 136, Item 956.
- ²³ Journal of Laws of 2015, Item 1505.
- ²⁴ Justification: *regulation in the access to professions leads to reducing the number of individuals performing the job, thus implying that the provision of the service is not adequate to the demand in the market, this, in turn, leading to higher prices. RIA, tranche 3, p. 1. On p. 30 the number of people affected by the deregulation: 737 men and 1.488 women, data for 2011.*
- ²⁵ More: K. Barańska, *Muzeum w sieci znaczeń. Zarządzanie z perspektywy nauk humanistycznych* [Museum within the Web of Meanings. Management in the Perspective of the Humanities], Kraków 2013, passim, particularly pp. 63-64, 67, 72 and 157; M. Borusiewicz, *Nauka czy rozrywka? Nowa muzeologia w europejskich definicjach muzeum*, Universitas, Kraków 2012, pp. 153, 178-180.
- ²⁶ On specialist staff H. Collins, *Czy wszyscy jesteśmy ekspertami?* [Are We All Scientific Experts Now?], PWN, Warszawa 2018, particularly pp. 80-87, 107-18, 148-57.
- ²⁷ *Muzeum jest tyle warte, ile zbiór i intelekt ludzi, którzy w nim „robią”* [A Museum is Worth As Much as the Gathering and Intellect of the People Who Work at It], in: A. Nadolska-Styczyńska, *Pośród zabytków z odległych stron. Muzealnicy i polskie etnograficzne kolekcje pozaeuropejskie* [Amidst Historic Objects from Remote Corners of the World. Museum Curators and Polish Non-European Ethnographic Collections], Wyd. Nauk. UMK, Toruń 2011, p. 410. M. Borusiewicz quotes Albert E. Parry, former director of the American Museum of Natural History pointing to the fact the museum curators in such, i.e. large museums, resemble more university professors, after: M. Borusiewicz, *Nauka czy rozrywka? Nowa muzeologia w europejskich definicjach muzeum*, Universitas, Kraków 2012, p.139.

- ²⁸ Defined earlier in the Regulation of 23 April 1999 and ff; pursuant to the Act of 31 Aug 2011 (Journal of Laws of 2011, No. 207. Item 1230) were moved to the Act of 25 Oct 1991.
- ²⁹ PQ of Deputy M. Stulgrosz of 19 Feb 2015 (No. 31077).
- ³⁰ Statement of Senator J. Rotnicka (No. 7101), response of Minister of Culture and National Heritage M. Omilnowska of 16 April 2015 (No. 7101o). The Statement expressed concern: *even a broader understanding of the profession of museum curator appears in the debate on museums, and it is being promoted particularly by the museums' executive staff. It seems that this tendency to extend the concept of the profession of museum curator may stem from the aspirations to later extend it also to encompass the museum executive staff: directors, who in the light of the regulations in force today are not museum curators.*
- ³¹ 5 Aug 2015, Amendment No. 20, Voting No. 77. 84 deputies voted, 37 were in favour, 42 were against, 5 abstained. This so-called extension seems contradictory to the aspiration of the profession of museum curator to become a profession of public trust; see *Zawody zaufania publicznego, zawody regulowane oraz wolne zawody. Geneza, funkcjonowanie i aktualne problemy* [Professions of Public Trust, Regulated Professions, and Liberal Professions; Genesis, Functioning, and Current Challenges], Kancelaria Senatu, Warszawa 2013.
- ³² In the course of I KMP and soon afterwards open letters were written (also on part of the Association of Art Historians, SHP) and press articles expressing objections to opening more to the possibility of selling museum collections.
- ³³ Journal of Laws of 2007, No. 136, Item 956.
- ³⁴ Journal of Laws of 2008, No. 86. Item 530.
- ³⁵ Journal of Laws of 2017, Item 494.
- ³⁶ *Ibid.*, Art. 3.1. – *Each registered museum shall delegate one representative to the convention of registered museums, elected at a meeting summoned by the museum director and attended by all the museum employees meeting qualification criteria entitling them to hold positions as defined in Art. 32 a of the Act on Museums of 21 November 1996.* The occupation as such is not important, but the defined, sometimes theoretically, qualifications.
- ³⁷ Journal of Laws of 1997, No. 5, Item 24.
- ³⁸ Regulation of 7 Aug 2014 on occupation and specialty classification; announcement of 25 January 2018 (Journal of Laws of 2018, No. 227).
- ³⁹ M. Gruza, *Analiza sposobu zdefiniowania zawodu „Muzealnik” w świetle wiedzy zawodoznawczej* [Analysis of the Ways of Defining the Occupation of 'Muzealnik/Museum Curator' in the Light of the Knowledge of Professions], Warszawa, 20 April 2015, MS in the archive of the Greater Poland Branch of the Association of Polish Museum Curators, SMP, p. 1-3. Opinion prepared for I KMP; in the Congress proceedings there is no information included on the submitted opinion; neither is there mention of the independent voices essentially different from the proposals of the Congress organizers and voiced in the course of the debate held after the resolutions had been voted on; at that point the resolutions could no longer be amended, but either adopted or rejected as a whole.
- ⁴⁰ Document DRP-II-40413.21.2015. EZD dated 19 March 2015, 3 pages, signed by Beata Czajka, Director of the Labour Market Department, Ministry of Labour and Social Policy, submitted during the I KMP session; document in the archive of the Greater Poland Branch of the Association of Polish Museum Curators. On p. 4: *While explaining the issues of the classification methodology, it is important to emphasize that group 2: 'Experts' cannot encompass either 'Museum Manager' (134910) nor a 'Museum Gallery Employee' (3433020), although both perform museum-related activities.*
- ⁴¹ More: A. Murawska, *Wprowadzenie do uzasadnień do projektu nowelizacji Ustawy o zbiorach muzealnych i o muzeach* [Introduction to the Justifications for the Proposed Amendments to the Act on Museum Collections and on Museums], 'Museumologia' 2017, Vol. IV, pp. 251-2; *Uzasadnienia do projektu nowelizacji Ustawy o zbiorach muzealnych i o muzeach. Dokument* [Justifications for the Proposed Amendments to the Act on Museum Collections and on Museums. The Text], A. Murawska, J. Fraś, A. Rybicki (Comp.), 'Museumologia Maioris', *Ibid.*, pp. 253-64.
- ⁴² K. Zalańska, *Muzea publiczne...*, particularly p. 15 (consensuality in administrative processes), p. 18 (museums as heritage guardians, museums as heritage creators, museums as scientific institutions), pp. 60-9 (basing museums' mission on the Constitution of the Republic of Poland), p. 80 (museums: guardians of national assets), p. 95 (museum's goals), p. 202 (communization of museum function), p. 271 (character of cultural activity run by museums).
- ⁴³ Najwyższa Izba Kontroli, *Informacja o wynikach kontroli i udostępniania zasobów muzealnych w Polsce* [Information on the Audit and Making Available of Museum Resources in Poland], Warszawa May 2009, <https://www.nik.gov.pl/plik/id,85,vp,85.pdf>
- ⁴⁴ This Act as *lex specialis* should take a clearly expressed precedence over the Act on Organizing and Running Cultural Activity.
- ⁴⁵ *The Republic of Poland... shall safeguard the national heritage...*
- ⁴⁶ *The Republic of Poland... shall safeguard the national heritage...*
- ⁴⁷ The Foundation of so-called narrative museums does not constitute a threat, since each museum proclaims the desire to create a collection. A similar process was observed in older museum projects. What is found threatening, however, is the change of the museum paradigm in the direction proposed during the 2019 ICOM General Conference in Kyoto, see: J. Wasilewska, *Spór o nową definicję muzeum na konferencji generalnej ICOM w Kioto* [Controversy over the New Museum Definition at the Kyoto ICOM General Conference], in: 'Zbiór Wiadomości do Antropologii Muzealnej' (ZWAM) 6 Dec 2019, pp. 175-80; D. Folga-Januszewska, *Dzieje pojęcia muzeum i problemy współczesne – wprowadzenie do dyskusji nad nową definicją muzeum ICOM* [History of the Museum Concept and Contemporary Challenges: Introduction into the Debate on the New ICOM Museum Definition] in the present issue of 'Muzealnictwo', 2020, No. 61, pp. 27-45, see www.muzealnictworocznik.com.
- ⁴⁸ Seven positions are proposed, keeping the requirement of a substantial seniority increase.
- ⁴⁹ Not all museum employees are museum curators (*muzealnik*), just like not all hospital employees are the same hospital employees ('szpitalnik'), but there are doctors, nurses, diagnosticians, etc, those representing medical professions and non-medical, e.g. spokesperson, marketing officer, while at school there are no school employees (*szkolnik*), but teachers, pedagogues, librarians. For the name of the occupation it is not sufficient to connect it with the employing organization, which we observe in Polish in museum-related professions.
- ⁵⁰ The author is preparing a separate paper on the legal aspects of the profession of museum curator as seen in a historical perspective.
- ⁵¹ On the necessity of the change of the paradigm in managing museums see: K. Zalańska, *Muzea w zarządzaniu publicznym* [Museums in Public Management], paper delivered during the opening session of the *Conference Museums Versus Territorial Government* held at the National Museum in Poznań on 5 December 2014.

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Word count: 6 257; **Tables:** –; **Figures:** –; **References:** 51

Received: 06.2020; **Reviewed:** 07.2020; **Accepted:** 07.2020; **Published:** 07.2020

DOI: 10.5604/01.3001.0014.3323

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Competing interests: Authors have declared that no competing interest exists.

Cite this article as: Murawska A., Fraś J.M., Frąckowiak E. Rybicki A.; PROFESSION OF A 'MUSEUM CURATOR'. ON LEGAL CHANGES IN THE CONTEXT OF THE EROSION OF THE ROLE PLAYED BY MUSEUM CURATORS. *Muz.*, 2020(61): 145-153

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