

RESEARCH ARTICLE

Digital Museum Collections and Social Media: Ethical Considerations of Ownership and Use

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This paper examines the role of digital collections and digital information in the democratisation process of museums. The paper focuses on ethical and ownership issues regarding Wikipedia's online encyclopaedia initiative to widen access to digital images and knowledge through digital media, for the wider public. The paper draws on three cases of national museums in the UK, namely the Victoria and Albert Museum, the British Museum and the National Portrait Gallery. The paper argues that notions of governmentality, power, authority, and control - which traditionally characterise national museums - are still dominant in digital collections. This occasionally results in tensions that revolve around the issue of ownership of digital images and digital museum objects as well as their commercial and non-commercial uses. The paper shows that recent disputes and discourse related to the use of digital images by Wikipedians (active users of Wikipedia) have raised issues of authority and control not only of physical objects but also of the information and knowledge related to these objects. The paper demonstrates that the level of collaboration with Wikipedia reflects to some extent the participatory nature, philosophy, and ideology of each museum institution.

Keywords: digital heritage; Wikipedia; ethics; access; participation

1. Introduction

This paper aims to address the role of digital collections and digital information in the democratisation process of museums focusing on issues of ownership and ethics in three UK national museums. Specifically, the paper will explore the disputes as well as the partnerships of the Victoria and Albert Museum, the British Museum and the National Portrait Gallery with the Wikipedia online encyclopaedia and their role in widening access to digital images and knowledge through digital media, for the wider public.¹ Through an analysis of relevant websites and blogs we will argue that notions of governmentality, power, authority, and control – that traditionally characterise national museums – are still dominant in digital collections; an issue that occasionally results in tensions with rapidly developing social media such as Wikipedia. Tensions revolve mainly around the issue of ownership of digital images and digital museum objects, as well as their commercial and non-commercial uses. Although revenue-generating activities need to be taken into account within the current economic climate, recent disputes and discourse related to the use of digital images by Wikipedians (active users of Wikipedia) have raised issues of authority

and control not only of physical objects, but also of information and knowledge related to these objects; knowledge that needs, according to some museums, to be as neutral and accurate as possible, and distanced from conflicting and disputing issues (this is particularly relevant to museums that support multivocality, and as such are willing to compromise accuracy). The argument above is reinforced by the fact that the core aim of digitisation within museums is not so much to broaden access and thus broaden ownership, but mainly to increase online visitor numbers and gain publicity, as well as to raise income and fund further digitisation activities within the museum.² This observation can be further validated by several museums' business plans which set specific targets for physical and virtual visitors (see for instance the NMSI Business Plan 2011–12 which specifically states that 'In the coming year our target is to achieve 4.197 million physical visitors across all our Museums and 6.486 million virtual visitors' (NMSI 2011)). Finally, this paper will demonstrate that the level of collaboration with Wikipedia reflects to an extent the participatory nature, philosophy, and ideology of each museum institution.

2. Institutional versus Social Knowledge

'Imagine a world in which every single person on the planet is given free access to the sum of all human knowledge.'

Jimmy Wales, founder of Wikipedia (Wales 2011)

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This section aims to theorise the disputing discourses that recently emerged in the UK between museums and social media editors and authors regarding the free circulation of high-resolution digital images of museum objects via Wikipedia. The disputes are centred on two main contradictory arguments. The museums' argument supports that free access to high-resolution images of museum objects has a negative impact, from a financial point of view, upon the museum. Additionally, photographers' legally valid copyright should be taken into account. On the other hand, the Wikipedians' argument implies that museum resistance against free access to digital objects and information clashes with the core goal of a museum institution, that is, access to the wider public. Although the economic impact of free access to digital collections on museums (in terms of cost to generate digital collections and of loss of income from free access to material that museums would otherwise charge for, e.g. high-resolution digital copies) is a key issue, we will further argue that museums' (especially national ones) attempts to use digital technologies to generate public access – although they are progressive – still reflect the overall nature and character of a traditional institution that is perceived to hold the power to produce 'accurate' and 'objective' knowledge. The notion of the power of knowledge is examined in this paper through the concept of governmentality developed by Foucault (1991). Within this conceptual framework, we will demonstrate that museum experts view themselves as the appropriate guardians of heritage and the producers of knowledge (we will call this institutional knowledge), a belief that contradicts with the type of knowledge that is produced and consumed mainly by 'non-expert' Wikipedians (we will call this social knowledge). Institutional knowledge is perceived by experts as accurate and objective, while social knowledge is perceived to be fluid and changeable, subject to constant transformation and dispute.

2.1 The concept of governmentality

Michel Foucault was one of the first writers to analyse the concept of governmentality as a distinctive form of government in Europe, consolidated in the eighteenth century. In his discussion of the 'art of government' Foucault explores questions that relate to the ways in which governments and populations are ruled (Foucault 1991: 88). He argues that an essential issue in the establishment of the 'art of government' is the introduction of economy into political practice that interrogates what the correct manner to manage individuals, goods and wealth within the family and across the population is (Foucault 1991: 92). Foucault stresses that the new governmental form that emerged in sixteenth century Europe and was established in the eighteenth century resides in 'the things it manages and in the pursuit of the perfection and intensification of the processes which it directs' (Foucault 1991: 95). The process of governance is achieved through the establishment of a series of institutions (e.g. churches, hospitals, prisons) and the introduction of a series of instruments and tactics that facilitate the creation of 'disciplined popu-

lations' (Wilson 2010: 167). The development and use of these instruments and tactics demonstrate the power of the government and encompass governmental knowledge and expertise. Eventually, the legitimacy of the government depends on the power and knowledge of these institutions. This has significant implications in terms of the ways in which experts tend to remove themselves from 'the disputed terrain of politics and relocate onto the tranquil yet seductive territory of truth' (Rose and Miller 1992: 188–189).

2.2 The concept of governmentality in museums: the institutional power of knowledge

The concept of governmentality has been analysed and integrated into museum and heritage studies through the exploration of the role of museums as institutions of power and control (Bennett 1995; Macdonald 1998; Smith 2006; Wilson 2010). The role of museums during the eighteenth century 'as a repository for national culture' meant that museums could provide 'a means of installing the "correct" values and norms within society' (Wilson 2010: 168). Therefore museums are viewed 'as a tool of social control, as a means of instructing society with the conduct and knowledge required in the rationale of that society' (Wilson 2010: 168). As a result, museums formed a part of the techniques of regulation and self-regulation that Foucault suggests by rendering behaviours of the large populations subject to new forms of social management (Bennett 1995: 99). Bennett (1995: 99) argues that 'detaching the display of power – the power to command and arrange objects for display – from the risk of disorder' provided 'a mechanism for the transformation of the crowd into an ordered and ideally self-regulatory public'. This is indicative of the role of museums, which were viewed as 'instruments capable of inducing a reform of public manners' modifying 'external and visible forms of behaviour quite independently of any inner or cultural transformation' (Bennett 1999: 100). In other words, museums exercised similar roles to other public institutions i.e. to instruct, inform and discipline the disordered public. It can be said that museums acquired this power because governments and people perceived them as institutions of expertise and knowledge.

Despite some criticisms on Foucault's concept of governmentality that are based on the lack of consideration of the notion of public resistance as well as factors that contribute to the deployment of power and knowledge (Hall 2001: 78), this concept is still particularly useful in understanding the role of museums (especially national museums) that still carry to an extent the values and ideologies of the eighteenth and nineteenth century. Indeed, the public and museum experts view museums as places that hold official expertise and knowledge and thus, as institutions that have the power to produce and control knowledge – the characteristics of which are accuracy and objectivity. These fundamental ideological characteristics of the museum institution are currently challenged by the quick growth of social media and the rapid information exchange worldwide via these media. It is the aim of this

paper to examine how one type of these media – Wikipedia – challenges the governmentality of museums and sets a new direction in knowledge production and sharing.

2.3 Wikipedia as a platform of social knowledge

Wikipedia is a 'multilingual, web-based, free-content encyclopaedia project based on an openly editable model' (Wikipedia 2011a). Wikipedia is written collaboratively by mainly anonymous internet volunteers (Wikipedia 2011a). It is a registered trademark of the not-for-profit Wikimedia Foundation (Wikimedia 2011a), which has created a family of free-content projects that are built by user contributions. Wikipedia was created in 2001 and has grown into one of the largest reference websites. Anyone can write articles; people of all ages, cultures and backgrounds can add or edit article prose, references, images and other media (Wikimedia 2011a).

Similarly to Wikipedia, museums also aim to enhance the knowledge of the general public (Tunsch 2007). However, the production and dissemination of knowledge in museums differs significantly from the processes adopted by Wikipedia. Museum experts produce and control knowledge around their collections while Wikipedia promotes production and ownership of knowledge by the wider, non-expert public. Control of knowledge by museums aims to ensure the *integrity of collections* while user-contributed knowledge is not necessarily controlled (in the sense of the academic 'peer' review process) and does not necessarily presuppose thorough research, but freely allows the public to contribute with publications or with information in real time. Specifically, this knowledge may appear in Wikipedia in real time (as soon as information on the progress of research is available or while events are happening). This is in contrast to information being produced by museum curators after it has been validated and supported by thorough research.³ Indeed, the expansion of social media and new technologies has contributed to the sharing of knowledge and ideas. Within this remit, *knowledge* is fluid and changeable, owned by many and not by few. Furthermore, the type of knowledge that is generated in Wikipedia is what Poe calls *collaborative knowledge* (Poe 2006). This contradicts with the knowledge produced and portrayed in a museum institution, which is often didactic and top-down, even in cases where it engages through various educational activities. Indeed, the way an article is written and disseminated in Wikipedia evidences the participatory nature of information production, control and dissemination in the age of new information. An indicative example is the relevant discussion page that Wikipedia provides for each article, and which enables readers to follow the controversial or cooperative discussion around that article. Users can also track the steps of an article's development (Wikimedia 2011b).

At the same time examples of such discussions reveal not only the participatory nature of the information production, control and dissemination process, but also the result of instigating new thinking about topics. Vaughan Bell, a neuropsychologist at the Institute of Psychiatry in London, had been reworking Wikipedia's entry on schiz-

ophrenia for a long time. Issues emerging through the editing of the entry by other contributors were settled in the discussion page linked to the entry. He admitted that it could be difficult settling arguments but he also pinpointed that he learned something by responding to different opinions as he was motivated to read further literature (Nature Special Report 2005).

Despite the emphasis given by Wikipedia on neutrality, according to which 'All Wikipedia articles must be written from a neutral point of view (NPOV), representing fairly and without bias all significant views that have been published by a reliable source' (Wikipedia 2011b) this neutrality is almost diminished by interactivity with the public. An indicative example is provided by a well-known (in Wikipedia circles) argument about climate change whereby William Connolley, a climate researcher at the British Antarctic Survey in Cambridge, was arguing for two years with climate change sceptics regarding the entry on global warming. The editing and over-editing of the entry transformed into a 'war' and the matter was referred to the encyclopaedia's administrators. The administrators prevented one side from editing any climate article for six months whilst the other side was placed on six-month parole during which one revert a day was allowed (Nature Special Report 2005). Although this may sound alarming, it also demonstrates the democratisation of knowledge in the sense that, when dissemination of information becomes a war and there is no conformation to Wikipedia's NPOV emphasis, both sides of this 'war' are liable.

The distinction between institutional knowledge that is produced in a museum and social knowledge produced by Wikipedians shows that museums – as the 'legitimate' holders of knowledge – have authority to use this knowledge in the ways that they are interested in. The authoritarian nature of a museum institution affects, unavoidably, the type of engagement with the public and causes further anxieties for museum experts if they have to relinquish part of their power to a wider audience. Further anxieties are caused by the fear that digital content may be misused by the public and threaten the *integrity of the collection*. Indeed, this museum anxiety is further revealed in MacArthur's statement (MacArthur 2007) according to which the idea of changing the intellectual content of museum experts with substantive input from users 'makes museum experts extremely uncomfortable'. Parry (2007: 107) similarly notes that 'this dynamic content, this liquidity, of new media...seems to have been at odds with notions of fixity or closed authorship in the museum'.

Yet, by looking at a recent survey by *Nature*, we realise that this *integrity of knowledge* may not be as threatened as it is perceived to be. An expert-led investigation carried out by *Nature* compared Wikipedia and Encyclopaedia Britannica's coverage of science. The result of this exercise indicated errors in both encyclopaedias (in 42 tested entries). The average science entry contained four inaccuracies in Wikipedia and three in Encyclopaedia Britannica. Although the readability of Wikipedia's articles was contented by the reviewers, it was also pointed out that the speed at which a Wikipedia entry can be updated

can make a strong argument for its use (Nature Special Report 2005).

The anxiety of the 'expert' caused by user participation again indicates the institutional fear that the governmental nature of museum institutions is under threat. It is the aim of the three following examples to demonstrate the afore-mentioned museum anxieties and fears and to address the ethical considerations emerging from the dilemma between generating income, ensuring accuracy of knowledge and integrity of collections, and widening public access.

3. Collaborations and Disputes

3.1 *The dispute between the National Portrait Gallery and Wikipedia*

The National Portrait Gallery (NPG), founded in 1856, is a national museum based in London. Its collections include portraits, paintings, sculptures and miniatures, light-sensitive works on paper, original photographic images and drawings (National Portrait Gallery 2011a). The mission of the gallery is to be the foremost centre for the study of and research into portraiture (through extensive display, exhibition, research, learning, outreach, publishing, and digital programmes), and to make its work and activities of interest to as wide a range of visitors as possible (National Portrait Gallery 2011b).

In terms of image licensing, the Gallery has a dedicated department – the rights and images department- which undertakes the provision of licenses for the use of images from the collection for publications in various media, e.g. books, television, DVDs and so on. Although content can be accessed, downloaded, and printed for non-commercial research and private study purposes (National Portrait Gallery 2011c), any other form of use requires permission from the Gallery.

In view of this, it seems that the National Portrait Gallery has achieved the right balance between generating income and allowing public access to the collections, if it is non-commercial and educational. Yet a case of dispute that occurred in 2009 highlights the complexities of national and international copyright laws as well as the problematic distinction between commercial and non-commercial image use. The same dispute also demonstrated the potential clash of values attributed to cultural heritage content by different communities around the world.

In 2009, 3,300 high-resolution images featured on the National Portrait Gallery's website were uploaded to Wikipedia without permission from the gallery. This initiated a legal battle between the two organisations and an interesting debate between the museum community and the Wikipedia editors. The legal battle is complicated due to the fact that the images were uploaded in the USA, where, unlike the UK (BBC 2009a) photographs of works of art are not considered to be subject to the photographer's copyright if they are exact replications of the artwork. Specifically, the lawyers appointed by the National Portrait Gallery claimed that, according to the Copyright, Designs and Patents Act 1988 (CPDA 1988) the images downloaded by the relevant Wikipedian are all original photo-

graphs taken within the last thirty years on behalf of the Gallery. Thus, according to the UK law, the images should be subject to copyright which belongs to the National Portrait Gallery. The Comité des Sages (a high-level reflection group)⁴ discussed a similar issue. According to the latter, in the European context, the mere digitisation process should not generate new rights, although they acknowledge the current reality in which cultural institutions operate, including financial constraints (Comité des Sages 2011: 13). However, according to the UK law, which differs from that of the USA, copyright can subsist in a photograph of a painting.

It is also interesting to note the court action and result of the case of the Bridgeman Art Library versus the Corel Corporation (36F. Supp. 2d 191 United States District Court, Southern District of New York 1999). In this instance, the Bridgeman Art Library sued the Corel Corporation for copyright infringement via the distribution of copies of digital reproductions of public domain paintings sourced from Bridgeman on a CD-ROM. According to the Bridgeman Art Library, the library owned the copyright of both transparencies and digital images. However, the United States Supreme Court (in which the case was brought) judged that, although faithful photographic replication of the original works required substantial skill and effort, Bridgeman did not own the copyright of the resulting images. As the ruling was made in a US court, the *Bridgeman v Corel* case is not a binding precedent for any UK court (Filler 2006).

The lawyers of the National Portrait Gallery also claimed that all images copied by the Wikipedian in question 'are the product of a painstaking exercise on the part of the photographer that created the image in which significant time, skill, effort and artistry have been employed and that there can therefore be no doubt that under UK law all of those images are copyright works under s.1(1) (a) of the CDPA' (CDPA 1988). In addition, the Wikipedian who downloaded the images was also 'liable under 16(2) of the CDPA for every subsequent copyright infringement committed by every member of the public that re-uses those images anywhere in the world'. Similarly, the Wikipedian acted unlawfully according to s.(13)1 of the CPDA which states 'A property right ("database right") subsists... in a database if there has been a substantial investment in obtaining, verifying or presenting the contents of the database' as the National Portrait Gallery invested time, money and effort to create a searchable database of over 60,000 images.⁵

By looking at both sides in this dispute and examining their main arguments, two issues present themselves. One concerns the economic value placed on digital images. According to the National Portrait Gallery, loss of licensing income from high-resolution files threatens the museum's ability to reinvest in the digitisation programme (through which these images were available on the gallery's website) and thus make more images available (BBC 2009a). On the other hand, Wikipedia argues that the Gallery is betraying its public service mission, or, as stated by the Wikimedia Foundation, 'it is hard to see a plausible argument that excluding public domain content from a

free, non-profit encyclopaedia serves any public interest whatsoever' (BBC 2009b).

As such, we come across an indicative example of the conflict emerging from digitisation: a means for enhancing participation by providing access in a non-physical manner, or a means for generating income? It is argued, in turn, that it is exactly this income that provides the opportunity for enhanced participation. How can these two conflicting viewpoints reach a resolution? Museums and cultural heritage institutions increasingly focus on widening access to collections. Many museums in the UK are looking for different ways of engaging with their public as is evident from their websites. Cultural and educational value attributed to heritage is immense, yet the economic value of heritage is not negligible and in the current economic climate this value becomes a central priority for heritage institutions. One can therefore wonder whether there is a need to become more realistic or more cynical, and how to address both sets of values whilst caring for heritage too.

In a conference organised by the Wikimedia Foundation in collaboration with the British Museum in November 2010 (Cock 2010) and interestingly entitled 'Galleries, Libraries, Archives, Museums and Wikimedia: Finding the Common Ground', the Head of the Licensing Department of the National Portrait Gallery raised exactly the issue mentioned above. Leaving aside the legal technicalities that will be resolved in court, he noted that the problem started due to Wikipedia failing to communicate to the National Portrait Gallery that it is a learning organisation and not a product. Additionally, he commented that the low-resolution digital images, provided at a low fee, would be sufficient for the purposes of Wikipedia. He also referred to the need to come up with a more effective and sustainable economic model for digitisation and access as the costs associated with cultural value are not very well understood, and commercial activity is often viewed suspiciously.

The economic value of digital objects was prophetically identified by Suzanne Keene when digital collections started emerging. Keene noted that 'it is quite likely that digital collections will have an economic value...this is immediately relevant in a world where technology clamours for content and museums need to generate income' (Keene 1998: 3). Additionally, this value was also identified in the Report of the Comité des Sages on the digitisation of Europe's cultural heritage according to which 'the fact that cultural goods should be accessible online does not mean they should necessarily be available for free' (Comité des Sages 2011: 10).

In contrast to the National Portrait Gallery, the British Museum intended to actively engage with a Wikipedian in order to co-create relevant web pages for the wider public, which currently constitutes a more widely spread practice.

3.2 'Wikipedian in residence' at the British Museum

This section aims to present a collaborative project that took place between Wikipedia and the British Museum (BM). The BM, founded in 1753, was the first national public museum in the world since it granted free admission

to all 'studious and curious persons' (The British Museum 2011a). The digital collection of the British Museum currently consists of 6,000 images (the objects are over eight million). The key department responsible for image licensing is the British Museum Images. Images are available on-demand via the website, for educational/non-commercial use. If users wish to use images commercially they can contact the Museum and pay or negotiate (The British Museum 2011b).

In 2010 a collaborative project between Wikipedia and the British Museum took place. A Wikipedian spent five weeks at the British Museum with the aim to 'build a relationship between the Museum and the Wikipedian community through a range of activities, both internal and public-facing, such as creating or expanding existing articles about notable items or subjects of specific relevance to the collection and the Museum's expertise; supporting Wikipedians already editing articles related to the BM both locally and internationally; and working with museum staff to explain Wikipedia's practices and how they might be able to contribute directly' (Witty 2010).

The Head of Web at the BM, in the GLAM WIKI 2010 conference, interestingly compared the two organisations (Cock 2010) and presented the similarities between them. According to his talk, both organisations share the goal of providing resources free to the public and they both address the world (Wikipedia as a multi-lingual project with roots in communities across the world and the BM as a 'museum of the world, for the world'). However, the difference between the two is centred on the consensus view as represented by Wikipedia and the individual scholarship as represented by the BM. According to Liam Witty, the Wikipedian who worked at the BM, the role of the 'Wikipedian-in-residence' was not to monopolise or own articles about BM topics, but to provide an added resource for existing editors to improve the speed and quality of their work. As Liam writes in his blog:

Matthew and I have tried to be careful in designing the project so that it does not step on any toes either in the Wikimedia community or the British Museum. The whole point is to build a relationship of trust, so it is important to not wade into areas that will just end up being a world of pain. Therefore, aside from that which comes under Wikipedia's 'non-controversial edits' guideline, I will not be working on the article about the British Museum itself nor on any contentious topics such as restitution of disputed items in the collection (Witty 2010).

Avoiding disputed issues highlighted by Liam Witty reveals the anxiety of an authoritarian museum institution that aims to produce accurate, objective and un-contentious knowledge providing a 'safe place' for the public. This anxiety can be understood by the fact that museums fit within the governmental form that Foucault discussed (Foucault 1991). By providing a museum space that deals with contentious topics, the power of an institution is relinquished to the public in order to discuss these topics. Broadening access to digital information seems, at the

moment, a much easier process than generating digital images for the wider public (as the case study of the NPG demonstrated). As the Head of Web at the BM, Matthew Cock clearly stated that the focus of digitisation should be centred on texts rather than images, and that such initiatives constitute an effective means to reach a broader audience (which is one of the main goals of museums) (Cock 2010).

3.3 'Wikipedia Loves Art' and the Victoria and Albert Museum

This section presents an interesting project entitled 'Wikipedia Loves Art' in which the Victoria and Albert Museum (V&A) participated. 'Wikipedia Loves Art' was a photography contest aimed at illustrating Wikipedia articles. Coordinating with the Brooklyn Museum, the V&A and fifteen other international museums, the project ran throughout February 2009. Visitors to the V&A during this time could participate by taking photographs on their own or by creating a small team (10 people maximum) and signing up online. A scavenger hunt list of photos to take was provided by Wikipedia and participants crossed off as many subjects on the list as possible (V&A 2011a).

The V&A is comprised of the museum at South Kensington, the V&A Museum of Childhood and the Archives and Stores, all in London. The V&A South Kensington comprises art and design artefacts, including ceramics, furniture, fashion, glass, jewellery, metalwork, photographs, sculpture, textiles and paintings, all from many different cultures and covering a time-span of 3,000 years (V&A 2011a). The museum was founded in 1852 and is a non-departmental public body, sponsored by the Department for Culture, Media and Sport of the British Government.

Its aim is to enable everyone to enjoy its collections, explore the cultures that created them and to inspire those who shape contemporary design. Therefore it focuses on the increased use of its 'displays, collections and expertise as resources for learning, creativity and enjoyment by audiences within and beyond the United Kingdom' (V&A 2011b).

The museum has an individual department for commercially licensing images – V&A Images (V&A 2011c). At the same time, images are provided free of charge for education, research and scholarship purposes, as well as for academic, education and scholarly publications and journals, student theses, private study and research, personal use, critical editorial use and charity, society and trust newsletters – though some conditions apply. The website provides extensive information on commercial and non-commercial use. In this case, the museum seems to have achieved the balance of providing images of the objects in the collection both for commercial and non-commercial use, paid or for free, respectively. It should be noted though that free usage for non-commercial purposes is quite extensive and the detailed information shows a general scope in not expecting to generate income from users, such as educators and learners, researchers, even charities and trusts.

The project 'Wikipedia Loves Art' initially started with a request from a group of New York-based Wikimedians

to the Brooklyn Museum (Museum 2.0 2010).⁶ Wikimedians asked the museum whether it would be interested in coordinating a project in which individuals could take photos of artworks in cultural institutions in order to illustrate Wikipedia articles. The museum initially agreed and brought fifteen institutions from the USA and the UK on board to participate. The museums asked Wikimedians to provide lists of themes that required illustration. The museums used these lists to develop scavenger hunt lists to distribute to participants so that they might find art objects to illustrate Wikipedia topics. Participants were asked to take photos of objects and their accession numbers in order to facilitate museum staff to identify and describe the objects properly. Despite the great success of the event that led to the donation of thousands of images to Wikipedia, several challenges emerged. For example, while museums viewed this project as a great opportunity to involve local photographers in thinking creatively about how artworks might represent different topics, the Wikimedians were mainly interested in making cultural content as accessible as possible to the public. In other words, museums 'cared about participants connecting with artworks and identifying them properly whereas the Wikimedians cared more about participants sharing images under open legal licenses' (Museum 2.0 2010).

This differentiation between museums and Wikimedians demonstrates once again the fundamental difference between the production of institutional and social knowledge. The museums, even in this participatory project, were interested in producing knowledge that could enhance interpretation of the collections (collections/object-based knowledge) while Wikimedians foremost desired sharing the knowledge produced with the wider public. One of the key concerns of the museum staff was not to lose control over the images of their collections. Thus, one of their main aims was to ensure that images were linked to the correct information about each object. As a result, the attempts of photographers to upload museum images outside of the project framework caused further anxieties to the museum staff. Despite the differences in aims and aspirations, it seems that this project was an invaluable experience for participant 'photographers'. For instance, a participant stated that:

I joined because I feel very strongly that museums should make images freely available. So I consider it a success that images of works by Van Gogh and Bosch can now be used by everyone legally (a series of very interesting contemporary works from the private collection of a bank have come out into the open too) (Museum 2.0 2010).

4. Discussion

4.1 Ethical issues regarding ownership of digital collections and digital information

Analysis of the case studies highlighted four main levels and types of ownership that are usually in dispute in collaborative projects involving museum experts and the wider public in the social media world. These include

ownership of intellectual property (content/information about the collections); ownership of physical objects; ownership of digital images; ownership of the processes to produce digital content. Despite the fact that ownership of digital content and objects provides a means to democratise museums through generating public access to non-experts, museum resistance to share the production of institutional knowledge with the public imposes barriers to this democratisation process. As Keene characteristically said 'exhibiting objects is a highly controlled and controllable activity. If anyone can access a database... then what happens to the gatekeepers? Who owns the information?' (1998: 3). This notion of ownership and control over access links directly to Foucault's idea of museum institutions as holders of the power to govern knowledge. Currently museological practices require museums to be 'sharers' rather than exclusive 'holders' of scientific knowledge, however the case studies analysed here have revealed that there is a long way to go until this idea is materialised in practice.

The case of the BM showed that, although there is a willingness to share and co-create content with Wikipedians, this content is still largely controlled by the museum to ensure accuracy, avoidance of dispute and objectivity. The latter three characteristics feature in the majority of western, national museum institutions since their emergence in the nineteenth century. Furthermore, controlling the intellectual, digital content is not irrelevant to controlling physical objects. As the 'Wikipedian in residence' at the BM writes (Witty 2010):

However for the gallery/library/archive/museum (GLAM) that owns the original physical object there is a corresponding and sometimes contrasting concern to that of publication – that of preservation. Not just preservation of the original object in its proper state but also the preservation of the context and proper 'meaning' of the object. Just as people don't like to be quoted out of context, museums don't like their works being used to demonstrate ideas contrary to the spirit of the object. The phrase that represents this feeling, something that I have been told countless times when talking about the value of remix culture, is: '...preserving the integrity of the collection.'

In other words, ensuring accurate and neutral information produced and controlled by museum experts will ensure integrity of physical collections. This complies with the authoritarian nature of museum institutions and the general discourse around their role as the guardians of heritage for humankind and for future generations (Smith 2006). Ownership over the physicality of the object is further reflected on when considering digital images of the object. Digital images are viewed and treated as physical objects, despite the opportunities given for manipulation by the wider public. This is particularly clear in the distinction between commercial and non-commercial uses of the images, the associated copyright laws⁷ and the emerging disputing discourses, as the case of the NPG showed.

These disputes make the issue of legal ownership an ethical one. It is inherently contradictory; museum institutions are public institutions aimed to educate the public and funded by the public but at the same time they are legitimised to own and control the collections and the information around them.

The possessive attitudes of museum institutions can be explained by their governmental character (Fouseki 2009). Museum experts are legitimised to produce knowledge and see themselves as the legitimate owners of the collections and objects. These attitudes have cultivated object-centric behaviours (Fouseki 2010) on behalf of museum experts who mostly value the physical integrity of the object. Public participation in the process of studying, displaying, documenting and digitising objects on the web is, thus, limited. Therefore, it is not surprising that the museum argument to preserve the integrity of the collection has been questioned by the non-expert public that is willing to engage actively with the museum collections, as one blogger in Witty's blog suggests.

It could be argued that 'letting the content go' (not a good expression) does not in fact compromise the 'integrity of the collection'; the collect is after all still there, as integrated as it ever was, telling the same story it always did. But by enabling the content to be associated with other content, it is able to tell new stories that will stand or fall on whatever evidence the combined content can muster. And the mobilized content and the originating institution will be able to claim their part in this story; in fact, they must claim their part in this story (Witty 2010).

This blogger emphasizes the significance of multi-vocality within the museum space and the importance of sharing the intellectual content with as much a wide public as possible in order to generate 'new stories' with which individuals can relate. Similarly, another blogger criticizes the endeavours of some museum institutions to preserve the integrity of the collections stating that museums 'freeze' a culture through the de-contextualisation of objects in isolation (Sage Ross in Witty 2010):

Museums 'are essentially trying to take a piece on which culture has wrought its magic by giving value and context to it, and then trying to freeze that bit of culture at the moment of its addition to the museum, and from then on tightly control any further cultural developments related to the piece.

4.2 The ICOM Code of Ethics within the Digital Age

The examples analysed above raise a series of ethical questions when considering the dilemma between broadening access and generating income. Although a single answer cannot be given, it is imperative to examine the emerging questions within the *International Council of Museums (ICOM) Code of Ethics for Museums*. We argue below that the Code does not take into account the implications that the digital age has upon museums

in terms of accessibility, and that an update is required. Furthermore, we stress that the Code complies with the governmental concept explained above that emphasises 'legitimate ownership' and stewardship of collections by the museum.

The *ICOM Code of Ethics for Museums* provides a means for professional self-regulation in a key area of public provision where legislation at a national level is variable and far from consistent. It sets minimum standards of conduct and performance to which museum professional staff throughout the world may reasonably aspire as well as provides a statement of reasonable public expectation from the museum profession (ICOM 2010).

The Code of Ethics stresses in its second principle that 'museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage'. It further states that 'inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal'. This statement presupposes an inherent trust attributed by the public towards the museum. The concept of inherent, unquestioned trust by the public towards a museum institution is similar to the concept of the governmental form that emerged in the eighteenth century, analysed by Foucault (1991). A museum institution is legitimised to own and promote collections *for* the public rather than *with* the public. Museums, according to the Code, are responsible not only for owning and managing collections but also for 'furthering knowledge' since they hold 'primary evidence' (see third principle of the code). Although cooperation between museums and other institutions is highlighted as important (see 3.10 section of the Code), cooperation refers either to academic knowledge that institutions can offer or to institutions that will 'generate important collections for which there is no long-term security'. In other words, the Code emphasises the importance of academic, institutional knowledge and enrichment of artefact collections, showing again that it reflects the traditional characteristics of museum institutions.

Despite these traditional influences, the Code highlights the importance for 'broadening public access' emphasising that this should be a core duty of a museum and that should be based on 'interaction with the constituent community and promotion of their heritage' as 'an integral part of the educational role of the museum' (principle 4). It is possibly this principle that can be enhanced and incorporate the significance of collaborating with the public using the opportunities that digital technologies provide. Principle 5 allows for museums to collaborate with institutions or services that are not necessarily academic, such as Wikipedia. The principle reads:

Museums utilise a wide variety of specialisms, skills and physical resources that have a far broader application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum's activities.

Interestingly though, museums, according to the Code, are not allowed to relinquish their power to these institutions since they have to avoid compromising the museum's stated mission. Bearing in mind that in the digital world this power is difficult to control, it is maybe time to update this principle accordingly.

5. Conclusion

From the case studies, the discussion that followed, and the review of the ICOM Code of Ethics we can conclude that there is a strong case for reviewing and adapting the concept of access according to the new agendas placed by the information society.

Access is not about facilitating view of an object from the comfort of one's computer anymore but a more challenging concept and practice – co-creating and co-manipulating the object.

Bayne *et al.* (2009) are relatively pessimistic in their discussion. They note the ambiguity in the relationship 'between digital content producers and consumers'. But they conclude that it is stronger than the ambiguity 'in the hierarchical confines of the physical museum' and that it may be 'impossible ever fully to resolve the dilemmas apparent in new digital ways of working' (Bayne *et al.* 2009: 120).

If museums really want to engage the public and make it central to their work, the public should become more involved. It needs to be noted here that, although everybody is potentially the public, it is accepted that actual engagement will be achieved in small numbers. This does not necessarily imply that we will have to dismiss years of study, scholarly research and understanding of the world by experts but to allow it to flourish by being challenged and built upon through the contribution of those who are interested but are not un-knowledgeable, and those for which museums exist. Let us not forget that long before knowledge acquisition was validated through academic institutions, it was exactly those curious to learn that contributed to the evolution of knowledge about both arts and sciences.

Lastly, what is also worth mentioning is the concept of the non-stable digital object as presented in Bayne *et al.*'s paper (Bayne *et al.* 2009: 112). Museums are presented both with an opportunity and a challenge as the digital object is not stable in its form but is open to copying, cropping, recolouring and reforming, and to being appropriated by social networks of users. This is because, as Parry (2007: 102) affirms:

For variability interferes with the authorship and authority of the curator, and yet allows new narratives to be told and new voices to be heard.

Given that this paper has attempted a more theoretical approach to the issues of ownership and use of digital museum collections, some suggested future work could include a wider-scale exploration of the usefulness and value (or not) of socially generated information added to curatorially generated information.

Notes

- ¹ This paper was written for and presented at the 4th International Conference on Information Law in the Museum Ethics Session in May 2011 in consideration of the major issues that were raised at the time. Since then a range of initiatives and activities towards opening up digitised collections and involving the public in digital curation (see Fouseki, K and Vacharopoulou, K 2012 Preface. *International Journal of Heritage in the Digital Era*. 1 (4): iii-x) have taken place. As such, recent developments may alter the overall discussion.
- ² This argument relies on our personal experience and involvement in meetings and discussions at heritage institutions.
- ³ Although it could be argued that it is wrong to distinguish the two types of knowledge on the basis of the quality of research (thorough/non-thorough), the real difference lies with the number of people involved in validating it, e.g. peers only or a wider selection of people among which the amateur expert who is otherwise excluded might be found.
- ⁴ The "Comité des Sages" (Reflection Group) was set up in April 2010 by Vice President responsible for the Digital Agenda and Commissioner in charge for Education and Culture. The task of the Group was to make recommendations to the European Commission, European cultural institutions and any stakeholders, on ways and means to make Europe's cultural heritage and creativity available on the Internet and to preserve it for future generations, looking in particular at funding sources, at how cultural organisations and the private sector can interact in the digital age, and at responsibilities and solutions for digitising material that is in the public domain or still in copyright. http://ec.europa.eu/information_society/activities/digital_libraries/comite_des_sages/index_en.htm
- ⁵ It should be noted that at the time of writing this article there were no details of the court action. At the GLAM WIKI 2010 Conference (please see below), the Head of the Licensing Department of the NPG had stated that the legal action is in the responsibility of the respective legal teams of each organisation.
- ⁶ The Wikimedia Foundation operates several online collaborative wiki projects, including Wikipedia and Wikimedia Commons, to name but a few. This is why the group is referred to as Wikimedians, rather than Wikipedians (the editors of Wikipedia).
- ⁷ Although not museum-specific, existing copyright laws are applicable to museum organisations.

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How to cite this article: Fouseki, K and Vacharopoulou, K 2013 Digital Museum Collections and Social Media: Ethical Considerations of Ownership and Use. *Journal of Conservation and Museum Studies*, 11(1): 5, pp. 1–10, DOI: <http://dx.doi.org/10.5334/jcms.1021209>

Published: 12 December 2013

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